

UNITED STATES STATUTES AT LARGE

CONTAINING THE

LAWS AND CONCURRENT RESOLUTIONS
ENACTED DURING THE SECOND SESSION OF THE
NINETY-FIRST CONGRESS
OF THE UNITED STATES OF AMERICA

1970—1971

AND

REORGANIZATION PLANS AND PROCLAMATIONS

VOLUME 84

IN TWO PARTS

PART 1

PUBLIC LAWS 91-191 THROUGH 91-525



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91-604---	<i>Clean Air Amendments of 1970.</i> AN ACT To amend the Clean Air Act to provide for a more effective program to improve the quality of the Nation's air	Dec. 31, 1970---	1676
91-605---	<i>Highway construction and safety, appropriation.</i> AN ACT To authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes	Dec. 31, 1970---	1713
91-606---	<i>Disaster Relief Act of 1970.</i> AN ACT To revise and expand Federal programs for relief from the effects of major disasters, and for other purposes	Dec. 31, 1970---	1744
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91-608---	<i>Henry Holland Buckman Lock, redesignation.</i> AN ACT To rename a lock of the Cross-Florida Barge Canal the "Henry Holland Buckman lock"	Dec. 31, 1970---	1769
91-609---	<i>Housing and Urban Development Act of 1970.</i> AN ACT To provide for the establishment of a national urban growth policy, to encourage and support the proper growth and development of our States, metropolitan areas, cities, counties, and towns with emphasis upon new community and inner city development, to extend and amend laws relating to housing and urban development, and for other purposes	Dec. 31, 1970---	1770
91-610---	<i>Vocational Rehabilitation Act, amendment.</i> AN ACT To extend for one additional year the authorization for programs under the Vocational Rehabilitation Act	Dec. 31, 1970---	1817
91-611---	<i>River and Harbor Act of 1970.</i> AN ACT Authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes	Dec. 31, 1970---	1818
91-612---	<i>Elmer M. Grade, relief; passenger vessels, fire retardant materials.</i> AN ACT For the relief of Elmer M. Grade and for other purposes	Dec. 31, 1970---	1835
91-613---	<i>"Metal bearing ores," amendment of definition in Tariff Schedules.</i> AN ACT To amend the definition of "metal bearing ores" in the Tariff Schedules of the United States	Dec. 31, 1970---	1835

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91-614---	<i>Excise, Estate, and Gift Tax Adjustment Act of 1970.</i> AN ACT To establish a working capital fund for the Department of the Treasury; to amend the Internal Revenue Code of 1954 to accelerate the collection of estate and gift taxes, to continue excise taxes on passenger automobiles and communications services; and for other purposes-----	Dec. 31, 1970---	1836
91-615---	<i>Reimported articles, duty free entry.</i> AN ACT To amend the Tariff Schedules of the United States to provide that imported articles which are exported and thereafter reimported to the United States for failure to meet sample or specifications shall, in certain instances, be entered free of duty upon such reimportation-----	Dec. 31, 1970---	1847
91-616---	<i>Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970.</i> AN ACT To provide a comprehensive Federal program for the prevention and treatment of alcohol abuse and alcoholism-----	Dec. 31, 1970---	1848
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91-618---	<i>Cemetery corporations, income tax exemption.</i> AN ACT To amend the Internal Revenue Code of 1954 to clarify the applicability of the exemption from income taxation of cemetery corporations-----	Dec. 31, 1970---	1855
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91-621---	<i>National Oceanic and Atmospheric Administration, commissioned officers.</i> AN ACT To clarify the status and benefits of commissioned officers of the National Oceanic and Atmospheric Administration, and for other purposes-----	Dec. 31, 1970---	1863
91-622---	<i>United Nations Headquarters, expansion grant.</i> JOINT RESOLUTION Authorizing a grant to defray a portion of the cost of expanding the United Nations headquarters in the United States-----	Dec. 31, 1970---	1867
91-623---	<i>Emergency Health Personnel Act of 1970.</i> AN ACT To amend the Public Health Service Act to authorize the assignment of commissioned officers of the Public Health Service to areas with critical medical manpower shortages, to encourage health personnel to practice in areas where shortages of such personnel exist, and for other purposes-----	Dec. 31, 1970---	1868
91-624---	<i>Fort Point Channel bridge, Boston, Mass., construction.</i> AN ACT To grant the consent of Congress to the city of Boston to construct, maintain, and operate a causeway and fixed-span bridge in Fort Point Channel, Boston, Massachusetts-----	Dec. 31, 1970---	1871
91-625---	<i>Lake Koocanusa, designation.</i> AN ACT To designate the lake formed by the waters impounded by the Libby Dam, Montana, as "Lake Koocanusa"-----	Dec. 31, 1970---	1871
91-626---	<i>Central Intelligence Agency Retirement Act of 1964 for Certain Employees, amendment.</i> AN ACT To amend the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended, and for other purposes-----	Dec. 31, 1970---	1872
91-627---	<i>Yakima Tribes, non-members, inheritance.</i> AN ACT To amend section 7 of the Act of August 9, 1946 (60 Stat. 968)-----	Dec. 31, 1970---	1874
91-628---	<i>John H. Overton Lock and Dam, Alexandria, La., designation.</i> AN ACT To designate as the John H. Overton Lock and Dam the lock and dam authorized to be constructed on the Red River near Alexandria, Louisiana-----	Dec. 31, 1970---	1874
91-629---	<i>Smithsonian Institution, appropriation increase.</i> AN ACT To amend the Act of October 15, 1966 (80 Stat. 953; 20 U.S.C. 65a), relating to the National Museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purposes of said Act-----	Dec. 31, 1970---	1875
91-630---	<i>Federal retirement, covered employment, repeal.</i> AN ACT To permit certain Federal employment to be counted toward retirement-----	Dec. 31, 1970---	1875

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91-633	<i>Clifford Davis Federal Building, designation.</i> AN ACT To name a Federal building in Memphis, Tennessee, for the late Clifford Davis-----	Dec. 31, 1970	1877
91-634	<i>Blue Lake, Calif., designation.</i> AN ACT To designate the lake formed by the waters impounded by the Butler Valley Dam, California, as "Blue Lake"-----	Dec. 31, 1970	1877
91-635	<i>Certain electrodes, duty suspension, extension.</i> AN ACT To extend until December 31, 1972, the suspension of duty on electrodes for use in producing aluminum-----	Dec. 31, 1970	1877
91-636	<i>Coffeerville lock and dam, designation.</i> AN ACT To provide that the lock and dam referred to as the "Jackson lock and dam" on the Tombigbee River, Alabama, shall hereafter be known as the Coffeerville lock and dam-----	Dec. 31, 1970	1878
91-637	<i>Lake Ocklawaha, designation.</i> AN ACT To rename a pool of the the Cross Florida Barge Canal "Lake Ocklawaha"-----	Dec. 31, 1970	1878
91-638	<i>Lake Bryan, designation.</i> AN ACT To authorize the naming of the reservoir to be created by the Little Goose lock and dam, Snake River, Washington, in honor of the late Doctor Enoch A. Bryan-----	Dec. 31, 1970	1878
91-639	<i>Michael J. Kirwan Dam and Reservoir, designation.</i> AN ACT To change the name of the West Branch Dam and Reservoir, Mahoning River, Ohio, to the Michael J. Kirwan Dam and Reservoir-----	Dec. 31, 1970	1879
91-640	<i>Totten Trail Pumping Station, designation.</i> AN ACT To officially designate the Totten Trail Pumping Station-----	Dec. 31, 1970	1879
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91-643	<i>Ninety-second Congress.</i> JOINT RESOLUTION Fixing the time of assembly of the Ninety-second Congress-----	Jan. 1, 1971	1880
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91-648	<i>Intergovernmental Personnel Act of 1970.</i> AN ACT To reinforce the Federal system by strengthening the personnel resources of State and local governments, to improve intergovernmental cooperation in the administration of grant-in-aid programs, to provide grants for improvement of State and local personnel administration, to authorize Federal assistance in training State and local employees, to provide grants to State and local governments for training of their employees, to authorize interstate compacts for personnel and training activities, to facilitate the temporary assignment of personnel between the Federal Government, and State and local governments, and for other purposes-----	Jan. 5, 1971	1909
91-649	<i>McClellan-Kerr Arkansas River navigation system, designation.</i> AN ACT To change the name of certain projects for navigation and other purposes on the Arkansas River-----	Jan. 5, 1971	1929

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PUBLIC LAWS

Public Laws

ENACTED DURING THE

SECOND SESSION OF THE NINETY-FIRST CONGRESS

OF THE

UNITED STATES OF AMERICA

Begun and held at the City of Washington on Monday, January 19, 1970, and adjourned sine die on Saturday, January 2, 1971. RICHARD M. NIXON, President; SPIRO T. AGNEW, Vice President; JOHN W. McCORMACK, Speaker of the House of Representatives.

Public Law 91-191

JOINT RESOLUTION

To welcome to the United States Olympic delegations authorized by the International Olympic Committee.

February 3, 1970
[S. J. Res. 131]

Whereas, the city of Los Angeles has been duly authorized to seek the Summer Olympic Games of 1976; and

Whereas, the city of Denver has been duly authorized to seek the Winter Olympic Games of 1976; and

Whereas, these games will afford an opportunity of bringing together young men and women representing more than seventy nations, of many races, creeds, and stations in life and possessing various habits and customs, all bound by the universal appeal of friendly athletic competition, governed by rules of sportsmanship and dedicated to the principle that the important thing is for each and every participant to do his very best to win in a manner that will reflect credit upon himself or herself, and the country represented; and

Whereas, the people of the world in these trying times require above all else occasions for friendship and understanding, and among the most telling things which influence people of other countries are the acts of individuals and not those of governments; and

Whereas, experiences afforded by the Olympic games make a unique contribution to common understanding and mutual respect among all peoples; and

Whereas, previous Olympic games have proved that competitors and spectators alike have been imbued with ideals of friendship, chivalry, and comradeship and impressed with the fact that accomplishment is reward in itself; and

Whereas, this nation wishes to express its desire that all men and women on Olympic delegations from every country throughout the world are welcome to the United States of America for these Olympic games; and

Whereas, this nation wishes to make the arrivals and departures of all concerned as convenient and expeditious as possible: Now, therefore, be it

Olympic
delegations,
welcome.
Proclamation.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, the President of the United States is authorized and requested to issue a proclamation welcoming all Olympic delegations from throughout the world authorized by the International Olympic Committee and asking them to come and actively participate in the 1976 Olympic games, if they are to be held in the cities of Los Angeles and Denver, and to pledge to all nations and authorized Olympic delegations that the United States will provide appropriate entry procedures assuring convenient arrivals and departures.

Approved February 3, 1970.

Public Law 91-192

JOINT RESOLUTION

February 4, 1970
[H. J. Res. 1051]

Designating the week commencing February 1, 1970, as International Clergy Week in the United States, and for other purposes.

International
Clergy Week in
the United States.

Proclamation.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week commencing February 1, 1970, is designated as "International Clergy Week in the United States". The President is authorized and directed to issue a proclamation inviting the people of the United States to observe this week with appropriate ceremonies and activities.

Approved February 4, 1970.

Public Law 91-193

JOINT RESOLUTION

February 9, 1970
[H. J. Res. 1072]

Making further continuing appropriations for the fiscal year 1970, and for other purposes.

Continuing
appropriations,
1970.
83 Stat. 453.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (c) of section 102 of the joint resolution of November 14, 1969 (Public Law 91-117), as amended, is hereby further amended by striking out "January 30, 1970" and inserting in lieu thereof "February 28, 1970".

Approved February 9, 1970.

Public Law 91-194

AN ACT

Making appropriations for Foreign Assistance and related programs for the fiscal year ending June 30, 1970, and for other purposes.

February 9, 1970
[H. R. 15149]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Foreign Assistance and related programs for the fiscal year ending June 30, 1970, and for other purposes, namely:

Foreign Assist-
ance and Related
Programs Appro-
priation Act, 1970.

TITLE I—FOREIGN ASSISTANCE ACT ACTIVITIES

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, as amended, and for other purposes, to remain available until June 30, 1970, unless otherwise specified herein, as follows:

75 Stat. 424.
22 USC 2151
note.

ECONOMIC ASSISTANCE

Technical assistance: For expenses authorized by section 202, \$353,250,000, distributed as follows:

81 Stat. 449; 83
Stat. 805.
22 USC 2172.

- (1) World-wide, \$166,750,000;
- (2) Alliance for Progress, \$81,500,000 (section 204); and
- (3) Multilateral organizations, \$105,000,000 (section 401(a)(1)), of which not less than \$13,000,000 shall be available only for the United Nations Children's Fund: *Provided*, That no part of this appropriation shall be used to initiate any project or activity which has not been justified to the Congress, except projects or activities relating to the reduction of population growth: *Provided further*, That the President shall seek to assure that no contribution to the United Nations Development Program authorized by the Foreign Assistance Act of 1961, as amended, shall be used for projects for economic or technical assistance to the Government of Cuba, so long as Cuba is governed by the Castro regime: *Provided further*, That none of the funds contained in this paragraph shall be available for transfers authorized by section 202 of the Foreign Assistance Act of 1969.
- 83 Stat. 818.
22 USC 2212.
22 USC 2222.
- Assistance to
Cuba, restriction.

American schools and hospitals abroad: For expenses authorized by section 304(b), \$25,900,000, to be used solely for the following institutions or programs:

22 USC 2174.

American University of Beirut, Lebanon.....	\$9,490,000
American Farm School, Thessaloniki, Greece.....	100,000
Robert College, Istanbul, Turkey.....	2,300,000
American University in Cairo, Egypt.....	200,000
Escuela Agricola, Panamericana, Honduras.....	200,000
Admiral Bristol Hospital, Istanbul, Turkey.....	75,000
Project Hope.....	500,000
Weizmann Institute, Israel.....	2,500,000
Merkaz Lechinuch Ichud, Israel.....	1,900,000
Amana Ulpenat B.A., Israel.....	600,000
Hadassah (expansion of medical facilities in Israel).....	4,850,000
Hospital and Home for the Aged, Zichron-Yaakov, Israel.....	650,000
Beth Yaacov Avat Girl's School.....	1,200,000
Educational Center of Galilee.....	800,000
Hospital in Chemke, Nigeria.....	500,000
Program Support.....	35,000

American schools and hospitals abroad (special foreign currency program): For assistance authorized by the Foreign Assistance Act of 1961, as amended, \$3,000,000 for the University of North Africa, Tangier, Morocco, in foreign currencies which the Treasury Depart-

ment determines to be excess to the normal requirements of the United States.

83 Stat. 819.
22 USC 2222.

Indus Basin Development Fund, grants: For expenses authorized by section 401 (d), \$7,530,000.

83 Stat. 806.
22 USC 2179.

Prototype desalting plant: For expenses authorized by section 209 (f), \$20,000,000.

83 Stat. 819.
22 USC 2222.
22 USC 2242.

United Nations Relief and Works Agency (Arab refugees): For expenses authorized by section 401 (f), \$1,000,000.

Supporting assistance: For expenses authorized by section 452 (b), \$395,000,000: *Provided*, That no part of this appropriation shall be used to initiate any project or activity which has not been justified to the Congress.

22 USC 2261.

Contingency fund: For expenses authorized by section 453 (a), \$12,500,000.

83 Stat. 818.
22 USC 2212.
22 USC 2213.

Alliance for Progress, development loans: For expenses authorized by section 204 (b), \$255,000,000, together with such amounts as are authorized to be made available under section 203 (f), all such amounts to remain available until expended.

83 Stat. 805.
22 USC 2162.

Development loans: For expenses authorized by section 203 (e), \$300,000,000, together with such amounts as are authorized to be made available under section 203 (f), all such amounts to remain available until expended.

83 Stat. 809.
22 USC 2191.

Overseas Private Investment Corporation, reserves: For expenses authorized by section 325 (f), \$37,500,000 to remain available until expended.

Overseas Private Investment Corporation, capital: For expenses authorized by section 322, such amounts as are authorized to be made available under said section, such amounts to remain available until expended.

61 Stat. 584.

The Overseas Private Investment Corporation is authorized to make such expenditures within the limits of funds available to it and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 849), as may be necessary in carrying out its authorized programs during the current fiscal year.

75 Stat. 460;
83 Stat. 821.
22 USC 2397.

Administrative expenses: For expenses authorized by section 637 (a), \$51,000,000.

75 Stat. 463.
22 USC 1613d.

Administrative and other expenses: For expenses authorized by section 637 (b) of the Foreign Assistance Act of 1961, as amended, and by section 305 of the Mutual Defense Assistance Control Act of 1951, as amended, \$3,700,000.

75 Stat. 424.
22 USC 2151
note.

Unobligated balances as of June 30, 1969, of funds heretofore made available under the authority of the Foreign Assistance Act of 1961, as amended, except as otherwise provided by law, are hereby continued available for the fiscal year 1970, for the same general purposes for which appropriated and amounts certified pursuant to section 1311 of the Supplemental Appropriation Act, 1955, as having been obligated against appropriations heretofore made under the authority of the Foreign Assistance Act of 1961, as amended, for the same general purpose as any of the subparagraphs under "Economic Assistance", are hereby continued available for the same period as the respective appropriations in such subparagraphs for the same general purpose: *Provided*, That such purpose relates to a project or program previously justified to Congress and the Committees on Appropriations of the House of Representatives and the Senate are notified prior to the reobligation of funds for such projects or programs.

68 Stat. 830.
31 USC 200.

Notification of
congressional
committees.

MILITARY ASSISTANCE

Military assistance: For expenses authorized by sections 504(a) and 504(d) of the Foreign Assistance Act of 1961, as amended, including administrative expenses and purchase of passenger motor vehicles for replacement only for use outside the United States, \$350,000,000, of which \$50,000,000 shall be available only for the Republic of Korea: *Provided*, That none of the funds contained in this paragraph shall be available for the purchase of new automotive vehicles outside of the United States: *Provided further*, That none of the funds appropriated in this paragraph shall be used to furnish sophisticated weapons systems, such as missile systems and jet aircraft for military purposes, to any underdeveloped country other than Greece, Turkey, the Republic of China, the Philippines, and Korea, unless the President determines that the furnishing of such weapons systems is important to the national security of the United States and reports within thirty days each such determination to the Congress: *Provided further*, That the military assistance program for any country shall not be increased beyond twenty per centum of the amount justified to the Congress, unless the President determines that an increase in such program is essential to the national interest of the United States and reports each such determination to the House of Representatives and the Senate within thirty days after each such determination.

83 Stat. 819.
22 USC 2312.

Report to
Congress.

Report to
Congress.

GENERAL PROVISIONS

SEC. 101. None of the funds herein appropriated (other than funds appropriated for use under chapter 4, part 1 of the Foreign Assistance Act of 1961, as amended,) shall be used to finance the construction of any new flood control, reclamation, or other water or related land resource project or program which has not met the standards and criteria used in determining the feasibility of flood control, reclamation, and other water and related land resource programs and projects proposed for construction within the United States of America as per memorandum of the President dated May 15, 1962.

Flood control
and related
projects.

SEC. 102. Obligations made from funds herein appropriated for engineering and architectural fees and services to any individual or group of engineering and architectural firms on any one project in excess of \$25,000 shall be reported to the Senate and House of Representatives at least twice annually.

Reports to
Congress.

SEC. 103. Except for the appropriations entitled "Contingency fund", "Alliance for Progress, development loans", and "Development loans", not more than 20 per centum of any appropriation item made available by this title shall be obligated and/or reserved during the last month of availability.

Obligation
of funds, restric-
tion.

SEC. 104. None of the funds herein appropriated nor any of the counterpart funds generated as a result of assistance hereunder or any prior Act shall be used to pay pensions, annuities, retirement pay, or adjusted service compensation for any persons heretofore or hereafter serving in the armed forces of any recipient country.

Military person-
nel of recipient
countries, pay-
ments prohibited.

SEC. 105. The Congress hereby reiterates its opposition to the seating in the United Nations of the Communist China regime as the representative of China, and it is hereby declared to be the continuing sense of Congress that the Communist regime in China has not demonstrated its willingness to fulfill the obligations contained in the

Communist
China.

59 Stat. 1031.

Charter of the United Nations and should not be recognized to represent China in the United Nations. In the event of the seating of representatives of the Chinese Communist regime in the Security Council or General Assembly of the United Nations, the President is requested to inform the Congress, insofar as is compatible with the requirements of national security, of the implications of this action upon the foreign policy of the United States and our foreign relationships, including that created by membership in the United Nations, together with any recommendations which he may have with respect to the matter.

Racial or religious discrimination.

SEC. 106. It is the sense of Congress that any attempt by foreign nations to create distinctions because of their race or religion among American citizens in the granting of personal or commercial access or any other rights otherwise available to United States citizens generally is repugnant to our principles; and in all negotiations between the United States and any foreign state arising as a result of funds appropriated under this title these principles shall be applied as the President may determine.

75 Stat. 424.
22 USC 2151
note.

SEC. 107. (a) No assistance shall be furnished under the Foreign Assistance Act of 1961, as amended, to any country which sells, furnishes, or permits any ships under its registry to carry to Cuba, so long as it is governed by the Castro regime, in addition to those items contained on the list maintained by the Administrator pursuant to title I of the Mutual Defense Assistance Control Act of 1951, as amended, any arms, ammunition, implements of war, atomic energy materials, or any other articles, materials, or supplies of primary strategic significance used in the production of arms, ammunition, and implements of war or of strategic significance to the conduct of war, including petroleum products.

65 Stat. 645.
22 USC 1611-
1611d.

(b) No economic assistance shall be furnished under the Foreign Assistance Act of 1961, as amended, to any country which sells, furnishes, or permits any ships under its registry to carry items of economic assistance to Cuba, so long as it is governed by the Castro regime, or to North Vietnam.

Reports to Congress.

SEC. 108. Any expenditure made from funds provided in this title for procurement outside the United States of any commodity in bulk and in excess of \$100,000 shall be reported to the Senate and the House of Representatives at least twice annually: *Provided*, That each such report shall state the reasons for which the President determined, pursuant to criteria set forth in section 604(a) of the Foreign Assistance Act of 1961, as amended, that foreign procurement will not result in adverse effects upon the economy of the United States or the industrial mobilization base which outweigh the economic or other advantages to the United States of less costly procurement outside the United States.

22 USC 2354.

Communist countries.
Arms assistance,
prohibition.

SEC. 109. (a) No assistance shall be furnished to any nation, whose government is based upon that theory of government known as communism, under the Foreign Assistance Act of 1961, as amended, for any arms, ammunition, implements of war, atomic energy materials, or any articles, materials, or supplies, such as petroleum, transportation materials of strategic value, and items of primary strategic significance used in the production of arms, ammunition, and implements of war, contained on the list maintained by the Administrator pursuant to title I of the Mutual Defense Assistance Control Act of 1951, as amended.

(b) No economic assistance shall be furnished to any nation, whose government is based upon that theory of government known as communism, under the Foreign Assistance Act of 1961, as amended (except section 304(b)), unless the President determines that the withholding of such assistance would be contrary to the national interest and reports such determination to the House of Representatives and the Senate. Reports made pursuant to this subsection shall be published in the Federal Register within seven days of submission to the Congress and shall contain a statement by the President of the reasons for such determination.

75 Stat. 424.
22 USC 2151
note.
Reports to
Congress.

Publication in
Federal Register.

SEC. 110. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, as amended, may be used for making payments on any contract for procurement to which the United States is a party entered into after the date of enactment of this Act which does not contain a provision authorizing the termination of such contract for the convenience of the United States.

Contracts,
termination.

SEC. 111. None of the funds appropriated or made available by this or any predecessor Act for the years subsequent to fiscal year 1962 for carrying out the Foreign Assistance Act of 1961, as amended, may be used to make payments with respect to any contract for the performance of services outside the United States by United States citizens unless the President shall have promulgated regulations that provide for the investigation of such citizens for loyalty and security to the extent necessary to protect the security and other interests of the United States: *Provided*, That such regulations shall require that any such United States citizen who will have access, in connection with the performance of such services, to information or material classified for security reasons shall be subject to such investigation as may otherwise be provided by law and executive order.

Citizens em-
ployed outside
U.S.

Loyalty investi-
gations.

SEC. 112. None of the funds appropriated or made available under this Act for carrying out the Foreign Assistance Act of 1961, as amended, may be used to make payments with respect to any capital project financed by loans or grants from the United States where the United States has not directly approved the terms of the contracts and the firms to provide engineering, procurement, and construction services on such projects.

SEC. 113. Of the funds appropriated or made available pursuant to this Act not more than \$9,000,000 may be used during the fiscal year ending June 30, 1970, in carrying out research under section 205(a) of the Foreign Assistance Act of 1961, as amended.

22 USC 2201.

SEC. 114. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, as amended, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations.

SEC. 115. None of the funds made available by this Act for carrying out the Foreign Assistance Act of 1961, as amended, may be obligated for financing, in whole or in part, the direct costs of any contract for the construction of facilities and installations in any underdeveloped country, unless the President shall have promulgated regulations designed to assure, to the maximum extent consistent with the national interest and the avoidance of excessive costs to the United States, that none of the funds made available by this Act and thereafter obligated shall be used to finance the direct costs under such contracts for construction work performed by persons other than qualified nationals of the recipient country or qualified citizens of the United States: *Provided, however*, That the President may waive the

Construction in
underdeveloped
countries.

Countries as-
sisting North
Vietnam.

75 Stat. 424.
22 USC 2151
note.

United Arab
Republic.

Iron and steel
products for use in
Vietnam.

Expenditures by
underdeveloped
countries for
weapons systems.

Report to
Congress.

68 Stat. 454;
80 Stat. 1526.
7 USC 1691 note.

Reports to
Congress.

Restriction.

Authorizing
legislation, con-
firmation,
83 Stat. 805.

application of this amendment if it is important to the national interest.

SEC. 116. No assistance shall be furnished under the Foreign Assistance Act of 1961, as amended, to any country that sells, furnishes or permits any ships under its registry to carry to North Vietnam any of the items mentioned in subsection 107 (a) of this Act.

SEC. 117. None of the funds appropriated or made available in this Act for carrying out the Foreign Assistance Act of 1961, as amended, shall be available for assistance to the United Arab Republic, unless the President determines that such availability is essential to the national interest of the United States.

SEC. 118. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, as amended, may be used to finance the procurement of iron and steel products for use in Vietnam containing any component acquired by the producer of the commodity, in the form in which imported into the country of production, from sources other than the United States or a country designated as a limited free world country by code number 901 in the July 1968 Geographic Code Book compiled by the Agency for International Development, and at a total cost (delivered to the point of production) that amounts to more than 10 per centum of the lowest price (excluding the cost of ocean transportation and marine insurance) at which the supplier makes the commodity available for export sale (whether or not financed by the Agency for International Development).

SEC. 119. The President is directed to withhold economic assistance in an amount equivalent to the amount spent by any underdeveloped country for the purchase of sophisticated weapons systems, such as missile systems and jet aircraft for military purposes from any country other than Greece, Turkey, the Republic of China, the Philippines, and Korea, unless the President determines that such purchase or acquisition of weapons systems is important to the national security of the United States and reports within thirty days each such determination to the Congress.

SEC. 120. (a) In order to restrain arms races and proliferation of sophisticated weapons, and to ensure that resources intended for economic development are not diverted to military purposes, the President shall take into account before furnishing development loans, Alliance loans, or supporting assistance to any country under this Act, and before making sales under the Agricultural Trade Development and Assistance Act of 1954, as amended:

(1) the percentage of the recipient or purchasing country's budget which is devoted to military purposes,

(2) the degree to which the recipient or purchasing country is using its foreign exchange resources to acquire military equipment; and

(3) the amount spent by the recipient or purchasing country for the purchase of sophisticated weapons systems, such as missile systems and jet aircraft for military purposes, from any country.

(b) The President shall report annually to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate his actions in carrying out this provision.

SEC. 121. None of the funds contained in Title I of this Act may be used to carry out the provisions of section 401 (a) (2) of the Foreign Assistance Act of 1969.

Sections of this Title which refer to authorizing legislation are hereby amended to conform to the appropriate sections of the Foreign Assistance Act of 1969.

TITLE II—FOREIGN ASSISTANCE (OTHER)

FUNDS APPROPRIATED TO THE PRESIDENT

PEACE CORPS

For expenses necessary to enable the President to carry out the provisions of the Peace Corps Act (75 Stat. 612), as amended, including purchase of not to exceed five passenger motor vehicles for use outside the United States, \$98,450,000, of which not to exceed \$30,100,000 shall be available for administrative expenses.

22 USC 2501
note.

DEPARTMENT OF THE ARMY—CIVIL FUNCTIONS

RYUKYU ISLANDS, ARMY, ADMINISTRATION

For expenses, not otherwise provided for, necessary to meet the responsibilities and obligations of the United States in connection with the government of the Ryukyu Islands, as authorized by the Act of July 12, 1960 (74 Stat. 461), as amended (81 Stat. 363); services as authorized by 5 U.S.C. 3109, of individuals not to exceed 10 in number; not to exceed \$4,000 for contingencies for the High Commissioner, to be expended in his discretion; hire of passenger motor vehicles and aircraft; purchase of two passenger motor vehicles for replacement only; and construction, repair, and maintenance of buildings, utilities, facilities, and appurtenances, \$18,790,000, together with the unobligated balance of the appropriation under this head for the fiscal year 1969, of which not to exceed \$3,151,000, shall be available for administrative and information expenses: *Provided*, That expenditures from this appropriation may be made outside continental United States when necessary to carry out its purposes, without regard to sections 355 and 3648, Revised Statutes, as amended, section 4774(d) of title 10, United States Code, civil service or classification laws, or provisions of law prohibiting payment of any person not a citizen of the United States: *Provided further*, That funds appropriated hereunder may be used, insofar as practicable, and under such rules and regulations as may be prescribed by the Secretary of the Army to pay ocean transportation charges from United States ports, including territorial ports, to ports in the Ryukyus for the movement of supplies donated to, or purchased by, United States voluntary nonprofit relief agencies registered with and recommended by the Advisory Committee on Voluntary Foreign Aid or of relief packages consigned to individuals residing in such areas: *Provided further*, That the President may transfer to any other department or agency any function or functions provided for under this appropriation, and there shall be transferred to any such department or agency, without reimbursement and without regard to the appropriation from which procured, such property as the Director of the Bureau of the Budget shall determine to relate primarily to any function or functions so transferred: *Provided further*, That reimbursement shall be made to the applicable military appropriation for the pay and allowances of any military personnel performing services primarily for the purposes of this appropriation.

80 Stat. 416.

40 USC 255.
31 USC 529.
70A Stat. 269.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

ASSISTANCE TO REFUGEES IN THE UNITED STATES

76 Stat. 121.
22 USC 2601
note.

80 Stat. 416.

For expenses necessary to carry out the provisions of the Migration and Refugee Assistance Act of 1962 (Public Law 87-510), relating to aid to refugees within the United States, including hire of passenger motor vehicles, and services as authorized by section 3109 of title 5, United States Code, \$87,282,000: *Provided*, That funds from this appropriation shall be used to reimburse the Secretary of State to cover the costs incurred by the Department of State in connection with the movement of refugees from Cuba to the United States.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

60 Stat. 999.
80 Stat. 510.

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross and assistance to refugees, including contributions to the Intergovernmental Committee for European Migration and the United Nations High Commissioner for Refugees; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801-1158); allowances as authorized by 5 U.S.C. 5921-5925; hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109; \$5,511,000, of which not to exceed \$4,814,000 shall remain available until December 31, 1970: *Provided*, That no funds herein appropriated shall be used to assist directly in the migration to any nation in the Western Hemisphere of any person not having a security clearance based on reasonable standards to insure against Communist infiltration in the Western Hemisphere.

FUNDS APPROPRIATED TO THE PRESIDENT

ASIAN DEVELOPMENT BANK

For payment of the fourth installment subscription on paid-in capital stock to the Asian Development Bank, \$20,000,000, to remain available until expended.

INVESTMENT IN INTER-AMERICAN DEVELOPMENT BANK

For subscription to the Inter-American Development Bank for the third installment of the United States share in the 1968-1970 increase in the resources of the Fund for Special Operations of the Bank, \$300,000,000, to remain available until expended.

SUBSCRIPTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment of the second installment of the United States share of the 1969-1971 increase in the resources of the International Development Association, \$160,000,000, to remain available until expended.

TITLE III—EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is hereby authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, except as hereinafter provided.

61 Stat. 584.
31 USC 849.

LIMITATION ON PROGRAM ACTIVITY

Not to exceed \$3,427,413,000 (of which not to exceed \$2,420,000,000 shall be for equipment and services loans) shall be authorized during the current fiscal year for other than administrative expenses.

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$5,548,000 (to be computed on an accrual basis) shall be available during the current fiscal year for administrative expenses, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, and not to exceed \$12,000 for entertainment allowances for members of the Board of Directors: *Provided*, That (1) fees or dues to international organizations of credit institutions engaged in financing foreign trade, (2) necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the acquisition, operation, maintenance, improvement, or disposition of any real or personal property belonging to the Bank or in which it has an interest, including expenses of collections of pledged collateral, or the investigation or appraisal of any property in respect to which an application for a loan has been made, and (3) expenses (other than internal expenses of the Bank) incurred in connection with the issuance and servicing of guarantees, insurance, and reinsurance, shall be considered as nonadministrative expenses for the purposes hereof.

80 Stat. 416.

TITLE IV—GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

Publicity and
propaganda.

SEC. 502. No part of any appropriation contained in this Act shall be used for expenses of the Inspector General, Foreign Assistance, after the expiration of the thirty-five day period which begins on the date the General Accounting Office or any committee of the Congress, or any duly authorized subcommittee thereof, charged with considering foreign assistance legislation, appropriations, or expenditures, has delivered to the Office of the Inspector General, Foreign Assistance, a written request that it be furnished any document, paper, communication, audit, review, finding, recommendation, report, or other material

Inspector General,
Foreign Assistance.

in the custody or control of the Inspector General, Foreign Assistance, relating to any review, inspection, or audit arranged for, directed, or conducted by him, unless and until there has been furnished to the General Accounting Office or to such committee or subcommittee, as the case may be, (A) the document, paper, communication, audit, review, finding, recommendation, report, or other material so requested or (B) a certification by the President, personally, that he has forbidden the furnishing thereof pursuant to such request and his reason for so doing.

Fiscal year
limitation.

SEC. 503. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Short title.

This Act may be cited as the "Foreign Assistance and Related Programs Appropriation Act, 1970."

Approved February 9, 1970.

Public Law 91-195

JOINT RESOLUTION

February 11, 1970
[H. J. Res. 888]

To authorize the President to designate the period beginning February 13, 1970, and ending February 19, 1970, as "Mineral Industry Week".

Mineral Industry
Week.
Proclamation.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the week of February 13 through February 19, 1970, as "Mineral Industry Week", and calling upon the people of the United States to observe such a week with appropriate ceremonies and activities.

Approved February 11, 1970.

Public Law 91-196

AN ACT

February 20, 1970
[S. 2214]

To exempt potatoes for processing from marketing orders.

Agricultural Ad-
justment Act,
amendment,
68 Stat. 906;
75 Stat. 304.
7 USC 608c.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8c(2) of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 and subsequent legislation, is amended as follows:

(1) In clause (A) after the words "vegetables (not including vegetables, other than asparagus, for canning or freezing", insert the words "and not including potatoes for canning, freezing, or other processing"; and

(2) In clause (B) after the words "fruits and vegetables for canning or freezing," insert the words "including potatoes for canning, freezing, or other processing,".

SEC. 2. The amendments made by this Act shall be effective only during the period beginning with the date of enactment of this Act and ending two years after such date.

Approved February 20, 1970.

Public Law 91-197

AN ACT

To remove the restrictions on the grades of the director and assistant directors of the Marine Corps Band.

February 24, 1970
[H. R. 9564]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6222(d) of title 10, United States Code, is amended by striking out the words "However, the grade of the director may not be higher than lieutenant colonel and the grades of the assistant directors may not be higher than captain."

Marine Corps
Band.
72 Stat. 1508.

Approved February 24, 1970.

Public Law 91-198

AN ACT

To amend title 10, United States Code, to permit naval flight officers to be eligible to command certain naval activities and for other purposes.

February 26, 1970
[H. R. 11548]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 10, United States Code, is amended as follows:

Naval flight
officers, command
eligibility.
70A Stat. 371.

(1) Section 5942 is amended to read as follows:

(a) To be eligible to command an aircraft carrier or an aircraft tender, an officer must be an officer in the line of the Navy who is designated as a naval aviator or naval flight officer and who is otherwise qualified.

(b) To be eligible to command a naval aviation school, a naval air station, or a naval aviation unit organized for flight tactical purposes, an officer must be an officer in the line of the Navy designated as a naval aviator or naval flight officer.

(c) To be eligible to command a Marine Corps aviation school, a Marine Corps air station, or a Marine Corps aviation unit organized for flight tactical purposes, an officer must be an officer of the Marine Corps designated as a naval aviator or naval flight officer.

(2) Section 6024 is amended to read as follows:

"§ 6024. Aviation designations: naval flight officer

"Any officer of the naval service may be designated a naval flight officer if he has successfully completed the course prescribed for naval flight officers."

(3) The analysis of chapter 555 is amended by striking out the following item:

"6024. Aviation designations: naval aviation observer."

and inserting the following item in place thereof:

"6024. Aviation designations: naval flight officer."

Approved February 26, 1970.

Public Law 91-199

AN ACT

February 26, 1970
[H. R. 8664]

To authorize an increase in the number of flag officers who may serve on certain selection boards in the Navy and in the number of officers of the Naval Reserve and Marine Corps Reserve who are eligible to serve on selection boards considering Reserves for promotion.

U.S. Navy.
Selection board
officers, increase.
70A Stat. 336.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5701 of title 10, United States Code, is amended by—

(1) amending subsection (a) (3) to read as follows:

“(3) A board to recommend captains for promotion to the grade of rear admiral and a board to recommend commanders for promotion to the grade of captain, each consisting of not less than nine officers serving in the grade of rear admiral or above.”; and

(2) adding the following sentence at the end of subsection (c): “When a board convened under subsection (a) (3) consists of more than nine members, only nine officers may act upon the case of any officer designated for engineering duty, aeronautical engineering duty, or special duty; namely, the three alternate members of the same designation as the officer under consideration (or the lesser available number of such officers) plus the number of the most senior members not restricted in the performance of duty necessary to make a total of nine.”.

Naval and Marine
Corps Reserve.
72 Stat. 1500.

SEC. 2. The second sentence of section 5893(b) of title 10, United States Code, is amended to read as follows: “All members of each board must be serving in a grade above the grade in which the officers that are to be considered by the board are serving.”.

Approved February 26, 1970.

Public Law 91-200

AN ACT

February 26, 1970
[H. R. 9485]

To remove the \$10,000 limit on deposits under section 1035 of title 10, United States Code, in the case of any member of a uniformed service who is a prisoner of war, missing in action, or in a detained status during the Vietnam conflict.

Uniformed
services.
Prisoners of
war, etc.
Savings de-
posits.
80 Stat. 347.
80 Stat. 625.
37 USC 551.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1035(b) of title 10, United States Code, is amended as follows:

(1) By inserting “, except that such limitation shall not apply to deposits made on or after September 1, 1966, in the case of those members in a missing status, as defined in section 551(2) of title 37, during the Vietnam conflict” after “\$10,000” in the second sentence.

(2) By adding the following new sentence at the end: “For purposes of this subsection, the Vietnam conflict begins on February 28, 1961, and ends on the date designated by the President by Executive order as the date of the termination of combatant activities in Vietnam.”

Approved February 26, 1970.

Public Law 91-201

AN ACT

To amend title VIII of the Foreign Service Act of 1946, as amended, relating to the Foreign Service Retirement and Disability System, and for other purposes.

February 28, 1970
[H. R. 14789]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Foreign Service Act Amendments of 1969".

Foreign Service
Act Amendments
of 1969.

TITLE I—FOREIGN SERVICE RETIREMENT FINANCING

SEC. 101. Section 804(b) of the Foreign Service Act of 1946 (22 U.S.C. 1064(b)) is amended by adding at the end thereof the following new paragraphs:

74 Stat. 838.

"(4) 'Fund balance' means the sum of—

"Fund
balance."

"(A) the investments of the Fund calculated at par value; and

"(B) the cash balance of the Fund on the books of the Treasury.

"(5) 'Unfunded liability' means the estimated excess of the present value of all benefits payable from the Fund over the sum of—

"Unfunded
liability."

"(A) the present value of deductions to be withheld from the future basic salary of participants and of future agency contributions to be made in their behalf; plus

"(B) the present value of Government payments to the Fund under section 865 of this title; plus

Infra.

"(C) the Fund balance as of the date the unfunded liability is determined."

SEC. 102. (a) Section 811(a) of such Act (22 U.S.C. 1071(a)) is amended by striking out "Six and one-half" and inserting in lieu thereof "Seven".

Contribution
rate.

(b) The amendment made by subsection (a) of this section shall become effective on the first day of the first pay period beginning after the date of enactment of this Act or after December 31, 1969, whichever is later.

Effective date.

SEC. 103. Section 852(b) of such Act (22 U.S.C. 1091(b)) is amended by striking out "subsequent to July 1, 1924, and prior to the effective date of the Foreign Service Act Amendments of 1960, and at 6½" and inserting in lieu thereof "from July 1, 1924, to October 16, 1960, and at 6½ per centum from October 17, 1960, to December 31, 1969, and at 7".

22 USC 1092.

SEC. 104. (a) Part G of title VIII of such Act (22 U.S.C. 1101-1104) is amended by adding at the end thereof the following new sections:

60 Stat. 1024.

"PAYMENTS FOR FUTURE BENEFITS

"SEC. 865. Any statute which authorizes—

"(1) new or liberalized benefits payable from the Fund, including annuity increases other than under section 882;

Post, p. 19.

"(2) extension of the benefits of the System to new groups of employees; or

"(3) increases in salary on which benefits are computed; is deemed to authorize appropriations to the Fund to finance the unfunded liability created by that statute, in thirty equal annual installments with interest computed at the rate used in the then most

recent valuation of the System and with the first payment thereof due as of the end of the fiscal year in which each new or liberalized benefit, extension of benefits, or increase in salary is effective.

"UNFUNDED LIABILITY OBLIGATIONS"

"SEC. 866. At the end of each fiscal year, the Secretary shall notify the Secretary of the Treasury of the amount equivalent to (1) interest on the unfunded liability computed for that year at the interest rate used in the then most recent valuation of the System, and (2) that portion of disbursement for annuities for that year which the Secretary estimates is attributable to credit allowed for military service. Before closing the accounts for each fiscal year, the Secretary of the Treasury shall credit to the Fund, as a Government contribution, out of any money in the Treasury of the United States not otherwise appropriated, the following percentages of such amounts: 10 per centum for 1971; 20 per centum for 1972; 30 per centum for 1973; 40 per centum for 1974; 50 per centum for 1975; 60 per centum for 1976; 70 per centum for 1977; 80 per centum for 1978; 90 per centum for 1979; and 100 per centum for 1980 and for each fiscal year thereafter. The Secretary shall report to the President and to the Congress the sums credited to the Fund under this section."

Report to
President and
Congress.
Effective date.

(b) The provisions of section 866 of the Foreign Service Act of 1946, as contained in the amendment made by subsection (a) of this section, shall become effective at the beginning of the fiscal year which ends on June 30, 1971.

TITLE II—FOREIGN SERVICE RETIREMENT BENEFITS

Ante, p. 17.

SEC. 201. Section 804(b) of the Foreign Service Act of 1946 (22 U.S.C. 1064(b)) is amended by adding at the end thereof the following new paragraph:

"Price index,"

"(6) 'Price index' means the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics."

Average pay
computation.
74 Stat. 839.

SEC. 202. (a) Section 821(a) of such Act (22 U.S.C. 1076(a)) is amended by striking out "five" each place it appears and inserting in lieu thereof at each such place "three".

Survivor
annuities.

(b) Section 821(c) of such Act (22 U.S.C. 1076(c)) is amended as follows:

(1) Paragraph (i) of such section is amended by striking out all after "(i)" and inserting in lieu thereof "\$900; or (ii) \$2,700 divided by the number of children."

(2) Paragraph (2) of such section is amended by striking out all after "(i)" and inserting in lieu thereof "\$1,080; or (ii) \$3,240 divided by the number of children."

SEC. 203. (a) Section 832(b) of such Act (22 U.S.C. 1082(b)) is amended—

(1) by striking out "five years" and inserting in lieu thereof "eighteen months"; and

(2) by inserting immediately before the semicolon following "section 821(a)" the following: "and if the participant had less than three years creditable civilian service at the time of death, the survivor annuity shall be computed on the basis of the average salary for the entire period of such service".

(b) Subsections (c) and (d) of such section 832 are each amended by striking out "five years" and inserting in lieu thereof "eighteen months".

SEC. 204. (a) Section 851 of such Act (22 U.S.C. 1091) is amended (1) by inserting "(a)" immediately after "SEC. 851.", and (2) by striking out "the Federal Employees' Compensation Act of September 7, 1916, as amended" and inserting in lieu thereof "subchapter 1 of chapter 81 of title 5, United States Code".

(b) Section 851 of such Act is further amended by adding at the end thereof the following new subsection:

"(b) In computing any annuity under this title, the total service of a participant who retires on an immediate annuity or who dies leaving a survivor or survivors entitled to annuity includes, without regard to the thirty-five-year limitation imposed by section 821(a), the days of unused sick leave to his credit except that these days will not be counted in determining average basic salary or annuity eligibility under this title. A contribution to the Fund shall not be required from a participant for this service credit."

SEC. 205. Section 882 of such Act (22 U.S.C. 1121) is amended to read as follows:

"SEC. 882. (a) Effective the first day of the third month which begins after the date of enactment of the Foreign Service Act Amendments of 1969 (hereafter in this section referred to as 'this amendment'), each annuity payable from the Fund which has a commencing date not later than such effective date shall be increased by 1 per centum plus the per centum rise in the price index adjusted to the nearest one-tenth of 1 per centum, determined by the Secretary on the basis of the increase in the price index for the month latest published on the date of enactment of this amendment over the average price index for the calendar year forming the basis for the last increase under this section prior to this amendment.

"(b) Effective the first day of the third month which begins after the price index shall have equaled a rise of at least 3 per centum for three consecutive months over the price index for the month last used to establish an increase, each annuity payable from the Fund which has a commencing date not later than such effective date shall be increased by 1 per centum plus the per centum rise in the price index (calculated on the highest level of the price index during the three consecutive months) adjusted to the nearest one-tenth of 1 per centum.

"(c) Eligibility for an annuity increase under this section shall be governed by the commencing date of each annuity payable from the Fund as of the effective date of an increase except as follows:

"(1) Effective from its commencing date, an annuity payable from the Fund to a surviving wife, husband, or designated beneficiary of an annuitant shall be increased by the total per centum increase the annuitant was receiving under this section at death.

"(2) For purposes of computing an annuity which commences on or after November 1, 1969, to a child under section 821(c) or 832 (c) or (d), the items \$900, \$1,080, \$2,700, and \$3,240 appearing in section 821(c) shall be increased by the total per centum increases allowed and in force under this section subsequent to November 1, 1969.

"(d) No increase in annuity provided by this section shall be computed on any additional annuity purchased at retirement by voluntary contributions.

"(e) The monthly installment of annuity after adjustment under this section shall be fixed at the nearest dollar, except such installment shall after adjustment reflect an increase of at least \$1."

SEC. 206. (a) The amendments made by sections 202(a), 203, and 204 shall become effective as of October 20, 1969. Such amendments shall not apply to persons retired or otherwise separated prior to such

74 Stat. 844.

80 Stat. 531.
5 USC 8101-
8150.
Unused sick
leave credit.

Cost-of-living
annuity increase.
79 Stat. 1132.

Ante, p. 18.

Applicability.

Contribution
refunds, repay-
ments.

74 Stat. 842.
22 USC 1082.

date, and the rights of such persons and their survivors shall continue in the same manner and to the same extent as if such sections had not been amended by this Act.

(b) Any lump sum payment of contributions and interest made pursuant to section 832(a) of such Act because of the death of a participant shall be repaid to the Fund, or arrangements satisfactory to the Secretary of State made for such repayment, before any annuity authorized by the amendments made by section 203 shall be paid to any survivor of such participant.

(c) The amendments made by section 202(b) shall become effective as of November 1, 1969.

(d) The annuity of each child entitled to receive an annuity under sections 821(c) and 832(c) and (d) of such Act, as amended by this Act, shall be recomputed, effective as of November 1, 1969, in accordance with section 821 of such Act as amended by this Act. No increase allowed and in force prior to November 1, 1969, shall be included in the recomputation of any such annuity, and this subsection shall not operate to reduce any annuity.

(e) Section 882(c)(1) of such Act as amended by this Act shall not apply with respect to survivor annuities in effect on the date of enactment of this Act.

Approved February 28, 1970.

Public Law 91-202

AN ACT

March 4, 1970
[H. R. 12535]

To authorize the Secretary of the Army to release certain restrictions on a tract of land heretofore conveyed to the State of Texas in order that such land may be used for the City of El Paso North-South Freeway.

Texas.
Land convey-
ance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is authorized and directed to release or modify on behalf of the United States the land use restrictions and reservations applicable to a tract of land, constituting a portion of a 24.25-acre parcel of land in El Paso, Texas, heretofore conveyed for National Guard and military purposes by the United States to the State of Texas by deed dated November 4, 1954 pursuant to the Act of August 30, 1954 (68 Stat. 974), so that such tract, described in section 2 of this Act may be conveyed by the State of Texas to the city of El Paso as a right-of-way for the construction of the El Paso North-South Freeway.

SEC. 2. (a) The land referred to in section 1 of this Act is located in El Paso County, Texas, being 5.975 acres of land, more or less, out of and a part of section 21, block 81, township 2, Texas and Pacific Railroad Company Survey, in El Paso County, Texas, and being a portion of the same land described in a Quitclaim Deed from the United States of America to State of Texas dated November 4, 1954, recorded in volume 1206, page 369, deed records of El Paso County, Texas, said 5.975 acres of land being more particularly described by metes and bounds as follows:

Beginning at a point which is the intersection of the proposed westerly right of way line of United States Highway 54 and the south line of Hayes Avenue, said point bears south 88 degrees 05 minutes 03 seconds east, a calculated distance of 1118.74 feet from the southeast corner of the Intersection of Hayes Avenue, and Pol-lard Street;

thence south 88 degrees 05 minutes 03 seconds east, 120.69 feet along the said south line of Hayes Avenue to the northeast corner of the Texas National Guard, said corner being a point in the Fort Bliss Military Reservation boundary line;

thence south 01 degrees 56 minutes 18 seconds west, 110.75 feet along the said Military Reservation boundary line to a point in the common property line between the Southern Pacific Railroad Company and the Texas National Guard;

thence south 16 degrees 54 minutes 24 seconds west, 846.56 feet along the said common property line to a point which is the southeast corner of the Texas National Guard;

thence north 86 degrees 38 minutes 45 seconds west, 407.07 feet along the south line of the Texas National Guard to a point in the said proposed westerly right-of-way line;

thence north 26 degrees 52 minutes 55 seconds east, 217.94 feet along the said proposed westerly right-of-way line to a point;

thence north 34 degrees 22 minutes 55 seconds east, 260.00 feet along the said proposed westerly right-of-way line to a point;

thence north 30 degrees 32 minutes 55 seconds east, 571.20 feet along the said proposed westerly right-of-way line to the point of beginning, containing an area of 5.975 acres of land, more or less.

(b) The above legal description may be modified, as agreed upon by the Secretary, the State and the city, consistent with any changes in the right-of-way alignment for the freeway, but in no event shall the total area of this tract exceed six acres.

Total area,
limitation.

SEC. 3. The release and conveyance authorized herein shall be upon the following terms and conditions:

Conditions.

(a) That the lands described in section 2 above shall be used only for public highway and related purposes, and if such property shall ever cease to be used for such purposes, all right, title, and interest to such property shall revert to the United States, which shall have the immediate right to entry thereon.

(b) That the structures and improvements presently located on, or adversely affected by, the property to be conveyed, shall be replaced in kind and constructed, at the expense of the city of El Paso, on the adjacent remaining lands of the State of Texas: *Provided*, That the plans for such replacement facilities shall first be approved by the State and the Secretary of the Army, and that no structure shall be removed until satisfactory replacement of the same has been made available.

(c) That the relocated replacement structures and facilities shall be subject to the same restrictions, use limitations and reversionary rights of the United States as set forth in the deed of November 4, 1954, to the State of Texas of the lands involved herein.

SEC. 4. The Secretary of the Army is authorized to impose such additional terms and conditions on the release authorized by this Act as he deems appropriate to protect the interests of the United States. All expenses for surveys and the preparation and execution of legal documents necessary or appropriate to carry out the provisions of this Act shall be borne by the city of El Paso.

Approved March 4, 1970.

Public Law 91-203

March 4, 1970
[S. J. Res. 180]

JOINT RESOLUTION

To provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute.

Whereas the labor dispute between the carriers represented by the National Railway Labor Conference and certain of their employees represented by the International Association of Machinists and Aerospace Workers; International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers; Sheet Metal Workers' International Association; International Brotherhood of Electrical Workers functioning through the Employees' Conference Committee, labor organizations, threatens essential transportation services of the Nation; and

Whereas all the procedures for resolving such dispute under the Railway Labor Act have been exhausted; and

Whereas the representatives of all parties to this dispute reached tentative agreement on all outstanding issues and entered into a memorandum of understanding, dated December 4, 1969; and

Whereas the terms of the memorandum of understanding, dated December 4, 1969, were ratified by the overwhelming majority of all employees voting and by a majority of employees in three out of the four labor organizations party to the dispute; and

Whereas the failure of ratification has resulted in a threatened nationwide cessation of essential rail transportation services; and

Whereas the national interest, including the national health and defense, requires that transportation services essential to interstate commerce is maintained; and

Whereas the Congress finds that an emergency measure is essential to security and continuity of transportation services: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the final paragraph of section 10 of the Railway Labor Act (45 U.S.C. 160) shall apply and be extended for an additional period with respect to the disputes referred to in Executive Order No. 11486 of October 3, 1969, so that no change, except by agreement, shall be made by the carriers represented by the National Railway Labor Conference, or by their employees, in the conditions out of which such disputes arose prior to 12:01 a.m. of April 11, 1970.

Approved March 4, 1970.

Railway labor-management dispute.

Strike prohibition.

44 Stat. 586.

3 CFR 1969 Comp., p. 144.

Public Law 91-204

AN ACT

Making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes.

March 5, 1970
[H. R. 15931]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes, namely:

Departments of
Labor, and
Health, Educa-
tion, and Wel-
fare, and Re-
lated Agencies
Appropriation
Act, 1970.

TITLE I—DEPARTMENT OF LABOR

MANPOWER ADMINISTRATION

MANPOWER DEVELOPMENT AND TRAINING ACTIVITIES

For expenses, not otherwise provided for, necessary to carry into effect the Manpower Development and Training Act of 1962, as amended (42 U.S.C. 2571-2620), \$655,605,000 to remain available until June 30, 1971.

76 Stat. 23.

OFFICE OF MANPOWER ADMINISTRATOR, SALARIES AND EXPENSES

For necessary expenses for the Office of the Manpower Administrator, including administering the Manpower Development and Training Act of 1962, as amended, and research under such Act, and for performing the functions of the Secretary in the fields of automation and manpower, \$36,116,000, to remain available until June 30, 1971.

BUREAU OF APPRENTICESHIP AND TRAINING, SALARIES AND EXPENSES

For necessary expenses for encouraging apprentice training programs, as authorized by the Acts of March 4, 1913, and August 16, 1937 (37 Stat. 736, as amended, 29 U.S.C. 50), \$6,532,000.

29 USC 551.
50 Stat. 664.

BUREAU OF EMPLOYMENT SECURITY

UNEMPLOYMENT COMPENSATION FOR FEDERAL EMPLOYEES
AND EX-SERVICEMEN

For payments to unemployed Federal employees and ex-servicemen, as authorized by title 5, chapter 85 of the United States Code, \$135,000,000, together with such amount as may be necessary to be charged to the subsequent year appropriation for the payment of benefits for any period subsequent to March 31 of the current year.

80 Stat. 585.

Unemployment compensation for Federal employees and ex-servicemen, next succeeding fiscal year: For making, after May 31, of the current fiscal year, payments to States, as authorized by title 5, chapter 35 of the United States Code, such amounts as may be required for payment to unemployed Federal employees and ex-servicemen for the first quarter of the next succeeding fiscal year, and the obligations and expenditures thereunder shall be charged to the appropriation therefor for that fiscal year: *Provided*, That the payments made pursuant to this paragraph shall not exceed the amount paid to the States for the first quarter of the current fiscal year.

TRADE ADJUSTMENT ACTIVITIES

For necessary expenses to carry out the responsibilities of the Secretary of Labor in connection with trade adjustment activities, as provided by law, including benefit payments to eligible workers, \$600,000.

BUREAU OF EMPLOYMENT SECURITY. SALARIES AND EXPENSES

For expenses necessary for the general administration of the employment service and unemployment compensation programs; administration of the Farm Labor Contractor Registration Act of 1963 (7 U.S.C. 2041); and activities relating to the admission and employment in agriculture of non-immigrant aliens in connection with the Secretary of Labor's responsibilities under the Immigration and Nationality Act (8 U.S.C. 1184); \$18,766,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund, of which not to exceed \$1,778,000 shall be available for activities of the farm labor services, and of which \$2,004,000 shall be for carrying into effect the provisions of title IV (except section 602) of the Servicemen's Readjustment Act of 1944.

78 Stat. 920.

66 Stat. 189.

58 Stat. 293.

LIMITATION ON GRANTS TO STATES FOR UNEMPLOYMENT COMPENSATION AND EMPLOYMENT SERVICE ADMINISTRATION

For grants in accordance with the provisions of the Act of June 6, 1933, as amended (29 U.S.C. 49-49n), for carrying into effect section 602 of the Servicemen's Readjustment Act of 1944, for grants to the States as authorized in title III of the Social Security Act, as amended (42 U.S.C. 501-503), including, upon the request of any State, the purchase of equipment, and the payment of rental for space made available to such State in lieu of grants for such purpose, and for expenses not otherwise provided for, necessary for carrying out title 5, chapter 85 of the United States Code, \$655,772,000 may be expended from the Employment Security Administration account in the Unemployment Trust Fund, and of which \$15,000,000 shall be available only to the extent necessary to meet increased costs of administration resulting from changes in a State law or increases in the number of claims filed and claims paid or increased salary costs resulting from changes in State salary compensation plans embracing employees of the State generally over those upon which the State's basic grant (or the allocation for the District of Columbia) was based, which increased costs of administration cannot be provided for by normal budgetary adjustments: *Provided*, That any portion of the funds granted to a State in the current fiscal year and not obligated by the State in that year shall be returned to the Treasury and credited to the account from which derived: *Provided further*, That such amounts as may be agreed upon by the Department of Labor and the Post Office Department shall be used for the payment, in such manner as said parties may jointly determine, of postage for the transmission of official mail matter in connection with the administration of unemployment compensation systems and employment services by States receiving grants herefrom.

48 Stat. 113.

49 Stat. 626;
68 Stat. 673.

80 Stat. 585.

Grants to States, next succeeding fiscal year: For making, after May 31 of the current fiscal year, payments to States under title III of the Social Security Act, as amended, and under the Act of June 6, 1933, as amended, for the first quarter of the next succeeding fiscal year, such sums as may be necessary, the obligations incurred and the expenditures made thereunder for payments under such title and under such Act of June 6, 1933, to be charged to the appropriation therefor for that fiscal year: *Provided*, That the payments made pursuant to

this paragraph shall not exceed the amount obligated by the United States for such purposes for the fourth quarter of the current fiscal year.

LABOR-MANAGEMENT RELATIONS

LABOR-MANAGEMENT SERVICES ADMINISTRATION, SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Welfare and Pension Plans Disclosure Act and the Labor-Management Reporting and Disclosure Act; expenses of commissions and boards to resolve labor-management disputes and other expenses for improving the climate of labor-management relations; and to render assistance in connection with reemployment under the several provisions of law respecting reemployment after active military service, \$12,335,000.

72 Stat. 997.
29 USC 301
note.
73 Stat. 519.
29 USC 401
note.

WAGE AND LABOR STANDARDS

WAGE AND LABOR STANDARDS ADMINISTRATION, SALARIES AND EXPENSES

For expenses necessary for the Wage and Labor Standards Administration, including not less than \$540,000 for the President's Committee on Employment of the Handicapped, as authorized by the Act of July 11, 1949 (63 Stat. 409), \$12,050,000.

82 Stat. 306.

EMPLOYEES' COMPENSATION CLAIMS AND EXPENSES

For the payment of compensation and other benefits and expenses (except administrative expenses) authorized by law and accruing during the current or any prior fiscal year, including payments to other Federal agencies for medical and hospital services pursuant to agreement approved by the Bureau of Employees' Compensation; continuation of payment of benefits as provided for under the head "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the advancement of costs for enforcement of recoveries in third-party cases; the furnishing of medical and hospital services and supplies, treatment, and funeral and burial expenses, including transportation and other expenses incidental to such services, treatment, and burial, for such enrollees of the Civilian Conservation Corps as were certified by the Director of such Corps as receiving hospital services and treatment at Government expense on June 30, 1943, and who are not otherwise entitled thereto as civilian employees of the United States, and the limitations and authority formerly provided by the Act of September 7, 1916 (48 Stat. 351), as amended, shall apply in providing such services, treatment, and expenses in such cases and for payments pursuant to sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); \$60,116,000, together with such amount as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to March 31 of the current year.

60 Stat. 696.

39 Stat. 742.
5 USC 8101 et
seq.

62 Stat. 1241.
50 USC app.
2003, 2004.

WAGE AND HOUR DIVISION, SALARIES AND EXPENSES

For expenses necessary for the Wage and Hour Division, including performing the duties imposed by the Fair Labor Standards Act of 1938, as amended, the Service Contract Act of 1965 (79 Stat. 1034), the Age Discrimination in Employment Act of 1967 (Public Law 90-202), and the Act to provide conditions for the purchase of supplies and the making of contracts by the United States, approved June 30, 1936, as amended (41 U.S.C. 35-45), including reimbursements to State, Federal, and local agencies and their employees for inspection services rendered, \$25,960,000.

52 Stat. 1060.
29 USC 201.
41 USC 351
note.
81 Stat. 602.
29 USC 621
note.
49 Stat. 2036.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the work of the Bureau of Labor Statistics, including advances or reimbursement to State, Federal, and local agencies and their employees for services rendered, \$22,420,000, of which \$600,000 shall be for expenses of revising the Consumer Price Index including salaries of temporary personnel assigned to this project without regard to competitive Civil Service requirements.

BUREAU OF INTERNATIONAL LABOR AFFAIRS

SALARIES AND EXPENSES

For expenses necessary for the conduct of international labor affairs, \$1,332,000.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For expenses necessary for the Office of the Solicitor, \$5,978,000, together with not to exceed \$144,000 to be derived from the Employment Security Administration account, Unemployment Trust Fund.

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For expenses necessary for the Office of the Secretary of Labor, \$5,476,000, together with not to exceed \$557,000 to be derived from the Employment Security Administration account, Unemployment Trust Fund.

FEDERAL CONTRACT COMPLIANCE AND CIVIL RIGHTS PROGRAM

For expenses necessary to carry out the functions of the Department of Labor under Executive Order 11246 of September 24, 1965, as amended, and title VI of the Civil Rights Act of 1964, \$926,000, together with not to exceed \$564,000 to be derived from the Employment Security Administration account, Unemployment Trust Fund.

42 USC 2000e
note.
78 Stat. 252.
42 USC 2000d-
2000d-4.

WORKING CAPITAL FUND

The Working Capital Fund of the Department of Labor shall hereafter be available for expenses necessary for personnel functions in regional administrative offices.

GENERAL PROVISIONS

SEC. 101. Appropriations in this Act available for salaries and expenses shall be available for supplies, services, and rental of conference space within the District of Columbia, as the Secretary of Labor shall deem necessary for settlement of labor-management disputes.

This title may be cited as the "Department of Labor Appropriation Act, 1970".

Citation of
title.

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

CONSUMER PROTECTION AND ENVIRONMENTAL HEALTH SERVICE

FOOD AND DRUG CONTROL

For necessary expenses, not otherwise provided for, of the Food and Drug Administration in carrying out the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301, et seq.), the Federal Hazardous Substances Act (15 U.S.C. 1261, et seq.), the Fair Packaging and Labeling Act (15 U.S.C. 1451, et seq.), the Import Milk Act (21 U.S.C. 141, et seq.), the Filled Milk Act (21 U.S.C. 61, et seq.), the Import Tea Act (21 U.S.C. 41, et seq.), the Federal Caustic Poison Act (44 Stat. 1406, et seq.), and the Flammable Fabrics Act (15 U.S.C. 1191, et seq.), and sections 301 and 311 of the Public Health Service Act (42 U.S.C. 241, 243) with respect to pesticide control, poison control, shellfish sanitation, and food and drug activities, including payment in advance for special tests and analyses and adverse reaction reporting by contract; studies of new developments pertinent to food and drug enforcement operations; payment for publication of technical and informational materials in professional and trade journals; and rental of special purpose space in the District of Columbia or elsewhere; \$72,352,500.

52 Stat. 1040.
74 Stat. 372.
80 Stat. 1296.
44 Stat. 1101.
42 Stat. 1486.
29 Stat. 604.
15 USC 401
note.
67 Stat. 111;
81 Stat. 568.
58 Stat. 691,
693; 81 Stat.
536, 540.

AIR POLLUTION CONTROL

To carry out the Clean Air Act, as amended, and the functions of the Secretary of Health, Education, and Welfare under the provisions of section 48(h)(12)(C)(ii) of the Internal Revenue Code of 1954 (80 Stat. 1508, 1512), including hire, maintenance, and operation of aircraft, \$108,800,000, of which \$45,000,000 shall remain available until expended to carry out section 104 of the Clean Air Act.

81 Stat. 485.
42 USC 1857
note.
26 USC 48.

ENVIRONMENTAL CONTROL

To carry out sections 301, 311, 328, and 354–361 of the Public Health Service Act (42 U.S.C. 241, 243, and 264; Public Law 90–602) with respect to occupational safety and health, milk, food, and community environmental sanitation, water quality control, interstate quarantine activities, and control of radiation hazards to health; section 2(k) of the Water Quality Act of 1965 (79 Stat. 903, 905); and the functions of the Secretary of Health, Education, and Welfare under the Solid Waste Disposal Act of 1965 (42 U.S.C. 3251, et seq.), including hire, maintenance, and operation of aircraft; \$55,208,000.

58 Stat. 691,
693; 81 Stat.
536, 539, 540.
82 Stat. 1173.
42 USC 254a,
263b.
33 USC 466-1
note.
79 Stat. 997.

BUILDINGS AND FACILITIES

Such unexpended balances (including balances obligated but not disbursed) as the Secretary of Health, Education, and Welfare may determine to be available as of June 30, 1969, in the appropriation for "Buildings and facilities, Public Health Service", for Consumer Protection and Environmental Health Service activities, shall be transferred to an account under this head. There shall be merged with such account the unexpended balance (including any balance obligated but not disbursed) as of June, 1969, in the appropriation for "Food and Drug Administration, buildings and facilities".

OFFICE OF THE ADMINISTRATOR, SALARIES AND EXPENSES

For expenses necessary for the Office of the Administrator, \$6,162,000.

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

MENTAL HEALTH

For expenses necessary for carrying out the Public Health Service Act with respect to mental health, the Community Mental Health Centers Act (42 U.S.C. 2681, et seq.), the Narcotic Addict Rehabilitation Act of 1966 (Public Law 89-793), section 810 of the Act of July 1, 1944, as amended (33 U.S.C. 763c), the Act of July 19, 1963 (Public Law 88-71), with respect to mental diseases, and Executive Order 9079 of February 26, 1942, \$360,302,000, of which \$47,500,000 shall remain available until June 30, 1971, for grants pursuant to parts A, C, and D of the Community Mental Health Centers Act: *Provided*, That there may be transferred to this appropriation from the appropriation for "Mental Retardation" an amount not to exceed the sum of the allotment adjustments made by the Secretary pursuant to section 132(c) of the Mental Retardation Facilities Construction Act.

77 Stat. 282.
80 Stat. 1438.
42 USC 3401.
58 Stat. 714.
77 Stat. 83.
42 USC 253a.
3 CFR, 1938-
1943 Comp.,
p. 1101.

77 Stat. 286.
42 USC 2672.

SAINT ELIZABETHS HOSPITAL

For expenses necessary for the maintenance and operation of the hospital, including clothing for patients, and cooperation with organizations or individuals in the scientific research into the nature, causes, prevention, and treatment of mental illness, \$10,405,000, or such amount as may be necessary to provide a total appropriation equal to the difference between the amount of the reimbursements received during the current fiscal year on account of patient care provided by the hospital during such year and \$38,876,000.

HEALTH SERVICES RESEARCH AND DEVELOPMENT

To carry out, to the extent not otherwise provided, sections 301 and 304 of the Public Health Service Act, with respect to health services research and development, \$44,975,000.

58 Stat. 691.
42 USC 241.
81 Stat. 534.
42 USC 242b.

COMPREHENSIVE HEALTH PLANNING AND SERVICES

To carry out sections 310, 314(a) through 314(e) of the Public Health Service Act, and to the extent not otherwise provided, sections 301 and 311 of the Act, \$224,033,000, of which \$100,000,000 shall be available for grants pursuant to section 314(d): *Provided*, That \$4,320,000 may be transferred to this appropriation, as authorized by section 201(g)(1) of the Social Security Act, as amended, from any one or all of the trust funds referred to therein and may be expended for functions delegated to the Administrator of the Health Services and Mental Health Administration under title XVIII of the Social Security Act.

Post, p. 52.
42 USC 242h.
80 Stat. 1181.
42 USC 246.
58 Stat. 693.
42 USC 243.
79 Stat. 338.
42 USC 401.

42 USC 1395.

REGIONAL MEDICAL PROGRAMS

To carry out title IX, sections 402(g), 403(a)(1) and, to the extent not otherwise provided, 301, 311, and 433(a) of the Public Health Service Act, \$100,000,000, of which \$73,500,000 shall remain available until June 30, 1971, for grants pursuant to such title IX and \$24,771,000 shall be for development, assistance, and chronic disease control activities.

42 USC 299,
282, 283, 289c.

COMMUNICABLE DISEASES

To carry out, except as otherwise provided for, sections 301, 311, 315, 325, 328, 353, and 361 to 369 of the Public Health Service Act with respect to the prevention and suppression of communicable and preventable diseases and the introduction from foreign countries and the interstate transmission and spread thereof; including care and treatment of quarantine detainees pursuant to section 322(e) of the Act in private or other public hospitals when facilities of the Public Health Service are not available, insurance of official motor vehicles in foreign countries when required by the law to such countries; licensing of laboratories; and purchase, hire, maintenance, and operation of aircraft; \$38,638,000.

58 Stat. 691.
42 USC 241-
272.

42 USC 249.

HOSPITAL CONSTRUCTION

To carry out the provisions of title VI of the Public Health Service Act, and, except as otherwise provided, parts B and C of the Mental Retardation Facilities Construction Act (42 U.S.C. 2661-2677), the District of Columbia Medical Facilities Construction Act of 1968 (Public Law 90-457), and the Community Mental Health Centers Act (42 U.S.C. 2681-2687), \$176,123,000, of which \$81,300,000 shall be available until June 30, 1971 (except that funds for Guam, American Samoa, and the Virgin Islands shall be available until June 30, 1972), for grants or loans for hospitals and related facilities pursuant to section 601(b) of the Public Health Service Act, and \$90,900,000 shall be available until June 30, 1971 (except that funds for Guam, American Samoa, and the Virgin Islands shall be available until June 30, 1972), for grants or loans for facilities pursuant to section 601(a) of the Public Health Service Act.

78 Stat. 447.
42 USC 291.
77 Stat. 284.

77 Stat. 290.

DISTRICT OF COLUMBIA MEDICAL FACILITIES

For grants of \$3,500,000 and loans of \$6,500,000 for nonprofit private facilities pursuant to the District of Columbia Medical Facilities Construction Act of 1968 (Public Law 90-457) to remain available until expended.

82 Stat. 631.
D.C. Code 32-
301 note.

PATIENT CARE AND SPECIAL HEALTH SERVICES

For carrying out the functions of the Health Services and Mental Health Administration, not otherwise provided for, under the Act of August 8, 1946 (5 U.S.C. 7901), and under sections 301, 311, 321, 322, 324, 326, 328, 331, 332, 502, and 504 of the Public Health Service Act, section 810 of the Act of July 1, 1944 (33 U.S.C. 763c), and the Act of July 19, 1963 (Public Law 88-71), \$72,224,000 of which \$1,200,000 shall be available only for payments to the State of Hawaii for care and treatment of persons afflicted with leprosy: *Provided*, That when the Health Services and Mental Health Administration establishes or operates a health service program for any department or agency, payment for the estimated cost shall be made by way of reimbursement or in advance for deposit to the credit of this appropriation.

60 Stat. 903.

42 USC 220,
222.
58 Stat. 714.
77 Stat. 83.
42 USC 253a.

NATIONAL HEALTH STATISTICS

For expenses of the National Center for Health Statistics in carrying out, to the extent not otherwise provided, sections 301, 305, 311, 312(a), 313, and 315 of the Public Health Service Act; \$8,841,000.

RETIRED PAY OF COMMISSIONED OFFICERS

70A Stat. 108;
82 Stat. 751.
10 USC 1431-
1446.
72 Stat. 1445;
80 Stat. 862.

For retired pay of commissioned officers, as authorized by law, and for payments under the Retired Serviceman's Family Protection Plan and payments for medical care of dependents and retired personnel under the Dependent's Medical Care Act (10 U.S.C., ch. 55), such amount as may be required during the current fiscal year.

BUILDINGS AND FACILITIES

Such unexpended balances (including balances obligated but not disbursed) as the Secretary of Health, Education, and Welfare may determine to be available as of June 30, 1969, in the appropriation for "Buildings and facilities, Public Health Service", for Health Services and Mental Health Administration activities, shall be transferred to an account under this head. There shall be merged with such account the unexpended balance (including any balance obligated but not disbursed) as of June 30, 1969, in the appropriation for "Saint Elizabeths Hospital, buildings and facilities".

OFFICE OF THE ADMINISTRATOR, SALARIES AND EXPENSES

For necessary expenses of the Office of the Administrator and for miscellaneous expenses of the Health Services and Mental Health Administration, to the extent not otherwise provided, \$9,898,000, of which not to exceed \$1,200,000 shall be available for rental and related expenses incidental to occupancy of a headquarters building.

NATIONAL INSTITUTES OF HEALTH

BIOLOGICS STANDARDS

58 Stat. 702.
42 USC 262,
263.

To carry out sections 351 and 352 of the Public Health Service Act pertaining to regulation and preparation of biological products, and conduct of research related thereto, \$8,225,000.

NATIONAL CANCER INSTITUTE

58 Stat. 707.
42 USC 281.

For expenses necessary to carry out title IV, part A, of the Public Health Service Act; \$190,362,500.

NATIONAL HEART INSTITUTE

62 Stat. 465.
42 USC 287.

For expenses, not otherwise provided for, necessary to carry out title IV, part B, of the Public Health Service Act, \$171,256,500.

NATIONAL INSTITUTE OF DENTAL RESEARCH

62 Stat. 598.
42 USC 288.

For expenses, not otherwise provided for, to carry out title IV, part C of the Public Health Service Act, \$30,644,500.

NATIONAL INSTITUTE OF ARTHRITIS AND METABOLIC DISEASES

64 Stat. 444.
42 USC 289a.

For expenses necessary to carry out title IV, part D, of the Public Health Service Act with respect to arthritis, rheumatism, and metabolic diseases, \$146,334,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISEASES AND STROKE

82 Stat. 1362.
42 USC 289a
note.

For expenses necessary to carry out title IV, part D of the Public Health Service Act with respect to neurology and stroke, \$106,978,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For expenses, not otherwise provided for, necessary to carry out title IV, part D of the Public Health Service Act with respect to allergy and infectious diseases, \$103,694,500, of which not to exceed \$700,000 shall be available for payment to the Gorgas Memorial Institute for maintenance and operation of the Gorgas Memorial Laboratory.

64 Stat. 444.
42 USC 289a.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For expenses, not otherwise provided for, necessary to carry out title IV, part E of the Public Health Service Act with respect to general medical sciences, including the training of clinical anesthesiologists, \$164,644,000.

76 Stat. 1072.
42 USC 289d.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For expenses, not otherwise provided for, necessary to carry out title IV, part E of the Public Health Service Act with respect to child health and human development, \$76,949,000.

NATIONAL EYE INSTITUTE

For expenses necessary to carry out title IV, part F, of the Public Health Service Act, with respect to eye diseases and visual disorders, \$24,342,500.

82 Stat. 771.
42 USC 289i.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

To carry out, except as otherwise provided for, sections 301 and 311 of the Public Health Service Act, with respect to environmental health activities, \$18,328,000.

58 Stat. 691,
693.
42 USC 241,
243.

GENERAL RESEARCH AND SERVICE

For the activities of the National Institutes of Health, not otherwise provided for, including research fellowships, grants for research projects and training grants pursuant to section 301 of the Public Health Service Act, and grants of therapeutic and chemical substances for demonstrations and research; \$76,658,000: *Provided*, That funds advanced to the National Institutes of Health management fund from appropriations included in this Act shall be available for the cost of sharing medical care facilities and resources pursuant to section 328 of the Act, purchase of not to exceed fourteen passenger motor vehicles for replacement only; and not to exceed \$5,000 for entertainment of visiting scientists when specifically approved by the Surgeon General.

81 Stat. 539.
42 USC 254a.

JOHN E. FOGARTY INTERNATIONAL CENTER FOR ADVANCED STUDY IN THE
HEALTH SCIENCES

For the John E. Fogarty International Center for Advanced Study in the Health Sciences, \$2,954,000.

HEALTH MANPOWER

58 Stat. 691;
70 Stat. 923;
74 Stat. 819;
70 Stat. 717;
78 Stat. 908.
42 USC 241-243,
292, 296.

To carry out, to the extent not otherwise provided, sections 301, 306, 309, 311, title VII, and title VIII of the Public Health Service Act, \$234,470,000: *Provided*, That the amount available for scholarship grants to schools of nursing for the current fiscal year under such title VIII shall include in addition to funds appropriated herein, funds appropriated for nursing educational opportunity grants for the fiscal year ending June 30, 1969, but not allotted to States for that fiscal year.

Loans, grants, and payments for the next succeeding fiscal year: For making, after March 31 of the current fiscal year, loans, grants, and payments under section 306, parts C, F, and G of title VII, and parts B and D of title VIII of the Public Health Service Act for the first quarter of the next succeeding fiscal year, such sums as may be necessary, and obligations incurred and expenditures made hereunder shall be charged to the appropriation for that purpose for such fiscal year: *Provided*, That such payments pursuant to this paragraph may not exceed 50 per centum of the amounts authorized in section 306, parts C and G of title VII, and part B of title VIII for these purposes for the next succeeding fiscal year.

DENTAL HEALTH

62 Stat. 598.
42 USC 288a.

To carry out, to the extent not otherwise provided, sections 301 and 311 of the Public Health Service Act, and for training grants under section 422 of the Act, \$11,722,000.

CONSTRUCTION OF HEALTH EDUCATIONAL, RESEARCH, AND LIBRARY FACILITIES

To carry out part I of title III, parts A, B, and G of title VIII, and part A of title VIII of the Public Health Service Act with respect to grants for construction of facilities, \$126,100,000, including \$23,600,000 for dental facilities as authorized by subsections (2) and (3) of section 720 of the Act, to remain available until expended.

NATIONAL LIBRARY OF MEDICINE

70 Stat. 960.
42 USC 275.
79 Stat. 1059.
42 USC 280b.

To carry out, to the extent not otherwise provided for, section 301 with respect to health information communication, and part H of title III (relating to the National Library of Medicine) and part I of title III, of the Public Health Service Act, \$19,682,000 of which \$1,842,000 shall remain available until June 30, 1971.

BUILDINGS AND FACILITIES

For construction, major repair, improvement, extension, alteration, and equipment, including acquisition of sites, of facilities of or used by the National Institutes of Health, where not otherwise provided; \$1,900,000, to remain available until expended: *Provided*, That such unexpended balances (including balances obligated but not disbursed) as the Secretary of Health, Education, and Welfare may determine to be available as of June 30, 1969, in the appropriation for "Buildings and facilities, Public Health Service" for National Institutes of Health activities, shall be merged with this appropriation.

OFFICE OF THE DIRECTOR, SALARIES AND EXPENSES

For expenses necessary for the Office of the Director, National Institutes of Health, \$7,093,000.

SCIENTIFIC ACTIVITIES OVERSEAS (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses for conducting scientific activities overseas, as authorized by law, \$3,455,000, to remain available until expended: *Provided*, That this appropriation shall be available, in addition to other appropriations for such activities, for payments in the foregoing currencies.

HEALTH EDUCATION LOANS

The Secretary is hereby authorized to make such expenditures, within the limits of funds available in the "Health Professions Education Fund" and the "Nurse Training Fund," and in accord with law, and to make such contracts and commitments without regard to fiscal year limitation as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year.

61 Stat. 584.
31 USC 849.

PAYMENT OF SALES INSUFFICIENCIES AND INTEREST LOSSES

For the payment of such insufficiencies as may be required by the trustee on account of outstanding beneficial interest or participations in the Health Professions Education Fund assets or Nurse Training Fund assets, authorized by the Department of Health, Education, and Welfare Appropriation Act, 1968, to be issued pursuant to section 302(c) of the Federal National Mortgage Association Charter Act, \$169,000, and for payment of amounts pursuant to section 744(b) or 827(b) of the Public Health Service Act to schools which borrow any sums from the Health Professions Education Fund or Nurse Training Fund, \$788,000: *Provided*, That the amounts appropriated herein shall remain available until expended.

81 Stat. 401.
78 Stat. 800;
80 Stat. 164.
12 USC 1717.
80 Stat. 1231,
1234.
42 USC 294d,
297f.

GENERAL RESEARCH SUPPORT GRANTS

For general research support grants, as authorized in section 301(d) of the Public Health Service Act, there shall be available from appropriations available to the National Institutes of Health and the appropriation to the Health Services and Mental Health Administration for "Mental health", the sum of \$60,700,000: *Provided*, That none of these funds shall be used to pay a recipient of such a grant any amount for indirect expenses in connection with such project.

62 Stat. 601;
74 Stat. 1053.
42 USC 241.

OFFICE OF EDUCATION

ELEMENTARY AND SECONDARY EDUCATION

For carrying out titles II, III, V, VII, and section 807 of the Elementary and Secondary Education Act of 1965, as amended, section 402 of the Elementary and Secondary Education Amendments of 1967, and title V-A of the National Defense Education Act of 1958 \$252,393,000; of which \$50,000,000 shall be for school library resources, textbooks, and other instructional materials under title II of said Act of 1965; \$116,393,000 shall be for supplementary educational centers and services under title III of said Act of 1965;

20 USC 821,
841, 861, 880b,
887.
Post, p. 165.
20 USC 1222.
20 USC 481.

Post p. 130.

20 USC 481.
Post, p. 141.
 20 USC 861.
 81 Stat. 806,
 816.
 20 USC 887.
Post, p. 165.
 20 USC 1222.
 81 Stat. 816.
 20 USC 880b.
 79 Stat. 27;
 81 Stat. 786, 787.
 20 USC 241a-
 241h.

\$17,000,000 shall be for guidance, counseling, and testing under title V-A of said Act of 1958; \$29,750,000 shall be for strengthening state departments of education under title V of said Act of 1965; \$5,000,000 shall be for dropout programs under section 807 of said Act of 1965; \$9,250,000 shall be for planning and evaluation under section 402 of the Elementary and Secondary Education Amendments of 1967; and \$25,000,000 shall be for bilingual education programs under title VII of said Act of 1965. For an additional amount for grants under title I-A of the Elementary and Secondary Education Act of 1965 for the fiscal year 1970, \$386,160,700: *Provided*, That the aggregate amounts otherwise available for grants therefor within States shall not be less than 92 per centum of the amounts allocated from the fiscal year 1968 appropriation to local educational agencies in such States for grants.

INSTRUCTIONAL EQUIPMENT

20 USC 441-
 445.

For equipment and minor remodeling and State administrative services under title III-A of the National Defense Education Act of 1958, as amended, \$43,740,000: *Provided*, That allotments under sections 302(a) and 305 of the National Defense Education Act, for equipment and minor remodeling shall be made on the basis of \$40,740,000 for grants to States and on the basis of \$1,000,000 for loans to nonprofit private schools, and allotments under section 302(b) of said Act for administrative services shall be made on the basis of \$2,000,000.

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

For carrying out title I of the Act of September 30, 1950, as amended (20 USC 236-244. (20 U.S.C., ch. 13), and the Act of September 23, 1950, as amended (20 USC 631-647. U.S.C., ch. 19), \$520,567,000 of which \$505,400,000, shall be for the maintenance and operation of schools as authorized by said title I of the Act of September 30, 1950, as amended, and \$15,167,000 which shall remain available until expended, shall be for providing school facilities as authorized by said Act of September 23, 1950: *Provided*, That this appropriation shall not be available to pay local educational agencies pursuant to the provisions of any other section of said title I until payment has been made of 100 per centum of the amounts payable under section 6 of said title.

EDUCATION PROFESSIONS DEVELOPMENT

81 Stat. 83.
 20 USC 1091c.
 20 USC 1111-
 1119c.
 20 USC 1108.

For carrying out section 504, parts C, D, and F, and subpart 2 of part B of the Education Professions Development Act (title V of the Higher Education Act of 1965) \$107,500,000, of which \$18,250,000 shall be for said subpart 2 of part B.

TEACHERS CORPS

79 Stat. 1255;
Post, p. 190.
 20 USC 1101-
 1107a.

For carrying out subpart 1 of part B of title V of the Higher Education Act of 1965, as amended, \$21,737,000: *Provided*, That none of these funds may be used to pay in excess of 90 per centum of the salary and other emoluments in the Teacher Corps: *Provided further*, That none of these funds may be spent on behalf of any Teacher Corps program in any local school system prior to approval of such program by the State educational agency of the State in which the school system is located.

HIGHER EDUCATION

For carrying out titles III and IV (except parts D and F), part E of title V, and section 1207 of the Higher Education Act of 1965, as amended, titles I and III of the Higher Education Facilities Act of 1963, as amended, titles II and IV of the National Defense Education Act of 1958, as amended (20 U.S.C. 421-429), and section 22 of the Act of June 29, 1935, as amended (7 U.S.C. 329), \$871,874,000, of which \$164,600,000 shall be for educational opportunity grants under part A of title IV of the Higher Education Act of 1965 and shall remain available through June 30, 1971, \$63,900,000 to remain available until expended shall be for loan insurance programs under part B of title IV of that Act, including not to exceed \$1,500,000 for computer services in connection with the insured loan program, \$154,000,000 shall be for grants for college work-study programs under part C of title IV of that Act (of which amounts reallocated shall remain available through June 30, 1971), including one per centum of such amount to be available, without regard to the provisions in section 442 of that Act, for cooperative education programs that alternate periods of full-time academic study with periods of full-time public or private employment, \$43,000,000 shall be for grants for construction of public community colleges and technical institutes and \$33,000,000 shall be for grants for construction of other academic facilities under title I of the Higher Education Facilities Act of 1963 which amounts shall remain available through June 30, 1971, \$11,750,000, to remain available until expended, shall be for annual interest grants under section 306 of that Act, \$222,100,000 shall be for Federal capital contributions to student loan funds established in accordance with agreements pursuant to section 204 of the National Defense Education Act of 1958, and \$12,120,000 shall be for the purposes of section 22 of the Act of June 29, 1935: *Provided*, \$7,241,000 shall be for payments authorized by section 108(b) of the District of Columbia Public Education Act, as amended (D.C. Code, sec. 31-1608).

20 USC 1051-
1056, 1061-
1087c, 1119b-
1119b-2, 1147.
20 USC 711-
721, 741-746.
72 Stat. 1583.
20 USC 461-
465.
74 Stat. 525;
82 Stat. 241.

82 Stat. 241.

VOCATIONAL EDUCATION

For carrying out the Vocational Education Act of 1963, as amended (20 U.S.C. 1241-1391) (except part E of title I), and section 402 of the Elementary and Secondary Education Amendments of 1967, \$391,716,000, of which not to exceed \$300,336,000 shall be for State vocational education programs under part B and \$20,000,000 shall be for programs under section 102(b) of said Vocational Education Act of 1963, including development and administration of State plans and evaluation and dissemination activities authorized under section 102(c) of said Act, and \$5,000,000 for work-study programs under part H of said Act, not to exceed \$2,800,000 for State advisory councils established pursuant to section 104(b) of said Act, \$13,000,000 for exemplary programs under part D of said Act of which 50 per centum shall remain available until expended and 50 per centum shall remain available through June 30, 1971, \$17,500,000 for consumer and homemaking education programs under part F of said Act, and \$14,000,000 shall be for cooperative vocational education programs under part G of said Act.

82 Stat. 1064.
Post, p. 165.
20 USC 1222.

LIBRARIES AND COMMUNITY SERVICES

For carrying out titles I, II, III, and IV of the Library Services and Construction Act, as amended (20 U.S.C., ch. 16), titles I and II (except section 224) of the Higher Education Act of 1965 (20 U.S.C. 1001-1033, 1041), the Adult Education Act of 1966 (20 U.S.C., ch. 30), and part IV of title III (except section 396) of the Communica-

70 Stat. 293;
80 Stat. 316.
79 Stat. 1219;
82 Stat. 1034.
80 Stat. 1216.

76 Stat. 64;
81 Stat. 365.
47 USC 390-
399.
20 USC 351
note.

20 USC 1001-
1011.

20 USC 1201
note.

tions Act of 1934 (40 U.S.C. 390-395, 397-399), \$148,881,000, of which \$35,000,000 shall be for grants for public library services under title I of the Library Services and Construction Act, \$9,185,000, to remain available through June 30, 1971, shall be for grants for public library construction under title II of such Act, \$2,281,000 shall be for grants for cooperative networks of libraries under title III of such Act, \$2,094,000 shall be for grants for State institutional library services under part A of title IV of such Act, \$1,334,000 shall be for library services to the physically handicapped under part B of title IV of such Act, \$9,500,000 shall be for community service and continuing education programs under title I of the Higher Education Act, \$6,737,000 shall be for transfer to the Librarian of Congress for the acquisition and cataloging of library materials under part C of title II of such Act, \$50,000,000 shall be for adult education programs under the Adult Education Act of 1966, and \$5,083,000, to remain available until expended, shall be for educational broadcasting facilities under part IV of title III (except section 396) of the Communications Act of 1934.

EDUCATION FOR THE HANDICAPPED

72 Stat. 1777;
Post, p. 188.

77 Stat. 295;
81 Stat. 805,
530.

79 Stat. 983.
42 USC 2491-
2495.

80 Stat. 1204;
81 Stat. 800.
20 USC 871-
880a.

82 Stat. 901.

For carrying out the Act of September 6, 1958, as amended (20 U.S.C. 611-617) : and section 302 and title V of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, as amended (20 U.S.C. 618, 42 U.S.C. 2698, 2698a, 2698b) ; the Act of September 2, 1958, as amended (42 U.S.C. 2491-2494) ; title VI of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 871-880) ; and the Handicapped Children's Early Education Assistance Act of 1968 (20 U.S.C. 621-624), \$100,000,000, of which \$29,190,000 shall be for grants to States under part A of said title VI of the Elementary and Secondary Education Act.

RESEARCH AND TRAINING

79 Stat. 44;
Post, p. 193.
82 Stat. 1078.
20 USC 1281.
20 USC 1034,
1146.
20 USC 6.

For research, surveys, training, dissemination of information, and demonstrations in education and in librarianship as authorized by the Cooperative Research Act, as amended (except section 4) (20 U.S.C. 331-332b) : section 131(b) of the Vocational Education Act of 1963 (20 U.S.C. 35c(c)) ; sections 224 and 1206 of the Higher Education Act of 1965 ; and section 303 of the Vocational Education Amendments of 1968 : \$85,750,000, of which \$3,000,000 shall be available for program evaluation without regard to the provision in subsection 2(a)(2) of said Cooperative Research Act, as amended : \$2,000,000 shall be available to carry out the provisions of section 303 of said Vocational Education Amendments and section 1206 of said Higher Education Act ; and \$1,100,000 shall be available for grants to States to plan experimental programs under section 131(b) of said Vocational Education Act of 1963 : *Provided*, That no State shall receive less than \$15,000 for such grants for planning experimental programs.

EDUCATION IN FOREIGN LANGUAGES AND WORLD AFFAIRS

20 USC 511-
513.

22 USC 2452.

For carrying out title VI of the National Defense Education Act, and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961, \$18,000,000.

RESEARCH AND TRAINING (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses of the Office of Education, as authorized by law, \$1,000,000 to remain available until expended: *Provided*, That this appropriation shall be available, in addition to other appropriations to such office, for payments in the foregoing currencies.

SALARIES AND EXPENSES

For expenses necessary for the Office of Education, including surveys, studies, investigations, and reports regarding libraries; coordination of library service on the national level with other forms of adult education; development of library service throughout the country; purchase, distribution, and exchange of education documents, motion-picture films, and lantern slides; and for rental of conference rooms in the District of Columbia; \$42,157,000.

STUDENT LOAN INSURANCE FUND

For the Student Loan Insurance Fund, created by section 431 of the Higher Education Act of 1965, as amended (20 U.S.C. 1081), \$10,826,000, to remain available until expended.

79 Stat. 1245.

HIGHER EDUCATION FACILITIES LOAN FUND

The Secretary is hereby authorized to make such expenditures, within the limits of funds available in the Higher Education Facilities Loan Fund, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitation as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such fund: *Provided*, That loans may be made during the current fiscal year from the Fund to the extent that amounts are available from commitments withdrawn prior to July 1, 1970, by the Commissioner of Education.

61 Stat. 584.
31 USC 849.

PAYMENT OF PARTICIPATION SALES INSUFFICIENCIES

For the payment of such insufficiencies as may be required by the trustee on account of outstanding beneficial interests or participations in assets of the Office of Education authorized by the Department of Health, Education, and Welfare Appropriation Act, 1968, to be issued pursuant to section 302(c) of the Federal National Mortgage Association Charter Act, as amended, \$2,918,000, to remain available until expended.

82 Stat. 977.

78 Stat. 800;
82 Stat. 542.
12 USC 1717.

SOCIAL AND REHABILITATION SERVICE

GRANTS TO STATES FOR PUBLIC ASSISTANCE

For grants to States and other grants or payments for carrying out titles I, X, XIV, XVI, XIX (including section 1908), part A of title IV (except with respect to activities included in the appropriation for "Work incentives"), and section 707 of the Social Security Act, including such amounts as may be necessary for transfer to the Secretary of the Treasury for assistance in locating parents, as authorized in section 410 of such Act, and not to exceed \$3,000,000 for grants as authorized in section 707 of the Act, \$7,351,551,000.

42 USC 301,
1201, 1351, 1381,
1396, 601.
42 USC 908.
42 USC 610.

WORK INCENTIVES

For carrying out a work incentive program, as authorized by part C of title IV of the Social Security Act, and for related child-care services, as authorized by part A of title IV of the Act, including transfer to the Secretary of Labor, as authorized by section 431 of the Act, \$120,000,000.

81 Stat. 884.
42 USC 630-644.
49 Stat. 627.
42 USC 601-610.

ASSISTANCE FOR REPATRIATED UNITED STATES NATIONALS

For necessary expenses of carrying out section 1113 of the Social Security Act, as amended (42 U.S.C. 1313), and the Act of July 5, 1960 (24 U.S.C., ch. 9), and for care and treatment in accordance with the Acts of March 2, 1929, and October 29, 1941, as amended (24 U.S.C. 191a, 196a), \$700,000, of which \$50,000 shall be apportioned for use pursuant to section 3679 of the Revised Statutes, as amended (31 U.S.C. 665), only to the extent necessary to provide for requirements not anticipated in the budget estimates.

75 Stat. 142;
83 Stat. 45.
74 Stat. 308.

45 Stat. 1495;
55 Stat. 756.

GRANTS FOR REHABILITATION SERVICES AND FACILITIES

For grants or contracts under sections 2, 3, 4(a)(2), 12, and 13 of the Vocational Rehabilitation Act, as amended, \$464,783,000; of which \$436,000,000 is for grants for vocational rehabilitation services under section 2; \$3,200,000 is for grants under section 3; \$9,500,000 shall be for planning, preparing for, and initiating special programs to expand vocational rehabilitation services under section 4(a)(2)(A), to remain available through June 30, 1972, together with any amounts heretofore appropriated for this purpose; and \$4,050,000 is for grants with respect to workshops and rehabilitation facilities under section 12, to remain available through June 30, 1973, together with any amounts heretofore appropriated for this purpose: *Provided*, That the allotment to any State under section 3(a)(1) of such Act shall be not less than \$25,000: *Provided further*, That such grants to any State shall not be less than grants made to the State under section 2 for the fiscal year 1969.

Grants to States, next succeeding fiscal year: For making, after May 31, of the current fiscal year, grants to States under section 2 of the Vocational Rehabilitation Act, as amended, for the first quarter of the next succeeding fiscal year such sums as may be necessary, the obligations incurred and the expenditures made thereunder to be charged to the appropriation therefor for that fiscal year: *Provided*, That the payments made pursuant to this paragraph shall not exceed the amount paid to the States for the first quarter of the current fiscal year.

68 Stat. 652;
79 Stat. 1282.
29 USC 32-41b.

MENTAL RETARDATION

To carry out, except as otherwise provided for, sections 301 and 303 of the Public Health Service Act, as amended, relating to the prevention, treatment, and amelioration of mental retardation, parts C and D of the Mental Retardation Facilities Construction Act (42 U.S.C. 2261, et seq.), and section 4(a)(1) of the Vocational Rehabilitation Act, as amended, \$37,000,000, of which \$12,031,000 shall be for grants for facilities pursuant to part C of the Mental Retardation Facilities Construction Act, to remain available until June 30, 1971: *Provided*, That there may be transferred to this appropriation from the appropriation for "Mental health" an amount not to exceed the sum of the allotment adjustment made by the Secretary pursuant to section 202(c) of the Community Mental Health Centers Act.

42 USC 241,
242a.

81 Stat. 528.
42 USC 2671,
2678.
68 Stat. 655;
82 Stat. 299.
29 USC 34.

77 Stat. 290.
42 USC 2682.

MATERNAL AND CHILD HEALTH AND WELFARE

For grants, contracts and other arrangements under title V and part B of title IV of the Social Security Act and for expenses of a White House conference on children and youth, \$284,800,000: *Provided*, That any allotment to a State pursuant to section 503(2) or 504(2) of such Act shall not be included in computing for the purposes of subsections (a) and (b) of section 506 of such Act an amount expended or estimated to be expended by the State: *Provided further*, That \$4,750,000 of the amount available under section 503(2) of such Act shall be used only for special projects for mentally retarded children, and \$5,000,000 of the amount available under section 504(2) of such Act shall be used only for special projects for services for crippled children who are mentally retarded.

81 Stat. 921,
911.
42 USC 701-715,
620-626.

DEVELOPMENT OF PROGRAMS FOR THE AGING

To carry out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, and for initial expenses of a White House Conference on Aging, \$28,360,000 including not to exceed \$4,000,000 for State planning and other activities to remain available until June 30, 1972, in accordance with the provisions of section 304 of the Act of 1965, as amended.

79 Stat. 218;
83 Stat. 108.
42 USC 3001
note.

JUVENILE DELINQUENCY PREVENTION AND CONTROL

For carrying out the Juvenile Delinquency Prevention and Control Act of 1968, \$10,000,000.

82 Stat. 462.
42 USC 3801
note.

REHABILITATION RESEARCH AND TRAINING

For grants and other expenses (except administrative expenses) for research, training, traineeships, and other special projects, pursuant to sections 4, 7, and 16, of the Vocational Rehabilitation Act, as amended, and not to exceed \$100,000 for carrying out functions authorized by the International Health Research Act of 1960 (74 Stat. 364), \$60,000,000.

29 USC 34, 37,
42a,
22 USC 2101
note.

COOPERATIVE RESEARCH OR DEMONSTRATION PROJECTS

For grants, contracts, and jointly financed cooperative arrangements for research or demonstration projects under section 1110 of the Social Security Act, as amended (42 U.S.C. 1310), \$11,500,000: *Provided*, That no funds appropriated by this Act shall be used to conduct experiments, pilot operations or programs involving guaranteed annual wage.

70 Stat. 851.

RESEARCH AND TRAINING (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses of the Social and Rehabilitation Service, in connection with activities related to vocational rehabilitation, aging and other research and training by the Social and Rehabilitation Service, as authorized by law, \$2,000,000, to remain available until expended: *Provided*, That this appropriation shall be available, in addition to other appropriations to such Service, for payments in the foregoing currencies.

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the Social and Rehabilitation Service, including purchase of reports and material for the publications of the Children's Bureau and of reprints for distribution, \$30,226,500, together with not to exceed \$360,000 to be transferred from the Federal Disability Insurance Trust Fund and the Federal Old-Age and Survivors Insurance Trust Fund, as provided in section 201(g)(1) of the Social Security Act.

79 Stat. 338,
42 USC 401.

Grants to States, payments after April 30: For making, after April 30 of the current fiscal year, payments to States under titles I, IV, V, X, XIV, XVI, and XIX, respectively, of the Social Security Act, for the last two months of the current fiscal year (except with respect to activities included in the appropriation for "Work incentives") and for the first quarter of the next succeeding fiscal year, such sums as may be necessary, the obligations incurred and the expenditures made thereunder for payments under each of such titles to be charged to the subsequent appropriations therefor for the current or succeeding fiscal year.

42 USC 301,
601, 701, 1201,
1351, 1381, 1396.

In the administration of titles I, IV (other than part C thereof), V, X, XIV, XVI, and XIX, respectively, of the Social Security Act, payments to a State under any of such titles for any quarter in the period beginning April 1 of the prior year, and ending June 30 of the current year, may be made with respect to a State plan approved under such title prior to or during such period, but no such payment shall be made with respect to any plan for any quarter prior to the quarter in which such plan was submitted for approval.

Such amounts as may be necessary from the appropriation for "Grants to States for Public Assistance" shall be available for grants to States for any period in the prior fiscal year subsequent to March 31 of that year.

SOCIAL SECURITY ADMINISTRATION

PAYMENT TO TRUST FUNDS FOR HEALTH INSURANCE FOR THE AGED

For payment to the Federal Hospital Insurance and Federal Supplementary Medical Insurance trust funds, as authorized by sections 103(c) and 111(d) of the Social Security Amendments of 1965, and section 1844 of the Social Security Act, \$1,545,413,000.

79 Stat. 334,
343.
42 USC 426a,
1395i-1.
42 USC 1395w.

PAYMENT FOR MILITARY SERVICE CREDITS

For payment to the Federal Old-Age and Survivors Insurance, the Federal Disability Insurance, and the Federal Hospital Insurance trust funds for benefit payments and other costs resulting from non-contributory coverage extended certain veterans, as provided under section 217(g) of the Social Security Act, as amended, \$105,000,000.

79 Stat. 396.
42 USC 417.

PAYMENT FOR SPECIAL BENEFITS FOR THE AGED

For payment to the Federal Old-Age and Survivors Insurance Trust Fund, as authorized by section 228(g) of the Social Security Act, \$364,151,000.

80 Stat. 69.
42 USC 428.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For making payments to entitled beneficiaries under title IV of the Coal Mine Health and Safety Act of 1969, and for necessary administrative expenses in connection therewith, such sums as may be necessary, the obligations incurred and the expenditures made to be charged to the subsequent appropriations therefor.

Black Lung
benefits.
83 Stat. 79.2

LIMITATION ON SALARIES AND EXPENSES

For necessary expenses, not more than \$911,350,000 may be expended as authorized by section 201(g)(1) of the Social Security Act, as amended, from any one or all of the trust funds referred to therein: *Provided*, That such amounts as are required shall be available to pay the cost of necessary travel incident to medical examinations or hearings for verifying disabilities or for review of disability determinations, of individuals who file applications for disability determinations under title II of the Social Security Act, as amended: *Provided further*, That \$25,000,000 of the foregoing amount shall be apportioned for use pursuant to section 3679 of the Revised Statutes, as amended (31 U.S.C. 665), only to the extent necessary to process workloads not anticipated in the budget estimates and to meet mandatory increases in costs of agencies or organizations with which agreements have been made to participate in the administration of title XVIII and section 221 of title II of the Social Security Act, as amended, and after maximum absorption of such costs within the remainder of the existing limitation has been achieved.

79 Stat. 338.
42 USC 401.

42 USC 401-
429.

42 USC 1395-
1395/1, 421.

SPECIAL INSTITUTIONS

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101, et seq.), \$1,404,000.

20 Stat. 468;
75 Stat. 627.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

SALARIES AND EXPENSES

For carrying out, to the extent not otherwise provided for, the National Technical Institute for the Deaf Act (20 U.S.C. 681, et seq.), \$2,851,000.

79 Stat. 125.

MODEL SECONDARY SCHOOL FOR THE DEAF

SALARIES AND EXPENSES

For carrying out, to the extent not otherwise provided for, the Model Secondary School for the Deaf Act (80 Stat. 1027), \$415,000.

D.C. Code 31-
1051 note.

CONSTRUCTION

For construction and equipment of buildings and facilities as authorized by the Model Secondary School for the Deaf Act, \$351,000, to remain available until expended.

GALLAUDET COLLEGE

SALARIES AND EXPENSES

For the partial support of Gallaudet College, including repairs and improvements as authorized by the Act of June 18, 1954 (68 Stat. 265), \$4,332,000: *Provided*, That Gallaudet College shall be paid by the District of Columbia, in advance at the beginning of each quarter, at a rate not less than \$1,640 per school year for each student receiving elementary or secondary education pursuant to the Act of March 1, 1901 (31 D.C. Code 1008).

D.C. Code 31-
1025 to 31-1032.

31 Stat. 844.

CONSTRUCTION

D.C. Code 31-
1025 to 31-1032.

For construction, alteration, and equipment of buildings and facilities of Gallaudet College, as authorized by the Act of June 18, 1954 (68 Stat. 265), under the supervision, if so requested by the college, of the General Services Administration, \$1,106,000, to remain available until expended.

HOWARD UNIVERSITY

SALARIES AND EXPENSES

For the partial support of Howard University, including repairs to buildings and grounds, \$20,445,000.

CONSTRUCTION

For the construction, purchase, renovation, and equipment of buildings and facilities for Howard University, under the supervision of the General Services Administration, \$22,710,000, to remain available until expended.

FREEDMEN'S HOSPITAL

For the partial support of Freedmen's Hospital, including repairs to buildings and grounds, \$9,109,000: *Provided*, That, hereafter, the District of Columbia shall pay by check to Freedmen's Hospital, upon the request of Howard University, in advance at the beginning of each quarter, such amount as the University calculates will be earned on the basis of rates approved by the Bureau of the Budget for the care of patients certified by the District of Columbia. Bills rendered by the University on the basis of such calculations shall not be subject to audit or certification in advance of payment, but proper adjustment of amounts which have been paid in advance on the basis of such calculations shall be made at the end of each quarter.

DEPARTMENTAL MANAGEMENT

OFFICE OF THE SECRETARY, SALARIES AND EXPENSES

79 Stat. 338.
42 USC 401.

For expenses necessary for the Office of the Secretary, including \$100,000 for the National Advisory Committee on Education of the Deaf, \$5,975,000, together with not to exceed \$398,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein.

OFFICE FOR CIVIL RIGHTS, SALARIES AND EXPENSES

For expenses necessary for the Office for Civil Rights, \$5,259,000, together with not to exceed \$856,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein.

OFFICE OF COMMUNITY AND FIELD SERVICES, SALARIES AND EXPENSES

For expenses necessary for the Office of Community and Field Services, \$4,510,000, together with not to exceed \$2,287,000 to be transferred, and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein; and not to exceed \$38,000 to be transferred from the operating fund, Bureau of Federal Credit Unions.

OFFICE OF THE COMPTROLLER, SALARIES AND EXPENSES

For expenses necessary for the Office of the Comptroller, \$10,425,000, together with not to exceed \$2,060,000 to be transferred and expended as authorized by section 201(g) (1) of the Social Security Act from any one or all of the trust funds referred to therein.

79 Stat. 338.
42 USC 401.

OFFICE OF ADMINISTRATION, SALARIES AND EXPENSES

For expenses necessary for the Office of Administration, \$5,066,000, together with not to exceed \$350,000 to be transferred and expended as authorized by section 201(g) (1) of the Social Security Act from any one or all of the trust funds referred to therein.

SURPLUS PROPERTY UTILIZATION

For expenses necessary for carrying out the provisions of subsections 203 (j), (k), (n), and (o) of the Federal Property and Administrative Services Act of 1949, as amended, relating to disposal of real and personal surplus property for educational purposes, civil defense purposes, and protection of public health, \$1,255,000.

70 Stat. 493,
494; 63 Stat.
387; 69 Stat. 84,
430.
40 USC 484.

OFFICE OF THE GENERAL COUNSEL, SALARIES AND EXPENSES

For expenses necessary for the Office of the General Counsel, \$2,244,000, together with not to exceed \$29,000 to be transferred from "Revolving fund for certification and other services, Food and Drug Administration," and not to exceed \$1,367,000 to be transferred and expended as authorized by section 201(g) (1) of the Social Security Act from any one or all of the trust funds referred to therein.

GENERAL PROVISIONS

SEC. 201. None of the funds appropriated by this title to the Social and Rehabilitation Service for grants-in-aid of State agencies to cover, in whole or in part, the cost of operation of said agencies, including the salaries and expenses of officers and employees of said agencies, shall be withheld from the said agencies of any States which have established by legislative enactment and have in operation a merit system and classification and compensation plan covering the selection, tenure in office, and compensation of their employees, because of any disapproval of their personnel or the manner of their selection by the agencies of the said States, or the rates of pay of said officers or employees.

Withholding of
funds, restric-
tion.

SEC. 202. The Secretary is authorized to make such transfers of motor vehicles, between bureaus and offices, without transfer of funds, as may be required in carrying out the operations of the Department.

Motor vehicles,
transfer.

SEC. 203. None of the funds provided herein shall be used to pay any recipient of a grant for the conduct of a research project an amount equal to as much as the entire cost of such project.

Research grants.

SEC. 204. None of the funds contained in this Act shall be used for any activity the purpose of which is to require any recipient of any project grant for research, training, or demonstration made by any officer or employee of the Department of Health, Education, and Welfare to pay to the United States any portion of any interest or other income earned on payments of such grant made before July 1, 1964; nor shall any of the funds contained in this Act be used for any activity the purpose of which is to require payment to the United States of any portion of any interest or other income earned on payments made before July 1, 1964, to the American Printing House for the Blind.

Funds subject
to audit.

Federal
positions in
Washington
area.

SEC. 205. Expenditures from funds appropriated under this title to the American Printing House for the Blind, Howard University and Gallaudet College shall be subject to audit by the Secretary of Health, Education, and Welfare.

SEC. 206. None of the funds contained in this title shall be available for additional permanent Federal positions in the Washington area if the proportion of additional positions in the Washington area in relation to the total new positions is allowed to exceed the proportion existing at the close of fiscal year 1966.

SEC. 207. Appropriations in this Act for the Consumer Protection and Environmental Health Service, the Health Services and Mental Health Administration, the National Institutes of Health, and the Office of the Secretary shall be available for expenses for active commissioned officers in the Public Health Service Reserve Corps and for not to exceed two thousand eight hundred commissioned officers in the Regular Corps; expenses incident to the dissemination of health information in foreign countries through exhibits and other appropriate means; expenses of primary and secondary schooling of dependents, in foreign countries, of Public Health Service commissioned officers stationed in foreign countries, at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools available in the locality are unable to provide adequately for the education of such dependents, and for the transportation of such dependents between such schools and their places of residence when the schools are not accessible to such dependents by regular means of transportation; rental or lease of living quarters (for periods not exceeding 5 years), and provision of heat, fuel, and light, and maintenance, improvement, and repair of such quarters, and advance payments therefor, for civilian officers and employees of the Public Health Service who are United States citizens and who have a permanent station in a foreign country; not to exceed \$2,500 for entertainment of visiting scientists when specifically approved by the Surgeon General; purchase, erection, and maintenance of temporary or portable structures; and for the payment of compensation to consultants or individual scientists appointed for limited periods of time pursuant to section 207(f) or section 207(g) of the Public Health Service Act, at rates established by the Surgeon General, or the Secretary where such action is required by statute, not to exceed the per diem rate equivalent to the rate for GS-18.

SEC. 208. None of the funds contained in this title may be used for any expenses, whatsoever, incident to making allotments to States for the current fiscal year, under section 2 of the Vocational Rehabilitation Act, on a basis in excess of a total of \$500,000,000.

This title may be cited as the "Department of Health, Education, and Welfare Appropriation Act, 1970".

58 Stat. 685;
62 Stat. 40;
70 Stat. 116.
42 USC 209.
Post, p. 198-1.

79 Stat. 1282;
82 Stat. 298.
29 USC 32.
Citation of
title.

TITLE III—RELATED AGENCIES

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141-167), and other laws, \$36,880,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 per centum of the water stored or supplied thereby is used for farming purposes.

61 Stat. 136.

49 Stat. 450.

61 Stat. 137.

52 Stat. 1060.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary for carrying out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151-188), including temporary employment of referees under section 3 of the Railway Labor Act, as amended, at rates not in excess of \$100 per diem; and emergency boards appointed by the President pursuant to section 10 of said Act (45 U.S.C. 160), \$2,226,000.

44 Stat. 577;

49 Stat. 1189.

48 Stat. 1189;

80 Stat. 208.

RAILROAD RETIREMENT BOARD

PAYMENT FOR MILITARY SERVICE CREDITS

For payments to the railroad retirement account for military service credits under the Railroad Retirement Act, as amended (45 U.S.C. 228c-1), \$19,206,000.

54 Stat. 1014;

60 Stat. 729.

LIMITATION ON SALARIES AND EXPENSES

For expenses necessary for the Railroad Retirement Board, \$15,172,000, of which \$14,802,000 shall be derived from the railroad retirement account, and \$370,000 shall be derived from the railroad retirement supplemental account, as authorized by Public Law 89-699, approved October 30, 1966: *Provided*, That \$100,000 of the foregoing total amount shall be apportioned for use pursuant to section 3679 of the Revised Statutes, as amended (31 U.S.C. 665), only to the extent necessary to process workloads not anticipated in the budget estimates and after maximum absorption of the costs of such workloads within the existing limitation has been achieved.

80 Stat. 1073.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

61 Stat. 136.

For expenses necessary for the Service to carry out the functions vested in it by the Labor-Management Relations Act, 1947 (29 U.S.C. 171-180, 182), including expenses of the Labor-Management Panel as provided in section 205 of said Act; expenses of boards of inquiry appointed by the President pursuant to section 206 of said Act; hire of passenger motor vehicles; temporary employment of arbitrators, conciliators, and mediators on labor relations at rates not in excess of \$100 per diem; rental of conference rooms in the District of Columbia; and Government-listed telephones in private residences and private apartments for official use in cities where mediators are officially stationed, but no Federal Mediation and Conciliation Service office is maintained; \$8,412,000.

UNITED STATES SOLDIERS' HOME

OPERATION AND MAINTENANCE

For maintenance and operation of the United States Soldiers' Home, to be paid from the Soldiers' Home permanent fund, \$9,149,000: *Provided*, That this appropriation shall not be available for the payment of hospitalization of members of the Home in United States Army hospitals at rates in excess of those prescribed by the Secretary of the Army, upon the recommendation of the Board of Commissioners of the Home and the Surgeon General of the Army.

CAPITAL OUTLAY

For construction of buildings and facilities, including plans and specifications, and furnishings, to be paid from the Soldiers' Home permanent fund, \$170,000, to remain available until expended.

ECONOMIC OPPORTUNITY PROGRAM

78 Stat. 508.
42 USC 2701
note.81 Stat. 709.
42 USC 2841-
2881.

42 USC 2942.

42 USC 2711-
2771, 2781-
2837, 2921-
2933, 2941-
2980, 2991-
2994d.
GAO access
to records.

For expenses necessary to carry out the provisions of the Economic Opportunity Act of 1964 (Public Law 88-452, approved August 20, 1964), as amended, \$1,948,000,000, plus reimbursements: *Provided*, That this appropriation shall be available for transfers to the economic opportunity loan fund for loans under title III, and amounts so transferred shall remain available until expended: *Provided further*, That this appropriation shall be available for the purchase and hire of passenger motor vehicles, and for construction, alteration, and repair of buildings and other facilities, as authorized by section 602 of the Economic Opportunity Act of 1964, and for purchase of real property for training centers: *Provided further*, That this appropriation shall not be available for contracts under titles I, II, V, VI, and VIII extending for more than twenty-four months: *Provided further*, That no part of the funds appropriated in this paragraph shall be available for any grant until the Director has determined that the grantee is qualified to administer the funds and programs involved in the proposed grant: *Provided further*, That all grant agreements shall provide that the General Accounting Office shall have access to the records of the grantee which bear exclusively upon the Federal grant: *Provided further*, That these funds shall not be available until enactment into law of authorizing legislation.

FEDERAL RADIATION COUNCIL

SALARIES AND EXPENSES

For expenses necessary for the Federal Radiation Council, \$124,000.

PRESIDENT'S COMMITTEE ON CONSUMER INTERESTS

SALARIES AND EXPENSES

For necessary expenses of the President's Committee on Consumer Interests, established by Executive Order 11136 of January 3, 1964, as amended by Executive Order 11349 of May 1, 1967, \$450,000.

3 CFR 1964-65
Comp., p. 172.
3 CFR 1967
Comp., p. 278.

NATIONAL COMMISSION ON PRODUCT SAFETY

SALARIES AND EXPENSES

For necessary expenses of the National Commission on Product Safety, authorized by the Act of November 20, 1967 (Public Law 90-146), \$1,475,000, to remain available until September 30, 1970.

81 Stat. 466.
15 USC 1262
note.

PRESIDENT'S COUNCIL ON YOUTH OPPORTUNITY

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of Executive Order 11330, dated March 5, 1967, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, \$300,000.

83 Stat. 826.
42 USC prec.
2711 note.
80 Stat. 416.

INTER-AGENCY COMMITTEE ON MEXICAN-AMERICAN AFFAIRS

SALARIES AND EXPENSES

For expenses necessary for the Inter-Agency Committee on Mexican-American Affairs, \$510,000.

PAYMENT TO THE CORPORATION FOR PUBLIC BROADCASTING

To enable the Department of Health, Education, and Welfare to make payment to the Corporation for Public Broadcasting, authorized to be established by section 396 of the Communications Act of 1934, as amended, for expenses of the Corporation, \$15,000,000, to remain available until expended.

81 Stat. 368.
47 USC 396.

TITLE IV—GENERAL PROVISIONS

SEC. 401. Appropriations contained in this Act, available for salaries and expenses, shall be available for services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18.

Experts and
consultants.

SEC. 402. Appropriations contained in this Act available for salaries and expenses shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902).

Post, p. 198-1.
Uniforms.

80 Stat. 508;
81 Stat. 206.

Meetings.

SEC. 403. Appropriations contained in this Act available for salaries and expenses shall be available for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

Official
receptions.

SEC. 404. The Secretary of Labor and the Secretary of Health, Education, and Welfare are each authorized to make available not to exceed \$7,500 from funds available for salaries and expenses under titles I and II, respectively, for official reception and representation expenses.

Fiscal year
limitation.

SEC. 405. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 406. No part of any appropriation contained in this Act shall be used to finance any Civil Service Interagency Board of Examiners.

Funds for
campus dis-
ruptors, pro-
hibition.

SEC. 407. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, a grant, the salary of or any remuneration whatever to any individual applying for admission, attending, employed by, teaching at, or doing research at an institution of higher education who has engaged in conduct on or after August 1, 1969, which involves the use of (or the assistance to others in the use of) force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the availability of certain curriculum, or to prevent the faculty, administrative officials, or students in such institution from engaging in their duties or pursuing their studies at such institution.

Forced busing
of students,
etc.

SEC. 408. Except as required by the Constitution no part of the funds contained in this Act may be used to force any school district to take any actions involving the busing of students, the abolishment of any school or the assignment of any student attending any elementary or secondary school to a particular school against the choice of his or her parents or parent.

SEC. 409. Except as required by the Constitution no part of the funds contained in this Act shall be used to force any school district to take any actions involving the busing of students, the abolishment of any school or the assignment of students to a particular school as a condition precedent to obtaining Federal funds otherwise available to any State, school district or school.

SEC. 410. From the amounts appropriated in this Act, exclusive of salaries and expenses of the Social Security Administration, activities of the Railroad Retirement Board, operations, maintenance, and capital outlay of the United States Soldiers' Home and payments into the Social Security and Railroad Retirement trust funds, the total available for expenditure shall not exceed 98 per centum of the total appropriations contained herein: *Provided*, That in the application of this limitation, no amount specified in any appropriation provision contained in this Act may be reduced by more than 15 per centum.

Short title.

This Act may be cited as the "Departments of Labor, and Health, Education, and Welfare, and Related Agencies Appropriation Act, 1970".

Approved March 5, 1970.

Public Law 91-205

AN ACT

To amend the Act of August 12, 1968, to insure that certain facilities constructed under authority of Federal law are designed and constructed to be accessible to the physically handicapped.

March 5, 1970
[H. R. 14464]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled "An Act to insure that certain buildings financed with Federal funds are so designed and constructed as to be accessible to the physically handicapped", approved August 12, 1968 (42 U.S.C. 4151), is amended—

Public build-
ings.
Accessibility to
physically handi-
capped.

82 Stat. 718.

(1) by striking out "or" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof: "; or"; and

(3) by adding at the end thereof the following:

"(4) to be constructed under authority of the National Capital Transportation Act of 1960, the National Capital Transportation Act of 1965, or title III of the Washington Metropolitan Area Transit Regulation Compact."

Approved March 5, 1970.

83 Stat. 322.
79 Stat. 663.
40 USC 681-685
notes.
80 Stat. 1324.
D.C. Code
1-1431 note.

Public Law 91-206

AN ACT

To amend the Federal Credit Union Act so as to provide for an independent Federal Agency for the supervision of federally chartered credit unions, and for other purposes.

March 10, 1970
[H. R. 2]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 2 of the Federal Credit Union Act (12 U.S.C. 1752) is amended by striking out paragraphs (2) and (3) thereof and inserting:

Federal Credit
Union Act,
amendment.
73 Stat. 628.

"(2) the term 'Administrator' means the Administrator of the National Credit Union Administration;

"(3) the term 'Administration' means the National Credit Union Administration; and

"(4) the term 'Board' means the National Credit Union Board."

SEC. 2. The Federal Credit Union Act is further amended (1) by changing "Director" to read "Administrator" each place it appears therein; (2) by changing "Bureau of Federal Credit Unions" to read "National Credit Union Administration" each place it appears therein; and (3) by changing "Bureau", each remaining place it appears, to read "Administration".

SEC. 3. Section 3 of the Federal Credit Union Act (12 U.S.C. 1752a) is amended to read:

"CREATION OF ADMINISTRATION

"Sec. 3. (a) There is hereby established in the executive branch of the Government an independent agency to be known as the National

Credit Union Administration (hereinafter referred to as the 'Administration'). The Administration shall consist of a National Credit Union Board (hereinafter referred to as the 'Board'), and an Administrator of the National Credit Union Administration (hereinafter referred to as the 'Administrator').

Administrator,
appointment.

"(b) The Administrator shall be appointed by the President, by and with the advice and consent of the Senate. He shall be the chief executive officer of the Administration and shall serve at the pleasure of the President.

National Credit
Union Board.

"(c) The Board shall consist of a Chairman and one member from each of the Federal credit union regions to be appointed by the President, by and with the advice and consent of the Senate. The Chairman shall be appointed from the country at large and shall serve at the pleasure of the President. In making appointments to the Board, the President shall appoint persons of tested credit union experience.

Members,
office tenure.

"(d) The term of office of each member of the Board, other than the Chairman, shall be six years. However, the initial terms of the members first taking office shall expire as follows: one on December 31, 1970, and one at the end of each succeeding calendar year thereafter. Of the members so appointed, the President shall designate one to serve as Vice Chairman for a term expiring upon the expiration of his term as a member, or upon the expiration of the then current term of the Chairman, whichever is earlier. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman. Any member of the Board may continue to serve as such after the expiration of his term of office until his successor has been appointed and has qualified.

Recordkeeping.

"(e) The President shall call the first meeting of the Board, and thereafter the Board shall meet on a quarterly basis, and at such other times as the Chairman or the Administrator may request, or whenever one-third of the members so request. The Board shall adopt such rules as it may see fit for the transaction of its business and shall keep permanent and complete records and minutes of its acts and proceedings. A majority of the voting members of the Board shall constitute a quorum. The Administrator shall seek the advice, counsel, and guidance of the Board with respect to matters of policy relating to the activities and functions of the Administration under this Act. The Administrator shall make an annual report to the President for submission to the Congress summarizing the activities of the Administration and making such recommendations as he deems appropriate. Such report shall be made after full consultation with the Board and shall contain any recommendations or comments submitted by the Board for inclusion in the report. The members of the Board shall be entitled to receive compensation at the rate of \$75 for each day engaged in the business of the Administration pursuant to authorization by the Chairman, and shall be allowed travel expenses including per diem in lieu of subsistence as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

Report to
President.

80 Stat. 499;
83 Stat. 190.

GAO audit.

"(f) The financial transactions of the Administration shall be audited by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States. The audit shall be conducted at the place or places where the accounts of the Administration are kept."

Additional
powers.
73 Stat. 635;
82 Stat. 285.

SEC. 4. Section 21 of the Federal Credit Union Act (12 U.S.C. 1766) is amended by adding at the end thereof a new subsection as follows:

“(i) In addition to the authority conferred upon him by other sections of this Act, the Administrator is authorized in carrying out his functions under this Act—

“(1) to appoint such personnel as may be necessary to enable the Administration to carry out its functions;

“(2) to expend such funds, enter into such contracts with public and private organizations and persons, make such payments in advance or by way of reimbursement, and perform such other functions or acts as he may deem necessary or appropriate to carry out the provisions of this Act; and

“(3) to pay stipends, including allowances for travel to and from the place of residence, to any individual to study in a program assisted under this Act upon a determination by the Administrator that assistance to such individual in such studies will be in furtherance of the purposes of this Act.”

SEC. 5. (a) Section 5108(a) of title 5, United States Code, is amended by striking out “2,727” and inserting in lieu thereof “2,734”. 80 Stat. 878;
83 Stat. 850.

(b) Section 5315 of title 5 of the United States Code (relating to positions at level IV of the Executive Schedule) is amended by adding at the end thereof the following: 80 Stat. 461;
83 Stat. 864.

“(92) Administrator of the National Credit Union Administration.”

SEC. 6. (a) All functions, property, records, and personnel of the Bureau of Federal Credit Unions are transferred to the National Credit Union Administration created by this Act. Transfer of
functions, etc.

(b) The Director of the Bureau of Federal Credit Unions in office on the date of enactment of this Act shall serve as acting Administrator of the National Credit Union Administration pending the appointment of an Administrator in accordance with section 3 of the Federal Credit Union Act as amended by this Act.

Approved March 10, 1970.

Public Law 91-207

AN ACT

To amend the National School Lunch Act, as amended, to provide funds and authorities to the Department of Agriculture for the purpose of providing free or reduced-price-meals to needy children not now being reached.

March 12, 1970

[H. R. 11651]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That the National School-Lunch Act (42 U.S.C. 1752) is amended by inserting after section 13 the following new section:

National School
Lunch Act,
amendment.
60 Stat. 230;
Post, p. 207.
42 USC 1751
note.

“TEMPORARY EMERGENCY ASSISTANCE TO PROVIDE NUTRITIOUS MEALS TO NEEDY CHILDREN IN SCHOOLS

“SEC. 13A. Notwithstanding any other provision of law, under such terms and conditions as he deems in the public interest, the Secretary of Agriculture is authorized to use an additional amount, not to exceed \$30,000,000, of funds from section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), to supplement funds heretofore made available to carry out programs during the fiscal year 1970 to improve the nutrition of needy children in public and nonprofit private schools participating in the national school lunch program under this Act or the school breakfast program under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).”

49 Stat. 774.

80 Stat. 885.

Approved March 12, 1970.

Public Law 91-208

AN ACT

March 12, 1970
[S. 2809]

To amend the Public Health Service Act so as to extend for an additional period the authority to make formula grants to schools of public health, project grants for graduate training in public health and traineeships for professional public health personnel.

Public Health
Service Act,
amendment.
80 Stat. 1190;
81 Stat. 534.
42 USC 242g.

74 Stat. 819;
82 Stat. 788.

70 Stat. 923;
82 Stat. 789.
42 USC 242d.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 309(c) of the Public Health Service Act is amended by striking out “\$5,000,000 for the fiscal year ending June 30, 1968, \$6,000,000 for the fiscal year ending June 30, 1969, and \$7,000,000 for the fiscal year ending June 30, 1970” and inserting in lieu thereof “\$7,000,000 for the fiscal year ending June 30, 1970, \$9,000,000 for the fiscal year ending June 30, 1971, \$12,000,000 for the fiscal year ending June 30, 1972, and \$15,000,000 for the fiscal year ending June 30, 1973”.

SEC. 2. Section 309(a) of the Public Health Service Act is amended by striking out “and \$12,000,000 for the fiscal year ending June 30, 1971” and inserting in lieu thereof “\$14,000,000 for the fiscal year ending June 30, 1971, \$15,000,000 for the fiscal year ending June 30, 1972, and \$16,000,000 for the fiscal year ending June 30, 1973”.

SEC. 3. Section 306(a) of the Public Health Service Act is amended by striking out “and \$14,000,000 for the fiscal year ending June 30, 1971” and inserting in lieu thereof “\$14,000,000 for the fiscal year ending June 30, 1971, \$16,000,000 for the fiscal year ending June 30, 1972, and \$18,000,000 for the fiscal year ending June 30, 1973”.

Approved March 12, 1970.

Public Law 91-209

AN ACT

March 12, 1970
[H. R. 14733]

To amend the Public Health Service Act to extend the program of assistance for health services for domestic migrant agricultural workers and for other purposes.

Public Health
Service Act,
amendment.
76 Stat. 592;
82 Stat. 1006.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 310 of the Public Health Service Act (42 U.S.C. 242h) is amended—

(1) by striking out “and” after “next fiscal year,” and by inserting after “June 30, 1970,” the following: “\$20,000,000 for the fiscal year ending June 30, 1971, \$25,000,000 for the fiscal year ending June 30, 1972, and \$30,000,000 for the fiscal year ending June 30, 1973”.

(2) by adding at the end thereof the following new sentence: “The Secretary may also use funds appropriated under this section to provide health services to persons (and their families) who perform seasonal agricultural services similar to the services performed by domestic agricultural migratory workers if the Secretary finds that the provision of health services under this sentence will contribute to the improvement of the health conditions of such migratory workers and their families.”

(3) by adding immediately after the sentence added by paragraph (2) the following new sentence: “For the purposes of assessing and meeting domestic migratory agricultural workers’ health needs, developing necessary resources, and involving local citizens in the development and implementation of health care programs authorized by this section, the Secretary must be satisfied, upon the basis of evidence supplied by each applicant, that

persons broadly representative of all elements of the population to be served and others in the community knowledgeable about such needs have been given an opportunity to participate in the development of such programs, and will be given an opportunity to participate in the implementation of such programs."

(4) by striking out "to improve health services for and the health conditions of" in clause (1) (ii) and inserting in lieu thereof "to improve and provide a continuity in health services for and to improve the health conditions of".

(5) by inserting "(including allied health professions personnel)" after "training persons" each place it appears in clause (1).

(6) (A) by striking out "Surgeon General" and inserting in lieu thereof "Secretary", and (B) by inserting at the beginning of such section the following heading: "Health Services for Domestic Agricultural Migrants".

Approved March 12, 1970.

Public Law 91-210

AN ACT

To amend title 37, United States Code, to provide entitlement to round trip transportation to the home port for a member of the Uniformed Services on permanent duty aboard a ship overhauling away from home port whose dependents are residing at the home port.

March 13, 1970
[H. R. 8020]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 7 of title 37, United States Code, is amended as follows:

(1) The following new section is inserted after section 406a:

"§ 406b. Travel and transportation allowances: members of the Uniformed Services attached to a ship overhauling away from home port

Uniformed
Services.
Travel
allowances.

76 Stat. 469;
77 Stat. 217, 475.
37 USC 401-
427.

"Under regulations prescribed by the Secretary concerned, a member of the Uniformed Services who is on permanent duty aboard a ship which is being overhauled away from its home port and whose dependents are residing at the home port of the ship is entitled to transportation, transportation in kind, reimbursement for personally procured transportation, or an allowance for transportation as provided in section 404(d) (3) of this chapter for round trip travel from the port of overhaul to the home port on or after the thirty-first, ninety-first, and one hundred and fifty-first calendar day after the date on which the ship enters the overhaul port or after the date on which the member becomes permanently attached to the ship, whichever date is later: *Provided, however*, That in no event shall the amount of reimbursement for personally procured transportation or allowance for transportation exceed the cost of Government-procured commercial round trip air travel."

76 Stat. 472;
83 Stat. 840.

(2) The following new item is inserted in the analysis:

"406b. Travel and transportation allowances: members of the Uniformed Services attached to a ship overhauling away from home port."

Approved March 13, 1970.

Public Law 91-211

AN ACT

March 13, 1970
[S. 2523]

To amend the Community Mental Health Centers Act to extend and improve the program of assistance under that Act for community mental health centers and facilities for the treatment of alcoholics and narcotic addicts, to establish programs for mental health of children, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Community
Mental Health
Centers
Amendments of
1970.

SHORT TITLE

SECTION 1. This Act may be cited as the "Community Mental Health Centers Amendments of 1970".

TITLE I—EXTENSION OF GRANTS FOR CONSTRUCTION OF COMMUNITY MENTAL HEALTH CENTERS; TRUST TERRITORY; STATE PLAN ADMINISTRATION; FEDERAL SHARE

AUTHORIZATION OF APPROPRIATIONS

77 Stat. 290;
81 Stat. 79.

SEC. 101. (a) Section 201 of the Community Mental Health Centers Act (42 U.S.C. 2681) is amended (1) by striking out "and" immediately before "\$70,000,000", and (2) by inserting immediately before the period at the end thereof the following: ", \$80,000,000 for the fiscal year ending June 30, 1971, \$90,000,000 for the fiscal year ending June 30, 1972, and \$100,000,000 for the fiscal year ending June 30, 1973".

(b) Section 207 of such Act (42 U.S.C. 2687) is amended by striking out "1970" and inserting in lieu thereof "1973".

ALLOTMENTS TO STATES; INCLUSION OF TRUST TERRITORY

77 Stat. 290.

SEC. 102. (a)(1) The first sentence of subsection (a) of section 202 of such Act (42 U.S.C. 2682) is amended by striking out "and Guam," and inserting in lieu thereof "Guam, and the Trust Territory of the Pacific Islands,".

(2) The second sentence of such subsection (a) is amended by inserting after "State" the first time it appears "other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands,".

(3) Such subsection (a) is further amended by adding at the end thereof the following new sentence: "Sums so allotted to the Virgin Islands, American Samoa, Guam, or the Trust Territory of the Pacific Islands for a fiscal year and remaining unobligated at the end of such year shall remain available to it for such purpose for the next two fiscal years (and for such years only), in addition to the sums allotted to it for such purpose for each of such next two fiscal years."

(b) Section 401(a) of such Act (42 U.S.C. 2691(a)) is amended by inserting immediately before the period at the end thereof the following: "; and, for purposes of this title and title II only, includes the Trust Territory of the Pacific Islands".

(c) The amendments made by this section shall be effective with respect to allotments under section 202 from funds appropriated for fiscal years beginning after June 30, 1970.

Effective
date.

PERCENTAGE OF ALLOTMENTS AVAILABLE FOR STATE PLAN ADMINISTRATION

SEC. 103. (a) Effective with respect to expenditures referred to in the first sentence of section 403(c)(1) of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 (42 U.S.C. 2693) made after June 30, 1970, such section is amended by striking out "2 per centum" and inserting in lieu thereof "5 per centum".

82 Stat. 1012.

(b)(1) The first sentence of such section 403(c)(1) is further amended—

(A) by inserting "for any fiscal year" immediately after "title II";

(B) by striking out "during such year";

(C) by striking out "for a year" and inserting in lieu thereof "for any fiscal year"; and

(D) by striking out "for such year".

(2) Section 403(c)(1) of such Act is further amended by inserting immediately after the first sentence thereof the following new sentence: "Amounts made available to any State under this paragraph from its allotment or allotments under part A of title II for any fiscal year shall be available only for such expenditures (referred to in the preceding sentence) during such fiscal year or the following fiscal year."

FEDERAL SHARE; HIGHER SHARE FOR DISADVANTAGED AREAS

SEC. 104. Effective with respect to projects approved after June 30, 1970, under part C of title I or part A of title II of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, section 402 of such Act (42 U.S.C. 2692) is repealed and section 401(h) of such Act is amended to read as follows:

"(h)(1) The term 'Federal share' with respect to any project means the portion of the cost of construction of such project to be paid by the Federal Government under part C of title I or part A of title II.

"(2) The Federal share with respect to any project in the State shall be the amount determined by the State agency designated in the State plan, but except as provided in paragraph (3), the Federal share for any project may not exceed $66\frac{2}{3}$ per centum of the cost of construction of such project or the State's Federal percentage, whichever is the lower. Prior to the approval of the first such project in the State during any fiscal year, such State agency shall give the Secretary written notification of the maximum Federal share established pursuant to this paragraph for such projects in such State to be approved by the Secretary during such fiscal year and the method for determining the actual Federal share to be paid with respect to such projects; and such maximum Federal share and such method of determination for such projects in such State approved during such fiscal year shall not be changed after the approval of the first such project in the State during such fiscal year.

"(3) In the case of any facility or center which provides or will, upon completion of the project for which application has been made under part C of title I or under part A of title II, provide services for persons in an area designated by the Secretary as an urban or rural poverty area, the maximum Federal share determined under paragraph (2) may not exceed 90 per centum of the costs of construction of the project."

Repeal.

77 Stat. 296.

"Federal share."

77 Stat. 286,
290; 79 Stat.
427.42 USC 2671,
2681.

PERIOD FOR PROMULGATING FEDERAL PERCENTAGES

77 Stat. 297.
42 USC 2691.

SEC. 105. Section 401(j) (1) of such Act is amended by striking out "August 31" and inserting in lieu thereof "September 30".

TITLE II—PROGRAMS OF GRANT ASSISTANCE FOR
COMMUNITY MENTAL HEALTH SERVICE

FEDERAL SHARE OF STAFFING GRANTS

79 Stat. 428.

SEC. 201. (a) Effective with respect to costs of compensation of professional and technical personnel of any community mental health center for any period after June 30, 1970, for which a grant has been or is made under subsection (a) of section 220 of the Community Mental Health Centers Act (42 U.S.C. 2688), subsection (b) of such section is amended to read as follows:

"(b) (1) Grants under this section for such costs for any center may be made only for the period beginning with the first day of the first month for which such a grant is made and ending with the close of eight years after such first day; and, except as provided in paragraph (2), such grants with respect to any center may not exceed 75 per centum of such costs for each of the first two years after such first day, 60 per centum of such costs for the third year after such first day, 45 per centum of such costs for the fourth year after such first day, and 30 per centum of such costs for each of the next four years after such first day.

"(2) In the case of any such center providing services for persons in an area designated by the Secretary as an urban or rural poverty area, grants under this section for such costs for any such center may not exceed 90 per centum of such costs for each of the first two years after such first day, 80 per centum of such costs for the third year after such first day, 75 per centum of such costs for the fourth and fifth years after such first day, and 70 per centum of such costs for each of the next three years after such first day."

(b) In the case of any community mental health center for which a staffing grant was made under section 220 of the Community Mental Health Centers Act before July 1, 1970, the provisions of subsection (b) of section 220 of such Act (as amended by subsection (a) of this section) shall, with respect to costs incurred after June 30, 1970, apply to the same extent as if such subsection (b) had been in effect on the date a staffing grant for such center was initially made.

GRANTS OF INITIATION AND DEVELOPMENT OF SERVICES

79 Stat. 429;
81 Stat. 79.

SEC. 202. Section 224 of such Act (42 U.S.C. 2688d) is amended (1) by inserting "(a)" immediately after "SEC. 224.", and (2) by adding at the end thereof the following new subsection (b):

"(b) Not to exceed 5 per centum of the amount appropriated for grants pursuant to subsection (a) for any fiscal year shall be available to the Secretary to make grants to local public or nonprofit private organizations to cover up to 100 per centum of the costs (but in no case to exceed \$50,000) of projects, in areas designated by the Secretary as rural or urban poverty areas, for assessing local needs for mental health services, designing mental health service programs, obtaining local financial and professional assistance and support for community health services, and fostering community involvement in initiating and developing community mental health services. In no case shall a grant under this subsection be for a period in excess of one year; nor shall any grant be made under this subsection with respect to any project if, for any preceding year, a grant under this subsection has been made with respect to such project."

REQUIREMENTS FOR GRANTS

SEC. 203. (a) Paragraph (4) of such subsection (a) of section 221 of the Community Mental Health Centers Act (42 U.S.C. 2688a) is amended to read as follows:

79 Stat. 428.

“(4) the Secretary determines that there is satisfactory assurance that (A) the services to be provided will constitute an addition to, or a significant improvement in quality (as determined in accordance with criteria of the Secretary) in, services that would otherwise be provided, and (B) Federal funds made available under this part for any period will be so used as to supplement and, to the extent practical, increase the level of State, local, and other non-Federal funds, including third party health insurance payments, that would in the absence of such Federal funds be made available for the program described in paragraph (2) of this subsection and will in no event supplant such State, local, and other non-Federal funds; and”.

(b) Section 221(a) of such Act (42 U.S.C. 2688a) is further amended by adding after and below paragraph (5) the following new sentence: “Notwithstanding the provisions of paragraph (2) of this subsection, the requirement therein with respect to essential elements of comprehensive mental health services shall not apply, in the case of an application for a grant to any center which will provide services in an area designated by the Secretary as an urban or rural poverty area, for the eighteen-month period commencing on the date such application is filed, if the Secretary is satisfied that such center will meet such requirement prior to the end of such period; however, if such center has not by the end of such eighteen-month period met such requirement, payments under any grant (made under such application) to such center shall be suspended until the Secretary determines that the center has met such requirement.”

AUTHORIZATION OF APPROPRIATIONS

SEC. 204. (a) The first sentence of section 224(a) of such Act (42 U.S.C. 2688d), as amended by section 202(a) of this Act, is amended (1) by striking out “and” immediately after “1969”, and (2) by inserting immediately after “1970,” the following: “\$45,000,000 for the fiscal year ending June 30, 1971, \$50,000,000 for the fiscal year ending June 30, 1972, and \$60,000,000 for the fiscal year ending June 30, 1973.”.

Ante, p. 56.

(b) The second sentence of section 224(a) of such Act (42 U.S.C. 2688d), as amended by section 202(a) of this Act, is amended by striking out “seven” and inserting in lieu thereof “thirteen”.

(c) Section 221(b) of such Act (42 U.S.C. 2688a) is amended by striking out “1970” each place it appears and inserting in lieu thereof “1973”.

TITLE III—ALCOHOLISM AND NARCOTIC ADDICT
REHABILITATIONEXTENSION OF PROGRAMS FOR FACILITIES FOR ALCOHOLICS AND
NARCOTIC ADDICTS

SEC. 301. (a) Section 261(a) of such Act (42 U.S.C. 2688o) is amended by striking out “and \$25,000,000 for the next fiscal year” and inserting in lieu thereof “\$15,000,000 for the fiscal year ending June 30, 1970, \$30,000,000 for the fiscal year ending June 30, 1971, \$35,000,000 for the fiscal year ending June 30, 1972, and \$40,000,000 for the fiscal year ending June 30, 1973.”.

82 Stat. 1010.

82 Stat. 1010.
42 USC 2688o.

(b) Subsection (a) of such section 261 is further amended by inserting before the period at the end of the first sentence the following: "and section 246".

(c) Section 261 of such Act is further amended by adding at the end thereof the following new subsection (c):

"(c) Not to exceed 5 per centum of the amount appropriated pursuant to the preceding provisions of this section for any fiscal year shall be available to the Secretary to make grants to local public or non-profit private organizations to cover up to 100 per centum of the costs (but in no case to exceed \$50,000) of projects for assessing local needs for programs of services for alcoholics or narcotic addicts, designing such programs, obtaining local financial and professional assistance and support for such programs in the community, and fostering community involvement in initiating and developing such programs in the community. In no case shall a grant under this subsection be for a period in excess of one year; nor shall any grant be made under this subsection with respect to any project if, for any preceding year, a grant under this subsection has been made with respect to such project."

(d) Subsection (b) of such section 261 is amended by striking out "three" and inserting in lieu thereof "nine", and by striking out "for the fiscal year ending June 30, 1969, or the fiscal year ending June 30, 1970" and inserting in lieu thereof "for any fiscal year ending before July 1, 1973".

MAXIMUM FEDERAL SHARE OF CONSTRUCTION PROJECTS FOR FACILITIES FOR ALCOHOLICS OR NARCOTIC ADDICTS IN DISADVANTAGED AREAS

82 Stat. 1007.
82 Stat. 1009.
SEC. 302. Effective with respect to projects approved after June 30, 1970, under part C or part D of the Community Mental Health Centers Act, section 241(b) of such Act (42 U.S.C. 2688f), section 243(d) of such Act (42 U.S.C. 2688h), and section 251(b) of such Act (42 U.S.C. 2688k) are each amended by inserting immediately after "66 $\frac{2}{3}$ per centum" the following: "(or 90 per centum in the case of a facility providing services for persons in an area designated by the Secretary as an urban or rural poverty area)".

FEDERAL SHARE OF STAFFING GRANTS

SEC. 303. (a) Effective with respect to costs of compensation of professional and technical personnel of any alcoholism prevention and treatment facility, specialized facility for alcoholics, or treatment facility for narcotic addicts for any period after June 30, 1970, for which a grant has been or is made under section 242, 243, or 251 of the Community Mental Health Centers Act (42 U.S.C. 2688g, 2688h, 2688k), subsection (b) of section 242 of such Act is amended to read as follows:

"(b) (1) Grants under this part for such costs for any facility may be made only for the period beginning with the first day of the first month for which such a grant is made and ending with the close of eight years after such first day; and, except as provided in paragraph (2), such grants with respect to any facility may not exceed 80 per centum of such costs for each of the first two years after such first day, 75 per centum of such costs for the third year after such first day, 60 per centum of such costs for the fourth year after such first day, 45 per centum of such costs for the fifth year after such first day, and 30 per centum of such costs for each of the next three years after such first day.

"(2) In the case of any such facility providing services for persons in an area designated by the Secretary as an urban or rural poverty area, such grants with respect to any such facility may not exceed 90 per

centum of such costs for each of the first two years after such first day, 80 per centum of such costs for the third year after such first day, 75 per centum of such costs for the fourth and fifth years after such first day, and 70 per centum of such costs for each of the next three years after such first day."

(b) In the case of any alcoholism prevention and treatment facility, specialized facility for alcoholics, or treatment facility for narcotic addicts, for which a staffing grant was made under section 242, 243, or 251 of the Community Mental Health Centers Act before July 1, 1970, the provisions of subsection (b) of section 242 of such Act (as amended by subsection (a) of this section) shall, with respect to costs incurred after June 30, 1970, apply to the same extent as if such subsection (b) had been in effect on the date a staffing grant for such center or facility was initially made.

82 Stat. 1008.
42 USC 2688g,
2688h, 2688k.

DIRECT GRANTS FOR SPECIAL PROJECTS; ALCOHOLISM

SEC. 304. Part C of the Community Mental Health Centers Act is amended by redesignating section 246 as section 247, and by adding after section 245 a new section 246 as follows:

"DIRECT GRANTS FOR SPECIAL PROJECTS

"SEC. 246. The Secretary is authorized during the period beginning July 1, 1970, and ending June 30, 1973, to make grants to any public or nonprofit private agency or organization to cover part or all of the cost of (1) developing specialized training programs or materials relating to the provision of public health services for the prevention or treatment of alcoholism, or developing inservice training or short-term or refresher courses with respect to the provision of such services; (2) training personnel to operate, supervise, and administer such services; (3) conducting surveys and field trials to evaluate the adequacy of the programs for the prevention and treatment of alcoholism within the several States with a view to determining ways and means of improving, extending, and expanding such programs; and (4) programs for treatment and rehabilitation of alcoholics which the Secretary determines are of special significance because they demonstrate new or relatively effective or efficient methods of delivery of services to such alcoholics."

DIRECT GRANTS FOR SPECIAL PROJECTS; NARCOTIC ADDICTS

SEC. 305. (a) Section 252 of the Community Mental Health Centers Act is amended (1) by striking out "1970" and inserting in lieu thereof "1973", (2) by striking out "and" at the end of clause (B), and (3) by adding immediately before the period at the end thereof the following: "; and (D) programs for treatment and rehabilitation of narcotic addicts which the Secretary determines are of special significance because they demonstrate new or relatively effective or efficient methods of delivery of services to such narcotic addicts".

82 Stat. 1010.
42 USC 2688l.

(b) The heading to such section 252 is amended to read as follows: "DIRECT GRANTS FOR SPECIAL PROJECTS".

TITLE IV—MENTAL HEALTH OF CHILDREN

GRANTS FOR CONSTRUCTION AND STAFFING OF TREATMENT FACILITIES
AND FOR TRAINING AND PROGRAM EVALUATION

77 Stat. 290;
82 Stat. 1006.
42 USC 2681
note.

SEC. 401. The Community Mental Health Centers Act is amended by adding at the end thereof the following new part:

“PART F—MENTAL HEALTH OF CHILDREN

“GRANTS FOR TREATMENT FACILITIES

“SEC. 271. (a) Grants from appropriations under section 272(a) may be made to public or nonprofit private agencies and organizations (1) to assist them in meeting the costs of construction of facilities to provide mental health services for children within the States, and (2) to assist them in meeting a portion of the costs (determined pursuant to regulations of the Secretary) of compensation of professional and technical personnel for the operation of a facility for mental health of children constructed with a grant made under part A or this part or for the operation of new services for mental health of children in an existing facility.

Conditions.

“(b) (1) Grants may be made under this section only with respect to (A) facilities which are part of or affiliated with a community mental health center providing at least those essential services which are prescribed by the Secretary, or (B) where there is no such center serving the community in which such facilities are to be situated, facilities with respect to which satisfactory provision (as determined by the Secretary) has been made for appropriate utilization of existing community resources needed for an adequate program of prevention and treatment of mental health problems of children.

“(2) No grant shall be made under this section with respect to any facility unless the applicant for such grant provides assurances satisfactory to the Secretary that such facility will make available a full range of treatment, liaison, and follow-up, services (as prescribed by the Secretary) for all children and their families in the service area of such facility who need such services, and will, when so requested, provide consultation and education for personnel of all schools and other community agencies serving children in such area.

“(3) The grant program for construction of facilities authorized by subsection (a) shall be carried out consistently with the grant program under part A, except that the amount of any such grant with respect to any project shall be such percentage of the cost thereof, but not in excess of 66⅔ per centum (or 90 per centum in the case of a facility providing services for persons in an area designated by the Secretary as an urban or rural poverty area), as the Secretary may determine.

“(c) Grants made under this section for costs of compensation of professional and technical personnel may not exceed the percentages of such costs, and may be made only for the periods, prescribed for grants for such costs under section 242.

“(d) (1) There are authorized to be appropriated \$12,000,000 for the fiscal year ending June 30, 1971, \$20,000,000 for the fiscal year ending June 30, 1972, and \$30,000,000 for the fiscal year ending June 30, 1973, for grants under this part for construction and for initial grants under this part for compensation of professional and technical personnel, and for training and evaluation grants under section 272.

“(2) There are also authorized to be appropriated for the fiscal year ending June 30, 1972, and each of the next eight fiscal years such sums as may be necessary to continue to make grants with respect to any

82 Stat. 1008.
42 USC 2688g.
Appropriations.

project under this part for which an initial staffing grant was made from appropriations under paragraph (1) for any fiscal year ending before July 1, 1973.

“TRAINING AND EVALUATION

“SEC. 272. The Secretary is authorized, during the period beginning July 1, 1971, and ending with the close of June 30, 1973, to make grants to public or nonprofit private agencies or organizations to cover part or all of the cost of (1) developing specialized training programs or materials relating to the provision of services for the mental health of children, or developing inservice training or short-term or refresher courses with respect to the provisions of such services; (2) training personnel to operate, supervise, and administer such services; and (3) conducting surveys and field trials to evaluate the adequacy of the programs for the mental health of children within the several States with a view to determining ways and means of improving, extending, and expanding such programs.”

TITLE V—MISCELLANEOUS

GRANTS FOR CONSULTATION SERVICES

SEC. 501. Part E of the Community Mental Health Centers Act is amended by adding at the end thereof the following new section:

82 Stat. 1010.
42 USC 26880-
26889.

“GRANTS FOR CONSULTATION SERVICES

“SEC. 264. (a) In the case of any community mental health center, alcoholism prevention and treatment facility, specialized facility for alcoholics, treatment facility for narcotic addicts, or facility for mental health of children, to which a grant under part B, C, D, or F, as the case may be, is made from appropriations for any fiscal year beginning after June 30, 1970, to assist it in meeting a portion of the costs of compensation of professional and technical personnel who provide consultation services, the Secretary may, with respect to such center or facility, make a grant under this section in addition to such other staffing grant for such center or facility.

79 Stat. 428;
82 Stat. 1006;
Ante, p. 60.

“(b) A grant under subsection (a) with respect to a center or facility referred to in that subsection—

“(1) may be made only for the period applicable to the staffing grant made under part B, C, D, or F, as the case may be, with respect to such center or facility, and

“(2) may not exceed whichever of the following is the lower: (A) 15 per centum of the costs with respect to which such other staffing grant is made, or (B) that percentage of such costs which when added to the percentage of such costs covered by such other staffing grant equals 100 per centum.

“(c) For purposes of making initial grants under this section, there are authorized to be appropriated \$5,000,000 for each of the fiscal years ending June 30, 1971, June 30, 1972, and June 30, 1973. There are also authorized to be appropriated for the fiscal year ending June 30, 1972, and for each of the next eight fiscal years such sums as may be necessary to continue to make grants under this section for projects which received initial grants under this section from appropriations authorized for any fiscal year ending before July 1, 1973.”

Appropriations.

DEFINITION OF TECHNICAL PERSONNEL

82 Stat. 1010.
42 USC 2688o-
2688c.

SEC. 502. Part E of such Act is further amended by adding after the section added by section 501 the following new section:

“DEFINITION OF TECHNICAL PERSONNEL

“SEC. 265. For purposes of this title, the term ‘technical personnel’ includes accountants, financial counselors, medical transcribers, allied health professions personnel, dietary and culinary personnel, and any other personnel whose background and education would indicate that they are to perform technical functions in the operation of centers or facilities for which assistance is provided under this title; but such term does not include minor clerical personnel or maintenance or housekeeping personnel.”

APPROVAL BY NATIONAL ADVISORY MENTAL HEALTH COUNCIL

SEC. 503. (a) Part E of such Act is further amended by adding after the section added by section 502 the following new section:

“APPROVAL BY NATIONAL ADVISORY MENTAL HEALTH COUNCIL

“SEC. 266. Grants made under this title for the cost of construction and for the cost of compensation of professional and technical personnel may be made only upon recommendation of the National Advisory Mental Health Council established by section 217(a) of the Public Health Service Act.”

64 Stat. 446.
42 USC 218.
Applicability.

(b) The amendment made by subsection (a) shall apply with respect to grants initially made under the Community Mental Health Centers Act from appropriations made for fiscal years beginning after June 30, 1970.

DETERMINATION OF POVERTY AREA

SEC. 504. Title IV of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 is amended by adding at the end thereof the following new section:

77 Stat. 296;
82 Stat. 1011.
42 USC 2691-
2697a.

“DETERMINATION OF POVERTY AREA

“SEC. 410. For purposes of any determination by the Secretary under this Act as to whether any urban or rural area is a poverty area, any such area which would not otherwise be determined to be a poverty area shall, nevertheless, be deemed to be a poverty area if—

“(1) such area contains one or more subareas which are characterized as subareas of poverty;

“(2) the population of such subarea or subareas constitutes a significant portion of the population of such rural or urban area; and

“(3) the project, facility, or activity, in connection with which such determination is made, does, or (when completed or put into operation) will, serve the needs of the residents of such subarea or subareas.”

Approved March 13, 1970.

Public Law 91-212

AN ACT

To amend the Public Health Service Act to improve and extend the provisions relating to assistance to medical libraries and related instrumentalities, and for other purposes.

March 13, 1970
[H. R. 11702]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Medical Library
Assistance
Extension Act
of 1970.

SHORT TITLE

SECTION 1. This Act may be cited as the "Medical Library Assistance Extension Act of 1970".

THREE-YEAR EXTENSION OF EXISTING PROGRAMS

SEC. 2. (a) Subsection (i) of section 393 of the Public Health Service Act (42 U.S.C. 280b-3(i)) (relating to assistance for construction of medical library facilities) is amended to read as follows:

Appropriation.
79 Stat. 1062.

"(i) For the purposes of carrying out the provisions of this section, there are authorized to be appropriated \$11,000,000 for the fiscal year ending June 30, 1971, \$12,000,000 for the fiscal year ending June 30, 1972, and \$13,000,000 for the fiscal year ending June 30, 1973."

(b) The first sentence of subsection (a) of section 394 of such Act (42 U.S.C. 280b-4(a)) (relating to grants for training in medical library sciences) is amended to read as follows: "In order to enable the Secretary to carry out the purposes of section 390(b) (2), there are authorized to be appropriated \$1,500,000 for the fiscal year ending June 30, 1971, \$1,750,000 for the fiscal year ending June 30, 1972, and \$2,000,000 for the fiscal year ending June 30, 1973."

(c) Section 395 of such Act (42 U.S.C. 280b-5) (relating to assistance for compilations or writings concerning advances in sciences related to health) is amended by striking out "June 30, 1970" and inserting in lieu thereof "June 30, 1973".

(d) Subsection (a) of section 396 of such Act (42 U.S.C. 280b-6(a)) (relating to research and development in medical library science and related fields) is amended by striking out "June 30, 1970" and inserting in lieu thereof "June 30, 1973".

(e) Subsection (a) of section 397 of such Act (42 U.S.C. 280b-7(a)) (relating to assistance to improve or expand basic medical library resources) is amended to read as follows:

"(a) In order to enable the Secretary to carry out the purposes of section 390(b) (5), there are authorized to be appropriated \$3,500,000 for the fiscal year ending June 30, 1971, \$4,000,000 for the fiscal year ending June 30, 1972, and \$4,500,000 for the fiscal year ending June 30, 1973."

(f) The first sentence of subsection (a) of section 398 of such Act (42 U.S.C. 280b-8(a)) (relating to grants for establishment of regional medical libraries) is amended to read as follows: "In order to enable the Secretary to carry out the purposes of section 390(b) (6), there are authorized to be appropriated \$3,000,000 for the fiscal year ending June 30, 1971, \$3,250,000 for the fiscal year ending June 30, 1972, and \$3,500,000 for the fiscal year ending June 30, 1973."

(g) Subsection (a) of section 399 of such Act (42 U.S.C. 280b-9(a)) (relating to assistance for biomedical scientific publications) is amended by striking out "June 30, 1970" and inserting in lieu thereof "June 30, 1973".

GRANTS FOR CONSTRUCTION OF MEDICAL LIBRARY FACILITIES

79 Stat. 1060. SEC. 3. Section 393 of the Public Health Service Act (42 U.S.C. 280b-3) is amended—

(1) by amending clause (B) of subsection (b) (1) to read as follows: “(B) sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility, and”;

(2) by striking out subsection (c) and redesignating subsections (d), (e), (f), (g), (h), and (i) as subsections (c), (d), (e), (f), (g), and (h), respectively; and

(3) by striking out in subsection (c) (as so redesignated by this section) “, and shall give priority to applications for construction of facilities for which the need is greatest”.

GRANTS FOR SPECIAL SCIENTIFIC PROJECTS

SEC. 4. (a) Section 395 of the Public Health Service Act (42 U.S.C. 280b-5) is amended—

(1) by striking out in the second sentence “for the establishment of special fellowships to be awarded to physicians and other practitioners in the sciences related to health and scientists” and inserting in lieu thereof the following: “to make grants to physicians and other practitioners in the sciences related to health, to scientists, and to public or nonprofit private institutions on behalf of such physicians, other practitioners, and scientists”; and

(2) by striking out in the third sentence “In establishing such fellowships” and inserting in lieu thereof “In making such grants”, and by striking out in such sentence “fellowships are established” and inserting in lieu thereof “grants are made”.

(b) Subsection (b) (3) of section 390 of such Act (42 U.S.C. 280b) is amended by striking out “the awarding of special fellowships to physicians and other practitioners in the sciences related to health and scientists” and inserting in lieu thereof “grants to physicians and other practitioners in the sciences related to health, to scientists, and to public or nonprofit private institutions on behalf of such physicians, other practitioners, and scientists”.

RESEARCH AND DEVELOPMENT IN MEDICAL LIBRARY SCIENCE AND RELATED FIELDS

SEC. 5. (a) The second sentence of subsection (a) of section 396 of the Public Health Service Act (42 U.S.C. 280b-6) is amended by striking out “research and investigations” and inserting in lieu thereof “research, investigations, and demonstrations”.

(b) Subsection (b) (4) of section 390 of such Act is amended by striking out “research and investigations” and inserting in lieu thereof “research, investigations, and demonstrations”.

GRANTS FOR BASIC RESOURCES OF MEDICAL LIBRARIES

SEC. 6. (a) Section 397 of the Public Health Service Act (42 U.S.C. 280b-7) is amended—

(1) by striking out in the first sentence of subsection (b) “for the purpose of expanding and improving” and inserting in lieu thereof “for the purpose of establishing, expanding, and improving”;

(2) by amending paragraph (2) of subsection (c) to read as follows:

“(2) In no case shall any grant under this section to a medical library or related instrumentality for any fiscal year exceed \$200,000; and

grants to such medical libraries or related instrumentalities shall be in such amounts as the Secretary may by regulation prescribe with a view to assuring adequate continuing financial support for such libraries or instrumentalities from other sources during and after the period for which Federal assistance is provided.”; and

Private
financial
support.

(3) by striking out in the heading of such section “IMPROVING AND EXPANDING” and inserting in lieu thereof “ESTABLISHING, EXPANDING, AND IMPROVING”.

(b) Subsection (b) (5) of section 390 of such Act is amended by striking out “improving and expanding” and inserting in lieu thereof “establishing, expanding, and improving”.

79 Stat. 1059.
42 USC 280b.

GRANTS FOR ESTABLISHMENT OF REGIONAL MEDICAL LIBRARIES

SEC. 7. Section 398 of the Public Health Service Act (42 U.S.C. 280b-8) is amended as follows:

(1) Subsection (b) is amended (A) by striking out “and” at the end of clause (4), (B) by redesignating clause (5) as clause (6), and (C) by inserting after clause (4) the following new clause:

“(5) planning for services and activities under this section; and”.

(2) Subsection (c) (1) is amended by striking out “(A) to modify and increase their library resources so as to be able to provide supportive services to other libraries in the region as well as individual users of library services” and inserting in lieu thereof “(A) to modify and increase their library resources, and to supplement the resources of cooperating libraries in the region, so as to be able to provide adequate supportive services to all libraries in the region as well as to individual users of library services”.

(3) Subsection (c) (2) is amended by striking out clause (A) and by redesignating clauses (B) and (C) as clauses (A) and (B), respectively.

(4) The following new subsection is added at the end thereof:

“(f) The Secretary may also carry out the purposes of this section through contracts, and such contracts shall be subject to the same limitations as are provided in this section for grants.”

Contract
authority.

FINANCIAL SUPPORT OF BIOMEDICAL SCIENTIFIC PUBLICATIONS

SEC. 8. Section 399 of the Public Health Service Act (42 U.S.C. 380b-9) is amended by inserting before the period at the end of subsection (b) the following: “, except in those cases in which the Secretary determines that further support is necessary to carry out the purposes of this section”.

79 Stat. 1066.
42 USC 280b-9.

TRANSFERABILITY OF FUNDS

SEC. 9. The part of title III of the Public Health Service Act redesignated as part J by section 10 is amended by adding at the end thereof the following new section:

Post, p. 66.

“TRANSFERABILITY OF FUNDS

“SEC. 399b. (a) Notwithstanding any other provision of this part, whenever there is appropriated any amount for any fiscal year (beginning with the fiscal year ending June 30, 1971) to carry out any particular program or activity authorized by this part, the Secretary shall have the authority to transfer sums from such amount, for the purpose of carrying out one or more of the other programs or activities authorized by this part; except that—

“(1) the aggregate of the sums so transferred from any such amount shall not exceed 10 per centum thereof,

“(2) the aggregate of the sums so transferred to carry out any such program or activity for any fiscal year shall not exceed 20 per centum of the amount appropriated to carry out such program or activity for such year, and

“(3) sums may not be transferred for any fiscal year to carry out any such program or activity if such transfer would result in there being available (from appropriated funds plus the sums so transferred) to carry out such program or activity for such year amounts in excess of the amounts authorized to be appropriated for such year to carry out such program or activity.

“(b) Any sums transferred under subsection (a) for any fiscal year for the purpose of carrying out any program or activity shall remain available for such purpose to the same extent as are funds which are specifically appropriated for such purpose for such year.”

REDESIGNATIONS

Sec. 10. (a) Title III of the Public Health Service Act is amended—

(1) by redesignating part I as part J;

(2) by redesignating the part H entitled “PART H—NATIONAL LIBRARY OF MEDICINE” as part I; and

(3) by redesignating sections 371, 372, 373, 374, 375, 376, 377, and 378 as sections 381, 382, 383, 384, 385, 386, 387, and 388, respectively.

(b) (1) Subsection (c) of the section of such Act redesignated as section 382 is amended by striking out “section 373” and inserting in lieu thereof “section 383”.

(2) The section of such Act redesignated as section 385 is amended by striking out “section 373” and inserting in lieu thereof “section 383”.

(3) Section 391(2) of such Act is amended by striking out “section 373(a)” and inserting in lieu thereof “section 383(a)”.

(4) Section 392 of such Act is amended—

(A) by striking out in subsection (a) “section 373(a)” and inserting in lieu thereof “section 383(a)”;

(B) by striking out in such subsection “section 373” and inserting in lieu thereof “section 383”;

(C) by striking out in subsection (d) “section 373(d)” and inserting in lieu thereof “section 383(d)”; and

(D) by striking out in such subsection “part H which deals with the National Library of Medicine” and inserting in lieu thereof “part I”.

(c) (1) Section 395 of such Act is amended—

(A) by inserting “(a)” immediately after “Sec. 395.”;

(B) by striking out in the second sentence “under this section” and inserting in lieu thereof “under this subsection”; and

(C) by amending the section heading to read as follows: “ASSISTANCE FOR SPECIAL SCIENTIFIC PROJECTS, AND FOR RESEARCH AND DEVELOPMENT IN MEDICAL LIBRARY SCIENCE AND RELATED FIELDS”.

(2) Section 396 of such Act is amended—

(A) by striking out “Sec. 396. (a)” and inserting in lieu thereof “(b)”;

(B) by striking out in the second sentence of subsection (a) “under this section” and inserting in lieu thereof “under this subsection”;

(C) by redesignating subsection (b) as subsection (c); and

(D) by striking out the section heading.

79 Stat. 1059.
42 USC 280b.

70 Stat. 960;
79 Stat. 1067.
42 USC 275-
280a-1.

(3) Sections 397, 398, 399, 399a, and 399b of such Act are redesignated as sections 396, 397, 398, 399, and 399a, respectively.

79 Stat. 1063.
42 USC 280b-7.

(d) (1) The part of title III of such Act redesignated as part I is amended by striking out "Surgeon General" each place it occurs in the sections of such part redesignated as sections 382, 383, 386, and 388. The section of such part redesignated as section 384 is amended by striking out "Surgeon General" and inserting in lieu thereof "Board".

Ante, p. 66.

(2) (A) The part of title III of such Act redesignated as part J is amended by striking out "Surgeon General" each place it occurs and inserting in lieu thereof "Secretary".

(B) The subsection of section 393 of such part redesignated as subsection (e) is amended by striking out "Surgeon General's" and inserting in lieu thereof "Secretary's".

Ante, p. 64.

MEANING OF SECRETARY

SEC. 11. Subsection (c) of section 2 of title I of the Public Health Service Act (42 U.S.C. 20) is amended to read as follows:

58 Stat. 682.
42 USC 201
and note.

"(c) Unless the context otherwise requires, the term 'Secretary' means the Secretary of Health, Education, and Welfare."

EFFECTIVE DATE

SEC. 12. (a) Except as provided in subsection (b), the amendments made by this Act shall apply with respect to appropriations for fiscal years ending after June 30, 1970.

(b) The amendments made by sections 10(d) and 11 shall take effect on the date of the enactment of this Act.

Approved March 13, 1970.

Public Law 91-213

AN ACT

To establish a Commission on Population Growth and the American Future.

March 16, 1970
[S. 2701]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commission on Population Growth and the American Future is hereby established to conduct and sponsor such studies and research and make such recommendations as may be necessary to provide information and education to all levels of government in the United States, and to our people, regarding a broad range of problems associated with population growth and their implications for America's future.

Commission on
Population Growth
and the American
Future.
Establishment.

MEMBERSHIP OF COMMISSION

SEC. 2. (a) The Commission on Population Growth and the American Future (hereinafter referred to as the "Commission") shall be composed of—

(1) two Members of the Senate who shall be members of different political parties and who shall be appointed by the President of the Senate;

(2) two Members of the House of Representatives who shall be members of different political parties and who shall be appointed by the Speaker of the House of Representatives; and

- (3) not to exceed twenty members appointed by the President.
- (b) The President shall designate one of the members to serve as Chairman and one to serve as Vice Chairman of the Commission.
- (c) The majority of the members of the Commission shall constitute a quorum, but a lesser number may conduct hearings.

COMPENSATION OF MEMBERS OF THE COMMISSION

SEC. 3. (a) Members of the Commission who are officers or full-time employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) Members of the Commission who are not officers or full-time employees of the United States shall each receive \$100 per diem when engaged in the actual performance of duties vested in the Commission.

(c) All members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

80 Stat. 499;
83 Stat. 190.

DUTIES OF THE COMMISSION

SEC. 4. The Commission shall conduct an inquiry into the following aspects of population growth in the United States and its foreseeable social consequences:

(1) the probable course of population growth, internal migration, and related demographic developments between now and the year 2000;

(2) the resources in the public sector of the economy that will be required to deal with the anticipated growth in population;

(3) the ways in which population growth may affect the activities of Federal, State, and local government;

(4) the impact of population growth on environmental pollution and on the depletion of natural resources; and

(5) the various means appropriate to the ethical values and principles of this society by which our Nation can achieve a population level properly suited for its environmental, natural resources, and other needs.

STAFF OF THE COMMISSION

SEC. 5. (a) The Commission shall appoint an Executive Director and such other personnel as the Commission deems necessary without regard to the provisions of title 5 of the United States Code governing appointments in the competitive service and shall fix the compensation of such personnel without regard to the provisions of chapter 51 and subtitle II of chapter 53 of such title relating to classification and General Schedule pay rates: *Provided*, That no personnel so appointed shall receive compensation in excess of the rate authorized for GS-18 by section 5332 of such title.

(b) The Executive Director, with the approval of the Commission, is authorized to obtain services in accordance with the provisions of section 3109 of title 5 of the United States Code, but at rates for individuals not to exceed the per diem equivalent of the rate authorized for GS-18 by section 5332 of such title.

(c) The Commission is authorized to enter into contracts with public agencies, private firms, institutions, and individuals for the conduct of research and surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

80 Stat. 378.
5 USC 101 *et*
seq.

80 Stat. 443,
459.

Post, p. 198-1.

80 Stat. 416.

Contract authority.

GOVERNMENT AGENCY COOPERATION

SEC. 6. The Commission is authorized to request from any Federal department or agency any information and assistance it deems necessary to carry out its functions; and each such department or agency is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information and assistance to the Commission upon request made by the Chairman or any other member when acting as Chairman.

ADMINISTRATIVE SERVICES

SEC. 7. The General Services Administration shall provide administrative services for the Commission on a reimbursable basis.

REPORTS OF COMMISSION: TERMINATION

SEC. 8. In order that the President and the Congress may be kept advised of the progress of its work, the Commission shall, from time to time, report to the President and the Congress such significant findings and recommendations as it deems advisable. The Commission shall submit an interim report to the President and the Congress one year after it is established and shall submit its final report two years after the enactment of this Act. The Commission shall cease to exist sixty days after the date of the submission of its final report.

AUTHORIZATION OF APPROPRIATIONS

SEC. 9. There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions of this Act.

Approved March 16, 1970.

Public Law 91-214

AN ACT

To amend Public Law 89-260 to authorize additional funds for the Library of Congress James Madison Memorial Building.

March 16, 1970
[S. 2910]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the joint resolution entitled "Joint resolution to authorize the Architect of the Capitol to construct the third Library of Congress building in square 732 in the District of Columbia to be named the James Madison Memorial Building and to contain a Madison Memorial Hall, and for other purposes", approved October 19, 1965 (79 Stat. 986), is amended by striking out "\$75,000,000" and inserting in lieu thereof "\$90,000,000".

Library of Congress James Madison Memorial Building.
Appropriation increase.

2 USC 141 note.

SEC. 2. Nothing contained in the Act of October 19, 1965 (79 Stat. 986), shall be construed to authorize the use of the third Library of Congress building authorized by such Act for general office building purposes.

Prohibition.

Approved March 16, 1970.

Public Law 91-215

AN ACT

March 17, 1970
[H. R. 13300]

To amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to provide for the extension of supplemental annuities, and for other purposes.

Railroad Retirement Act of 1937 and Railroad Retirement Tax Act, amendments.
80 Stat. 1073.
45 USC 228c

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(j) of the Railroad Retirement Act of 1937 is amended by striking out paragraph (3) and by redesignating paragraph (4) as paragraph (3).

SEC. 2. Section 3(j) of the Railroad Retirement Act of 1937 is amended by adding at the end thereof the following new paragraphs:

“(4) Notwithstanding any other provision of this Act, no individual shall be entitled to a supplemental annuity provided by this subsection for any period after he renders any service as an employee for compensation after his supplemental annuity closing date determined as follows:

“(A) Such closing date for an employee who attains age 68 before 1971 shall be January 31, 1971. Such closing date for an employee who attains age 68 during 1971 shall be the last day of the month following the month in which he attains age 68.

“(B) Such closing date for an employee who attains age 67 during 1972 shall be the last day of the month following the month in which he attains age 67. Such closing date for an employee who attains age 67 during 1971 shall be January 31, 1972.

“(C) Such closing date for an employee who attains age 66 during 1973 shall be the last day of the month following the month in which he attains age 66. Such closing date for an employee who attains age 66 during 1972 shall be January 31, 1973.

“(D) Such closing date for an employee who attains age 65 after 1973 shall be the last day of the month following the month in which he attains age 65. Such closing date for an employee who attains age 65 during 1973 shall be January 31, 1974.

“(5) For an employee whose supplemental annuity closing date (determined under paragraph (4)) occurs after he has completed at least 23 years of service and before he has completed 25 years of service and before he is entitled (or on application would be entitled) to monthly insurance benefits under section 202(a) of the Social Security Act, such date shall be extended to whichever of the following first occurs:

“(A) the day before the first day of the first month for which he is entitled (or on application would be entitled) to monthly insurance benefits under section 202(a) of the Social Security Act, or

“(B) the last day of the first month for which he qualifies for a supplemental annuity under this subsection.

“(6) The provisions of paragraphs (4) and (5) shall not supersede the provisions of any agreement reached through collective bargaining between an employer and its employees which provides for mandatory retirement at an age less than the applicable supplemental annuity closing date determined under paragraphs (4) and (5).”

SEC. 3. Section 15(b) of the Railroad Retirement Act of 1937 is amended by striking out the second paragraph thereof.

SEC. 4. Section 3211(b) of the Railroad Retirement Tax Act is amended to read as follows:

“(b) In addition to other taxes, there is hereby imposed on the income of each employee representative a tax at a rate equal to the rate of excise tax imposed on every employer, provided for in section 3221(c), for each man-hour for which compensation is paid to him for services rendered as an employee representative.”

64 Stat. 482.
42 USC 402.

80 Stat. 1074.
45 USC 228o.

Supplemental taxes.
80 Stat. 1078.
26 USC 3211.

26 USC 3221.

SEC. 5. (a) Section 3221(c) of the Railroad Retirement Tax Act is amended by substituting for the first sentence thereof the following: "In addition to other taxes, there is hereby imposed on every employer an excise tax, with respect to having individuals in his employ, for each man-hour for which compensation is paid by such employer for services rendered to him during any calendar quarter, (1) at the rate of 2 cents for the period beginning November 1, 1966, and ending March 31, 1970, and (2) commencing April 1, 1970, at such rate as will make available for appropriation to the Railroad Retirement Supplemental Account provided for in section 15(b) of the Railroad Retirement Act of 1937 sufficient funds to meet the obligation to pay supplemental annuities under section 3(j) of such Act and administrative expenses in connection therewith. For the purpose of this subsection, the Railroad Retirement Board is directed to determine what rate is required for each calendar quarter commencing with the quarter beginning April 1, 1970. The Railroad Retirement Board shall make the determinations provided for not later than fifteen days before each calendar quarter. As soon as practicable after each determination of the rate, as provided in this subsection, the Railroad Retirement Board shall publish a notice in the Federal Register, and shall advise all employers, employee representatives, and the Secretary of the Treasury, of the rate so determined."

Excise tax.
80 Stat. 1078.
26 USC 3221.

80 Stat. 1074;
Ante, p. 70.
45 USC 228o.
Ante, p. 70.

Publication
in Federal
Register.

(b) (1) Section 3221 of such Act is further amended by inserting at the end thereof the following new subsection:

73 Stat. 29;
80 Stat. 1078.

"(d) Notwithstanding the provisions of subsection (c) of this section, the tax imposed by such subsection (c) shall not apply to an employer with respect to employees who are covered by a supplemental pension plan which is established pursuant to an agreement reached through collective bargaining between the employer and employees. There is hereby imposed on every such employer an excise tax equal to the amount of the supplemental annuity paid to each such employee under section 3(j) of the Railroad Retirement Act of 1937, plus a percentage thereof determined by the Railroad Retirement Board to be sufficient to cover the administrative costs attributable to such payments under section 3(j) of such Act."

(2) The amendment made by paragraph (1) shall apply to (A) supplemental annuities paid on or after April 1, 1970, and (B) man-hours with respect to which compensation is paid for services rendered to such employer on or after such day.

SEC. 6. The Railroad Retirement Board is authorized to request the Secretary of the Treasury to transfer from the Railroad Retirement Account to the credit of the Railroad Retirement Supplemental Account such moneys as the Board estimates would be necessary for the payment of the supplemental annuities, provided for in section 3(j) of the Railroad Retirement Act of 1937, for the six months next following enactment of this Act and for administrative expenses necessary in the administration of such section 3(j) (which expenses are hereby authorized) until such time as an appropriation for such expenses is made pursuant to section 15(b) of such Act, and the Secretary shall make such transfer. The Railroad Retirement Board shall request the Secretary of the Treasury, at any time before the expiration of one year following the enactment of this Act, to retransfer from the Railroad Retirement Supplemental Account to the credit of the Railroad Retirement Account the amount transferred to the Railroad Retirement Supplemental Account pursuant to the next preceding sentence, plus interest at a rate equal to the average rate of interest borne by all special obligations held by the Railroad Retirement Account on the last day of the fiscal year ending on June 30, 1970, rounded to the nearest multiple of one-eighth of 1 per centum, and the Secretary shall make such retransfer.

Transfer of
funds.

48 Stat. 1185;
54 Stat. 785.
45 USC 151.
50 Stat. 307.
45 USC 228a
et seq.

50 Stat. 316;
77 Stat. 220.
45 USC 228o.

80 Stat. 1079.
25 USC 3211
note.
Separability
provision.

SEC. 7. No carrier and no representative of employees, as defined in section 1 of the Railway Labor Act, shall, before April 1, 1974, utilize any of the procedures of such Act to seek to make any changes in the provisions of the Railroad Retirement Act of 1937 for supplemental annuities or to establish any new class of pensions or annuities, other than annuities payable out of the Railroad Retirement Account provided under section 15(a) of the Railroad Retirement Act of 1937, to become effective prior to July 1, 1974; nor shall any such carrier or representative of employees until July 1, 1974, engage in any strike or lockout to seek to make any such changes or to establish any such new class of pensions or annuities: *Provided*, That nothing in this section shall inhibit any carrier or representative of employees from seeking any change with respect to benefits payable out of the Railroad Retirement Account provided under section 15(a) of the Railroad Retirement Act of 1937.

SEC. 8. Section 301(f) of the Act of October 30, 1966 (Public Law 89-699), is amended by striking out "for sixty months".

SEC. 9. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Approved March 17, 1970.

Public Law 91-216

AN ACT

March 17, 1970
[H. R. 13008]

To improve position classification systems within the executive branch, and for other purposes.

Job Evaluation
Policy Act of
1970.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Job Evaluation Policy Act of 1970".

TITLE I—CONGRESSIONAL FINDINGS WITH RESPECT TO JOB EVALUATION AND RANKING IN THE EXECUTIVE BRANCH

SEC. 101. The Congress hereby finds that—

(1) the tremendous growth required in the activities of the Federal Government in order to meet the country's needs during the past several decades has led to the need for employees in an ever-increasing and changing variety of occupations and professions, many of which did not exist when the basic principles of job evaluation and ranking were established by the Classification Act of 1923. The diverse and constantly changing nature of these occupations and professions requires that the Federal Government reassess its approach to job evaluation and ranking better to fulfill its role as an employer and assure efficient and economical administration;

(2) the large number and variety of job evaluation and ranking systems in the executive branch have resulted in significant inequities in selection, promotion, and pay of employees in comparable positions among these systems;

(3) little effort has been made by Congress or the executive branch to consolidate or coordinate the various job evaluation and ranking systems, and there has been no progress toward the estab-

63 Stat. 954,
972; 80 Stat. 443.
5 USC 5101 *et*
seq and notes.

lishment of a coordinated system in which job evaluation and ranking, regardless of the methods used, is related to a unified set of principles providing coherence and equity throughout the executive branch;

(4) within the executive branch, there has been no significant study of, or experimentation with, the several recognized methods of job evaluation and ranking to determine which of those methods are most appropriate for use and application to meet the present and future needs of the Federal Government; and

(5) notwithstanding the recommendations resulting from the various studies conducted during the last twenty years, the Federal Government has not taken the initiative to implement those recommendations with respect to the job evaluation and ranking systems within the executive branch, with the result that such systems have not, in many cases, been adapted or administered to meet the rapidly changing needs of the Federal Government.

TITLE II—STATEMENT OF POLICY

SEC. 201. It is the sense of Congress that—

(1) the executive branch shall, in the interest of equity, efficiency, and good administration, operate under a coordinated job evaluation and ranking system for all civilian positions, to the greatest extent practicable;

(2) the system shall be designed so as to utilize such methods of job evaluation and ranking as are appropriate for use in the executive branch, taking into account the various occupational categories of positions therein; and

(3) the United States Civil Service Commission shall be authorized to exercise general supervision and control over such a system.

TITLE III—PREPARATION OF A JOB EVALUATION AND RANKING PLAN BY THE CIVIL SERVICE COMMISSION AND REPORTS AND RECOMMENDATIONS TO CONGRESS

SEC. 301. The Civil Service Commission, through such organizational unit which it shall establish within the Commission and which shall report directly to the Commission, shall prepare a comprehensive plan for the establishment of a coordinated system of job evaluation and ranking for civilian positions in the executive branch. The plan shall include, among other things—

(1) provision for the establishment of a method or methods for evaluating jobs and aligning them by level;

(2) a time schedule for the conversion of existing job evaluation and ranking systems into the coordinated system;

(3) provision that the Civil Service Commission shall have general supervision of and control over the coordinated job evaluation and ranking system, including, if the Commission deems it appropriate, the authority to approve or disapprove the adoption, use and administration in the executive branch of the method or methods established under that system;

(4) provision for the establishment of procedures for the periodic review by the Civil Service Commission of the effectiveness of the method or methods adopted for use under the system; and

(5) provision for maintenance of the system to meet the changing needs of the executive branch in the future.

SEC. 302. In carrying out its functions under section 301 of this Act, the Commission shall consider all recognized methods of job evaluation and ranking.

80 Stat. 379.

SEC. 303. The Civil Service Commission is authorized to secure directly from any executive agency, as defined by section 105 of title 5, United States Code, or any bureau, office, or part thereof, information, suggestions, estimates, statistics, and technical assistance for the purposes of this Act; and each such executive agency or bureau, office, or part thereof is authorized and directed to furnish such information, suggestions, estimates, statistics, and technical assistance directly to the Civil Service Commission upon request by the Commission.

SEC. 304. (a) Within one year after the date of enactment of this Act, the Commission shall submit to the President and the Congress an interim progress report on the current status and results of its activities under this Act, together with its current findings.

(b) Within two years after the date of enactment of this Act—

(1) the Civil Service Commission shall complete its functions under this Act and shall transmit to the President a comprehensive report of the results of its activities, together with its recommendations (including its draft of proposed legislation to carry out such recommendations), and

(2) the President shall transmit that report (including the recommendations and draft of proposed legislation of the Commission) to the Congress, together with such recommendations as the President deems appropriate.

Interim
reports to
Congress.

(c) The Commission shall submit to the Committees on Post Office and Civil Service of the Senate and House of Representatives once each calendar month, or at such other intervals as may be directed by those committees, or either of them, an interim progress report on the then current status and results of the activities of the Commission under this Act, together with the then current findings of the Commission.

(d) The Commission shall periodically consult with, and solicit the views of, appropriate employee and professional organizations.

(e) The organizational unit established under section 301 of this Act shall cease to exist upon the submission of the report to the Congress under subsection (b) of this section.

Approved March 17, 1970.

Public Law 91-217

AN ACT

March 19, 1970
[H. R. 14944]

To authorize an adequate force for the protection of the Executive Mansion and foreign embassies, and for other purposes.

Executive
Mansion and
foreign embas-
sies.
Police
protection.
62 Stat. 679.
3 USC 202-208

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 3 of title 3 of the United States Code is amended as follows—

(1) by striking the words “White House Police force” whenever they appear in the chapter and inserting in lieu thereof the words “Executive Protective Service”;

(2) by striking the words “White House Police” whenever they appear in the chapter and inserting in lieu thereof “Executive Protective Service”;

(3) by striking the second sentence of section 202 and inserting in lieu thereof, the following: “Subject to the supervision of the Secretary of the Treasury, the Executive Protective Service shall

76 Stat. 95.

perform such duties as the Director, United States Secret Service, may prescribe in connection with the protection of the following: (1) the Executive Mansion and grounds in the District of Columbia; (2) any building in which Presidential offices are located; (3) the President and members of his immediate family; (4) foreign diplomatic missions located in the metropolitan area of the District of Columbia; and (5) foreign diplomatic missions located in such other areas in the United States, its territories and possessions, as the President, on a case-by-case basis, may direct.”;

(4) by striking the words “two hundred and fifty” in the first sentence of subsection (a) of section 203 and inserting in lieu thereof “eight hundred and fifty”;

66 Stat. 283;
76 Stat. 95.

(5) by striking out the last two sentences of section 203(a);

(6) by amending section 203(b) to read as follows:

62 Stat. 680.

“(b) Members of the Executive Protective Service shall be recruited under the civil service laws and regulations on a nationwide basis. Members of such Service may also be appointed from the members of the Metropolitan Police force and the United States Park Police force from lists furnished by the officers in charge of such forces. Whenever any vacancy is created in the Metropolitan Police force or the United States Park Police force as the result of an appointment to the Executive Protective Service, such vacancy shall be filled in the manner provided by law. In the period of time which follows the date of enactment of this sentence and precedes January 1, 1975, not more than thirty members of the Metropolitan Police force may be appointed annually to the Executive Protective Service.”

Recruiting
procedure.

Limitation.

(7) by striking out section 205; and

(8) by striking out in section 206 “Members appointed pursuant to section 205 of this title” and inserting in lieu thereof “Members of the Executive Protective Service not appointed from the Metropolitan Police force or the United States Park Police force”.

Civil service
appointees,
privileges.
62 Stat. 681.

Approved March 19, 1970.

Public Law 91-218

AN ACT

To increase the authorization for appropriation for continuing work in the Missouri River Basin by the Secretary of the Interior.

March 25, 1970
[S. 3427]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated for fiscal years 1971 and 1972 the sum of \$32,000,000 for continuing the works in the Missouri River Basin to be undertaken by the Secretary of the Interior pursuant to the comprehensive plan adopted by section 9(a) of the Act approved December 22, 1944 (Public Law Numbered 534, Seventy-eighth Congress), as amended and supplemented by subsequent Acts of Congress. No part of the funds hereby authorized to be appropriated shall be available to initiate construction of any unit of the Missouri River Basin project, whether included in said comprehensive plan or not.

Missouri River
Basin.
Appropriation
authorization,
increase.

58 Stat. 891;
82 Stat. 129.

Approved March 25, 1970.

shall be computed at the rate of (A) the established charges for tuition and fees which the institution requires other individuals enrolled in the same program to pay, or (B) \$175 per month for a full-time course, whichever is the lesser."

72 Stat. 1198;
79 Stat. 896.

Special training
allowance.

(b) Section 1732(b) of such title is amended by striking out "\$105" and inserting in lieu thereof "\$141".

(c) Section 1742(a) of such title is amended to read as follows:

"(a) While the eligible person is enrolled in and pursuing a full-time course of special restorative training, the parent or guardian shall be entitled to receive on his behalf a special training allowance computed at the basic rate of \$175 per month. If the charges for tuition and fees applicable to any such course are more than \$55 per calendar month the basic monthly allowance may be increased by the amount that such charges exceed \$55 a month, upon election by the parent or guardian of the eligible person to have such person's period of entitlement reduced by one day for each \$6.80 that the special training allowance paid exceeds the basic monthly allowance."

TITLE II—MISCELLANEOUS AMENDMENTS TO VETERANS' AND DEPENDENTS' EDUCATION PROGRAMS

"Program of
education."
80 Stat. 13.

SEC. 201. (a) Subsection (b) of section 1652 of title 38, United States Code, is amended by adding at the end thereof a new sentence as follows: "Such term also means any curriculum of unit courses or subjects pursued at an educational institution which fulfill requirements for the attainment of more than one predetermined and identified educational, professional, or vocational objective if all the objectives pursued are generally recognized as being reasonably related to a single career field."

"Educational
institution."

(b) Subsection (c) of section 1652 of such title is amended to read as follows:

"(c) The term 'educational institution' means any public or private elementary school, secondary school, vocational school, correspondence school, business school, junior college, teachers' college, college, normal school, professional school, university, or scientific or technical institution, or other institution furnishing education for adults."

Certain courses,
disapproval.

SEC. 202. Section 1673(a) of title 38, United States Code, is amended to read as follows:

"(a) The Administrator shall not approve the enrollment of an eligible veteran in—

"(1) any bartending course or personality development course;

"(2) any sales or sales management course which does not provide specialized training within a specific vocational field, unless the eligible veteran or the institution offering such course submits justification showing that at least one-half of the persons completing such course over the preceding two-year period have been employed in the sales or sales management field; or

"(3) any type of course which the Administrator finds to be avocational or recreational in character unless the veteran submits justification showing that the course will be of bona fide use in the pursuit of his present or contemplated business or occupation."

Flight training.
81 Stat. 185.

SEC. 203. (a) Subsection (a) of section 1677 of title 38, United States Code, is amended by striking out the material preceding clause (1) and inserting in lieu thereof the following:

“(a) The Administrator may approve the pursuit by an eligible veteran of flight training where such training is generally accepted as necessary for the attainment of a recognized vocational objective in the field of aviation or where generally recognized as ancillary to the pursuit of a vocational endeavor other than aviation, subject to the following conditions:”.

(b) Section 1677(a)(1) of such title is amended by deleting “or must have satisfactorily completed the number of hours of flight training instruction required for a private pilot’s license,”.

SEC. 204. (a) Chapter 34 of title 38, United States Code, is amended by—

(1) striking out “section 1678 of this title” in section 1661(c) and inserting “subchapters V and VI of this chapter”;

(2) striking out section 1678;

(3) inserting immediately after the period at the end of section 1682(b) the following: “Notwithstanding provisions of section 1681 of this title, payment of the educational assistance allowance provided by this subsection may, and the educational assistance allowance provided by section 1696(b) shall, be made to an eligible veteran in an amount computed for the entire quarter, semester, or term during the month immediately following the month in which certification is received from the educational institution that the veteran has enrolled in and is pursuing a program at such institution.”; and

(4) adding at the end of chapter 34 the following new subchapters:

“Subchapter V—Special Assistance for the Educationally Disadvantaged

“§ 1690. Purpose

“It is the purpose of this subchapter (1) to encourage and assist veterans who have academic deficiencies to attain a high school education or its equivalent and to qualify for and pursue courses of higher education, (2) to assist eligible veterans to pursue postsecondary education through tutorial assistance where required; and (3) to encourage educational institutions to develop programs which provide special tutorial, remedial, preparatory, or other educational or supplementary assistance to such veterans.

“§ 1691. Elementary and secondary education and preparatory educational assistance

“(a) In the case of any eligible veteran not on active duty who—

“(1) has not received a secondary school diploma (or an equivalency certificate) at the time of his discharge or release from active duty, or

“(2) in order to pursue a program of education for which he would otherwise be eligible, needs refresher courses, deficiency courses, or other preparatory or special educational assistance to qualify for admission to an appropriate educational institution, the Administrator may, without regard to so much of the provisions of section 1671 as prohibit the enrollment of an eligible veteran in a program of education in which he is ‘already qualified’, approve the enrollment of such veteran in an appropriate course or courses or other special educational assistance program.

“(b) The Administrator shall pay to an eligible veteran pursuing

81 Stat. 185.

82 Stat. 1331.

81 Stat. 188.
Allowance
computation.
80 Stat. 18;
81 Stat. 184.

Post, p. 81.

80 Stat. 12;
81 Stat. 186.
38 USC 1651-
1687.

80 Stat. 15.

80 Stat. 17;
Ante, p. 77.

80 Stat. 18;
81 Stat. 186.

a course or courses or program pursuant to subsection (a) of this section, an educational assistance allowance as provided in sections 1681 and 1682 (a) or (b) of this title; except that no enrollment in adult evening secondary school courses shall be approved in excess of half-time training as defined pursuant to section 1684 of this title.

“§ 1692. Special supplementary assistance

“(a) In the case of any eligible veteran who—

“(1) is enrolled in and pursuing a postsecondary course of education on a half-time or more basis at an educational institution; and

“(2) has a marked deficiency in a subject required as a part of, or which is prerequisite to, or which is indispensable to the satisfactory pursuit of, an approved program of education, the Administrator may approve individualized tutorial assistance for such veteran if such assistance is necessary for the veteran to complete such program successfully.

“(b) The Administrator shall pay to an eligible veteran receiving tutorial assistance pursuant to subsection (a) of this section, in addition to the educational assistance allowance provided in section 1682 of this title, the cost of such tutorial assistance in an amount not to exceed \$50 per month for a maximum of nine months, upon certification by the educational institution that—

“(1) the individualized tutorial assistance is essential to correct a marked deficiency of the eligible veteran in a subject required as a part of, or which is prerequisite to, or which is indispensable to the satisfactory pursuit of, an approved program of education;

“(2) the tutor chosen to perform such assistance is qualified; and

“(3) the charges for such assistance do not exceed the customary charges for such tutorial assistance.

“§ 1693. Effect on educational entitlement

“The educational assistance allowance or cost of individualized tutorial assistance authorized by this subchapter shall be paid without charge to any period of entitlement the veteran may have earned pursuant to section 1661 (a) of this title.

82 Stat. 1331.

“Subchapter VI—PredischARGE Education Program

“§ 1695. Purpose; definition

“(a) The purpose of this subchapter is to encourage and assist veterans in preparing for their future education, training, or vocation by providing them with an opportunity to enroll in and pursue a program of education or training prior to their discharge or release from active duty with the Armed Forces. The program provided for under this subchapter shall be known as the PredischARGE Education Program (PREP).

PREP.

“Eligible
person.”

“(b) For the purposes of this subchapter, the term ‘eligible person’ means any person serving on active duty with the Armed Forces who has completed more than 180 consecutive days of such active duty service as certified to the Administrator by the Secretary concerned.

“§ 1696. Payment of educational assistance allowance

“(a) The Administrator shall, under such regulations as he shall prescribe after consultation with the Secretary of Defense, pay the educational assistance allowance as computed in subsection (b) of this section to an eligible person enrolled in and pursuing (1) a course or

courses offered by an educational institution (other than by correspondence) and required to receive a secondary school diploma, or (2) any deficiency, remedial, or refresher course or courses offered by an educational institution and required for or preparatory to the pursuit of an appropriate course or training program in an approved educational institution or training establishment.

“(b) The educational assistance allowance of an eligible person pursuing education or training under this subchapter shall be computed at the rate of (1) the established charges for tuition and fees which the educational institution requires similarly circumstanced nonveterans enrolled in the same or a similar program to pay, and the cost of books and supplies peculiar to the course which such educational institution requires similarly circumstanced nonveterans enrolled in the same or a similar program to have, or (2) \$175 per month for a full-time course, whichever is the lesser.

“(c) The educational assistance allowance authorized by this section shall be paid without charge to any period of entitlement earned pursuant to section 1661(a) of this title.

82 Stat. 1331.

“§ 1697. Educational and vocational guidance

“The Administrator shall, to the extent that professional counselors are available, provide, by contract or otherwise, educational and vocational guidance to persons eligible for educational assistance under this subchapter.”

(b) The table of sections at the beginning of chapter 34 of title 38, United States Code, is amended by striking out

“1678. Special training for the educationally disadvantaged.”;

and by adding at the end thereof the following:

“SUBCHAPTER V—SPECIAL ASSISTANCE FOR THE EDUCATIONALLY DISADVANTAGED

“1690. Purpose.

“1691. Elementary and secondary education and preparatory educational assistance.

“1692. Special supplementary assistance.

“1693. Effect on educational entitlement.

“SUBCHAPTER VI—PREDISCHARGE EDUCATION PROGRAM

“1695. Purpose: definition.

“1696. Payment of educational assistance allowance.

“1697. Educational and vocational guidance.”

SEC. 205. Section 1681(d) of title 38, United States Code, is amended by inserting below clause (2) the following: “Notwithstanding the foregoing, the Administrator may pay an educational assistance allowance representing the initial payment of an enrollment period, not exceeding one full month, upon receipt of a certificate of enrollment.”

Educational
assistance
allowance.
80 Stat. 17.

SEC. 206. (a) Section 1684(a) of title 38, United States Code, is amended by—

Course
measurement.
80 Stat. 19;
81 Stat. 186.

(1) striking out “and” after the semicolon in clause (2); and

(2) striking out clause (3) and inserting in lieu thereof the following:

“(3) an academic high school course requiring sixteen units for a full course shall be considered a full-time course when a minimum of four units per year is required. For the purpose of this clause, a unit is defined to be not less than one hundred and twenty sixty-minute hours or their equivalent of study in any subject in one academic year; and

“(4) an institutional undergraduate course offered by a college or university on a quarter- or semester-hour basis for which credit is granted toward a standard college degree shall be considered a full-time course when a minimum of fourteen semester hours or its

equivalent is required; except that where such college or university certifies, upon the request of the Administrator, that (A) full-time tuition is charged to all undergraduate students carrying a minimum of less than fourteen semester hours or the equivalent thereof, or (B) all undergraduate students carrying a minimum of less than fourteen semester hours or the equivalent thereof are considered to be pursuing a full-time course for other administrative purposes, then such an institutional undergraduate course offered by such college or university with such minimum number of semester hours, for which credit is granted toward a standard college degree, shall be considered a full-time course, but in the event such minimum number of semester hours under (B) is less than twelve hours or the equivalent thereof, then twelve semester hours or the equivalent thereof shall be considered a full-time course.

Notwithstanding the provisions of clause (4), a veteran shall be considered to be pursuing a full-time course at a junior college, college, or university if (A) he is carrying a number of semester hours, or the equivalent thereof, necessary to be considered a full-time course under clause (4), (B) credit is granted toward a standard college degree for not less than half the number of those hours, and (C) he is carrying one or more courses for which no credit is granted toward such a degree but which he is required to take because of a deficiency in his education."

72 Stat. 1198.

(b) Section 1733(a)(3) of such title is amended to read as follows: "(3) an institutional undergraduate course offered by a college or university on a quarter- or semester-hour basis for which credit is granted toward a standard college degree shall be considered a full-time course when a minimum of fourteen semester hours or its equivalent is required; except that where such college or university certifies, upon the request of the Administrator, that (A) full-time tuition is charged to all undergraduate students carrying a minimum of less than fourteen semester hours or the equivalent thereof, or (B) all undergraduate students carrying a minimum of less than fourteen semester hours or the equivalent thereof are considered to be pursuing a full-time course for other administrative purposes, then such an institutional undergraduate course offered by such a college or university with such minimum number of semester hours, for which credit is granted toward a standard college degree, shall be considered a full-time course, but in the event such minimum number of semester hours under clause (B) is less than twelve hours or the equivalent thereof, then twelve semester hours or the equivalent thereof shall be considered a full-time course."

38 USC 1700-1766.

SEC. 207. (a) Chapter 35 of title 38, United States Code, is amended by adding at the end of subchapter VI thereof a new section as follows:

"§ 1763. Notification of eligibility

82 Stat. 1332.

"The Administrator shall notify the parent or guardian of each eligible person defined in section 1701(a)(1)(A) of this chapter of the educational assistance available to such person under this chapter. Such notification shall be provided not later than the month in which such eligible person attains his thirteenth birthday or as soon thereafter as feasible."

(b) The table of sections at the beginning of chapter 35 of such title is amended by inserting immediately below

"1762. Nonduplication of benefits."

the following:

"1763. Notification of eligibility."

SEC. 208. Section 1712 of title 38, United States Code, is amended by—

War orphans;
eligibility
period.
78 Stat. 297.

(1) deleting in subsection (a)(3) the words "first occurs" immediately preceding "(A)" and inserting in lieu thereof "last occurs"; and

(2) adding at the end thereof a new subsection as follows:

"(e) The term 'first finds' as used in this section means the effective date of the rating or date of notification to the veteran from whom eligibility is derived establishing a service-connected total disability permanent in nature whichever is more advantageous to the eligible person."

SEC. 209. Section 1723(a) of title 38, United States Code, is amended to read as follows:

Enrollment;
excepted
courses.
72 Stat. 1196.

"(a) The Administrator shall not approve the enrollment of an eligible person in—

"(1) any bartending course or personality development course;

"(2) any sales or sales management course which does not provide specialized training within a specific vocational field, unless the eligible person or the institution offering such course submits justification showing that at least one-half of the persons completing such course over the preceding two-year period have been employed in the sales or sales management field; or

"(3) any type of course which the Administrator finds to be avocational or recreational in character unless the eligible person submits justification showing that the course will be of bona fide use in the pursuit of his present or contemplated business or occupation."

SEC. 210. Section 1732(c) of title 38, United States Code, is amended to read as follows:

Educational
assistance
allowance.

"(c) If a program of education is pursued by an eligible person at an institution located in the Republic of the Philippines, the educational assistance allowance computed for such person under this section shall be paid at a rate in Philippine pesos equivalent to \$0.50 for each dollar."

SEC. 211. Section 1772 of title 38, United States Code, is amended by adding at the end thereof a new subsection (c) as follows:

Courses,
approval.
77 Stat. 158.

"(c) In the case of programs of apprenticeship where—

"(1) the standards have been approved by the Secretary of Labor pursuant to section 50a of title 29 as a national apprenticeship program for operation in more than one State, and

50 Stat. 665.

"(2) the training establishment is a carrier directly engaged in interstate commerce which provides such training in more than one State,

the Administrator shall act as a 'State approving agency' as such term is used in section 1683(a)(1) of this title and shall be responsible for the approval of all such programs."

"State
approving
agency."
81 Stat. 186.

SEC. 212. Section 1777(a) of title 38, United States Code, is amended by inserting "and supervised" immediately after "organized".

SEC. 213. Chapter 36 of title 38, United States Code, is amended as follows:

80 Stat. 20.
38 USC 1770-
1791.

(1) by deleting section 1781 of subchapter II in its entirety and inserting in lieu thereof the following:

"§ 1781. Limitations on educational assistance

"No educational assistance allowance or special training allowance granted under chapter 34 or 35 of this title shall be paid to any eligible person (1) who is on active duty and is pursuing a course of education which is being paid for by the Armed Forces (or by the Department of Health, Education, and Welfare in the case of the Public

38 USC 1651,
1700.

80 Stat. 432.
5 USC 4101-
4118.

Health Service); or (2) who is attending a course of education or training paid for under the Government Employees' Training Act and whose full salary is being paid to him while so training."; and

(2) by deleting in the table of sections at the beginning of such chapter the following:

"1781. Nonduplication of benefits."

and inserting in lieu thereof the following:

"1781. Limitations on educational assistance."

72 Stat. 1114;
79 Stat. 1110.
38 USC 201-
236.

SEC. 214. (a) Chapter 3 of title 38, United States Code, is amended by adding at the end thereof a new subchapter as follows:

"Subchapter IV—Veterans Outreach Services Program

"§ 240. Purpose; definitions

"(a) The Congress declares that the outreach services program authorized by this subchapter is for the purpose of insuring that all veterans, especially those who have been recently discharged or released from active military, naval, or air service and those who are eligible for readjustment or other benefits and services under laws administered by the Veterans' Administration are provided timely and appropriate assistance to aid them in applying for and obtaining such benefits and services in order that they may achieve a rapid social and economic readjustment to civilian life and obtain a higher standard of living for themselves and their dependents. The Congress further declares that the outreach services program authorized by this subchapter is for the purpose of charging the Veterans' Administration with the affirmative duty of seeking out eligible veterans and eligible dependents and providing them with such services.

"Other govern-
mental pro-
grams."

"Eligible
dependent."
82 Stat. 1332.

"(b) For the purposes of this subchapter, (1) the term 'other governmental programs' shall include all programs under State or local laws as well as all programs under Federal law other than those authorized by this title, and (2) the term 'eligible dependent' means an 'eligible person' as defined in section 1701(a)(1) of this title.

"§ 241. Outreach services

"The Administrator shall provide the following outreach services:

"(1) by letter advise each veteran at the time of his discharge or release from active military, naval, or air service, or as soon as possible thereafter, of all benefits and services under laws administered by the Veterans' Administration for which the veteran may be eligible and, in carrying out this paragraph, the Administrator shall give priority to so advising those veterans who, on the basis of their military service records, do not have a high school education or equivalent at the time of discharge or release;

"(2) distribute full information regarding all benefits and services to which they may be entitled under laws administered by the Veterans' Administration and may, to the extent feasible, distribute information on other governmental programs (including manpower and training programs) which he determines would be beneficial to veterans; and

"(3) provide, to the maximum extent possible, aid and assistance (including personal interviews) to members of the Armed Forces, veterans, and eligible dependents in respect to clauses (1) and (2) above and in the preparation and presentation of claims under laws administered by the Veterans' Administration.

“§ 242. Veterans assistance offices

“(a) The Administrator shall establish and maintain veterans assistance offices at such places throughout the United States and its territories and possessions, and the Commonwealth of Puerto Rico, as he determines to be necessary to carry out the purposes of this subchapter, with due regard for the geographical distribution of veterans recently discharged or released from active military, naval, or air service, the special needs of educationally disadvantaged veterans (including their need for accessibility of outreach services), and the necessity of providing appropriate outreach services in less populated areas.

“(b) The Administrator may implement such special telephone service as may be necessary to make the outreach services provided for under this subchapter as widely available as possible.

“§ 243. Utilization of other agencies

“In carrying out the purposes of this subchapter, the Administrator may—

“(1) arrange with the Secretary of Labor for the State employment service to match the particular qualifications of an eligible veteran or eligible dependent with an appropriate job or job training opportunity, to include where possible, arrangements for outstationing the State employment personnel who provide such assistance at appropriate facilities of the Veterans' Administration;

“(2) cooperate with and use the services of any Federal department or agency or any State or local governmental agency or recognized national or other organization;

“(3) where appropriate, make referrals to any Federal department or agency or State or local governmental unit or recognized national or other organization;

“(4) at his discretion, furnish available space and office facilities for the use of authorized representatives of such governmental unit or other organization providing services; and

“(5) conduct studies in consultation with appropriate Federal departments and agencies to determine the most effective program design to carry out the purposes of this subchapter.

“§ 244. Report to Congress

“The Administrator shall include in the annual report to the Congress required by section 214 of this title a report on the activities carried out under this subchapter, each report to include an appraisal of the effectiveness of the programs authorized herein and recommendations for the improvement or more effective administration of such programs.”

72 Stat. 1115.

(b) The table of sections at the beginning of chapter 3 of such title is amended by inserting immediately after

“236. Administrative settlement of tort claims arising in foreign countries.” the following:

“SUBCHAPTER IV—VETERANS OUTREACH SERVICES PROGRAM

“240. Purpose; definitions.

“241. Outreach services.

“242. Veterans assistance offices.

“243. Utilization of other agencies.

“244. Report to Congress.”

SEC. 215. (a) Section 504 of the Act of October 15, 1968, entitled “An Act to amend the Public Health Service Act so as to extend and improve the provisions relating to regional medical programs, to extend the authorization of grants for health of migratory agricul-

Repeal.
82 Stat. 1012.
38 USC 1781
note.

tural workers, to provide for specialized facilities for alcoholics and narcotic addicts, and for other purposes" is hereby repealed.

(b) Section 506 of the Act of October 16, 1968, entitled "An Act to amend the Higher Education Act of 1965, the National Defense Education Act of 1958, the National Vocational Student Loan Insurance Act of 1965, the Higher Education Facilities Act of 1963, and related Acts" is hereby repealed.

TITLE III—EFFECTIVE DATE

SEC. 301. Title I of this Act takes effect February 1, 1970.

Approved March 26, 1970.

Public Law 91-220

AN ACT

March 31, 1970
[S. 858]

To amend the Agricultural Adjustment Act of 1938 with respect to wheat.

Wheat acreage
allotments.
Tulelake area,
Calif.
72 Stat. 101;
77 Stat. 79.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (j) of section 334 of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1334), is amended to read as follows:

"(j) Notwithstanding any other provision of this Act, the Secretary shall increase the acreage allotments for the 1970 and subsequent crops of wheat for privately owned farms in the irrigable portion of the area known as the Tulelake division of the Klamath project of California located in Modoc and Siskiyou Counties, California, as defined by the United States Department of the Interior, Bureau of Reclamation, and hereinafter referred to as the area. The increase for the area for each such crop shall be determined by adding, to the extent applications are made therefor, to the total allotments established for privately owned farms in the area for the particular crop without regard to this subsection (hereinafter referred to as the original allotments) an acreage sufficient to make available for each such crop a total allotment of twelve thousand acres for the area. The additional allotments made available by this subsection shall be in addition to the National, State, and county allotments otherwise established under this section, and the acreage planted to wheat pursuant to such increases in allotments shall not be taken into account in establishing future State, county, and farm acreage allotments except as may be desirable in providing increases in allotments for subsequent years under this subsection for the production of Durum wheat. The Secretary shall apportion the additional allotment acreage made available under this subsection between Modoc and Siskiyou Counties on the basis of the relative needs for additional allotments for the portion of the area in each county. The Secretary shall allot such additional acreage to individual farms in the area for which applications for increased acreages are made on the basis of tillable acres, crop rotation practices, type of soil and topography, and the original allotment for the farm, if any. The increase in the wheat acreage allotment for any farm under this subsection (1) shall not be taken into account in computing the farm wheat marketing allocation under section 379b, and (2) shall be conditioned upon the production of Durum wheat on the original allotment and on the increased acreage. The producers on a farm receiving an increased allotment under this subsection shall not be eligible for diversion payments under section 339."

79 Stat. 1202;
82 Stat. 996.
7 USC 1379b.

76 Stat. 622.
7 USC 1339.

Approved March 31, 1970.

Public Law 91-221

AN ACT

To authorize appropriations for the saline water conversion program for fiscal year 1971, and for other purposes.

March 31, 1970
[H. R. 15700]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is authorized to be appropriated to carry out the provisions of the Saline Water Conversion Act (66 Stat. 328), as amended (42 U.S.C. 1951 et seq.) during fiscal year 1971 the sum of \$28,873,000, to remain available until expended, as follows:

Saline water
conversion pro-
gram,
Appropriations.
75 Stat. 628;
81 Stat. 78.

(1) Research and development operating expenses, not more than \$16,150,000: *Provided*, That, notwithstanding the provisions of section 8 of the Saline Water Conversion Act (66 Stat. 328), as amended (42 U.S.C. 1958), not to exceed \$100,000 of such amount may be obligated for the procurement of research services through contract with institutions or individuals in foreign countries;

82 Stat. 110.

(2) Design, construction, acquisition, modification, operation, and maintenance of saline water conversion test beds and test facilities, not more than \$5,000,000;

(3) Design, construction, acquisition, modification, operation, and maintenance of saline water conversion modules, not more than \$5,345,000; and

(4) Administration and coordination, not more than \$2,378,000.

(b) Expenditures and obligations under any of the items in this section, except item (4), may be increased by not more than 10 per centum if such increase is accompanied by an equal decrease in expenditures and obligations under one or more of the other items, including item (4).

Approved March 31, 1970.

Public Law 91-222

AN ACT

To extend public health protection with respect to cigarette smoking and for other purposes.

April 1, 1970
[H. R. 6543]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Public Health Cigarette Smoking Act of 1969".

SEC. 2. Sections 2 through 10 of Public Law 89-92 (15 U.S.C. 1331-1338) are amended to read as follows:

Public Health
Cigarette Smoking
Act of 1969.

79 Stat. 282.
15 USC 1331-
1339.

"DECLARATION OF POLICY

"SEC. 2. It is the policy of the Congress, and the purpose of this Act, to establish a comprehensive Federal program to deal with cigarette labeling and advertising with respect to any relationship between smoking and health, whereby—

"(1) the public may be adequately informed that cigarette smoking may be hazardous to health by inclusion of a warning to that effect on each package of cigarettes; and

"(2) commerce and the national economy may be (A) protected to the maximum extent consistent with this declared policy and (B) not impeded by diverse, nonuniform, and confusing cigarette labeling and advertising regulations with respect to any relationship between smoking and health.

“DEFINITIONS

“SEC. 3. As used in this Act—

“(1) The term ‘cigarette’ means—

“(A) any roll of tobacco wrapped in paper or in any substance not containing tobacco, and

“(B) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in subparagraph (A).

“(2) The term ‘commerce’ means (A) commerce between any State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, or Johnston Island and any place outside thereof; (B) commerce between points in any State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, or Johnston Island, but through any place outside thereof; or (C) commerce wholly within the District of Columbia, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, or Johnston Island.

“(3) The term ‘United States’, when used in a geographical sense, includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, and Johnston Island. The term ‘State’ includes any political division of any State.

“(4) The term ‘package’ means a pack, box, carton, or container of any kind in which cigarettes are offered for sale, sold, or otherwise distributed to consumers.

“(5) The term ‘person’ means an individual, partnership, corporation, or any other business or legal entity.

“(6) The term ‘sale or distribution’ includes sampling or any other distribution not for sale.

“LABELING

“SEC. 4. It shall be unlawful for any person to manufacture, import, or package for sale or distribution within the United States any cigarettes the package of which fails to bear the following statement: ‘Warning: The Surgeon General Has Determined That Cigarette Smoking Is Dangerous to Your Health’. Such statement shall be located in a conspicuous place on every cigarette package and shall appear in conspicuous and legible type in contrast by typography, layout, or color with other printed matter on the package.

“PREEMPTION

“SEC. 5. (a) No statement relating to smoking and health, other than the statement required by section 4 of this Act, shall be required on any cigarette package.

“(b) No requirement or prohibition based on smoking and health shall be imposed under State law with respect to the advertising or promotion of any cigarettes the packages of which are labeled in conformity with the provisions of this Act.

"UNLAWFUL ADVERTISEMENTS

"SEC. 6. After January 1, 1971, it shall be unlawful to advertise cigarettes on any medium of electronic communication subject to the jurisdiction of the Federal Communications Commission.

Termination date.

"FEDERAL TRADE COMMISSION

"SEC. 7. (a) The Federal Trade Commission shall not take any action before July 1, 1971, with respect to its pending trade regulation rule proceeding relating to cigarette advertising. If at any time on or after July 1, 1971, the Federal Trade Commission determines it is necessary to take action with respect to such pending trade regulation rule proceeding, it shall notify the Congress of the determination. Such notification shall include the text of the trade regulation rule and a full statement of the basis for such determination. No trade regulation rule adopted in such proceeding may take effect until six months after the Commission has notified the Congress of the text of such rule, in order that the Congress may act if it so desires.

Notification of Congress.

Trade regulation effective date.

"(b) Except as provided in subsection (a), nothing in this Act shall be construed to limit, restrict, expand, or otherwise affect the authority of the Federal Trade Commission with respect to unfair or deceptive acts or practices in the advertising of cigarettes.

"(c) Nothing in this Act shall be construed to affirm or deny the Federal Trade Commission's holding that it has the authority to issue trade regulation rules or to require an affirmative statement in any cigarette advertisement.

"REPORTS

"SEC. 8. (a) The Secretary of Health, Education, and Welfare shall transmit a report to the Congress not later than January 1, 1971, and annually thereafter, concerning (A) current information in the health consequences of smoking, and (B) such recommendations for legislation as he may deem appropriate.

Report to Congress.

"(b) The Federal Trade Commission shall transmit a report to the Congress not later than January 1, 1971, and annually thereafter, concerning (A) the effectiveness of cigarette labeling, (B) current practices and methods of cigarette advertising and promotion, and (C) such recommendations for legislation as it may deem appropriate.

Report to Congress.

"CRIMINAL PENALTY

"SEC. 9. Any person who violates the provisions of this Act shall be guilty of a misdemeanor and shall on conviction thereof be subject to a fine of not more than \$10,000.

"INJUNCTION PROCEEDINGS

"SEC. 10. The several district courts of the United States are invested with jurisdiction, for cause shown, to prevent and restrain violations of this Act upon the application of the Attorney General of the United States acting through the several United States attorneys in their several districts.

"CIGARETTES FOR EXPORT

"SEC. 11. Packages of cigarettes manufactured, imported, or packaged (1) for export from the United States or (2) for delivery to a

Exemption.

vessel or aircraft, as supplies, for consumption beyond the jurisdiction of the internal revenue laws of the United States shall be exempt from the requirements of this Act, but such exemptions shall not apply to cigarettes manufactured, imported, or packaged for sale or distribution to members or units of the Armed Forces of the United States located outside of the United States.

“SEPARABILITY

“SEC. 12. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the other provisions of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.”

Effective dates.

SEC. 3. Section 5 of the amendment made by this Act shall take effect as of July 1, 1969. Section 4 of the amendment made by this Act shall take effect on the first day of the seventh calendar month which begins after the date of the enactment of this Act. All other provisions of the amendment made by this Act except where otherwise specified shall take effect on January 1, 1970.

Approved April 1, 1970.

Public Law 91-223

AN ACT

April 3, 1970
[H. R. 3786]

To authorize the appropriation of additional funds necessary for acquisition of land at the Point Reyes National Seashore in California.

Point Reyes
National Sea-
shore, Calif.
Appropriation.
80 Stat. 919.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8 of the Act of September 13, 1962 (76 Stat. 538), as amended (16 U.S.C. 459c-7), is amended (a) by deleting “\$19,135,000” and inserting “\$57,500,000”, and (b) by changing the period at the end of the section to a colon and adding: “*Provided*, That no freehold, leasehold, or lesser interest in any lands hereafter acquired within the boundaries of the Point Reyes National Seashore shall be conveyed for residential or commercial purposes except for public accommodations, facilities, and services provided pursuant to the Act of October 9, 1965 (Public Law 89-249; 79 Stat. 969).”.

16 USC 20.

16 USC 459c-2.

SEC. 2. (a) Section 3(a) of the Act of September 13, 1962 (76 Stat. 538), is amended by striking out the words “Except as provided in section 4, the,” in the first sentence and inserting the word “The” in lieu thereof.

Repeal.

16 USC 459c-3.

(b) Section 4 is hereby repealed.

(c) The remaining sections of the Act of September 13, 1962 (76 Stat. 538), are renumbered accordingly.

Approved April 3, 1970.

Public Law 91-224

AN ACT

To amend the Federal Water Pollution Control Act, as amended, and for other purposes.

April 3, 1970
[H. R. 4148]*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*Federal Water
Pollution Control
Act, amendments.

TITLE I—WATER QUALITY IMPROVEMENT

SEC. 101. This title may be cited as the “Water Quality Improvement Act of 1970”.

SEC. 102. Existing sections 17 and 18 of the Federal Water Pollution Control Act, as amended, are hereby repealed. Section 19 of such Act is redesignated as section 27. Sections 11 through 16 of such Act are redesignated as sections 21 through 26, respectively. Such Act is further amended by inserting after section 10 the following new sections:

“CONTROL OF POLLUTION BY OIL

“SEC. 11. (a) For the purpose of this section, the term—

“(1) ‘oil’ means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil;

“(2) ‘discharge’ includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying or dumping;

“(3) ‘vessel’ means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water other than a public vessel;

“(4) ‘public vessel’ means a vessel owned or bare-boat chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce;

“(5) ‘United States’ means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

“(6) ‘owner or operator’ means (A) in the case of a vessel, any person owning, operating, or chartering by demise, such vessel, and (B) in the case of an onshore facility, and an offshore facility, any person owning or operating such onshore facility or offshore facility, and (C) in the case of any abandoned offshore facility, the person who owned or operated such facility immediately prior to such abandonment;

“(7) ‘person’ includes an individual, firm, corporation, association, and a partnership.

“(8) ‘remove’ or ‘removal’ refers to removal of the oil from the water and shorelines or the taking of such other actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches;

“(9) ‘contiguous zone’ means the entire zone established or to be established by the United States under article 24 of the Convention on the Territorial Sea and the Contiguous Zone;

“(10) ‘onshore facility’ means any facility (including, but not limited to, motor vehicles and rolling stock) of any kind located in, on, or under, any land within the United States other than submerged land;

Citation of
title.

Repeal.

80 Stat. 1252.
33 USC 466m,
466n.
33 USC 466
note.
70 Stat. 506;
79 Stat. 903.
33 USC 466h-
466l.

Definitions.

15 UST 1606.

“(11) ‘offshore facility’ means any facility of any kind located in, on, or under, any of the navigable waters of the United States other than a vessel or a public vessel;

“(12) ‘act of God’ means an act occasioned by an unanticipated grave natural disaster;

“(13) ‘barrel’ means 42 United States gallons at 60 degrees Fahrenheit.

“(b) (1) The Congress hereby declares that it is the policy of the United States that there should be no discharges of oil into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone.

12 UST 2994.

“(2) The discharge of oil into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone in harmful quantities as determined by the President under paragraph (3) of this subsection, is prohibited, except (A) in the case of such discharges into the waters of the contiguous zone, where permitted under article IV of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended, and (B) where permitted in quantities and at times and locations or under such circumstances or conditions as the President may, by regulation, determine not to be harmful. Any regulations issued under this subsection shall be consistent with maritime safety and with marine and navigation laws and regulations and applicable water quality standards.

Harmful oil discharges, Presidential determination.

“(3) The President shall, by regulation, to be issued as soon as possible after the date of enactment of this paragraph, determine for the purposes of this section, those quantities of oil the discharge of which, at such times, locations, circumstances, and conditions, will be harmful to the public health or welfare of the United States, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches, except that in the case of the discharge of oil into or upon the waters of the contiguous zone, only those discharges which threaten the fishery resources of the contiguous zone or threaten to pollute or contribute to the pollution of the territory or the territorial sea of the United States may be determined to be harmful.

Penalty.

“(4) Any person in charge of a vessel or of an onshore facility or an offshore facility shall, as soon as he has knowledge of any discharge of oil from such vessel or facility in violation of paragraph (2) of this subsection, immediately notify the appropriate agency of the United States Government of such discharge. Any such person who fails to notify immediately such agency of such discharge shall, upon conviction, be fined not more than \$10,000, or imprisoned for not more than one year, or both. Notification received pursuant to this paragraph or information obtained by the exploitation of such notification shall not be used against any such person in any criminal case, except a prosecution for perjury or for giving a false statement.

Penalty.

“(5) Any owner or operator of any vessel, onshore facility, or offshore facility from which oil is knowingly discharged in violation of paragraph (2) of this subsection shall be assessed a civil penalty by the Secretary of the department in which the Coast Guard is operating of not more than \$10,000 for each offense. No penalty shall be assessed unless the owner or operator charged shall have been given notice and opportunity for a hearing on such charge. Each violation is a separate offense. Any such civil penalty may be compromised by such Secretary. In determining the amount of the penalty, or the amount agreed upon in compromise, the appropriateness of such penalty to the size of the business of the owner or operator charged, the effect on the owner or operator's ability to continue in business, and the gravity of the violation, shall be considered by such Secretary. The Secretary of the

Treasury shall withhold at the request of such Secretary the clearance required by section 4197 of the Revised Statutes of the United States, as amended (46 U.S.C. 91), of any vessel the owner or operator of which is subject to the foregoing penalty. Clearance may be granted in such cases upon the filing of a bond or other surety satisfactory to such Secretary.

“(c) (1) Whenever any oil is discharged, into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone, the President is authorized to act to remove or arrange for the removal of such oil at any time, unless he determines such removal will be done properly by the owner or operator of the vessel, onshore facility, or offshore facility from which the discharge occurs.

Removal.

“(2) Within sixty days after the effective date of this section, the President shall prepare and publish a National Contingency Plan for removal of oil pursuant to this subsection. Such National Contingency Plan shall provide for efficient, coordinated, and effective action to minimize damage from oil discharges, including containment, dispersal, and removal of oil, and shall include, but not be limited to—

National Contingency Plan.

“(A) assignment of duties and responsibilities among Federal departments and agencies in coordination with State and local agencies, including, but not limited to, water pollution control, conservation, and port authorities;

“(B) identification, procurement, maintenance, and storage of equipment and supplies;

“(C) establishment or designation of a strike force consisting of personnel who shall be trained, prepared, and available to provide necessary services to carry out the Plan, including the establishment at major ports, to be determined by the President, of emergency task forces of trained personnel, adequate oil pollution control equipment and material, and a detailed oil pollution prevention and removal plan;

“(D) a system of surveillance and notice designed to insure earliest possible notice of discharges of oil to the appropriate Federal agency;

“(E) establishment of a national center to provide coordination and direction for operations in carrying out the Plan;

“(F) procedures and techniques to be employed in identifying, containing, dispersing, and removing oil; and

“(G) a schedule, prepared in cooperation with the States, identifying (i) dispersants and other chemicals, if any, that may be used in carrying out the Plan, (ii) the waters in which such dispersants and chemicals may be used, and (iii) the quantities of such dispersant or chemical which can be used safely in such waters, which schedule shall provide in the case of any dispersant, chemical, or waters not specifically identified in such schedule that the President, or his delegate, may, on a case-by-case basis, identify the dispersants and other chemicals which may be used, the waters in which they may be used, and the quantities which can be used safely in such waters.

The President may, from time to time, as he deems advisable, revise or otherwise amend the National Contingency Plan. After publication of the National Contingency Plan, the removal of oil and actions to minimize damage from oil discharges shall, to the greatest extent possible, be in accordance with the National Contingency Plan.

“(d) Whenever a marine disaster in or upon the navigable waters of the United States has created a substantial threat of a pollution hazard to the public health or welfare of the United States, including, but not

limited to, fish, shellfish, and wildlife and the public and private shorelines and beaches of the United States, because of a discharge, or an imminent discharge, of large quantities of oil from a vessel the United States may (A) coordinate and direct all public and private efforts directed at the removal or elimination of such threat; and (B) summarily remove, and, if necessary, destroy such vessel by whatever means are available without regard to any provision of law governing the employment of personnel or the expenditure of appropriated funds. Any expense incurred under this subsection shall be a cost incurred by the United States Government for the purposes of subsection (f) in the removal of oil.

“(e) In addition to any other action taken by a State or local government, when the President determines there is an imminent and substantial threat to the public health or welfare of the United States, including, but not limited to, fish, shellfish, and wildlife and public and private property, shorelines, and beaches within the United States, because of an actual or threatened discharge of oil into or upon the navigable waters of the United States from an onshore or offshore facility, the President may require the United States attorney of the district in which the threat occurs to secure such relief as may be necessary to abate such threat, and the district courts of the United States shall have jurisdiction to grant such relief as the public interest and the equities of the case may require.

Liability.

“(f) (1) Except where an owner or operator can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any vessel from which oil is discharged in violation of subsection (b) (2) of this section shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil by the United States Government in an amount not to exceed \$100 per gross ton of such vessel or \$14,000,000, whichever is lesser, except that where the United States can show that such discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs. Such costs shall constitute a maritime lien on such vessel which may be recovered in an action in rem in the district court of the United States for any district within which any vessel may be found. The United States may also bring an action against the owner or operator of such vessel in any court of competent jurisdiction to recover such costs.

Limitation; exception.

“(2) Except where an owner or operator of an onshore facility can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any such facility from which oil is discharged in violation of subsection (b) (2) of this section shall be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil by the United States Government in an amount not to exceed \$8,000,000, except that where the United States can show that such discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs. The United States may bring an action

against the owner or operator of such facility in any court of competent jurisdiction to recover such costs. The Secretary is authorized, by regulation, after consultation with the Secretary of Commerce and the Small Business Administration, to establish reasonable and equitable classifications of those onshore facilities having a total fixed storage capacity of 1,000 barrels or less which he determines because of size, type, and location do not present a substantial risk of the discharge of oil in violation of subsection (b) (2) of this section, and apply with respect to such classifications differing limits of liability which may be less than the amount contained in this paragraph.

Classification
of storage facilities.

“(3) Except where an owner or operator of an offshore facility can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any such facility from which oil is discharged in violation of subsection (b) (2) of this section shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil by the United States Government in an amount not to exceed \$8,000,000, except that where the United States can show that such discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs. The United States may bring an action against the owner or operator of such a facility in any court of competent jurisdiction to recover such costs.

Liability.

Limitation; exception.

“(g) In any case where an owner or operator of a vessel, of an onshore facility, or of an offshore facility, from which oil is discharged in violation of subsection (b) (2) of this section proves that such discharge of oil was caused solely by an act or omission of a third party, or was caused solely by such an act or omission in combination with an act of God, an act of war, or negligence on the part of the United States Government, such third party shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for removal of such oil by the United States Government, except where such third party can prove that such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of another party without regard to whether such act or omission was or was not negligent, or any combination of the foregoing clauses. If such third party was the owner or operator of a vessel which caused the discharge of oil in violation of subsection (b) (2) of this section, the liability of such third party under this subsection shall not exceed \$100 per gross ton of such vessel or \$14,000,000, whichever is the lesser. In any other case the liability of such third party shall not exceed the limitation which would have been applicable to the owner or operator of the vessel or the onshore or offshore facility from which the discharge actually occurred, if such owner or operator were liable. If the United States can show that the discharge of oil in violation of subsection (b) (2) of this section was the result of willful negligence or willful misconduct within the privity and knowledge of such third party, such third party shall be liable to the United States Government for the full amount of such removal costs. The United States may bring an action against the third party in any court of competent jurisdiction to recover such removal costs.

“(h) The liabilities established by this section shall in no way affect any rights which (1) the owner or operator of a vessel or of an onshore facility or an offshore facility may have against any third party whose acts may in any way have caused or contributed to such discharge, or (2) the United States Government may have against any third party whose actions may in any way have caused or contributed to the discharge of oil.

Recovery of
costs.

“(i) (1) In any case where an owner or operator of a vessel or an onshore facility or an offshore facility from which oil is discharged in violation of subsection (b) (2) of this section acts to remove such oil in accordance with regulations promulgated pursuant to this section, such owner or operator shall be entitled to recover the reasonable costs incurred in such removal upon establishing, in a suit which may be brought against the United States Government in the United States Court of Claims, that such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether such act or omission was or was not negligent, or of any combination of the foregoing clauses.

“(2) The provisions of this subsection shall not apply in any case where liability is established pursuant to the Outer Continental Shelf Lands Act.

67 Stat. 462.
43 USC 1331
note.
Payment.

“(3) Any amount paid in accordance with a judgment of the United States Court of Claims pursuant to this section shall be paid from the fund established pursuant to subsection (k).

Regulations.

“(j) (1) Consistent with the National Contingency Plan required by subsection (c) (2) of this section, as soon as practicable after the effective date of this section, and from time to time thereafter, the President shall issue regulations consistent with maritime safety and with marine and navigation laws (A) establishing methods and procedures for removal of discharged oil, (B) establishing criteria for the development and implementation of local and regional oil removal contingency plans, (C) establishing procedures, methods, and requirements for equipment to prevent discharges of oil from vessels and from onshore facilities and offshore facilities, and (D) governing the inspection of vessels carrying cargoes of oil and the inspection of such cargoes in order to reduce the likelihood of discharges of oil from such vessels in violation of this section.

Failure to com-
ply.

“(2) Any owner or operator of a vessel or an onshore facility or an offshore facility and any other person subject to any regulation issued under paragraph (1) of this subsection who fails or refuses to comply with the provisions of any such regulation, shall be liable to a civil penalty of not more than \$5,000 for each such violation. Each violation shall be a separate offense. The President may assess and compromise such penalty. No penalty shall be assessed until the owner, operator, or other person charged shall have been given notice and an opportunity for a hearing on such charge. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the owner, operator, or other person charged in attempting to achieve rapid compliance, after notification of a violation, shall be considered by the President.

Penalty.

Notification.
Hearing oppor-
tunity.

“(k) There is hereby authorized to be appropriated to a revolving fund to be established in the Treasury not to exceed \$35,000,000 to carry out the provisions of subsections (c), (i), and (l) of this section and section 12 of this Act. Any other funds received by the United States under this section shall also be deposited in said fund for such purposes. All sums appropriated to, or deposited in, said fund shall remain available until expended.

Revolving
fund, appropria-
tion.

Post, p. 98.

“(1) The President is authorized to delegate the administration of this section to the heads of those Federal departments, agencies, and instrumentalities which he determines to be appropriate. Any moneys in the fund established by subsection (k) of this section shall be available to such Federal departments, agencies, and instrumentalities to carry out the provisions of subsections (c) and (i) of this section and section 12 of this Act. Each such department, agency, and instrumentality, in order to avoid duplication of effort, shall, whenever appropriate, utilize the personnel, services, and facilities of other Federal departments, agencies, and instrumentalities.

Post, p. 98.

“(m) Anyone authorized by the President to enforce the provisions of this section may, except as to public vessels, (A) board and inspect any vessel upon the navigable waters of the United States or the waters of the contiguous zone, (B) with or without a warrant arrest any person who violates the provisions of this section or any regulation issued thereunder in his presence or view, and (C) execute any warrant or other process issued by an officer or court of competent jurisdiction.

Enforcement.

“(n) The several district courts of the United States are invested with jurisdiction for any actions, other than actions pursuant to subsection (i) (1), arising under this section. In the case of Guam, such actions may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions. In the case of the Canal Zone, such actions may be brought in the United States District Court for the District of the Canal Zone.

Jurisdictions.

“(o) (1) Nothing in this section shall affect or modify in any way the obligations of any owner or operator of any vessel, or of any owner or operator of any onshore facility or offshore facility to any person or agency under any provision of law for damages to any publicly-owned or privately-owned property resulting from a discharge of any oil or from the removal of any such oil.

Property damage.

“(2) Nothing in this section shall be construed as preempting any State or political subdivision thereof from imposing any requirement or liability with respect to the discharge of oil into any waters within such State.

“(3) Nothing in this section shall be construed as affecting or modifying any other existing authority of any Federal department, agency, or instrumentality, relative to onshore or offshore facilities under this Act or any other provision of law, or to affect any State or local law not in conflict with this section.

“(p) (1) Any vessel over three hundred gross tons, including any barge of equivalent size, using any port or place in the United States or the navigable waters of the United States for any purpose shall establish and maintain under regulations to be prescribed from time to time by the President, evidence of financial responsibility of \$100 per gross ton, or \$14,000,000 whichever is the lesser, to meet the liability to the United States which such vessel could be subjected under this section. In cases where an owner or operator owns, operates, or charts more than one such vessel, financial responsibility need only be established to meet the maximum liability to which the largest of such vessels could be subjected. Financial responsibility may be established by any one of, or a combination of, the following methods acceptable to the President: (A) evidence of insurance, (B) surety bonds, (C) qualification as a self-insurer, or (D) other evidence of financial responsibility. Any bond filed shall be issued by a bonding company authorized to do business in the United States.

Financial responsibility, establishment.

Amount.

Methods.

Effective date.

“(2) The provisions of paragraph (1) of this subsection shall be effective one year after the effective date of this section. The President shall delegate the responsibility to carry out the provisions of this subsection to the appropriate agency head within sixty days after the date of enactment of this section. Regulations necessary to implement this subsection shall be issued within six months after the date of enactment of this section.

“(3) Any claim for costs incurred by such vessel may be brought directly against the insurer or any other person providing evidence of financial responsibility as required under this subsection. In the case of any action pursuant to this subsection such insurer or other person shall be entitled to invoke all rights and defenses which would have been available to the owner or operator if an action had been brought against him by the claimant, and which would have been available to him if an action had been brought against him by the owner or operator.

Study.

“(4) The Secretary of Transportation, in consultation with the Secretaries of Interior, State, Commerce, and other interested Federal agencies, representatives of the merchant marine, oil companies, insurance companies, and other interested individuals and organizations, and taking into account the results of the application of paragraph (1) of this subsection, shall conduct a study of the need for and, to the extent determined necessary—

“(A) other measures to provide financial responsibility and limitation of liability with respect to vessels using the navigable waters of the United States;

“(B) measures to provide financial responsibility for all onshore and offshore facilities; and

“(C) other measures for limitation of liability of such facilities;

Report and recommendations to Congress and the President.

for the cost of removing discharged oil and paying all damages resulting from the discharge of such oil. The Secretary of Transportation shall submit a report, together with any legislative recommendations, to Congress and the President by January 1, 1971.

“CONTROL OF HAZARDOUS POLLUTING SUBSTANCES

Ante, p. 91.

“SEC. 12. (a) The President shall, in accordance with subsection (b) of this section, develop, promulgate, and revise as may be appropriate, regulations (1) designating as hazardous substances, other than oil as defined in section 11 of this Act, such elements and compounds which, when discharged in any quantity into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone, present an imminent and substantial danger to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, shorelines, and beaches; and (2) establishing, if appropriate, recommended methods and means for the removal of such substances.

80 Stat. 381;
81 Stat. 54.

“(b) Sections 551 through 559, inclusive (other than section 553 (c)), and 701 through 706, inclusive, of title 5, United States Code, shall apply to regulations issued under authority of this section.

“(c) In order to facilitate the removal, if appropriate, of any hazardous substance any person in charge of a vessel or of an on-shore or offshore facility of any kind shall, as soon as he has knowledge of any discharge of such substance from such vessel or facility, immediately notify the appropriate agency of the United States of such discharge.

“(d) Whenever any hazardous substance is discharged into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone, unless removal is immediately undertaken by the owner or operator of the vessel or onshore or offshore facility from which the discharge occurs or which caused the discharge, pursuant to the regulations promulgated under this section, the President, if appropriate, shall remove or arrange for the removal thereof in accordance with such regulations. Nothing in this subsection shall be construed to restrict the authority of the President to act to remove or arrange for the removal of such hazardous substance at any time.

“(e) Nothing in this section shall affect or modify in any way the obligations of any owner or operator of any vessel, onshore or offshore facility to any person or agency under any provision of law for damages to any publicly- or privately-owned property resulting from a discharge of any hazardous substance or from the removal of any such substance.

“(f) (1) For the purpose of this section the definitions in subsection (a) of section 11 of this Act shall be applicable to the provisions of this section, except as provided in paragraph (2) of this subsection:

Ante, p. 91.

“(2) For the purpose of this section, the term—

Definitions.

“(A) ‘remove’ or ‘removal’ refers to removal of the hazardous substances from the water and shorelines or the taking of such other actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches;

“(B) ‘owner or operator’ means any person owning, operating, chartering by demise, or otherwise controlling the operations of, a vessel, or any person owning, operating, or otherwise controlling the operations of an onshore or offshore facility; and

“(C) ‘offshore or onshore facility’ means any facility of any kind and related appurtenances thereto which is located in, on, or under the surface of any land, or permanently or temporarily affixed to any land, including lands beneath the navigable waters of the United States and which is used or capable of use for the purpose of processing, transporting, producing, storing, or transferring for commercial purposes any hazardous substance designated under this section.

“(g) The President shall submit a report to the Congress, together with his recommendations, not later than November 1, 1970, on the need for, and desirability of, enacting legislation to impose liability for the cost of removal of hazardous substances discharged from vessels and onshore and offshore facilities subject to this section including financial responsibility requirements. In preparing this report, the President shall conduct an accelerated study which shall include, but not be limited to, the method and measures for controlling hazardous substances to prevent this discharge, and the most appropriate measures for (1) enforcement (including the imposition of civil and criminal penalties for discharges and for failure to notify) and (2) recovery of costs incurred by the United States if removal is undertaken by the United States. In carrying out this study, the President shall consult with the interested representatives of the various public and private groups that would be affected by such legislation as well as other interested persons.

Presidential report and recommendations to Congress.

“(h) Any moneys in the funds established by section 11 of this Act shall be available to the President to carry out the purposes of this section. In carrying out this section the President shall utilize the personnel, services, and facilities of Federal departments, agencies, and instrumentalities in such manner as will avoid duplication of effort.

Availability of funds.

"CONTROL OF SEWAGE FROM VESSELS

Definitions.

"SEC. 13. (a) For the purpose of this section, the term—

"(1) 'new vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States, the construction of which is initiated after promulgation of standards and regulations under this section;

"(2) 'existing vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States, the construction of which is initiated before promulgation of standards and regulations under this section;

"(3) 'public vessel' means a vessel owned or bareboat chartered and operated by the United States, by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce;

"(4) 'United States' includes the States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Canal Zone, and the Trust Territory of the Pacific Islands;

"(5) 'marine sanitation device' includes any equipment for installation on board a vessel which is designed to receive, retain, treat, or discharge sewage, and any process to treat such sewage;

"(6) 'sewage' means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes;

"(7) 'manufacture' means any person engaged in the manufacturing, assembling, or importation of marine sanitation devices or of vessels subject to standards and regulations promulgated under this section;

"(8) 'person' means an individual, partnership, firm, corporation, or association, but does not include an individual on board a public vessel;

"(9) 'discharge' includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

Standards.

Post, p. 112.

"(b) (1) As soon as possible, after the enactment of this section and subject to the provisions of section 5(j) of this Act, the Secretary, after consultation with the Secretary of the department in which the Coast Guard is operating, after giving appropriate consideration to the economic costs involved, and within the limits of available technology, shall promulgate Federal standards of performance for marine sanitation devices (hereafter in this section referred to as 'standards') which shall be designed to prevent the discharge of untreated or inadequately treated sewage into or upon the navigable waters of the United States from new vessels and existing vessels, except vessels not equipped with installed toilet facilities. Such standards shall be consistent with maritime safety and the marine and navigation laws and regulations and shall be coordinated with the regulations issued under this subsection by the Secretary of the department in which the Coast Guard is operating. The Secretary of the department in which the Coast Guard is operating shall promulgate regulations, which are consistent with standards promulgated under this subsection and with maritime safety and the marine and navigation laws and regulations, governing the design, construction, installation, and operation of any marine sanitation device on board such vessels.

Regulations.

"(2) Any existing vessel equipped with a marine sanitation device on the date of promulgation of initial standards and regulations under this section, which device is in compliance with such initial standards

and regulations, shall be deemed in compliance with this section until such time as the device is replaced or is found not to be in compliance with such initial standards and regulations.

“(c) (1) Initial standards and regulations under this section shall become effective for new vessels two years after promulgation; and for existing vessels five years after promulgation. Revisions of standards and regulations shall be effective upon promulgation, unless another effective date is specified, except that no revision shall take effect before the effective date of the standard or regulation being revised.

Effective dates
of standards and
regulations.

“(2) The Secretary of the department in which the Coast Guard is operating with regard to his regulatory authority established by this section, after consultation with the Secretary, may distinguish among classes, types, and sizes of vessels as well as between new and existing vessels, and may waive applicability of standards and regulations as necessary or appropriate for such classes, types, and sizes of vessels (including existing vessels equipped with marine sanitation devices on the date of promulgation of the initial standards required by this section), and, upon application, for individual vessels.

Waiver.

“(d) The provisions of this section and the standards and regulations promulgated hereunder apply to vessels owned and operated by the United States unless the Secretary of Defense finds that compliance would not be in the interest of national security. With respect to vessels owned and operated by the Department of Defense, regulations under the last sentence of subsection (b) (1) and certifications under subsection (g) (2) of this section shall be promulgated and issued by the Secretary of Defense.

“(e) Before the standards and regulations under this section are promulgated, the Secretary and the Secretary of the department in which the Coast Guard is operating shall consult with the Secretary of State; the Secretary of Health, Education, and Welfare; the Secretary of Defense; the Secretary of the Treasury; the Secretary of Commerce; other interested Federal agencies; and the States and industries interested; and otherwise comply with the requirements of section 553 of title 5 of the United States Code.

80 Stat. 383.

“(f) After the effective date of the initial standards and regulations promulgated under this section, no State or political subdivision thereof shall adopt or enforce any statute or regulation of such State or political subdivision with respect to the design, manufacture, or installation or use of any marine sanitation device on any vessel subject to the provisions of this section. Upon application by a State, and where the Secretary determines that any applicable water quality standards require such a prohibition, he shall by regulation completely prohibit the discharge from a vessel of any sewage (whether treated or not) into those waters of such State which are the subject of the application and to which such standards apply.

“(g) (1) No manufacturer of a marine sanitation device shall sell, offer for sale, or introduce or deliver for introduction in interstate commerce, or import into the United States for sale or resale any marine sanitation device manufactured after the effective date of the standards and regulations promulgated under this section unless such device is in all material respects substantially the same as a test device certified under this subsection.

“(2) Upon application of the manufacturer, the Secretary of the department in which the Coast Guard is operating shall so certify a marine sanitation device if he determines, in accordance with the provisions of this paragraph, that it meets the appropriate standards and regulations promulgated under this section. The Secretary of the department in which the Coast Guard is operating shall test or require such testing of the device in accordance with procedures set forth by

Certification.

the Secretary as to standards of performance and for such other purposes as may be appropriate. If the Secretary of the department in which the Coast Guard is operating determines that the device is satisfactory from the standpoint of safety and any other requirements of maritime law or regulation, and after consideration of the design, installation, operation, material, or other appropriate factors, he shall certify the device. Any device manufactured by such manufacturer which is in all material respects substantially the same as the certified test device shall be deemed to be in conformity with the appropriate standards and regulations established under this section.

Recordkeeping.

“(3) Every manufacturer shall establish and maintain such records, make such reports, and provide such information as the Secretary or the Secretary of the department in which the Coast Guard is operating may reasonably require to enable him to determine whether such manufacturer has acted or is acting in compliance with this section and regulations issued thereunder and shall, upon request of an officer or employee duly designated by the Secretary or the Secretary of the department in which the Coast Guard is operating, permit such officer or employee at reasonable times to have access to and copy such records. All information reported to or otherwise obtained by, the Secretary or the Secretary of the department in which the Coast Guard is operating or their representatives pursuant to this subsection which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this section. This paragraph shall not apply in the case of the construction of a vessel by an individual for his own use.

62 Stat. 791.

Unlawful acts.

“(h) After the effective date of standards and regulations promulgated under this section, it shall be unlawful—

“(1) for the manufacturer of any vessel subject to such standards and regulations to manufacture for sale, to sell or offer for sale, or to distribute for sale or resale any such vessel unless it is equipped with a marine sanitation device which is in all material respects substantially the same as the appropriate test device certified pursuant to this section;

“(2) for any person, prior to the sale or delivery of a vessel subject to such standards and regulations to the ultimate purchaser, wrongfully to remove or render inoperative any certified marine sanitation device or element of design of such device installed in such vessel;

“(3) for any person to fail or refuse to permit access to or copying of records or to fail to make reports or provide information required under this section; and

“(4) for a vessel subject to such standards and regulations to operate on the navigable waters of the United States, if such vessel is not equipped with an operable marine sanitation device certified pursuant to this section.

Jurisdictions.

“(i) The district courts of the United States shall have jurisdictions to restrain violations of subsection (g)(1) and subsections (h)(1) through (3) of this section. Actions to restrain such violations shall be brought by, and in, the name of the United States. In case of contumacy or refusal to obey a subpoena served upon any person under this subsection, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

“(j) Any person who violates subsection (g) (1) or clause (1) or (2) of subsection (h) of this section shall be liable to a civil penalty of not more than \$5,000 for each violation. Any person who violates clause (4) of subsection (h) of this section or any regulation issued pursuant to this section shall be liable to a civil penalty of not more than \$2,000 for each violation. Each violation shall be a separate offense. The Secretary of the department in which the Coast Guard is operating may assess and compromise any such penalty. No penalty shall be assessed until the person charged shall have been given notice and an opportunity for a hearing on such charge. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the person charged in attempting to achieve rapid compliance, after notification of a violation, shall be considered by said Secretary.

Penalty.

Notification.
Hearing opportunity.

“(k) The provisions of this section shall be enforced by the Secretary of the department in which the Coast Guard is operating and he may utilize by agreement, with or without reimbursement, law enforcement officers or other personnel and facilities of the Secretary, other Federal agencies, or the States to carry out the provisions of this section.

Enforcement.

“(l) Anyone authorized by the Secretary of the department in which the Coast Guard is operating to enforce the provisions of this section may, except as to public vessels, (1) board and inspect any vessel upon the navigable waters of the United States and (2) execute any warrant or other process issued by an officer or court of competent jurisdiction.

“(m) In the case of Guam, actions arising under this section may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions. In the case of the Canal Zone, such actions may be brought in the District Court for the District of the Canal Zone.

Jurisdictions.

“AREA ACID AND OTHER MINE WATER POLLUTION CONTROL DEMONSTRATIONS

“SEC. 14. (a) The Secretary in cooperation with other Federal departments, agencies, and instrumentalities is authorized to enter into agreements with any State or interstate agency to carry out one or more projects to demonstrate methods for the elimination or control, within all or part of a watershed, of acid or other mine water pollution resulting from active or abandoned mines. Such projects shall demonstrate the engineering and economic feasibility and practicality of various abatement techniques which will contribute substantially to effective and practical methods of acid or other mine water pollution elimination or control.

Federal aid to States.

“(b) The Secretary, in selecting watersheds for the purposes of this section, shall (1) require such feasibility studies as he deems appropriate, (2) give preference to areas which have the greatest present or potential value for public use for recreation, fish and wildlife, water supply, and other public uses, and (3) be satisfied that the project area will not be affected adversely by the influx of acid or other mine water pollution from nearby sources.

“(c) Federal participation in such projects shall be subject to the conditions—

Conditions.

“(1) that the State or interstate agency shall pay not less than 25 per centum of the actual project costs which payment may be in any form, including, but not limited to, land or interests therein

that is needed for the project, or personal property or services, the value of which shall be determined by the Secretary; and

“(2) that the State or interstate agency shall provide legal and practical protection to the project area to insure against any activities which will cause future acid or other mine water pollution.

Appropriation.

“(d) There is authorized to be appropriated \$15,000,000 to carry out the provisions of this section, which sum shall be available until expended. No more than 25 per centum of the total funds available under this section in any one year shall be granted to any one State.

“POLLUTION CONTROL IN GREAT LAKES

Demonstration projects, Federal aid to States.

“SEC. 15. (a) The Secretary, in cooperation with other Federal departments, agencies, and instrumentalities is authorized to enter into agreements with any State, political subdivision, interstate agency, or other public agency, or combination thereof, to carry out one or more projects to demonstrate new methods and techniques and to develop preliminary plans for the elimination or control of pollution, within all or any part of the watersheds of the Great Lakes. Such projects shall demonstrate the engineering and economic feasibility and practicality of removal of pollutants and prevention of any polluting matter from entering into the Great Lakes in the future and other abatement and remedial techniques which will contribute substantially to effective and practical methods of water pollution elimination or control.

Condition.

“(b) Federal participation in such projects shall be subject to the condition that the State, political subdivision, interstate agency, or other public agency, or combination thereof, shall pay not less than 25 per centum of the actual project costs, which payment may be in any form, including, but not limited to, land or interests therein that is needed for the project, and personal property or services the value of which shall be determined by the Secretary.

Appropriation.

“(c) There is authorized to be appropriated \$20,000,000 to carry out the provisions of this section, which sum shall be available until expended.

“TRAINING GRANTS AND CONTRACTS

“SEC. 16. The Secretary is authorized to make grants to or contracts with institutions of higher education, or combinations of such institutions, to assist them in planning, developing, strengthening, improving, or carrying out programs or projects for the preparation of undergraduate students to enter an occupation which involves the design, operation, and maintenance of treatment works, and other facilities whose purpose is water quality control. Such grants or contracts may include payment of all or part of the cost of programs or projects such as—

“(A) planning for the development or expansion of programs or projects for training persons in the operation and maintenance of treatment works;

“(B) training and retraining of faculty members;

“(C) conduct of short-term or regular session institutes for study by persons engaged in, or preparing to engage in, the preparation of students preparing to enter an occupation involving the operation and maintenance of treatment works;

“(D) carrying out innovative and experimental programs of cooperative education involving alternate periods of full-time or part-time academic study at the institution and periods of full-time or part-time employment involving the operation and maintenance of treatment works; and

“(E) research into, and development of, methods of training students or faculty, including the preparation of teaching materials and the planning of curriculum.

“APPLICATION FOR TRAINING GRANT OR CONTRACT; ALLOCATION OF GRANTS OR CONTRACTS

“SEC. 17. (1) A grant or contract authorized by section 16 may be made only upon application to the Secretary at such time or times and containing such information as he may prescribe, except that no such application shall be approved unless it—

Conditions.

“(A) sets forth programs, activities, research, or development for which a grant is authorized under section 16, and describes the relation to any program set forth by the applicant in an application, if any, submitted pursuant to section 18;

“(B) provides such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this section; and

“(C) provides for making such reports, in such form and containing such information, as the Secretary may require to carry out his functions under this section, and for keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

Reports to Secretary.

“(2) The Secretary shall allocate grants or contracts under section 16 in such manner as will most nearly provide an equitable distribution of the grants or contracts throughout the United States among institutions of higher education which show promise of being able to use funds effectively for the purposes of this section.

Equitable distribution.

“(3) (A) Payment under this section may be used in accordance with regulations of the Secretary, and subject to the terms and conditions set forth in an application approved under subsection (a), to pay part of the compensation of students employed in connection with the operation and maintenance of treatment works, other than as an employee in connection with the operation and maintenance of treatment works or as an employee in any branch of the Government of the United States, as part of a program for which a grant has been approved pursuant to this section.

Compensation of employed students.

“(B) Departments and agencies of the United States are encouraged, to the extent consistent with efficient administration, to enter into arrangements with institutions of higher education for the full-time, part-time, or temporary employment, whether in the competitive or excepted service, of students enrolled in programs set forth in applications approved under subsection (a).

“AWARD OF SCHOLARSHIPS

“SEC. 18. (1) The Secretary is authorized to award scholarships in accordance with the provisions of this section for undergraduate study by persons who plan to enter an occupation involving the operation and maintenance of treatment works. Such scholarships shall be awarded for such periods as the Secretary may determine but not to exceed four academic years.

“(2) The Secretary shall allocate scholarships under this section among institutions of higher education with programs approved under the provisions of this section for the use of individuals accepted into such programs, in such manner and according to such plan as will insofar as practicable—

“(A) provide an equitable distribution of such scholarships throughout the United States; and

“(B) attract recent graduates of secondary schools to enter an occupation involving the operation and maintenance of treatment works.

Program approval, conditions.

“(3) The Secretary shall approve a program of an institution of higher education for the purposes of this section only upon application by the institution and only upon his finding—

“(A) that such program has as a principal objective the education and training of persons in the operation and maintenance of treatment works;

“(B) that such program is in effect and of high quality, or can be readily put into effect and may reasonably be expected to be of high quality;

“(C) that the application describes the relation of such program to any program, activity, research, or development set forth by the applicant in an application, if any, submitted pursuant to section 16 of this Act; and

“(D) that the application contains satisfactory assurances that (i) the institution will recommend to the Secretary for the award of scholarships under this section, for study in such program, only persons who have demonstrated to the satisfaction of the institution a serious intent, upon completing the program, to enter an occupation involving the operation and maintenance of treatment works, and (ii) the institution will make reasonable continuing efforts to encourage recipients of scholarships under this section, enrolled in such program, to enter occupations involving the operation and maintenance of treatment works upon completing the program.

Stipends.

“(4) (A) The Secretary shall pay to persons awarded scholarships under this section such stipends (including such allowances for subsistence and other expenses for such persons and their dependents) as he may determine to be consistent with prevailing practices under comparable federally supported programs.

“(B) The Secretary shall (in addition to the stipends paid to persons under subsection (a)) pay to the institution of higher education at which such person is pursuing his course of study such amount as he may determine to be consistent with prevailing practices under comparable federally supported programs.

“(5) A person awarded a scholarship under the provisions of this section shall continue to receive the payments provided in this section only during such periods as the Secretary finds that he is maintaining satisfactory proficiency and devoting full time to study or research in the field in which such scholarship was awarded in an institution of higher education, and is not engaging in gainful employment other than employment approved by the Secretary by or pursuant to regulation.

“(6) The Secretary shall by regulation provide that any person awarded a scholarship under this section shall agree in writing to enter and remain in an occupation involving the design, operation, or maintenance of treatment works for such period after completion of his course of studies as the Secretary determines appropriate.

“DEFINITIONS AND AUTHORIZATIONS

“SEC. 19. (1) As used in sections 16 through 19 of this Act—

“(A) The term ‘State’ includes the District of Columbia, Puerto Rico, the Canal Zone, Guam, the Virgin Islands, American Samoa and the Trust Territory of the Pacific Islands.

"(B) The term 'institution of higher education' means an educational institution described in the first sentence of section 1201 of the Higher Education Act of 1965 (other than an institution of any agency of the United States) which is accredited by a nationally recognized accrediting agency or association approved by the Secretary for this purpose. For purposes of this subsection, the Secretary shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered.

Accreditation.

79 Stat. 1269;
82 Stat. 1042.
20 USC 1141.

"(C) The term 'academic year' means an academic year or its equivalent, as determined by the Secretary.

"(2) The Secretary shall annually report his activities under sections 16 through 19 of this Act, including recommendations for needed revisions in the provisions thereof.

Annual report.

"(3) There are authorized to be appropriated \$12,000,000 for the fiscal year ending June 30, 1970, \$25,000,000 for the fiscal year ending June 30, 1971, and \$25,000,000 for the fiscal year ending June 30, 1972, to carry out sections 16 through 19 of this Act (and planning and related activities in the initial fiscal year for such purpose). Funds appropriated for the fiscal year ending June 30, 1970, under authority of this subsection shall be available for obligation pursuant to the provisions of sections 16 through 19 of this Act during that year and the succeeding fiscal year.

Appropriations.

"ALASKA VILLAGE DEMONSTRATION PROJECTS

"SEC. 20. (a) The Secretary is authorized to enter into agreements with the State of Alaska to carry out one or more projects to demonstrate methods to provide for central community facilities for safe water and the elimination or control of water pollution in those native villages of Alaska without such facilities. Such projects shall include provisions for community safe water supply systems, toilets, bathing and laundry facilities, sewage disposal facilities, and other similar facilities, and educational and informational facilities and programs relating to health and hygiene. Such demonstration projects shall be for the further purpose of developing preliminary plans for providing such safe water and such elimination or control of water pollution for all native villages in such State.

"(b) In carrying out this section the Secretary shall cooperate with the Secretary of Health, Education, and Welfare for the purpose of utilizing such of the personnel and facilities of that Department as may be appropriate.

"(c) The Secretary shall report to Congress not later than January 31, 1973, the results of the demonstration projects authorized by this section together with his recommendations, including any necessary legislation, relating to the establishment of a statewide program.

Report to Congress.

"(d) There is authorized to be appropriated not to exceed \$1,000,000 to carry out this section."

Appropriation.

SEC. 103. Redesignated section 21 of the Federal Water Pollution Control Act, as amended, is amended to read as follows:

Ante, p. 91.

"COOPERATION BY ALL FEDERAL AGENCIES IN THE CONTROL OF POLLUTION

"SEC. 21. (a) Each Federal agency (which term is used in this section includes Federal departments, agencies, and instrumentalities) having jurisdiction over any real property or facility, or engaged in any Federal public works activity of any kind, shall, consistent with the paramount interest of the United States as determined by the President, insure compliance with applicable water quality standards

Federal agencies, alleged pollution, hearings.

and the purposes of this Act in the administration of such property, facility, or activity. In his summary of any conference pursuant to section 10(d)(4) of this Act, the Secretary shall include references to any discharges allegedly contributing to pollution from any such Federal property, facility, or activity, and shall transmit a copy of such summary to the head of the Federal agency having jurisdiction of such property, facility, or activity. Notice of any hearing pursuant to section 10(f) of this Act involving any pollution alleged to be effected by any such discharges shall also be given to the Federal agency having jurisdiction over the property, facility, or activity involved, and the findings and recommendations of the hearing board conducting such hearing shall include references to any such discharges which are contributing to the pollution found by such board.

70 Stat. 504;
79 Stat. 903, 907.
33 USC 466g.

79 Stat. 907;
80 Stat. 1251.

Federal license,
State certification.

Public notification procedures.

Waiver.

Standards,
enforcement.

Public hearing.

“(b)(1) Any applicant for a Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters of the United States, shall provide the licensing or permitting agency a certification from the State in which the discharge originates or will originate, or, if appropriate, from the interstate water pollution control agency having jurisdiction over the navigable waters at the point where the discharge originates or will originate, that there is reasonable assurance, as determined by the State or interstate agency that such activity will be conducted in a manner which will not violate applicable water quality standards. Such State or interstate agency shall establish procedures for public notice in the case of all applications for certification by it, and to the extent it deems appropriate, procedures for public hearings in connection with specific applications. In any case where such standards have been promulgated by the Secretary pursuant to section 10(c) of this Act, or where a State or interstate agency has no authority to give such a certification, such certification shall be from the Secretary. If the State, interstate agency, or Secretary, as the case may be, fails or refuses to act on a request for certification, within a reasonable period of time (which shall not exceed one year) after receipt of such request, the certification requirements of this subsection shall be waived with respect to such Federal application. No license or permit shall be granted until the certification required by this section has been obtained or has been waived as provided in the preceding sentence. No license or permit shall be granted if certification has been denied by the State, interstate agency, or the Secretary, as the case may be.

“(2) Upon receipt of such application and certification the licensing or permitting agency shall immediately notify the Secretary of such application and certification. Whenever such a discharge may affect, as determined by the Secretary, the quality of the waters of any other State, the Secretary within thirty days of the date of notice of application for such Federal license or permit shall so notify such other State, the licensing or permitting agency, and the applicant. If, within sixty days after receipt of such notification, such other State determines that such discharge will affect the quality of its waters so as to violate its water quality standards, and within such sixty-day period notifies the Secretary and the licensing or permitting agency in writing of its objection to the issuance of such license or permit and requests a public hearing on such objection, the licensing or permitting agency shall hold such a hearing. The Secretary shall at such hearing submit his evaluation and recommendations with respect to any such objection to the licensing or permitting agency. Such agency, based upon the recommendations of such State, the Secretary, and upon any additional evidence, if any, presented to the agency at the hearing, shall condition such license or permit in such manner as may be necessary to insure compliance with applicable water quality standards. If

the imposition of conditions cannot insure such compliance such agency shall not issue such license or permit.

“(3) The certification obtained pursuant to paragraph (1) of this subsection with respect to the construction of any facility shall fulfill the requirements of this subsection with respect to certification in connection with any other Federal license or permit required for the operation of such facility unless, after notice to the certifying State, agency, or Secretary, as the case may be, which shall be given by the Federal agency to whom application is made for such operating license or permit, the State, or if appropriate, the interstate agency or the Secretary, notifies such agency within sixty days after receipt of such notice that there is no longer reasonable assurance that there will be compliance with applicable water quality standards because of changes since the construction license or permit certification was issued in (A) the construction or operation of the facility, (B) the characteristics of the waters into which such discharge is made, or (C) the water quality standards applicable to such waters. This paragraph shall be inapplicable in any case where the applicant for such operating license or permit has failed to provide the certifying State, or if appropriate, the interstate agency or the Secretary, with notice of any proposed changes in the construction or operation of the facility with respect to which a construction license or permit has been granted which changes may result in violation of applicable water quality standards.

“(4) Prior to the initial operation of any federally licensed or permitted facility or activity which may result in any discharge into the navigable waters of the United States and with respect to which a certification has been obtained pursuant to paragraph (1) of this subsection, which facility or activity is not subject to a Federal operating license or permit, the licensee or permittee shall provide an opportunity for such certifying State or, if appropriate, the interstate agency or the Secretary to review the manner in which the facility or activity shall be operated or conducted for the purposes of assuring that applicable water quality standards will not be violated. Upon notification by the certifying State or, if appropriate, the interstate agency or the Secretary that the operation of any such federally licensed or permitted facility or activity will violate applicable water quality standards, such Federal agency may, after public hearing, suspend such license or permit. If such license or permit is suspended, it shall remain suspended until notification is received from the certifying State, agency, or Secretary, as the case may be, that there is reasonable assurance that such facility or activity will not violate applicable water quality standards.

Prior inspection.

Standards violation, license suspension.

“(5) Any Federal license or permit with respect to which a certification has been obtained under paragraph (1) of this subsection may be suspended or revoked by the Federal agency issuing such license or permit upon the entering of a judgment under section 10(h) of this Act that such facility or activity has been operated in violation of applicable water quality standards.

70 Stat. 504;
79 Stat. 903, 907.
33 USC 466g.

“(6) No Federal agency shall be deemed to be an applicant for the purposes of this subsection.

“(7) In any case where actual construction of a facility has been lawfully commenced prior to the date of enactment of the Water Quality Improvement Act of 1970, no certification shall be required under this subsection for a license or permit issued after the date of enactment of such Act of 1970 to operate such facility, except that any such license or permit issued without certification shall terminate at the end of the three-year period beginning on the date of enactment of such Act of 1970 unless prior to such termination date the person having such license or permit submits to the Federal agency which issued such license or permit a certification and otherwise meets the requirements of this subsection.

"(8) Except as provided in paragraph (7), any application for a license or permit (A) that is pending on the date of enactment of the Water Quality Improvement Act of 1970 and (B) that is issued within one year following such date of enactment shall not require certification pursuant to this subsection for one year following the issuance of such license or permit, except that any such license or permit issued shall terminate at the end of one year unless prior to that time the licensee or permittee submits to the Federal agency that issued such license or permit a certification and otherwise meets the requirements of this subsection.

"(9) (A) In the case of any activity which will affect water quality but for which there are no applicable water quality standards, no certification shall be required under this subsection, except that the licensing or permitting agency shall impose, as a condition of any license or permit, a requirement that the licensee or permittee shall comply with the purposes of this Act.

"(B) Upon notice from the State in which the discharge originates or, as appropriate, the interstate agency or the Secretary, that such licensee or permittee has been notified of the adoption of water quality standards applicable to such activity and has failed, after reasonable notice, of not less than six months, to comply with such standards, the license or permit shall be suspended until notification is received from such State or interstate agency or the Secretary that there is reasonable assurance that such activity will comply with applicable water quality standards.

"(c) Nothing in this section shall be construed to limit the authority of any department or agency pursuant to any other provision of law to require compliance with applicable water quality standards. The Secretary shall, upon the request of any Federal department or agency, or State or interstate agency, or applicant, provide, for the purpose of this section, any relevant information on applicable water quality standards, and shall, when requested by any such department or agency or State or interstate agency, or applicant, comment on any methods to comply with such standards.

"(d) In order to implement the provisions of this section, the Secretary of the Army, acting through the Chief of Engineers, is authorized, if he deems it to be in the public interest, to permit the use of spoil disposal areas under his jurisdiction by Federal licensees or permittees, and to make an appropriate charge for such use. Moneys received from such licensees or permittees shall be deposited in the Treasury as miscellaneous receipts."

SEC. 104. Redesignated section 22 of the Federal Water Pollution Control Act, as amended, is amended by adding at the end thereof the following:

"(f) (1) It is the purpose of this subsection to authorize a program which will provide official recognition by the United States Government to those industrial organizations and political subdivisions of States which during the preceding year demonstrated an outstanding technological achievement or an innovative process, method or device in their waste treatment and pollution abatement programs. The Secretary shall, in consultation with the appropriate State water pollution control agency, establish regulations under which such recognition may be applied for and granted, except that no applicant shall be eligible for an award under this subsection if such applicant is not in total compliance with all applicable water quality standards under this Act, and otherwise does not have a satisfactory record with respect to environmental quality.

Failure to
comply, license
suspension.

Ante, p. 91.

"(2) The Secretary shall award a certificate or plaque of suitable design to each industrial organization or political subdivision which qualifies for such recognition under regulations established by this subsection.

Awards.

"(3) The President of the United States, the Governor of the appropriate State, the Speaker of the House of Representatives, and the President pro tempore of the Senate shall be notified of the award by the Secretary, and the awarding of such recognition shall be published in the Federal Register."

Notification to President of U.S., etc.

Publication in Federal Register.

SEC. 105. Section 5 of the Federal Water Pollution Control Act, as amended, is amended as follows:

(1) by redesignating subsections (g) and (h) as (m) and (n), respectively, including all references thereto;

70 Stat. 499;
75 Stat. 205;
79 Stat. 903;
80 Stat. 1247.
33 USC 466c.

(2) by inserting after subsection (f) the following new subsections:

"(g) (1) For the purpose of providing an adequate supply of trained personnel to operate and maintain existing and future treatment works and related activities, and for the purpose of enhancing substantially the proficiency of those engaged in such activities, the Secretary shall finance a pilot program, in cooperation with State and interstate agencies, municipalities, educational institutions, and other organizations and individuals, of manpower development and training and retraining of persons in, or entering into, the field of operation and maintenance of treatment works and related activities. Such program and any funds expended for such a program shall supplement, not supplant, other manpower and training programs and funds available for the purposes of this paragraph. The Secretary is authorized, under such terms and conditions as he deems appropriate, to enter into agreements with one or more States, acting jointly or severally, or with other public or private agencies or institutions for the development and implementation of such a program.

Manpower and development training program.

"(2) The Secretary is authorized to enter into agreements with public and private agencies and institutions, and individuals to develop and maintain an effective system for forecasting the supply of, and demand for, various professional and other occupational categories needed for the prevention, control, and abatement of water pollution in each region, State, or area of the United States and, from time to time, to publish the results of such forecasts.

"(3) In furtherance of the purposes of this Act, the Secretary is authorized to—

"(A) make grants to public or private agencies and institutions and to individuals for training projects, and provide for the conduct of training by contract with public or private agencies and institutions and with individuals without regard to sections 3648 and 3709 of the Revised Statutes;

31 USC 529.
41 USC 5.

"(B) establish and maintain research fellowships in the Department of the Interior with such stipends and allowances, including traveling and subsistence expenses, as he may deem necessary to procure the assistance of the most promising research fellowships; and

"(C) provide, in addition to the program established under paragraph (1) of this subsection, training in technical matters relating to the causes, prevention, and control of water pollution for personnel of public agencies and other persons with suitable qualifications.

"(4) The Secretary shall submit, through the President, a report to the Congress within eighteen months from the date of enactment of this subsection, summarizing the actions taken under this subsection and the effectiveness of such actions, and setting forth the number of persons trained, the occupational categories for which training was

Report to President and Congress.

provided, the effectiveness of other Federal, State, and local training programs in this field, together with estimates of future needs, recommendations on improving training programs, and such other information and recommendations, including legislative recommendations, as he deems appropriate.

Contract au-
thority.

“(h) The Secretary is authorized to enter into contracts with, or make grants to, public or private agencies and organizations and individuals for (A) the purpose of developing and demonstrating new or improved methods for the prevention, removal, and control of natural or manmade pollution in lakes, including the undesirable effects of nutrients and vegetation, and (B) the construction of publicly owned research facilities for such purpose.

Functions.

“(i) The Secretary shall—

“(A) engage in such research, studies, experiments, and demonstrations as he deems appropriate, relative to the removal of oil from any waters and to the prevention and control of oil pollution;

“(B) publish from time to time the results of such activities; and

Publication in
Federal Register.

“(C) from time to time, develop and publish in the Federal Register specifications and other technical information on the various chemical compounds used as dispersants or emulsifiers in the control of oil spills.

In carrying out this subsection, the Secretary may enter into contracts with, or make grants to, public or private agencies and organizations and individuals.

“(j) The Secretary shall engage in such research, studies, experiments, and demonstrations as he deems appropriate relative to equipment which is to be installed on board a vessel and is designed to receive, retain, treat, or discharge human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes with particular emphasis on equipment to be installed on small recreational vessels. The Secretary shall report to Congress the results of such research, studies, experiments, and demonstrations prior to the effective date of any standards established under section 13 of this Act. In carrying out this subsection the Secretary may enter into contracts with, or make grants to, public or private organizations and individuals.

Report to
Congress.

Ante, p. 100.

“(k) In carrying out the provisions of this section relating to the conduct by the Secretary of demonstration projects and the development of field laboratories and research facilities, the Secretary may acquire land and interests therein by purchase, with appropriated or donated funds, by donation, or by exchange for acquired or public lands under his jurisdiction which he classifies as suitable for disposition. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

“(l) (1) The Secretary shall, after consultation with appropriate local, State, and Federal agencies, public and private organizations, and interested individuals, as soon as practicable but not later than two years after the effective date of this subsection, develop and issue to the States for the purpose of adopting standards pursuant to section 10(c) the latest scientific knowledge available in indicating the kind and extent of effects on health and welfare which may be expected from the presence of pesticides in the water in varying quantities. He shall revise and add to such information whenever necessary to reflect developing scientific knowledge.

“(2) For the purpose of assuring effective implementation of standards adopted pursuant to paragraph (1) the President shall, in consultation with appropriate local, State, and Federal agencies, public and private organizations, and interested individuals, conduct a study and investigation of methods to control the release of pesticides into the environment which study shall include examination of the persistency of pesticides in the water environment and alternatives thereto. The President shall submit a report on such investigation to Congress together with his recommendations for any necessary legislation within two years after the effective date of this subsection.”

Pesticide release control study.

(3) in redesignated subsection (m) (4) by striking out the words “and June 30, 1969,” and inserting in lieu thereof “June 30, 1969, June 30, 1970, and June 30, 1971,”;

Report to Congress.

80 Stat. 1248.

(4) by amending the first sentence of redesignated subsection (n) to read as follows: “There is authorized to be appropriated to carry out this section, other than subsection (g) (1) and (2), not to exceed \$65,000,000 per fiscal year for each of the fiscal years ending June 30, 1969, June 30, 1970, and June 30, 1971. There is authorized to be appropriated to carry out subsection (g) (1) of this section \$5,000,000 for the fiscal year ending June 30, 1970, and \$7,500,000 for the fiscal year ending June 30, 1971. There is authorized to be appropriated to carry out subsection (g) (2) of this section \$2,500,000 per fiscal year for each of the fiscal years ending June 30, 1970, and June 30, 1971.”

Ante, p. 111.

SEC. 106. Section 6(e) of the Federal Water Pollution Control Act (33 U.S.C. 466c-1) is amended as follows:

(1) Paragraph (1) is amended by striking out “three succeeding fiscal years” and inserting in lieu thereof “five succeeding fiscal years.”

Research and development, appropriation.
80 Stat. 1247.

(2) Paragraph (2) is amended by striking out “two succeeding fiscal years,” and inserting in lieu thereof “four succeeding fiscal years.”

(3) Paragraph (3) is amended by striking out “two succeeding fiscal years,” and inserting in lieu thereof “four succeeding fiscal years.”

SEC. 107. Redesignated section 24 of the Federal Water Pollution Control Act, as amended, is amended by deleting the following: “the Oil Pollution Act, 1924, or”.

Ante, p. 91.

SEC. 108. The Oil Pollution Act, 1924 (43 Stat. 604), as amended (80 Stat. 1246-1252), is hereby repealed.

Repeal.
33 USC 431.

SEC. 109. The Secretary of the Interior shall conduct a full and complete investigation and study of the feasibility of all methods of financing the cost of preventing, controlling, and abating water pollution, other than methods authorized by existing law. The results of such investigation and study shall be reported to Congress no later than December 31, 1970, together with the recommendations of the Secretary for financing the programs for preventing, controlling, and abating water pollution for the fiscal years beginning after fiscal year 1971, including any necessary legislation.

Prevention and control study.

Report to Congress.

SEC. 110. (a) The first sentence of section 2 of the Federal Water Pollution Control Act (33 U.S.C. 466-1) is amended by striking out “Federal Water Pollution Control Administration” and inserting in lieu thereof “Federal Water Quality Administration”.

Federal Water Quality Administration, designation.
79 Stat. 903.

(b) Any other law, reorganization plan, regulation, map, document, record, or other paper of the United States in which the Federal Water Pollution Control Administration is referred to shall be held to refer to the Federal Water Quality Administration.

SEC. 111. Section 8(c) of the Federal Water Pollution Control Act is amended in the fourth sentence by inserting after “because of lack

75 Stat. 206;
79 Stat. 903.
33 USC 466e.

of funds" the following: "including States having projects eligible for reimbursement pursuant to the sixth and seventh sentences of this subsection".

SEC. 112. Section 10 of the Federal Water Pollution Control Act, as amended, is amended by adding at the end of subsection (c) (3) the following new sentence: "In establishing such standards the Secretary, the hearing board, or the appropriate State authority shall take into consideration their use and value for navigation."

Water quality
standards.
79 Stat. 908.
33 USC 466g.

TITLE II—ENVIRONMENTAL QUALITY

SHORT TITLE

SEC. 201. This title may be cited as the "Environmental Quality Improvement Act of 1970."

FINDINGS, DECLARATIONS, AND PURPOSES

SEC. 202. (a) The Congress finds—

- (1) that man has caused changes in the environment;
- (2) that many of these changes may affect the relationship between man and his environment; and
- (3) that population increases and urban concentration contribute directly to pollution and the degradation of our environment.

(b) (1) The Congress declares that there is a national policy for the environment which provides for the enhancement of environmental quality. This policy is evidenced by statutes heretofore enacted relating to the prevention, abatement, and control of environmental pollution, water and land resources, transportation, and economic and regional development.

(2) The primary responsibility for implementing this policy rests with State and local governments.

(3) The Federal Government encourages and supports implementation of this policy through appropriate regional organizations established under existing law.

(c) The purposes of this title are—

(1) to assure that each Federal department and agency conducting or supporting public works activities which affect the environment shall implement the policies established under existing law; and

(2) to authorize an Office of Environmental Quality, which, notwithstanding any other provision of law, shall provide the professional and administrative staff for the Council on Environmental Quality established by Public Law 91-190.

Office of
Environmental
Quality.
Authorization.
83 Stat. 854.
42 USC 4341-
4347.

OFFICE OF ENVIRONMENTAL QUALITY

Establishment.

SEC. 203. (a) There is established in the Executive Office of the President an office to be known as the Office of Environmental Quality (hereafter in this title referred to as the "Office"). The Chairman of the Council on Environmental Quality established by Public Law 91-190 shall be the Director of the Office. There shall be in the Office a Deputy Director who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) The compensation of the Deputy Director shall be fixed by the President at a rate not in excess of the annual rate of compensation payable to the Deputy Director of the Bureau of the Budget.

(c) The Director is authorized to employ such officers and employees (including experts and consultants) as may be necessary to enable the

83 Stat. 854.
42 USC 4341-
4347.

Compensation.

Duties.

Office to carry out its functions under this title and Public Law 91-190, except that he may employ no more than ten specialists and other experts without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and pay such specialists and experts without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but no such specialist or expert shall be paid at a rate in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of title 5.

5 USC 5101-
5115, 5331-5338.

Post, p. 198-1.

(d) In carrying out his functions the Director shall assist and advise the President on policies and programs of the Federal Government affecting environmental quality by—

(1) providing the professional and administrative staff and support for the Council on Environmental Quality established by Public Law 91-190;

83 Stat. 854.
42 USC 4341-
4347.

(2) assisting the Federal agencies and departments in appraising the effectiveness of existing and proposed facilities, programs, policies, and activities of the Federal Government, and those specific major projects designated by the President which do not require individual project authorization by Congress, which affect environmental quality;

(3) reviewing the adequacy of existing systems for monitoring and predicting environmental changes in order to achieve effective coverage and efficient use of research facilities and other resources;

(4) promoting the advancement of scientific knowledge of the effects of actions and technology on the environment and encourage the development of the means to prevent or reduce adverse effects that endanger the health and well-being of man;

(5) assisting in coordinating among the Federal departments and agencies those programs and activities which affect, protect, and improve environmental quality;

(6) assisting the Federal departments and agencies in the development and interrelationship of environmental quality criteria and standards established through the Federal Government;

(7) collecting, collating, analyzing, and interpreting data and information on environmental quality, ecological research, and evaluation.

(e) The Director is authorized to contract with public or private agencies, institutions, and organizations and with individuals without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5) in carrying out his functions.

Contract au-
thority.

REPORT

SEC. 204. Each Environmental Quality Report required by Public Law 91-190 shall, upon transmittal to Congress, be referred to each standing committee having jurisdiction over any part of the subject matter of the Report.

Referral to con-
gressional com-
mittees.

AUTHORIZATION

SEC. 205. There are hereby authorized to be appropriated not to exceed \$500,000 for the fiscal year ending June 30, 1970, not to exceed \$750,000 for the fiscal year ending June 30, 1971, not to exceed \$1,250,000 for the fiscal year ending June 30, 1972, and not to exceed \$1,500,000 for the fiscal year ending June 30, 1973. These authorizations are in addition to those contained in Public Law 91-190.

Appropriations.

Approved April 3, 1970.

83 Stat. 856.
42 USC 4347.

Public Law 91-225

AN ACT

April 7, 1970
[S. 2593]

To amend the Immigration and Nationality Act to facilitate the entry of certain nonimmigrants into the United States, and for other purposes.

Immigration and
Nationality Act,
amendments,
66 Stat. 168.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)), is amended to read as follows:

“(H) an alien having a residence in a foreign country which he has no intention of abandoning (i) who is of distinguished merit and ability and who is coming temporarily to the United States to perform services of an exceptional nature requiring such merit and ability; or (ii) who is coming temporarily to the United States to perform temporary services or labor, if unemployed persons capable of performing such service or labor cannot be found in this country; or (iii) who is coming temporarily to the United States as a trainee; and the alien spouse and minor children of any such alien specified in this paragraph if accompanying him or following to join him.”

75 Stat. 534.

(b) Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended by adding at the end thereof the following new subparagraphs:

“(K) an alien who is the fiancée or fiancé of a citizen of the United States and who seeks to enter the United States solely to conclude a valid marriage with the petitioner within ninety days after entry, and the minor children of such fiancée or fiancé accompanying him or following to join him.

“(L) an alien who, immediately preceding the time of his application for admission into the United States, has been employed continuously for one year by a firm or corporation or other legal entity or an affiliate or subsidiary thereof and who seeks to enter the United States temporarily in order to continue to render his services to the same employer or a subsidiary or affiliate thereof in a capacity that is managerial, executive, or involves specialized knowledge, and the alien spouse and minor children of any such alien if accompanying him or following to join him.”

SEC. 2. Section 212(e) of the Immigration and Nationality Act (8 U.S.C. 1182(e)) is amended to read as follows:

“(e) No person admitted under section 101(a)(15)(J) or acquiring such status after admission whose (i) participation in the program for which he came to the United States was financed in whole or in part, directly or indirectly, by an agency of the Government of the United States or by the government of the country of his nationality or his last residence, or (ii) who at the time of admission or acquisition of status under section 101(a)(15)(J) was a national or resident of a country which the Secretary of State, pursuant to regulations prescribed by him, had designated as clearly requiring the services of persons engaged in the field of specialized knowledge or skill in which

the alien was engaged, shall be eligible to apply for an immigrant visa, or for permanent residence, or for a nonimmigrant visa under section 101(a)(15)(H) or section 101(a)(15)(L) until it is established that such person has resided and been physically present in the country of his nationality or his last residence for an aggregate of a least two years following departure from the United States: *Provided*, That upon the favorable recommendation of the Secretary of State, pursuant to the request of an interested United States Government agency, or of the Commissioner of Immigration and Naturalization after he has determined that departure from the United States would impose exceptional hardship upon the alien's spouse or child (if such spouse or child is a citizen of the United States or a lawfully resident alien), or that the alien cannot return to the country of his nationality or last residence because he would be subject to persecution on account of race, religion, or political opinion, the Attorney General may waive the requirement of such two-year foreign residence abroad in the case of any alien whose admission to the United States is found by the Attorney General to be in the public interest: *And provided further*, That the Attorney General may, upon the favorable recommendation of the Secretary of State, waive such two-year foreign residence requirement in any case in which the foreign country of the alien's nationality or last residence has furnished the Secretary of State a statement in writing that it has no objection to such waiver in the case of such alien."

Ante, p. 116.

Waiver.

SEC. 3. (a) Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)) is amended by inserting after "101(a)(15)(H)" the language "or (L)".

66 Stat. 189.

(b) Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end thereof the following new subsection:

"(d) A visa shall not be issued under the provisions of section 101(a)(15)(K) until the consular officer has received a petition filed in the United States by the fiancée or fiancé of the applying alien and approved by the Attorney General. The petition shall be in such form and contain such information as the Attorney General shall, by regulation, prescribe. It shall be approved only after satisfactory evidence is submitted by the petitioner to establish that the parties have a bona fide intention to marry and are legally able and actually willing to conclude a valid marriage in the United States within a period of ninety days after the alien's arrival. In the event the marriage with the petitioner does not occur within three months after the entry of the said alien and minor children, they shall be required to depart from the United States and upon failure to do so shall be deported in accordance with sections 242 and 243. In the event the marriage between the said alien and the petitioner shall occur within three months after the entry and they are found otherwise admissible, the Attorney General shall record the lawful admission for permanent residence of the alien and minor children as of the date of the payment of the required visa fees."

66 Stat. 208,
212.
8 USC 1252,
1253.

Approved April 7, 1970.

Public Law 91-226

April 9, 1970
[S. J. Res. 190]

JOINT RESOLUTION

To provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees.

Whereas the labor dispute between the carriers represented by the National Railway Labor Conference and certain of their employees represented by the International Association of Machinists and Aerospace Workers; International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers; Sheet Metal Workers' International Association; International Brotherhood of Electrical Workers functioning through the Employees' Conference Committee, labor organizations, threatens essential transportation services of the Nation; and

Whereas all the procedures for resolving such dispute under the Railway Labor Act have been exhausted; and

Whereas the representatives of all parties to this dispute reached agreement on all outstanding issues and entered into a memorandum of understanding, dated December 4, 1969; and

Whereas the terms of the memorandum of understanding, dated December 4, 1969, were ratified by the overwhelming majority of all employees voting and by a majority of employees in three out of the four labor organizations party to the dispute; and

Whereas the failure of ratification resulted from the concern of a relatively small group of workers concerning the impact of one provision of the agreement; and

Whereas this failure of ratification has resulted in a threatened nationwide cessation of essential rail transportation services; and

Whereas the memorandum of understanding, dated December 4, 1969, permits the service of notices or proposals for changes under the Railway Labor Act on September 1, 1970, to become effective on or after January 1, 1971; and

Whereas the national interest, including the national health and defense, requires that transportation services essential to interstate commerce is maintained; and

Whereas the Congress finds that an emergency measure is essential to security and continuity of transportation services: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the memorandum of understanding, dated December 4, 1969, shall have the same effect (including the preclusion of resort to either strike or lockout) as though arrived at by agreement of the parties under the Railway Labor Act (45 U.S.C. 151 et seq.) and that February 19, 1970, shall be deemed the "date of notification of ratification" as used in this memorandum of understanding.

Approved April 9, 1970.

Railway labor
dispute, settle-
ment.

44 Stat. 577.

Public Law 91-227

AN ACT

To authorize the exchange, upon terms fully protecting the public interest, of the lands and buildings now constituting the United States Public Health Service Hospital at New Orleans, Louisiana for lands upon which a new United States Public Health Service Hospital at New Orleans, Louisiana may be located.

April 10, 1970
[H. R. 13448]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. That, subject to the provisions of section 2 of this Act, the Secretary of Health, Education, and Welfare, is hereby authorized, on behalf of the United States, to exchange with the Administrators of the Tulane Educational Fund upon such terms and conditions as the Secretary may determine to be in the public interest, the lands and buildings comprising the United States Public Health Service Hospital at New Orleans, Louisiana, for lands upon which a new United States Public Health Service Hospital at New Orleans, Louisiana may be located, to be provided by the Administrators of the Tulane Educational Fund at a suitable site.

U.S. Public
Health Service
Hospital, New
Orleans, La.
Land exchange.

SEC. 2. The exchange authorized by the first section of this Act shall not be made unless the Secretary of Health, Education, and Welfare determines (1) that the value to the United States of the property to be conveyed to it is equal to or in excess of the market value of the property to be conveyed by the United States, or (2) that the United States is to receive from the Administrators of the Tulane Educational Fund upon conveyance of the properties to be exchanged, a sum of money equal to the amount by which the market value of the property to be conveyed by the United States exceeds the value to the United States of the property to be conveyed to the United States. Any money received shall be covered into the Treasury as a miscellaneous receipt.

Approved April 10, 1970.

Public Law 91-228

AN ACT

To permit El Paso and Hudspeth Counties, Texas, to be placed in the mountain standard time zone.

April 10, 1970
[H. R. 14289]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That, notwithstanding the first section of the Act of March 4, 1921 (15 U.S.C. 265), the Secretary of Transportation may, upon the written request of the County Commissioners Court of El Paso County, Texas, change the boundary line between the central standard time zone and the mountain standard time zone, so as to place El Paso County in the mountain standard time zone, in the manner prescribed in section 1 of the Act of March 19, 1918, as amended (15 U.S.C. 261), and section 5 of the Act of April 13, 1966 (15 U.S.C. 266). In the same manner, the Secretary of Transportation may also place Hudspeth County, Texas, in the mountain standard time zone, if the Hudspeth County Commissioners Court so requests in writing and if El Paso County is to be placed in that time zone.

El Paso and
Hudspeth
Counties, Texas.
Mountain stand-
ard time zone.
41 Stat. 1446.

80 Stat. 108.

Approved April 10, 1970.

Public Law 91-229

AN ACT

April 11, 1970
[S. 227]

To provide for loans to Indian tribes and tribal corporations, and for other purposes.

Indians,
Loans.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized to make loans from the Farmers Home Administration Direct Loan Account created by section 338(c), and to make and insure loans as provided in sections 308 and 309, of the Consolidated Farmers Home Administration Act of 1961, as amended (7 U.S.C. 1988(c), 1928, 1929), to any Indian tribe recognized by the Secretary of the Interior or tribal corporation established pursuant to the Indian Reorganization Act (25 U.S.C. 477), which does not have adequate uncommitted funds, to acquire lands or interests therein within the tribe's reservation as determined by the Secretary of the Interior, or within a community in Alaska incorporated by the Secretary pursuant to the Indian Reorganization Act, for use of the tribe or the corporation or the members of either. Such loans shall be limited to such Indian tribes or tribal corporations as have reasonable prospects of success in their proposed operations and as are unable to obtain sufficient credit elsewhere at reasonable rates and terms to finance the purposes authorized in this Act.

75 Stat. 316,
308.
82 Stat. 770.
48 Stat. 988.

Limitation.

Title in trust.

SEC. 2. Title to land acquired by a tribe or tribal corporation with a loan made or insured pursuant to this Act may, with the approval of the Secretary of the Interior, be taken by the United States in trust for the tribe or tribal corporation.

Rights and
privileges.

SEC. 3. A tribe or tribal corporation to which a loan is made or insured pursuant to this Act (1) may waive in writing any immunity from suit or liability which it may possess, (2) may mortgage or otherwise hypothecate trust or restricted property if (a) authorized by its constitution or charter or by a tribal referendum, and (b) approved by the Secretary of the Interior, and (3) shall comply with rules and regulations prescribed by the Secretary of Agriculture in connection with such loans.

Mortgaged
property.

SEC. 4. Trust or restricted tribal or tribal corporation property mortgaged pursuant to this Act shall be subject to foreclosure and sale or conveyance in lieu of foreclosure, free of such trust or restrictions, in accordance with the laws of the State in which the property is located.

Interest rate.

SEC. 5. Loans made or insured pursuant to this Act will be subject to the interest rate provisions of section 307(a) of the Consolidated Farmers Home Administration Act of 1961, as amended, and to the provisions of subtitle D of that Act except sections 340, 341, 342, and 343 thereof: *Provided*, That section 334 thereof shall not be construed to subject to taxation any lands or interests therein while they are held by an Indian tribe or tribal corporation or by the United States in trust for such tribe or tribal corporation pursuant to this Act.

75 Stat. 308.
7 USC 1927.

7 USC 1990,
1921 note, 1013a,
1991, 1984.

Approved April 11, 1970.

Public Law 91-230

AN ACT

To extend programs of assistance for elementary and secondary education, and for other purposes.

April 13, 1970
[H. R. 514]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

POLICY WITH RESPECT TO THE APPLICATION OF CERTAIN PROVISIONS OF
FEDERAL LAW

Elementary and
secondary educa-
tion assistance
programs, exten-
sion.

SEC. 2. (a) It is the policy of the United States that guidelines and criteria established pursuant to title VI of the Civil Rights Act of 1964 and section 182 of the Elementary and Secondary Education Amendments of 1966 dealing with conditions of segregation by race, whether de jure or de facto, in the schools of the local educational agencies of any State shall be applied uniformly in all regions of the United States whatever the origin or cause of such segregation.

78 Stat. 252.
42 USC 2000d.
80 Stat. 1209;
81 Stat. 787.
42 USC 2000d-5.

(b) Such uniformity refers to one policy applied uniformly to de jure segregation wherever found and such other policy as may be provided pursuant to law applied uniformly to de facto segregation wherever found.

Uniformity.

(c) Nothing in this section shall be construed to diminish the obligation of responsible officials to enforce or comply with such guidelines and criteria in order to eliminate discrimination in federally-assisted programs and activities as required by title VI of the Civil Rights Act of 1964.

Compliance.

(d) It is the sense of the Congress that the Department of Justice and the Department of Health, Education, and Welfare should request such additional funds as may be necessary to apply the policy set forth in this section throughout the United States.

Additional
funds.

TITLE I—AMENDMENTS TO THE ELEMENTARY AND
SECONDARY EDUCATION ACT OF 1965

PART A—AMENDMENTS TO TITLE I OF THE ELEMENTARY AND SEC-
ONDARY EDUCATION ACT OF 1965 (EDUCATION OF DISADVANTAGED
CHILDREN)

EXTENSION OF TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION
ACT OF 1965

SEC. 101. (a) Section 102 of title I of the Elementary and Secondary Education Act of 1965 is amended by striking out "June 30, 1970" and inserting in lieu thereof "June 30, 1973".

79 Stat. 27;
81 Stat. 813.
20 USC 241b.
80 Stat. 783.
20 USC 241c.

(b) The third sentence of section 103(a)(1)(A) of such title I is amended by striking out "the fiscal year ending June 30, 1969," and inserting in lieu thereof "each of the succeeding fiscal years ending prior to July 1, 1972,".

(c) Section 121(d) of such title I is amended by striking out "each" where it appears after "\$50,000,000" and by striking out "the succeeding fiscal year" and inserting in lieu thereof "for each of the succeeding fiscal years ending prior to July 1, 1973".

81 Stat. 786,
787.
20 USC 241h-1.

STUDY OF ALLOCATION OF FUNDS

SEC. 102. (a) The Commissioner of Education shall make a study of the allocation of sums appropriated for the purposes of title I of

79 Stat. 27;
81 Stat. 787,
20 USC 241a
note.

the Elementary and Secondary Education Act of 1965 and of the effectiveness of the various provisions of such title in making funds available to State and local educational agencies in order to meet the purposes of such title I. Such study shall make special reference to the distribution of funds to local educational agencies within counties, the means by which such funds may be concentrated in school attendance areas with the highest concentrations of children from low-income families, the appropriateness of the Federal percentage and the low-income factor provided for in subsection (c) of section 103 of such title I when considered in the light of the extra cost of providing compensatory education for educationally deprived children (including the means of providing services authorized by such title to such children residing in rural areas), and the use of special incentive grants to increase State and local effort for education.

80 Stat. 1194;
81 Stat. 785, 787,
20 USC 241c.

Report to Con-
gress.

(b) Not later than March 31, 1972, the Commissioner shall submit to the Congress a report on the study required by subsection (a), together with such recommendations as he may deem appropriate with respect to modification of programs under title I of the Elementary and Secondary Education Act of 1965. Notwithstanding the first sentence of section 103(d) of such title I, the Commissioner shall not use data for the purposes of section 103 of such title I from the 1970 census of the United States prior to July 1, 1972.

79 Stat. 28.

DESIGNATION OF RESPONSIBILITY FOR PROVISION OF SPECIAL EDUCATIONAL SERVICES FOR INSTITUTIONALIZED NEGLECTED OR DELINQUENT CHILDREN

79 Stat. 28;
81 Stat. 784.

SEC. 103. (a) Paragraph (2) of section 103(a) of title I of the Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following sentence: "Notwithstanding the foregoing provisions of this paragraph, upon determination by the State educational agency that a local educational agency in the State is unable or unwilling to provide for the special educational needs of children, described in clause (C) of the first sentence of this paragraph, who are living in institutions for neglected or delinquent children, the State educational agency shall, if it assumes responsibility for the special educational needs of such children, be eligible to receive the portion of the allocation to such local educational agency which is attributable to such neglected or delinquent children, but if the State educational agency does not assume such responsibility, any other State or local public agency, as determined by regulations established by the Commissioner, which does assume such responsibility shall be eligible to receive such portion of the allocation."

80 Stat. 1193.

79 Stat. 29.

(b) Section 103(d) of such Act is amended by adding at the end thereof the following new sentence: "For purposes of this section, the Secretary shall consider all children who are in correctional institutions to be living in institutions for delinquent children."

INCLUSION OF PUERTO RICO AND OTHER OUTLYING AREAS WITH RESPECT TO NEGLECTED OR DELINQUENT CHILDREN

79 Stat. 28;
81 Stat. 787.

SEC. 104. (a) Paragraph (4) of section 103(a) of title I of the Elementary and Secondary Education Act of 1965 is amended by striking out "paragraph (5)" and inserting in lieu thereof "paragraphs (5) and (7)".

Effective date.

(b) The amendment made by this section shall be effective after June 30, 1970.

AMENDMENTS WITH RESPECT TO HANDICAPPED AND NEGLECTED OR
DELINQUENT CHILDREN

SEC. 105. (a) Paragraph (5) of section 103(a) of title I of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

79 Stat. 1161;
81 Stat. 787.
20 USC 241c.

“(5) In the case of a State agency which is directly responsible for providing free public education for handicapped children (including mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children who by reason thereof require special education), the maximum grant which that agency shall be eligible to receive under this part for any fiscal year shall be an amount equal to the Federal percentage of the average per pupil expenditure in the State or, if greater, in the United States, multiplied by the number of such children in average daily attendance, as determined by the Commissioner, at schools for handicapped children operated or supported by the State agency, including schools providing special education for handicapped children under contract or other arrangement with such State agency, in the most recent fiscal year for which satisfactory data are available. Such State agency shall use payments under this part only for programs and projects (including the acquisition of equipment and where necessary the construction of school facilities) which are designed to meet the special educational needs of such children.”

(b) Paragraph (7) of section 103(a) of such title I is amended by inserting after “supported by that State agency” the following: “, including schools providing education for such children under contract or other arrangement with such agency.”

80 Stat. 1194.

(c) The amendments made by this section shall be effective after June 30, 1970.

Effective date.

REQUIRING GRANTS FOR MIGRATORY CHILDREN TO BE BASED ON THE
NUMBER TO BE SERVED

SEC. 106. (a) The first sentence of paragraph (6) of section 103(a) of title I of the Elementary and Secondary Education Act of 1965 is, effective with the first allocation of funds pursuant to such title by the Commissioner after the date of enactment of this Act, amended to read as follows: “A State educational agency which has submitted and had approved an application under section 105(c) for any fiscal year shall be entitled to receive a grant for that year under this part, based on the number of migratory children of migratory agriculture workers to be served, for establishing or improving programs for such children.”

80 Stat. 1192.

(b) The second sentence thereof is amended by striking “shall be” the first time it appears and inserting in lieu thereof “may be made”; and by inserting immediately before the period in such second sentence the following: “, except that if, in the case of any State, such amount exceeds the amount required under the preceding sentence and under section 105(c) (2), the Commissioner shall allocate such excess, to the extent necessary, to other States whose maximum total of grants under this sentence would otherwise be insufficient for all such children to be served in such other States”.

80 Stat. 1192.
20 USC 241c.

USE OF MOST RECENT DATA UNDER TITLE I

SEC. 107. (a) The third sentence of section 103(d) of title I of the Elementary and Secondary Education Act of 1965 is amended by inserting immediately before the period at the end thereof the following: “or, to the extent that such data are not available to him before April 1 of the calendar year in which the Secretary’s determina-

80 Stat. 1195;
81 Stat. 784.

tion is made, then on the basis of the most recent reliable data available to him at the time of such determination”.

81 Stat. 784.
20 USC 241c.

(b) Section 103(e) of such title is amended by inserting the following after “during the second fiscal year preceding the fiscal year for which the computation is made”: “(or, if satisfactory data for that year are not available at the time of computation, then during the earliest preceding fiscal year for which satisfactory data are available)”.

SALARY BONUSES FOR TEACHERS IN SCHOOLS WITH HIGH CONCENTRATIONS
OF EDUCATIONALLY DEPRIVED CHILDREN

79 Stat. 30;
80 Stat. 1196.
20 USC 241c.

SEC. 108. Paragraph (1) of Section 105(a) of the Elementary and Secondary Education Act of 1965 is amended by inserting “payments to teachers of amounts in excess of regular salary schedules as a bonus for service in schools eligible for assistance under this section,” after “including the acquisition of equipment.”.

PROHIBITION AGAINST SUPPLANTING STATE AND LOCAL FUNDS WITH
FEDERAL FUNDS

SEC. 109. (a) Paragraph (3) of section 105(a) of title I of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

“(3) that (A) the local educational agency has provided satisfactory assurance that the control of funds provided under this title, and title to property derived therefrom, shall be in a public agency for the uses and purposes provided in this title, and that a public agency will administer such funds and property, (B) Federal funds made available under this title will be so used (i) as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs and projects assisted under this title, and (ii) in no case, as to supplant such funds from non-Federal sources, and (C) State and local funds will be used in the district of such agency to provide services in project areas which, taken as a whole, are at least comparable to services being provided in areas in such district which are not receiving funds under this title: *Provided*, That any finding of noncompliance with this clause shall not affect the payment of funds to any local educational agency until the fiscal year beginning July 1, 1972, and *Provided further*, That each local educational agency receiving funds under this title shall report on or before July 1, 1971, and on or before July 1 of each year thereafter with respect to its compliance with this clause;”.

Effective date.

(b) The amendment made by subsection (a) shall be effective with respect to all applications submitted to State educational agencies after thirty days after the date of enactment of this Act. Nothing in this section shall be construed to authorize the supplanting of State and local funds with Federal funds prior to the effective date of the amendment made by this section.

APPLICATIONS TO BE MADE AVAILABLE TO PUBLIC

SEC. 110. Section 105(a) of title I of the Elementary and Secondary Education Act of 1965 is amended by redesignating paragraphs (8) through (11) as paragraphs (9) through (12), respectively, and by inserting after paragraph (7) the following new paragraph:

79 Stat. 30;
81 Stat. 784.

“(8) that the local educational agency is making the application and all pertinent documents related thereto available to parents and other members of the general public and that all evaluations and reports required under paragraph (7) shall be public information;”.

AMENDMENTS WITH RESPECT TO APPLICATIONS AND ASSURANCES

SEC. 111. (a) The parenthetical phrase in clause (A) of section 106(a)(3) of title I of the Elementary and Secondary Education Act of 1965 is amended by inserting “and of research and replication studies” immediately before the closing parenthesis.

(b) Section 105(a)(7) of such title is amended by inserting “(which in the case of reports relating to performance is in accordance with specific performance criteria related to program objectives)” after “such information”.

79 Stat. 31;
81 Stat. 787.
20 USC 241f.
79 Stat. 31;
80 Stat. 1196.
20 USC 241e.

NATIONAL ADVISORY COUNCIL

SEC. 112. Section 134 of title I of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

79 Stat. 34.
20 USC 241I.

“NATIONAL ADVISORY COUNCIL

“SEC. 134. (a) There shall be a National Advisory Council on the Education of Disadvantaged Children (hereinafter in this section referred to as the ‘National Council’) consisting of fifteen members appointed by the President, without regard to the provisions of title 5, United States Code, governing appointment in the competitive service, for terms of three years, except that (1) in the case of initial members, five shall be appointed for terms of one year each and five shall be appointed for terms of two years each, and (2) appointments to fill vacancies shall be only for such terms as remain unexpired. The National Council shall meet at the call of the Chairman.

80 Stat. 378.
5 USC 101 et
seq.

“(b) The National Council shall review and evaluate the administration and operation of this title, including its effectiveness in improving the educational attainment of educationally deprived children, including the effectiveness of programs to meet their occupational and career needs, and make recommendations for the improvement of this title and its administration and operation. These recommendations shall take into consideration experience gained under this and other Federal educational programs for disadvantaged children and, to the extent appropriate, experience gained under other public and private educational programs for disadvantaged children.

Review and
evaluation.

“(c) The National Council shall make such reports of its activities, findings, and recommendations (including recommendations for changes in the provisions of this title) as it may deem appropriate and shall make an annual report to the President and the Congress not later than March 31 of each calendar year. Such annual report shall include a report specifically on which of the various compensatory education programs funded in whole or in part under the provisions of this title, and of other public and private educational programs for educationally deprived children, hold the highest promise for raising the educational attainment of these educationally deprived children. The President is requested to transmit to the Congress such comments and recommendations as he may have with respect to such report.”

Annual report
to President and
Congress.

INCREASE IN LOW-INCOME FACTOR AND SPECIAL GRANTS FOR URBAN AND
RURAL SCHOOLS SERVING ATTENDANCE AREAS WITH THE HIGHEST CON-
CENTRATIONS OF CHILDREN FROM LOW-INCOME FAMILIES

SEC. 113. (a) The second sentence of subsection (c) of section 103 of title I of the Elementary and Secondary Education Act of 1965 is amended by striking out all after "1968," and inserting in lieu thereof the following: "and for the four succeeding fiscal years they shall be 50 per centum and \$3,000, respectively, and for the fiscal year ending June 30, 1973 they shall be 50 per centum and \$4,000, respectively."

(b) (1) Title I of such Act is further amended by striking out "PART A—BASIC GRANTS" where it appears before section 101 and inserting "PART A—BASIC GRANTS" before section 103.

(2) Section 101 of such title I is amended by striking out "this part" and inserting in lieu thereof "the following parts of this title".

(3) Sections 102, 105, 106, 107, and 108 of such title I are each amended by striking out "this part" and inserting in lieu thereof "this title".

(4) Sections 105, 106, 107, 108, 131, 132, 133, 134, 135, and 136 of such title I, and all references thereto, are redesignated as sections 141, 142, 143, 144, 145, 146, 147, 148, 149, and 150, respectively.

(5) Such title I is further amended by striking out the heading of part C and by inserting before the caption heading of section 141 the following:

"PART D—GENERAL PROVISIONS".

(6) Such title I is further amended by striking out all of part B thereof and inserting after section 103 the following:

"PART B—SPECIAL INCENTIVE GRANTS

"MAXIMUM ENTITLEMENT

"SEC. 121. (a) In the case of any fiscal year ending after June 30, 1969, each State shall be entitled to a special incentive grant if such State has an effort index for the second preceding fiscal year that exceeds the national effort index for such year.

"(b) The maximum amount of a special incentive grant for which a State is eligible for any fiscal year shall be determined by multiplying the amount of \$1 for each 0.01 per centum by which the effort index of that State for the second preceding fiscal year exceeds the national effort index for such year times the aggregate number of children counted for the purposes of entitled local educational agencies within such State to basic grants in accordance with clauses (2), (5), (6), and (7) of section 103(a), except that no State shall be eligible to receive a special incentive grant under this part in an amount in excess of 15 per centum of the total amount available for grants under this part.

"APPLICATION; USE OF FUNDS

"SEC. 122. Any State desiring the special incentive grant to which it is entitled under this part for any fiscal year shall make application therefor, in accordance with the requirements set forth in section 142, to the Commissioner. Such application shall be submitted at such time and contain such information as the Commissioner shall require by regulation and shall contain a statement of such policies and procedures as will insure that funds granted to the State under this part will be (1) made available to local educational agencies within that State which have the greatest need for assistance under this title, and (2) used, in accordance with the applicable provisions of this title, for

80 Stat. 1194;
81 Stat. 785.
20 USC 241c.

79 Stat. 27;
81 Stat. 786.
20 USC 241a,
241c.

20 USC 241e-
241m, 241a note.

81 Stat. 786.
20 USC 241h-1.

20 USC 241c.

programs and projects designed to meet the special educational needs of educationally deprived children.

“DEFINITIONS

“SEC. 123. For the purpose of this part the term ‘effort index’ when applied to States, means the per centum expressing the ratio of expenditures from all non-Federal sources in a State for public elementary and secondary education to the total personal income in such State, and the term ‘national effort index’ means the per centum expressing the ratio of such expenditures in all States to the total personal income in all States; and the term ‘State’ means the fifty States and the District of Columbia.

“Effort index.”

“National effort index.”

“State.”

“PART C—SPECIAL GRANTS FOR URBAN AND RURAL SCHOOLS SERVING AREAS WITH THE HIGHEST CONCENTRATIONS OF CHILDREN FROM LOW-INCOME FAMILIES

“ELIGIBILITY AND MAXIMUM AMOUNT OF GRANT

“SEC. 131. (a) (1) Each local educational agency which is eligible for a grant under paragraph (2) of section 103(a) shall be entitled to an additional grant under this paragraph for any fiscal year if—

79 Stat. 28;
81 Stat. 787.
20 USC 241c.

“(A) the total number of children described in clause (A), (B), or (C) of section 103(a) (2) in the school district of such agency for such year amounts to at least 20 per centum of the total number of children, aged five to seventeen inclusive, in the school district of such agency for such year; or

“(B) the total number of children described in clause (A), (B), or (C) of section 103(a) (2) in the school district is at least 5,000 and amounts to at least 5 per centum of the total number of children, aged five to seventeen, inclusive, in such school district.

79 Stat. 28;
80 Stat. 1193;
81 Stat. 787.

“(2) Each local educational agency which is eligible for a grant under paragraph (2) of section 103(a) and which (A) is not eligible for a grant under paragraph (1) of this subsection, but (B) would be eligible for a grant under such paragraph (1) if there were in the school district of such agency a relatively small increase in the number of children, aged five to seventeen, inclusive, described in clause (A), (B), or (C) of section 103(a) (2) shall be entitled to a grant under this paragraph (2) if the State educational agency of the State in which such agency is located determines (in accordance with criteria established by regulation of the Commissioner) that such agency has an urgent need for financial assistance to meet the special educational needs of the educationally deprived children in the school district of such agency.

“(b) (1) The maximum amount of any grant to any local educational agency under paragraph (1) of subsection (a) shall be—

“(A) for the fiscal year ending June 30, 1970, 30 per centum of the amount that such agency is eligible to receive for such fiscal year under paragraph (2) of section 103(a); and

“(B) for any succeeding fiscal year, 40 per centum of the amount that such agency is eligible to receive for each such succeeding fiscal year.

The aggregate of the amounts for which all local educational agencies are eligible under this paragraph for any fiscal year shall not exceed the amount determined in the following manner:

“(i) compute the total amount for which all State and local educational agencies are eligible under this title for that fiscal year;

“(ii) subtract from such total, a sum equal to the figure set forth in paragraph (3) of section 144; and

81 Stat. 785;
Ante, p. 126.
20 USC 241h.

“(iii) if that portion of such total which is attributable to amounts for which local educational agencies are eligible under this paragraph constitutes more than 15 per centum of the remainder of such total, reduce such portion until it constitutes 15 per centum of such remainder, through ratable reductions of the maximum grants for which local educational agencies are eligible under this paragraph.

“(2) The maximum amount of any grant to any local educational agency under paragraph (2) of subsection (a) shall not exceed the maximum amount to which it would have been entitled if it had been eligible under paragraph (1) of such subsection. The maximum amount which shall be available to the Commissioner for grants under such paragraph (2) of subsection (a) shall be, for the fiscal year ending June 30, 1970, equal to 3 per centum of the total amount available for grants for such fiscal year under paragraph (1) of subsection (a) and, for any succeeding fiscal year, such amount shall be equal to 5 per centum of the total amount available for grants for that year under such paragraph (1).

“State.”

“(c) For the purposes of this section the term ‘State’ means the fifty States and the District of Columbia.

“(d) (1) In making determinations under this section the Commissioner is authorized, in accordance with regulations prescribed by him, to use the most recent satisfactory data made available to him by the appropriate State educational agency. If satisfactory data for determining the number of children described in clause (A), (B) or (C) of section 103(a) (2) in a school district for the purpose of subsection (a) are not otherwise available to the Commissioner, such determination may be made on the basis of data furnished to him by a State educational agency with respect to the amount of the maximum grant under part A of this title allocated by such State agency to the local educational agency for such district in the State for the purpose of the second sentence of section 103(a) (2), for the fiscal year preceding the fiscal year for which such determination is made.

“(2) Determinations under this section may be made on the basis of data furnished in accordance with section 103(d).

79 Stat. 28;
80 Stat. 1193;
81 Stat. 787.
20 USC 241c.

Ante, p. 122.

“USES OF FUNDS

“SEC. 132. (a) Funds available for grants under this part shall be used solely for programs and projects designed to meet the special educational needs of educationally deprived children in preschool programs and in elementary schools serving areas with the highest concentrations of children from low-income families, except that such funds may be used for programs and projects for such children in secondary schools serving areas with the highest concentrations of children from low-income families if the local educational agency and its State educational agency determine (in accordance with criteria established by regulation of the Commissioner) that—

“(A) there is an urgent need for such programs and projects for such children in secondary schools in the area to be served by the local educational agency; and

“(B) there is satisfactory assurance that such programs and projects will be at least as effective in achieving the purposes of this title as the use of such funds for programs and projects for such children in elementary schools in such area.

“(b) In addition to meeting the requirements and conditions set forth in part D, applications for grants under this part shall meet such other requirements and conditions, consistent with the purposes of this title, as the Commissioner shall establish by regulation.”

(7) Section 141(a) of such title is amended by striking out “and”

Ante, p. 126.
20 USC 241e.

at the end of paragraph (10), and by striking out the period at the end of paragraph (11) and inserting in lieu thereof “; and”, and by adding at the end thereof the following new paragraph:

“(12) in the case of funds received under part C of this title, the local educational agency sets forth such procedures and policies and provides such assurances as the Commissioner may require by regulation for the uses of funds available under such part C to carry out the purposes of this title, and, for any fiscal year ending after June 30, 1970, sets forth a comprehensive plan for meeting the special educational needs of children to be served under such part C including provisions for effective use of all funds available under this title and provisions setting forth specific objectives of such plan and the criteria and procedures, including objective measurements of educational achievement, that will be used to evaluate at least annually the extent to which the objectives of the plan have been met.”

Ante, p. 127.

(8) Section 143 of such title I is amended—

Ante, p. 126.

(A) by inserting before the period at the end of paragraph (2) of subsection (a) thereof “or section 131”, and

(B) by striking out “sections 103 and 144” where it appears in clause (1) of subsection (b) and inserting in lieu thereof “sections 103, 131, and 144”.

(9) Section 146 of such title I is amended by striking out “, 106(b), or 121(b)” and inserting in lieu thereof “or 142(b)”.

Ante, p. 126.

(10) Section 147 of such title I is amended by striking out “, 103(b) or 121(b)” and inserting in lieu thereof “or 142(b)”.

20 USC 241k.

(c) Section 144 of such title is amended (A) by striking out “paragraphs (1) and (2)” in paragraph (3) and inserting in lieu thereof “paragraphs (1), (2), and (3)”, (B) by redesignating such paragraph (3) as paragraph (4), and (C) by inserting before such paragraph (4) the following new paragraph:

81 Stat. 785;
Ante, p. 126.
20 USC 241h.

“(3) that part of such sums for any fiscal year which is in excess of \$1,396,975,000 shall be allocated on the basis of computations in accordance with remaining entitlements under section 103(a) (2), and entitlements under sections 121 and 131, as ratably reduced, but in no case shall allocations on the basis of computations in accordance with section 131 exceed 15 per centum of such excess; and”.

Ante, pp. 126,
127.

(d) Effective for fiscal years ending after June 30, 1972, such section 144 is further amended—

(1) by inserting after the first sentence the following new sentence: “For the purposes of parts B and C of this title, in determining entitlements under such parts, the number of children described in section 103(a) shall be ascertained by using a low-income factor of (i) \$2,000 when allocations are made under clause (A) of paragraph (2) in the first sentence of this section, (ii) \$3,000 when allocations are made under clause (B) of such paragraph, and (iii) \$4,000 when allocations are made under clause (C) of such paragraph.”; and

(2) by striking out clause (B) of paragraph (2) and inserting in lieu thereof the following:

“(B) until appropriations are sufficient to satisfy all maximum grants as computed by using a low-income factor of \$3,000, any amount remaining after allocations are computed pursuant to clause (A) shall be allocated by using a low-income factor of \$3,000 with respect to children described in section 103(a) (2) who are not counted for purposes of clause (A); and

“(C) until appropriations are sufficient to satisfy all maximum grants as computed by using a low-income factor of

\$4,000, any amount remaining after allocations are computed pursuant to clauses (A) and (B) shall be allocated by using a low-income factor of \$4,000 with respect to children described in section 103(a)(2) who are not counted for purposes of clause (A) or (B); and

“(D) the aggregate amount available for grants to local educational agencies within each State shall be not less than the aggregate amount allocated to local educational agencies within such State for the fiscal year ending June 30, 1967, until the total sums available from appropriations for that fiscal year exceed \$1,500,000,000 for Part A of title I; and”.

Ante, p. 126.

Effective date.

(e) Except as otherwise provided, the amendments made by this section shall be effective with respect to fiscal years ending after June 30, 1969.

TECHNICAL AMENDMENT

79 Stat. 1162,
20 USC 241g.

SEC. 114. Section 107(b)(2) of title I of the Elementary and Secondary Education Act of 1965 is amended by striking out “Wake Island.”

PART B—AMENDMENTS TO TITLE II OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 (LIBRARY RESOURCES, TEXTBOOKS, AND OTHER PRINTED AND PUBLISHED MATERIALS)

EXTENSION OF TITLE II OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

80 Stat. 1199;
81 Stat. 813.
20 USC 821.

SEC. 121. (a) Section 201(b) of the Elementary and Secondary Education Act of 1965 is amended by striking out “and” where it appears after “1969,” and by striking out “the fiscal year ending June 30, 1970” and inserting in lieu thereof “each of the fiscal years ending June 30, 1970, and June 30, 1971, \$210,000,000 for the fiscal year ending June 30, 1972, and \$220,000,000 for the fiscal year ending June 30, 1973”.

80 Stat. 1199;
81 Stat. 788.
20 USC 822.

(b) The third sentence of section 202(a)(1) of such Act is amended by striking out “the fiscal year ending June 30, 1969,” and inserting in lieu thereof “each of the succeeding fiscal years ending prior to July 1, 1972,”.

79 Stat. 38.
20 USC 824.

(c) Section 204(b) of such Act is amended by striking out “July 1, 1970” and inserting in lieu thereof “July 1, 1973”.

PART C—AMENDMENTS TO TITLE III OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 (SUPPLEMENTARY EDUCATIONAL SERVICES AND CENTERS)

CONSOLIDATION OF CERTAIN EDUCATION PROGRAMS

79 Stat. 39;
81 Stat. 788.
20 USC 841-848.

SEC. 131. (a)(1) Title III of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

“TITLE III—SUPPLEMENTARY EDUCATIONAL CENTERS AND SERVICES; GUIDANCE, COUNSELING, AND TESTING

“APPROPRIATIONS AUTHORIZED

“SEC. 301. (a) The Commissioner shall carry out a program for making grants for supplementary educational centers and services, to stimulate and assist in the provision of vitally needed educational services not available in sufficient quantity or quality, and to stimulate and assist in the development and establishment of exemplary ele-

mentary and secondary school educational programs to serve as models for regular school programs, and to assist the States in establishing and maintaining programs of testing and guidance and counseling.

“(b) For the purpose of making grants under this title, there is hereby authorized to be appropriated the sum of \$550,000,000 for the fiscal year ending June 30, 1971, \$575,000,000 for the fiscal year ending June 30, 1972, and \$605,000,000 for the fiscal year ending June 30, 1973. In addition, there are hereby authorized to be appropriated for the fiscal year ending June 30, 1971, and each of the succeeding fiscal years, such sums as may be necessary for the administration of State plans, the activities of advisory councils, and the evaluation and dissemination activities required under this title.

Appropriation.

“ALLOTMENT AMONG STATES

“SEC. 302. (a) (1) There is hereby authorized to be appropriated for each fiscal year for the purposes of this paragraph an amount equal to not more than 3 per centum of the amount appropriated for such year for grants under this title. The Commissioner shall allot the amount appropriated pursuant to this paragraph among Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective needs for assistance under this title. In addition for each fiscal year ending prior to July 1, 1972, he shall allot from such amount to (A) the Secretary of the Interior the amount necessary to provide programs and projects for the purpose of this title for individuals on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior, and (B) the Secretary of Defense the amount necessary for such assistance for children and teachers in the overseas dependents schools of the Department of Defense. The terms upon which payments for such purpose shall be made to the Secretary of the Interior and the Secretary of Defense shall be determined pursuant to such criteria as the Commissioner determines will best carry out the purposes of this title.

“(2) From the sums appropriated for making grants under this title for any fiscal year pursuant to section 301(b), the Commissioner shall allot \$200,000 to each State and shall allot the remainder of such sums among the States as follows:

“(A) He shall allot to each State an amount which bears the same ratio to 50 per centum of such remainder as the number of children aged five to seventeen, inclusive, in the State bears to the number of such children in all the States, and

“(B) He shall allot to each State an amount which bears the same ratio to 50 per centum of such remainder as the population of the State bears to the population of all the States.

For the purposes of this subsection, the term “State” does not include the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

“State.”

“(b) The number of children aged five to seventeen, inclusive, and the total population of a State and of all the States shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him.

“(c) The amount allotted to any State under subsection (a) for any fiscal year, which the Commissioner determines will not be required for the period for which that amount is available, shall be available for grants pursuant to section 306 in such State, and if not so needed may be reallocated or used for grants pursuant to section 306 in other States. Funds available for reallocation may be reallocated from time to time, on such dates during that period as the Commissioner may fix, among other States in proportion to the amounts originally allotted

among those States under subsection (a) for that year, but with the proportionate amount for any of the other States being reduced to the extent it exceeds the sum the Commissioner estimates that State needs and will be able to use for that period; and the total of these reductions may be similarly reallocated among the States whose proportionate amounts were not so reduced. Any amount reallocated to a State under this subsection from funds appropriated pursuant to section 301 for any fiscal year shall be deemed to be a part of the amount allotted to it under subsection (a) for that year.

Availability
of funds.

“(d) The amounts made available under the first sentence of subsection (c) for any fiscal year shall remain available for grants during the next succeeding fiscal year.

“USES OF FEDERAL FUNDS

“SEC. 303. (a) It is the purpose of this title to combine within a single authorization, subject to the modifications imposed by the provisions and requirements of this title, the programs formerly authorized by this title and title V-A of the National Defense Education Act of 1958, and except as expressly modified by this title, Federal funds may be used for the same purposes and the funding of the same types of programs previously authorized by those titles.

72 Stat. 1592;
78 Stat. 1106;
82 Stat. 1057.
20 USC 481-
485.
Grants.

“(b) Funds appropriated pursuant to section 301 shall be available only for grants in accordance with applications approved pursuant to this title for—

“(1) planning for and taking other steps leading to the development of programs or projects designed to provide supplementary educational activities and services described in paragraphs (2) and (3), including pilot projects designed to test the effectiveness of plans so developed;

“(2) the establishment or expansion of exemplary and innovative educational programs (including dual-enrollment programs and the lease or construction of necessary facilities) for the purpose of stimulating the adoption of new educational programs (including those described in section 503(4) and special programs for handicapped children) in the schools of the State; and

79 Stat. 49;
80 Stat. 1203.
20 USC 863.

“(3) the establishment, maintenance, operation, and expansion of programs or projects, including the lease or construction of necessary facilities and the acquisition of necessary equipment, designed to enrich the programs of local elementary and secondary schools and to offer a diverse range of educational experience to persons of varying talents and needs by providing, especially through new and improved approaches, supplementary educational services and activities, such as—

“(A) remedial instruction, and school health, physical education, recreation, psychological, social work, and other services designed to enable and encourage persons to enter, remain in, or reenter educational programs, including the provision of special educational programs and study areas during periods when schools are not regularly in session;

“(B) comprehensive academic services and, where appropriate, vocational guidance and counseling, for continuing adult education;

“(C) specialized instruction and equipment for students interested in studying advanced scientific subjects, foreign languages, and other academic subjects which are not taught in the local schools or which can be provided more effectively on a centralized basis, or for persons who are handicapped or of preschool age;

“(D) making available modern educational equipment and specially qualified personnel, including artists and musicians, on a temporary basis for the benefit of children in public and other nonprofit schools, organizations, and institutions;

“(E) developing, producing, and transmitting radio and television programs for classroom and other educational use;

“(F) in the case of any local educational agency which is making a reasonable tax effort but which is nevertheless unable to meet critical educational needs (including preschool education), because some or all of its schools are seriously overcrowded, obsolete, or unsafe, initiating and carrying out programs or projects designed to meet those needs, particularly those which will result in more effective use of existing facilities;

“(G) providing special educational and related services for persons who are in or from rural areas or who are or have been otherwise isolated from normal educational opportunities, including, where appropriate, the provision of mobile educational services and equipment, special home study courses, radio, television, and related forms of instruction, bilingual education methods and visiting teachers’ programs;

“(H) encouraging community involvement in educational programs;

“(I) providing programs for gifted and talented children; and

“(J) other specially designed educational programs or projects which meet the purposes of this title; and

“(4) programs for testing students in the public and private elementary and secondary schools and in junior colleges and technical institutes in the State, and programs designed to improve guidance and counseling services at the appropriate levels in such schools.

“(c) In addition to the uses specified in subsection (b), funds appropriated for carrying out this title may be used for—

Additional use
of funds.

“(1) proper and efficient administration of State plans;

“(2) obtaining technical, professional, and clerical assistance and the services of experts and consultants to assist the advisory councils authorized by this title in carrying out their responsibilities; and

“(3) evaluation of plans, programs, and projects, and dissemination of the results thereof.

“APPLICATION FOR GRANTS; CONDITIONS FOR APPROVAL

“SEC. 304. (a) A grant under this title pursuant to an approved State plan or by the Commissioner for a supplementary educational center or service program or project may be made only to a local educational agency or agencies, and then only if there is satisfactory assurance that, in the planning of that program or project there has been, and in the establishment and carrying out thereof there will be, participation of persons broadly representative of the cultural and educational resources of the area to be served. The term ‘cultural and educational resources’ includes State educational agencies, institutions of higher education, nonprofit private schools, public and nonprofit private agencies such as libraries, museums, musical and artistic organizations, educational radio and television, and other cultural and educational resources. Such grants may be made only upon application to the appropriate State educational agency or to the Commissioner, as the case may be, at such time or times, in such manner,

“Cultural and
educational
resources.”

and containing or accompanied by such information as the Commissioner deems necessary. Such application shall—

“(1) provide that the activities and services for which assistance under this title is sought will be administered by or under the supervision of the applicant;

“(2) set forth a program for carrying out the purposes set forth in section 303(b) and provide for such methods of administration as are necessary for the proper and efficient operation of the programs;

“(3) set forth policies and procedures which assure that Federal funds made available under this title for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the purposes described in section 303(b), and in no case supplant such funds;

“(4) provide, in the case of an application for assistance under this title which includes a project for the construction of necessary facilities, satisfactory assurance that—

“(A) reasonable provision has been made, consistent with the other uses to be made of the facilities, for areas in such facilities which are adaptable for artistic and cultural activities,

“(B) upon completion of the construction, title to the facilities will be in a State or local educational agency, and

“(C) in developing plans for such facilities (i) due consideration will be given to excellence of architecture and design and to the inclusion of works of art (not representing more than 1 per centum of the cost of the project), and (ii) there will be compliance with such standards as the Secretary may prescribe or approve in order to insure that, to the extent appropriate in view of the uses to be made of the facilities, such facilities are accessible to and usable by handicapped persons;

“(5) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this title; and

Annual reports.

“(6) provide for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this title and to determine the extent to which funds provided under this title have been effective in improving the educational opportunities of persons in the area served, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

Records.

“(b) An application by a local educational agency for a grant under this title may be approved only if it is consistent with the applicable provisions of this title and—

“(1) meets the requirements set forth in subsection (a);

“(2) provides that the program or project for which application is made—

“(A) will utilize the best available talents and resources and will substantially increase the educational opportunities in the area to be served by the applicant, and

“(B) to the extent consistent with the number of children enrolled in nonprofit private schools in the area to be served whose educational needs are of the type provided by the program or project, makes provision for the participation of such children; and

“(3) has been reviewed by a panel of experts.

“(c) Amendments of applications shall, except as the Commissioner may otherwise provide by or pursuant to regulations, be subject to approval in the same manner as original applications.

“STATE PLANS

“SEC. 305. (a) (1) Any State desiring to receive payments for any fiscal year to carry out a State plan under this title shall (A) establish within its State educational agency a State advisory council (hereinafter referred to as the State advisory council) which meets the requirements of this subsection, (B) set dates before which local educational agencies must have submitted applications for grants to the State educational agency, and (C) submit to the Commissioner, through its State educational agency, a State plan at such time and in such detail as the Commissioner may deem necessary. The Commissioner may, by regulation, set uniform dates for the submission of State plans and applications.

Establishment
of State advisory
councils.

“(2) The State advisory council, established pursuant to paragraph (1) shall—

“(A) be appointed by the State educational agency, and be broadly representative of the cultural and educational resources of the State (as defined in section 304(a)) and of the public, including persons representative of—

“(i) elementary and secondary schools,

“(ii) institutions of higher education, and

“(iii) areas of professional competence in dealing with children needing special education because of physical or mental handicaps;

“(B) advise the State educational agency on the preparation of, and policy matters arising in the administration of, the State plan, including the development of criteria for approval of applications under such State plan;

“(C) review, and make recommendations to the State educational agency on the action to be taken with respect to, each application for a grant under the State plan;

“(D) evaluate programs and projects assisted under this title; and

“(E) prepare and submit through the State educational agency a report of its activities, recommendations, and evaluations, together with such additional comments as the State educational agency deems appropriate, to the Commissioner and to the National Advisory Council, established pursuant to this title, at such times, in such form, and in such detail, as the Secretary may prescribe.

Report.

“(3) Not less than ninety days prior to the beginning of any fiscal year in which a State desires to receive a grant under this title, such State shall certify the establishment of, and membership of, its State advisory council to the Commissioner.

“(4) Each State advisory council shall meet within thirty days after certification has been accepted by the Commissioner and select from its membership a chairman. The time, place, and manner of meeting shall be as provided by such council, except that such council shall have not less than one public meeting each year at which the public is given opportunity to express views concerning the administration and operation of this title.

“(5) State advisory councils shall be authorized to obtain the services of such professional, technical, and clerical personnel as may be necessary to enable them to carry out their functions under this title

Professional
and technical
personnel.

and to contract for such services as may be necessary to enable them to carry out their evaluation functions.

Approval of
plan, conditions.

“(b) The Commissioner shall approve a State plan, or modification thereof, if he determines that the plan submitted for that fiscal year—

“(1) (A) except in the case of funds available for the purpose described in paragraph (4) of section 303(b), sets forth a program (including educational needs, and their basis, and the manner in which the funds paid to the State under this title shall be used in meeting such educational needs) under which funds paid to the State under section 307(a) will be expended solely for the improvement of education in the State through grants to local educational agencies for programs or projects in accordance with sections 303 and 304: *Provided*, That, in the case of a State educational agency that also is a local educational agency, its approval of a program or project to be carried out by it in the latter capacity shall, for the purposes of this title, be deemed an award of a grant by it upon application of a local educational agency if the State plan contains, in addition to the provisions otherwise required by this section, provisions and assurances (applicable to such programs or project) that are fully equivalent to those otherwise required of a local educational agency;

“(B) in the case of funds available for the purpose described in paragraph (4) of section 303(b), sets forth—

“(i) a program for testing students in the public elementary and secondary schools of such State or in the public junior colleges and technical institutes of such State, and, if authorized by law, in other elementary and secondary schools and in other junior colleges and technical institutes in such State, to identify students with outstanding aptitudes and ability, and the means of testing which will be utilized in carrying out such program; and

“(ii) a program of guidance and counseling at the appropriate levels in the public elementary and secondary schools or public junior colleges and technical institutes of such State, (A) to advise students of courses of study best suited to their ability, aptitudes and skills, (B) to advise students in their decisions as to the type of educational program they should pursue, the vocation they train for and enter, and the job opportunities in the various fields, and (C) to encourage students with outstanding aptitudes and ability to complete their secondary school education, take the necessary courses for admission to institutions of higher education, and enter such institutions and such programs may include, at the discretion of such State agency, short-term sessions for persons engaged in guidance and counseling in elementary and secondary schools, junior colleges, and technical institutes in such State;

“(2) sets forth the administrative organization and procedures, including the qualifications for personnel having responsibilities in the administration of the plan in such detail as the Commissioner may prescribe by regulation;

“(3) sets forth criteria for achieving an equitable distribution of assistance under this title, which criteria shall be based on consideration of (A) the size and population of the State, (B) the geographic distribution and density of the population within the State, and (C) the relative need of persons in different geographic areas and in different population groups within the State for the kinds of services and activities described in section 303, and the financial ability of the local educational agencies serving such persons to provide such services and activities;

Equitable
assistance
within States,
criteria.

"(4) provides for giving special consideration to the application of any local educational agency which is making a reasonable tax effort but which is nevertheless unable to meet critical educational needs, including preschool education for four- and five-year-olds and including where appropriate bilingual education, because some or all of its schools are seriously overcrowded (as a result of growth or shifts in enrollment or otherwise), obsolete, or unsafe;

Preschool and
bilingual educa-
tional needs.

"(5) provides that, in approving applications for grants for programs or projects, applications proposing to carry out programs or projects planned under this title will receive special consideration;

"(6) provides for adoption of effective procedures (A) for the evaluation, at least annually, of the effectiveness of the programs and projects, by the State advisory council, supported under the State plan in meeting the purposes of this title, (B) for appropriate dissemination of the results of such evaluations and other information pertaining to such programs or projects, and (C) for adopting, where appropriate, promising educational practices developed through such programs or projects;

Annual program
evaluation.

"(7) provides that not less than 50 per centum of the amount which such State receives to carry out the plan in such fiscal year shall be used for purposes of paragraphs (1) and (2) of section 303(b);

"(8) provides that not less than 15 per centum of the amount which such State receives to carry out the plan in such fiscal year shall be used for special programs or projects for the education of handicapped children;

Handicapped
children.

"(9) sets forth policies and procedures which give satisfactory assurance that Federal funds made available under this title for any fiscal year (A) will not be commingled with State funds, and (B) will be so used as to supplement and, to the extent practical, increase the fiscal effort (determined in accordance with criteria prescribed by the Commissioner, by regulation) that would, in the absence of such Federal funds, be made by the applicant for educational purposes;

"(10) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State under this title;

"(11) provides for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this title and to determine the extent to which funds provided under this title have been effective in improving the educational opportunities of persons in the areas served by the programs or projects supported under the State plan and in the State as a whole, including reports of evaluations made in accordance with objective measurements under the State plan pursuant to paragraph (6), and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports;

Annual reports.

"(12) provides that final action with respect to any application (or amendment thereof) regarding the proposed final disposition thereof shall not be taken without first affording the local educational agency or agencies submitting such application reasonable notice and opportunity for a hearing; and

Hearing
opportunity.

"(13) contains satisfactory assurance that, in determining the eligibility of any local educational agency for State aid or the amount of such aid, grants to that agency under this title shall not be taken into consideration.

“(c) The Commissioner may, if he finds that a State plan for any fiscal year ending prior to July 1, 1973, is in substantial compliance with the requirements set forth in subsection (b), approve that part of the plan which is in compliance with such requirements and make available (pursuant to section 307) to that State that part of the State’s allotment which he determines to be necessary to carry out that part of the plan so approved. The remainder of the amount which such State is eligible to receive under this section may be made available to such State only if the unapproved portion of that State plan has been so modified as to bring the plan into compliance with such requirements: *Provided*, That the amount made available to a State pursuant to this subsection shall not be less than 50 per centum of the maximum amount which the State is eligible to receive under this section.

Plan modification to effect compliance.

“(d) A State which has had a State plan approved for any fiscal year may receive for the purpose of carrying out such plan, an amount not in excess of 85 per centum of its allotment pursuant to section 302.

Hearing opportunity.

“(e) (1) The Commissioner shall not finally disapprove any plan submitted under subsection (a), or any modification thereof, without first affording the State educational agency submitting the plan reasonable notice and opportunity for a hearing.

Noncompliance. Cessation of payments.

“(2) Whenever the Commissioner, after reasonable notice and opportunity for hearings to any State educational agency, finds that there has been a failure to comply substantially with any requirement set forth in the plan of that State approved under section 305 or with any requirement set forth in the application of a local educational agency approved pursuant to section 304, the Commissioner shall notify the agency that further payments will not be made to the State under this title (or, in his discretion, that the State educational agency shall not make further payments under this title to specified local educational agencies affected by the failure) until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, no further payments shall be made to the State under this title, or payments by the State educational agency under this title shall be limited to local educational agencies not affected by the failure, as the case may be.

Filing of review petition.

“(3) (A) If any State is dissatisfied with the Commissioner’s final action with respect to the approval of a plan submitted under subsection (a) or with his final action under paragraph (2), such State may, within 60 days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action as provided in section 2112 of title 28, United States Code.

72 Stat. 941;
80 Stat. 1323.

“(B) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings.

“(C) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

62 Stat. 928.

“(f) (1) If any local educational agency is dissatisfied with the final action of the State educational agency with respect to approval of an application of such local agency for a grant pursuant to this

title, such local agency may, within sixty days after such final action or notice thereof, whichever is later, file with the United States court of appeals for the circuit in which the State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the State educational agency. The State educational agency thereupon shall file in the court the record of the proceedings on which the State educational agency based its action as provided in section 2112 of title 28, United States Code.

"(2) The findings of fact by the State educational agency, if supported by substantial evidence shall be conclusive; but the court, for good cause shown, may remand the case to the State educational agency to take further evidence, and the State educational agency may thereupon make new or modified findings of fact and may modify its previous action, and shall certify to the court the record of the further proceedings.

"(3) The court shall have jurisdiction to affirm the action of the State educational agency or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

72 Stat. 941;
80 Stat. 1323.

62 Stat. 928.

"SPECIAL PROGRAMS AND PROJECTS

"SEC. 306. (a) From the amount allotted to any State pursuant to section 302 which is not available to that State under a State plan approved pursuant to section 305, the Commissioner is authorized, subject to the provisions of section 304, to make grants to local educational agencies in such State for programs or projects which meet the purposes of section 303 and which, in the case of a local educational agency in a State which has a State plan approved, hold promise of making a substantial contribution to the solution of critical educational problems common to all or several States. The Commissioner may not approve an application under this section unless the application has been submitted to the appropriate State educational agency for comment and recommendation with respect to the action to be taken by the Commissioner regarding the disposition of the application.

"(b) Not less than 15 per centum of the funds granted pursuant to this section in any fiscal year shall be used for programs or projects designed to meet the special educational needs of handicapped children.

"PAYMENTS

"SEC. 307. (a) From the allotment to each State pursuant to section 302, for any fiscal year, the Commissioner shall pay to each State, which has had a plan approved pursuant to section 305 for that fiscal year, the amount necessary to carry out its State plan as approved.

"(b) The Commissioner is authorized to pay to each State amounts necessary for the activities described in section 303(c), during any fiscal year, except that (1) the total of such payments shall not be in excess of an amount equal to 7½ per centum of its allotment for that fiscal year or, \$150,000 (\$50,000 in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), whichever is greater, and (2) in such payment, the amount paid for the administration of the State plan for any fiscal year shall not exceed an amount equal to 5 per centum of its allotment for that fiscal year or \$100,000 (\$35,000 in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), whichever is greater.

Methods of
payment.

"(c) The Commissioner shall pay to each applicant which has an application approved pursuant to section 306 the amount necessary to carry out the program or project pursuant to such application.

"(d) Payments under this section may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

"(e) No payments shall be made under this title to any local educational agency or to any State unless the Commissioner finds, in the case of a local educational agency, that the combined fiscal effort of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than such combined fiscal effort for that purpose for the second preceding fiscal year or, in the case of a State, that the fiscal effort of that State for State aid (as defined by regulation) with respect to the provision of free public education in that State for the preceding fiscal year was not less than such fiscal effort for State aid for the second preceding fiscal year.

"(f) (1) In any State which has a State plan approved under section 305(c) and in which no State agency is authorized by law to provide, or in which there is a substantial failure to provide, for effective participation on an equitable basis in programs authorized by this title by children enrolled in any one or more private elementary or secondary schools of such State in the area or areas served by such programs, the Commissioner shall arrange for the provision, on an equitable basis, of such programs and shall pay the costs thereof for any fiscal year out of that State's allotment. The Commissioner may arrange for such programs through contracts with institutions of higher education, or other competent nonprofit institutions or organizations.

"(2) In determining the amount to be withheld from any State's allotment for the provision of such programs, the Commissioner shall take into account the number of children and teachers in the area or areas served by such programs who are excluded from participation therein and who, except for such exclusion, might reasonably have been expected to participate.

"RECOVERY OF PAYMENTS

"Sec. 308. If within twenty years after completion of any construction for which Federal funds have been paid under this title—

"(a) the owner of the facility shall cease to be a State or local educational agency, or

"(b) the facility shall cease to be used for the educational and related purposes for which it was constructed, unless the Commissioner determines in accordance with regulations that there is good cause for releasing the applicant or other owner from the obligation to do so,

the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which the facility is situated.

"NATIONAL ADVISORY COUNCIL

"Sec. 309. (a) The President shall appoint a National Advisory Council on Supplementary Centers and Services which shall—

“(1) review the administration of, general regulations for, and operation of this title, including its effectiveness in meeting the purposes set forth in section 303;

“(2) review, evaluate, and transmit to the Congress and the President the reports submitted pursuant to section 305(a)(2)(E);

“(3) evaluate programs and projects carried out under this title and disseminate the results thereof; and

“(4) make recommendations for the improvement of this title, and its administration and operation.

“(b) The Council shall be appointed by the President without regard to the civil service laws and shall consist of twelve members, a majority of whom shall be broadly representative of the educational and cultural resources of the United States including at least one person who has professional competence in the area of education of handicapped children. Such members shall be appointed for terms of 3 years except that (1) in the case of the initial members, four shall be appointed for terms of 1 year each and four shall be appointed for terms of 2 years each, and (2) appointments to fill the unexpired portion of any terms shall be for such portion only. When requested by the President, the Secretary of Health, Education, and Welfare shall engage such technical and professional assistance as may be required to carry out the functions of the Council, and shall make available to the Council such secretarial, clerical and other assistance and such pertinent data prepared by the Department of Health, Education, and Welfare as it may require to carry out its functions.

“(c) The Council shall make an annual report of its findings and recommendations (including recommendations for changes in the provisions of this title) to the President and the Congress not later than January 20 of each year. The President is requested to transmit to the Congress such comments and recommendations as he may have with respect to such report.”

(b) In the case of any fiscal year ending prior to July 1, 1973, each State submitting a State plan under title III of the Elementary and Secondary Education Act of 1965 shall assure the Commissioner of Education that it will expend for the purpose described in paragraph (4) of section 303(b) of such title III an amount at least equal to 50 per centum of the amount expended by that State for the purposes of title V-A of the National Defense Education Act of 1958 from funds appropriated pursuant to such title V-A for the fiscal year ending June 30, 1970.

(c) Any appropriation for the purposes of title V of the National Defense Education Act of 1958 for any fiscal year ending after June 30, 1970, shall be deemed to have been appropriated pursuant to section 301 of the Elementary and Secondary Education Act of 1965.

(d) The amendment made by this section shall be effective with respect to fiscal years ending after June 30, 1970.

Reports to
Congress and
President.

Members.
Appointment by
President.

Tenure.

Report to
President and
Congress.

Ante, p. 130.

72 Stat. 1592;
78 Stat. 1106;
82 Stat. 1057.
20 USC 481-
485.

Effective date.

PART D—AMENDMENTS TO TITLE V OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 (STRENGTHENING STATE DEPARTMENTS OF EDUCATION)

EXTENSION OF TITLE V OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 141. Section 501(b) of the Elementary and Secondary Education Act of 1965 is amended by striking out “and” where it appears after “1969,” and by striking out all that follows “1968” and inserting in lieu thereof the following: “\$80,000,000 each for the fiscal years ending June 30, 1969, June 30, 1970, and June 30, 1971, \$85,000,000 for the

80 Stat. 1203;
81 Stat. 799.
20 USC 861.

fiscal year ending June 30, 1972, and \$90,000,000 for the fiscal year ending June 30, 1973”.

PROVISION RELATING TO GIFTED AND TALENTED CHILDREN

79 Stat. 49;
80 Stat. 1204;
81 Stat. 799.
20 USC 863.
Effective
date.

SEC. 142. (a) Section 503(11) of the Elementary and Secondary Education Act of 1965 (relating to grants to strengthen State departments of education) is amended by inserting after “handicapped” a comma and the following: “and gifted and talented children”.

(b) The amendment made by this section shall be effective upon enactment of this Act.

STRENGTHENING LEADERSHIP AND QUALITY IN EDUCATION; IMPROVING
PLANNING AND EVALUATION OF EDUCATION PROGRAMS

79 Stat. 47.
20 USC 861-
870.

SEC. 143. (a) (1) The heading of title V of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

“TITLE V—STRENGTHENING STATE AND LOCAL
EDUCATIONAL AGENCIES”.

(2) Such title V is amended by inserting before section 501 thereof the following heading:

“PART A—GRANTS TO STRENGTHEN STATE DEPARTMENTS
OF EDUCATION”.

(3) Section 507 of such title V, and all references thereto, is redesignated as section 553 of such title and is amended, in subsection (a), by striking out “but it does not include a local educational agency” and inserting in lieu thereof “including local educational agencies”.

(4) Such title V is amended—

(A) by striking out sections 506, 508, 509, and 510;

(B) in sections 501, 502, 503, 504, and 505, by striking out “this title” wherever it appears therein and inserting in lieu thereof “this part”;

(C) in section 503, by inserting “and” at the end of clause (11), by striking out the semicolon at the end of clause (12) and inserting in lieu thereof a period, and by striking out clauses (13) and (14); and

(D) by inserting after section 505 the following:

“PART B—LOCAL EDUCATIONAL AGENCIES

“APPROPRIATIONS AUTHORIZED

“SEC. 521. (a) The Commissioner shall carry out a program for making grants to stimulate and assist local educational agencies in strengthening the leadership resources of their districts, and to assist those agencies in the establishment and improvement of programs to identify and meet the educational needs of their districts.

“(b) For the purpose of making grants under this part, there is hereby authorized to be appropriated the sum of \$10,000,000 for the fiscal year ending June 30, 1970, \$20,000,000 for the fiscal year ending June 30, 1971, \$30,000,000 for the fiscal year ending June 30, 1972, and \$40,000,000 for the fiscal year ending June 30, 1973.

"APPORTIONMENT AMONG STATES

"SEC. 522. (a) From the sums appropriated for carrying out this part for each fiscal year, the Commissioner shall reserve such amount, but not in excess of 2 per centum of such sums, as he may determine and shall apportion such amount among the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective needs for assistance under this part. The remainder of such sums shall be apportioned by the Commissioner as follows:

"(A) He shall apportion 40 per centum of such remainder among the States in equal amounts.

"(B) He shall apportion to each State an amount that bears the same ratio to 60 per centum of such remainder as the number of public school pupils in the State bears to the number of public school pupils in all the States, as determined by the Commissioner on the basis of the most recent satisfactory data available to him.

For purposes of this paragraph, the term 'State' does not include the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"State."

"(b) The amount apportioned to any State under subsection (a) for any fiscal year which the Commissioner determines will not be required for that year shall be available for reapportionment from time to time, on such dates during that year as the Commissioner may fix, to other States in proportion to the amounts originally apportioned among those States under subsection (a) for that year, but with the proportionate amount for any of the other States being reduced to the extent it exceeds the sum the Commissioner estimates the local educational agencies of such State need and will be able to use for that year; and the total of these reductions shall be similarly reapportioned among the States whose proportionate amounts were not so reduced. Any amount reapportioned to a State under this subsection from funds appropriated pursuant to section 521 for any fiscal year shall be deemed part of the amount apportioned to it under subsection (a) for that year.

"GRANTS FROM APPORTIONED FUNDS

"SEC. 523. From the amount apportioned to any State for any fiscal year under section 522 the Commissioner may, upon approval of an application in accordance with section 524 submitted to him by a local educational agency of such State, after approval by the State educational agency in accordance with section 525, make a grant or grants to such local educational agency equal to the expenditures incurred by such agency for the planning of, and for programs for, the development, improvement, or expansion of activities promoting the purposes set forth in section 521(a) and more particularly described in such application and for which such application is approved, such as—

"(1) educational planning on a district basis, including the identification of educational problems, issues, and needs in the district and the evaluation on a periodic or continuing basis of educational programs in the district;

"(2) providing support or services for the comprehensive and compatible recording, collecting, processing, analyzing, interpreting, storing, retrieving, and reporting of educational data including the use of automated data systems;

"(3) programs for conducting, sponsoring, or cooperating in educational research and demonstration programs and projects such as (A) establishing and maintaining curriculum research and innovation centers to assist in locating and evaluating cur-

riculum research findings, (B) discovering and testing new educational ideas (including new uses of printed and audiovisual media) and more effective educational practices, and putting into use those which show promise of success, and (C) studying ways to improve the legal and organizational structure for education, and the management and administration of education in the district of such agency;

“(4) programs to improve the quality of teacher preparation, including student-teaching arrangements, in cooperation with institutions of higher education and State educational agencies;

“(5) programs and other activities specifically designed to encourage the full and adequate utilization and acceptance of auxiliary personnel (such as instructional assistants and teacher aides) in elementary and secondary schools on a permanent basis;

“(6) providing such agencies and the schools of such agencies with consultative and technical assistance and services relating to academic subjects and to particular aspects of education such as the education of the handicapped, the gifted and talented, and the disadvantaged, vocational education, school building design and utilization, school social work, the utilization of modern instructional materials and equipment, transportation, educational administrative procedures, and school health, physical education, and recreation;

“(7) training programs for the officials of such agencies; and

“(8) carrying out any such activities or programs, where appropriate, in cooperation with other local educational agencies.

“APPROVAL OF APPLICATIONS BY THE COMMISSIONER

“SEC. 524. (a) An application for a grant under this part for each fiscal year shall set forth a plan under which Federal funds received by the applicant under this part for that fiscal year will be used solely for a program of activities specifically designed to strengthen the leadership resources of the applicant and to establish and improve programs to identify and meet the educational needs of the persons served by the applicant.

“(b) The Commissioner may approve an application under this part only if the application for that year—

“(1) contains or is supported by adequate assurance that Federal funds made available under the approved application will be so used as to supplement, and to the extent practical, increase the amounts of State and local funds that would in the absence of such Federal funds be made available for projects and activities which meet the requirements of section 523;

“(2) sets forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this part; and

“(3) provides for making such reports, in such form and containing such information, as the Commissioner may require to carry out his functions under this part, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

Reports.

Records.

“APPROVAL OF APPLICATIONS BY STATE EDUCATIONAL AGENCIES

“SEC. 525. In approving applications for the purposes of this part a State educational agency shall—

“(1) approve only such applications for proposed projects, programs, or activities as will—

“(A) make a significant contribution to strengthening the leadership resources of the applicant or its ability to participate effectively in meeting the educational needs of its district, and

“(B) involve an expenditure of at least \$2,500, and

“(2) provide for an equitable distribution on the basis of need of funds provided pursuant to this part, and, to the extent possible within such a distribution, give priority to exemplary projects, programs, or activities.

“PART C—COMPREHENSIVE EDUCATIONAL PLANNING AND EVALUATION

“AUTHORIZATION

“SEC. 531. (a) The Commissioner is authorized to make comprehensive planning and evaluation grants to State and local educational agencies in order to assist and stimulate them to enhance their capability to make effective progress, through comprehensive and continuing planning and evaluation, toward the achievement of opportunities for high-quality education for all segments of the population.

“(b) For the purpose of carrying out the provisions of this part, there are hereby authorized to be appropriated \$10,000,000 for the fiscal year ending June 30, 1971, \$15,000,000 for the fiscal year ending June 30, 1972, and \$20,000,000 for the fiscal year ending June 30, 1973.

Appropriation.

“(c) (1) (A) From the sums appropriated for carrying out this part for each fiscal year, the Commissioner shall reserve such amount, but not in excess of 2 per centum of such per centum, as he may determine and shall apportion such amount among the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective needs for assistance under this part. The remainder shall be apportioned by the Commissioner as follows:

“(i) He shall apportion 40 per centum of such remainder among the States in equal amounts.

“(ii) He shall apportion to each State an amount that bears the same ratio to 60 per centum of such remainder as the population of the State bears to the population of all the States, as determined by the Commissioner on the basis of the most recent satisfactory data available to him.

“(B) For purposes of this paragraph (1), the term ‘State’ does not include the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

“State.”

“(2) The amount apportioned to any State under paragraph (1) of this subsection for any fiscal year which the Commissioner determines will not be required for that year shall be available for reapportionment from time to time, on such dates during that year as the Commissioner may fix, to other States in proportion to the amounts originally apportioned among those States under such paragraph for that year, but with the proportionate amount for any of the other States being reduced to the extent it exceeds the sum the Commissioner estimates the State and local educational agencies of such State need and will be able to use for that year; and the total of these reductions shall be similarly reapportioned among the States whose proportionate amounts were not so reduced. Any amount reapportioned to a State under this paragraph from funds appropriated pursuant to this section for any fiscal year shall be deemed part of the amount apportioned to it under paragraph (1) for that year.

"(3) Grants for any fiscal year to a State agency and any local educational agency in such State pursuant to this part shall be made from such State's apportionment for such year pursuant to this subsection.

"COMPREHENSIVE PLANNING AND EVALUATION GRANTS: ELIGIBLE AGENCIES

"SEC. 532. (a) Any State desiring to receive a grant under this part for any fiscal year shall designate or establish within its State educational agency a single office or unit (hereafter in this part referred to as the State planning and evaluation agency) as the sole agency for administering a comprehensive program of systematic planning and evaluation of elementary and secondary education in the State. The State planning and evaluation agency shall have the primary responsibility for planning and evaluating the education programs of the State and for the administration of funds received by the State under this part.

"(b) Any local educational agency desiring to receive a grant under this part must provide the Commissioner with satisfactory assurance that—

"(1) the local educational agency or agencies have a planning and evaluation office or unit which has or will have, as the result of assistance under this part, the capability of carrying out a comprehensive program of systematic planning and evaluation meeting the purposes of this part;

"(2) the appropriate State educational agency or agencies have been consulted and have had the opportunity to comment on, and advise the local educational agencies and the Commissioner with regard to, the application; and

"(3) the planning and evaluation activities of the local educational agency or agencies will be closely coordinated with such activities of the appropriate State agencies; and must further provide the Commissioner with satisfactory assurance that—

"(4) the local educational agency serves, or, if two or more local educational agencies are making joint application, those agencies serve, an area with a population sufficient to merit a comprehensive planning and evaluation program in addition to that of the State or of other local educational agencies in the area or region to be served by the applicant; or

"(5) the local educational agency or agencies will use the funds for demonstration projects to plan, develop, test, and improve planning and evaluation systems and techniques consistent with, and to further the purposes of, this part.

"(c) In making grants pursuant to this section the Commissioner shall give special emphasis on developing coordinated and comprehensive plans for educational planning and evaluation between and among the Office of Education, State educational agencies, and local educational agencies, including projects on an interstate, regional, or metropolitan area basis.

"(d) No grant shall be made by the Commissioner to a local educational agency or agencies under this part unless the application for such grant has been submitted to the State educational agency or agencies in the State or States in which it is to be carried out. If, within sixty days of such submission or within such longer period of time as the Commissioner may determine pursuant to regulations, the State agency or agencies disapprove the proposed program or project, the Commissioner shall review the application with the appropriate State and local educational agencies before making a final decision.

“APPLICATION

“SEC. 533. (a) An application for a grant under this part shall be submitted to the Commissioner at such time or times, in such form, and containing such information as he may deem necessary. Such application shall include—

“(1) a statement of present and projected educational needs of persons residing in the area to be served;

“(2) a description of a program for meeting those needs which includes—

“(A) setting long-range areawide goals in meeting educational needs and establishing priorities among such goals,

“(B) developing long-range plans for achieving such goals, taking into consideration the resources available and the educational effectiveness of each of the alternatives,

“(C) planning new programs and improvements in existing programs based on the results of analyses of alternative means of achieving educational goals,

“(D) objectively evaluating at intermediate stages the progress and effectiveness of programs in achieving such goals, and, when appropriate, adjusting goals, plans, and programs to maximize educational effectiveness, and

“(E) utilizing available management information, planning, and evaluation systems and techniques;

“(3) a plan for developing and strengthening the capabilities of the applicant to improve its planning capacity and to conduct, on a continuous basis, objective evaluations of the effectiveness of education programs and projects;

“(4) a plan for utilizing the resources of, and coordinating with, programs affecting education of other Federal, State, and local agencies, organizations, and persons; and

“(5) a statement of policies and procedures which have been, or will be, established and implemented for developing and maintaining a permanent system for obtaining and collecting significant information necessary for the assessment of education in the area to be served by the applicant, for consulting with and involving parents of children served by the applicant, and for making full and detailed information concerning the educational planning and evaluation activities and findings of the applicant and other agencies and persons receiving assistance under this part reasonably available to the public.

“(b) Applications for grants under this section may be approved by the Commissioner only if he determines that the application—

“(1) has been submitted only after interested parents have been given reasonable notice and an opportunity to express their views thereon;

“(2) sets forth, in such detail as the Commissioner may determine necessary, such policies and procedures as will provide satisfactory assurance that—

“(A) the assistance provided under this section, together with other available resources, will be so used for the purposes of this part as to result in the maximum possible effective progress toward the achievement of a high level of planning and evaluation competence, and

“(B) assistance under this part will be used primarily in strengthening the capabilities of the planning and evaluation staff of the agency, office, or unit responsible for the administration of the application plan; and

“(3) sets forth such policies and procedures as will insure that Federal funds made available under the application will be so used as to supplement, and to the extent practical, increase the amounts of State or local funds that would, in the absence of Federal funds, be made available for activities meeting the purposes of this title;

“(4) in the case of applications from States, makes adequate provision (consistent with such criteria as the Commissioner shall prescribe by regulation) for using funds granted under this section to make program planning and evaluation services available to local educational agencies in the State.

“(c) A grant made pursuant to an application under this section may be used to pay not to exceed 75 per centum of the cost of the activities covered by the application.

“REPORTS

“SEC. 534. Each recipient of a grant shall make an annual report on the activities carried out with the funds from such grant which includes such information as the Commissioner determines will permit an evaluation of the effectiveness of the program authorized by this part in achieving its purposes. Each such recipient shall also make such other reports, in such form and containing such information as the Commissioner may require to carry out his functions under this part.

“PART D—COUNCILS ON QUALITY IN EDUCATION

“NATIONAL AND STATE ADVISORY COUNCILS

National
Council on
Quality in
Education.
Establishment.
Membership.

Term of
office.

Duties.

Program
evaluation.

Reports to
Congress and
President.

“SEC. 541. (a) (1) There is hereby established a National Council on Quality in Education (hereafter referred to as the ‘National Council’) composed of fifteen members appointed by the President, by and with the advice and consent of the Senate. The membership of the National Council shall include persons who are familiar with the educational needs and goals of the Nation, persons with competence in assessing the progress of the education agencies, institutions, and organizations in meeting those needs and achieving those goals, persons familiar with the administration of State and local educational agencies and of institutions of higher education, and persons representative of the general public. Members shall be appointed for terms of three years, except that (1) in the case of initial members, one-third of the members shall be appointed for terms of one year each and one-third of the members shall be appointed for terms of two years each, and (2) appointments to fill the unexpired portion of any term shall be for such portion only.

“(2) The National Council shall—

“(A) review the administration of, general regulations for, and operation of the programs assisted under this title at the Federal, State, and local levels, and other Federal education programs;

“(B) advise the Commissioner and, when appropriate, the Secretary and other Federal officials with respect to the educational needs and goals of the Nation and assess the progress of the educational agencies, institutions, and organizations of the Nation toward meeting those needs and achieving those goals;

“(C) conduct objective evaluations of specific education programs and projects in order to ascertain the effectiveness of such programs and projects in achieving the purpose for which they are intended;

“(D) review, evaluate, and transmit to the Congress and the President the reports submitted pursuant to clause (E) of paragraph (3) of subsection (b) of this section;

“(E) make recommendations (including recommendations for changes in legislation) for the improvement of the administration and operation of education programs including the programs authorized by this title;

“(F) consult with Federal, State, local, and other educational agencies, institutions, and organizations with respect to assessing education in the Nation and the improvement of the quality of education, including—

“(i) areas of unmet needs in education and national goals and the means by which those areas of need may be met and those national goals may be achieved;

“(ii) determinations of priorities among unmet needs and national goals; and

“(iii) specific means of improving the quality and effectiveness of teaching, curricula, and educational media and of raising standards of scholarship and levels of achievement;

“(G) conduct national conferences on the assessment and improvement of education, in which national and regional education associations and organizations, State and local education officers and administrators, and other organizations, institutions, and persons (including parents of children participating in Federal education programs) may exchange and disseminate information on the improvement of education; and

“(H) conduct, and report on, comparative studies and evaluations of education systems in foreign countries.

“(3) The National Council shall make an annual report, and such other reports as it deems appropriate, on its findings, recommendations, and activities to the Congress and the President. The President is requested to transmit to the Congress, at least annually, such comments and recommendations as he may have with respect to such reports and its activities.

Annual report
to Congress and
President.

“(4) In carrying out its responsibilities under this section, the National Council shall consult with the National Advisory Council on the Education of Disadvantaged Children, the National Advisory Council on Supplementary Centers and Services, the National Advisory Council on Education Professions Development, and such other advisory councils and committees as may have information and competence to assist the National Council. All Federal agencies are directed to cooperate with the National Council in assisting it in carrying out its functions.

“(b) (1) Any State receiving payments under this title for any fiscal year may establish a State advisory council (hereinafter referred to as ‘State council’) which if it meets the requirements and has the authority specified in this subsection may receive payments pursuant to paragraph (7). The State council shall be appointed by the Governor or, in the case of States in which the members of the State educational agency are elected (including election by the State legislature), by such agency.

State advisory
council.

“(2) The State council established pursuant to this subsection shall be broadly representative of the educational resources of the State and of the public. Representation on the State council shall include, but not be limited to, persons representative of—

“(A) public and nonprofit private elementary and secondary schools,

“(B) institutions of higher education,

“(C) areas of competence in planning and evaluating education programs, and the assessment of the effectiveness of, and the administration of, such programs at the State and local levels; and

Duties.

“(D) areas of competence in dealing with children for whom special educational assistance is available under this Act.

“(3) The State council shall—

“(A) prepare and submit through the State educational agency a report of its activities, recommendations, and evaluations, together with such additional comments as the State educational agency deems appropriate, to the Commissioner and the National Council at such times, in such form, and in such detail, as the Commissioner may prescribe;

“(B) advise the State educational agency on the preparation of, and policy matters arising in the administration of, State and local educational programs in the State, including the development of criteria for approval of applications for assistance under this title;

“(C) advise State and local officials who have a responsibility for education in the State with respect to the planning, evaluating, administration, and assessment of education in the State;

“(D) review and make recommendations to the State educational agency on the action to be taken with respect to applications for assistance under this title by local educational agencies; and

“(E) evaluate programs and projects assisted under this title.

“(4) Any such State shall certify the establishment of, and membership of its State council to, the Commissioner.

“(5) Such State council shall meet within thirty days after its certification has been accepted by the Commissioner and select from among its membership a chairman. The time, place, and manner of meeting shall be as provided by the rules of the State council, except that such rules must provide for not less than one public meeting each year at which the public is given opportunity to express views concerning the operation of programs and projects assisted under this title.

“(6) Such State council shall be authorized to obtain the services of such professional, technical, and clerical personnel as may be necessary to enable them to carry out their functions under this title and to contract for such services as may be necessary to enable them to carry out their evaluation functions.

Appropriation.

“(7) There are hereby authorized to be appropriated for each fiscal year such sums, not in excess of 2½ per centum of the amount otherwise appropriated for such year for the purposes of this title, as may be necessary to carry out the provisions of this subsection.

“PART E—GENERAL PROVISIONS

“ADMINISTRATION OF PLANS

Hearing opportunity.

“SEC. 551. (a) The Commissioner shall not finally disapprove any application from a State or a local educational agency, submitted under part A or B of this title, or any modification thereof, without affording the applicant reasonable notice and an opportunity for a hearing.

Failure to comply, cessation of payments.

“(b) Whenever the Commissioner, after reasonable notice and an opportunity for a hearing to a State or a local educational agency administering a program under an application approved under this title, finds that there has been a failure to comply substantially with the appropriate provisions of this title or with the provisions of an application approved under this title, he shall notify the State or the local educational agency, as the case may be, that further payments will not be made to that State or that local educational agency under that application until he is satisfied that there is no longer any such failure

to comply. Until he is so satisfied, no further payments shall be made to that State or that local educational agency under the application. Whenever a local educational agency is given notice under the first sentence of this subsection, notice shall also be submitted to the appropriate State educational agency.

“JUDICIAL REVIEW

“SEC. 552. (a) If any State or any local educational agency is dissatisfied with the Commissioner's final action with respect to the approval of an application submitted under part A or B of this title or with his final action under section 551(b), such State or local educational agency may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State or local educational agency is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action as provided in section 2112 of title 28, United States Code.

72 Stat. 941;
80 Stat. 1323.

“(b) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

“(c) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.”

62 Stat. 928.

(b) The Act of July 26, 1954, entitled “An Act to establish a National Advisory Committee on Education” (Public Law 532, Eighty-third Congress) is hereby repealed.

Repeal.

(c) Subsections (a) (1) and (b) (1) of section 2 of the Cooperative Research Act are each amended by striking out “section 503(a) (4)” and inserting in lieu thereof “sections 503(4) and 523(a) (3)”.

68 Stat. 533.
20 USC 333-337.
79 Stat. 44;
80 Stat. 1202.
20 USC 331a.

PART E—AMENDMENTS TO TITLE VII OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 (BILINGUAL EDUCATION)

EXTENSION OF TITLE VII OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 (THE BILINGUAL EDUCATION ACT)

SEC. 151. Section 703(a) of the Elementary and Secondary Education Act of 1965 is amended by striking out “and” where it appears after “1969,” and by inserting before the period at the end thereof a comma and the following: “\$80,000,000 for the fiscal year ending June 30, 1971, \$100,000,000 for the fiscal year ending June 30, 1972, and \$135,000,000 for the fiscal year ending June 30, 1973”.

81 Stat. 816.
20 USC 880b-1.

APPLICATION TO INDIANS ON RESERVATIONS

SEC. 152. (a) Title VII of the Elementary and Secondary Education Act of 1965 is amended by redesignating sections 706, 707, and 708 (and references thereto) as sections 707, 708, and 709 thereof and by inserting the following new section immediately after section 705:

20 USC 880b-4-880b-6.

"CHILDREN IN SCHOOLS ON RESERVATIONS"

"SEC. 706. (a) For the purpose of carrying out programs pursuant to this title for individuals on reservations serviced by elementary and secondary schools operated on such reservations for Indian children, a nonprofit institution or organization of the Indian tribe concerned which operates any such school and which is approved by the Commissioner for the purposes of this section, may be considered to be a local educational agency as such term is used in this title.

Ante, p. 151.

"(b) From the sums appropriated pursuant to section 703, the Commissioner may also make payments to the Secretary of the Interior for elementary and secondary school programs to carry out the policy of section 702 with respect to individuals on reservations serviced by elementary and secondary schools for Indian children operated or funded by the Department of the Interior. The terms upon which payments for that purpose may be made to the Secretary of the Interior shall be determined pursuant to such criteria as the Commissioner determines will best carry out the policy of section 702."

81 Stat. 816.
20 USC 880b.

20 USC 880b-4.

(b) Section 707(a) of such Act (as redesignated by this Act) is amended by inserting the following before the period at the end thereof: "or, in the case of payments to the Secretary of the Interior, an amount determined pursuant to section 706(b)".

INCREASE IN MEMBERSHIP OF ADVISORY COMMITTEE ON THE EDUCATION
OF BILINGUAL CHILDREN

SEC. 153. Section 708(a) of the Elementary and Secondary Education Act of 1965 as redesignated by this Act, is amended (1) by striking out "nine" and inserting in lieu thereof "fifteen", and (2) by striking out "four" and inserting in lieu thereof "seven".

20 USC 880b-5.

PART F—AMENDMENTS TO TITLE VIII OF THE ELEMENTARY AND
SECONDARY EDUCATION ACT OF 1965 (GENERAL PROVISIONS)

EXTENSION OF SECTION 807 OF THE ELEMENTARY AND SECONDARY
EDUCATION ACT OF 1965

SEC. 161. Section 807(c) of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

81 Stat. 806,
816.
20 USC 887.

"(c) For the purpose of carrying out the provisions of this section, there is hereby authorized to be appropriated \$30,000,000 for each of the fiscal years ending June 30, 1970, and June 30, 1971, \$31,500,000 for the fiscal year ending June 30, 1972, and \$33,000,000 for the fiscal year ending June 30, 1973."

DEFINITION OF "GIFTED AND TALENTED CHILDREN"

SEC. 162. Section 801 of the Elementary and Secondary Education Act of 1965 (relating to definitions) is amended by adding at the end thereof the following:

79 Stat. 55;
80 Stat. 1204;
81 Stat. 816.
20 USC 881.

"(1) The term 'gifted and talented children' means, in accordance with objective criteria prescribed by the Commissioner, children who have outstanding intellectual ability or creative talent the development of which requires special activities or services not ordinarily provided by local educational agencies."

REVISION OF FEDERAL ADMINISTRATION SECTION

SEC. 163. Section 803(c) of the Elementary and Secondary Education Act of 1965 is amended by striking out “(1)” and by striking out everything after “by such other departments and agencies” and inserting in lieu thereof a period and the following: “Federal departments and agencies administering programs which may be effectively coordinated with programs carried out under this Act or any Act amended by this Act, including community action programs carried out under title II of the Economic Opportunity Act of 1964, shall, to the fullest extent permitted by other applicable law, carry out such programs in such a manner as to assist in carrying out, and to make more effective, the programs under this Act or any Act amended by this Act.”

80 Stat. 1196,
1204; 81 Stat. 816.
20 USC 883.

81 Stat. 690.
42 USC 2781-
2837.

SCHOOL NUTRITION AND HEALTH SERVICES AND RESEARCH IN CORRECTION
EDUCATION SERVICES

SEC. 164. Title VIII of the Elementary and Secondary Education Act of 1965 is amended by adding to the end thereof the following new sections:

79 Stat. 55;
80 Stat. 1204;
81 Stat. 816.
20 USC 881-
887.

“GRANTS FOR DEMONSTRATION PROJECTS TO IMPROVE SCHOOL NUTRITION
AND HEALTH SERVICES FOR CHILDREN FROM LOW-INCOME FAMILIES

“SEC. 808. (a) The Secretary shall carry out a program of making grants to local educational agencies and, where appropriate, nonprofit private educational organizations, to support demonstration projects designed to improve nutrition and health services in public and private schools serving areas with high concentrations of children from low-income families.

“(b) Funds appropriated pursuant to subsection (d) shall be available for grants pursuant to applications approved under this section to pay the cost of (1) coordinating nutrition and health service resources in the areas to be served by a demonstration project supported under this section, (2) providing supplemental health, nutritional, mental health, and food services to children from low-income families when the resources for such services available to the applicant from other sources are inadequate to meet the needs of such children, (3) nutrition and health education programs designed to train professional and other school personnel to provide nutrition and health services in a manner which meets the needs of children from low-income families for such services, and (4) the evaluation of projects assisted under this section with respect to their effectiveness in improving school nutrition and health services for such children.

“(c) Applications for a grant under this section shall be submitted at such time, contain such information, and be consistent with such criteria as the Secretary may require by regulation. Such applications shall provide for—

“(1) the use of funds available under this section and the coordination of health care facilities and resources and such nutrition resources as may be available to the applicant in order to insure that a comprehensive program of physical and mental health and nutrition services are available to children from low-income families in the area to be served;

“(2) the development of health and nutrition curriculum materials related to the specific needs of persons involved with the project and to new and improved approaches to health services and food technology;

“(3) the training of (A) school administrators, teachers, and school health and nutrition personnel in order to assist them in meeting the health and nutritional needs of children from low-income families, and (B) professional and subprofessional personnel for service in school nutrition and health programs; and

“(4) adequate provision for evaluation of the project.

Appropriation.

“(d) For the purpose of making grants under this section there are hereby authorized to be appropriated \$2,000,000 for the fiscal year ending June 30, 1970, \$10,000,000 for the fiscal year ending June 30, 1971, \$16,000,000 for the fiscal year ending June 30, 1972, and \$26,000,000 for the fiscal year ending June 30, 1973.

“RESEARCH AND DEMONSTRATION PROJECTS IN CORRECTION EDUCATION SERVICES

“SEC. 809. (a) The Commissioner is authorized to make grants to State and local educational agencies, institutions of higher education, and other public and private nonprofit research agencies and organizations for research or demonstration projects, relating to the academic and vocational education of antisocial, aggressive, or delinquent persons, including juvenile delinquents, youth offenders, and adult criminal offenders, including the development of criteria for the identification for specialized educational instruction of such persons from the general elementary and secondary school age population and special curriculums, and guidance and counseling programs. All projects shall include an evaluation component.

“(b) The Commissioner is authorized to appoint such special or technical advisory committees as he may deem necessary to advise him on matters of general policy relating to the education of persons intended to be benefited by this section, and shall secure the advice and recommendations of the Director, Bureau of Prisons, of the Director, Office of Juvenile Delinquency and Youth Development, the Director of the Teacher Corps, the head of the National Institute of Law Enforcement and Criminal Justice, the Administrator of the Law Enforcement Assistance Administration, and such other persons and organizations as he, in his discretion, deems necessary before making any grant under this section.”

TITLE II—AMENDMENTS TO PUBLIC LAWS 815 AND 874 OF THE EIGHTY-FIRST CONGRESS (IMPACTED AREAS PROGRAMS)

EXTENSION OF THE IMPACTED AREAS PROGRAMS

SEC. 201. (a) (1) Section 3 of the Act of September 30, 1950 (Public Law 815, Eighty-first Congress), is amended by striking out “June 30, 1970” and inserting in lieu thereof “June 30, 1973”.

(2) Section 15(15) of such Act is amended by striking out “1965–1966” and inserting in lieu thereof “1968–1969”.

(b) Sections 2(a), 3(b), and 4(a) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), are each amended by striking out “1970” wherever it appears and inserting in lieu thereof “1973”.

(c) Section 16(a) (1) (A) of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress), and section 7(a) (1) (A) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), are each amended by striking out “July 1, 1970” and inserting in lieu thereof “July 1, 1973.”

72 Stat. 548;
81 Stat. 813.
20 USC 633.
20 USC 645.

20 USC 237-
239.

81 Stat. 810.
20 USC 646.
20 USC 241-1.

CERTAIN REFUGEE CHILDREN

SEC. 202. (a) Section 3(b) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended by striking out the second sentence and inserting in lieu thereof the following: "In the case of fiscal years ending prior to July 1, 1973, the Commissioner shall also determine the number of children (other than children to whom subsection (a) or any other provision of this subsection applies) who were in average daily attendance at the schools of a local educational agency and for whom such agency provided free public education, during such fiscal year, and who, while in attendance at such schools resided with a parent who was, at any time during the three-year period immediately preceding the fiscal year for which the determination is made, a refugee who meets the requirements of section 2(b)(3) (A) and (B) of the Migration and Refugee Assistance Act of 1962."

67 Stat. 530;
81 Stat. 809.
20 USC 238.

(b) Section 3(c)(2) of such Act is amended (1) by inserting before "subsection (b)" both times it appears the following: "the first sentence of", and (2) by inserting after "to whom such subsection" the following: "or such sentence".

76 Stat. 121.
22 USC 2601.
70 Stat. 970.

(c) Section 3(c) of such Act is amended by inserting after paragraph (2) the following new paragraph:

79 Stat. 1161.

"(3) No local educational agency shall be entitled to receive any payment for a fiscal year with respect to a number of children determined under the second sentence of subsection (b) unless the number of children who were in average daily attendance to whom such sentence applies amounts to 20 per centum or more of the number of children who were in average daily attendance during such year and for whom such agency provided free public education, but in determining the number of such children under such second sentence no child shall be counted with respect to whose education a payment was made under section 2(b)(4) of the Migration and Refugee Assistance Act of 1962."

INCLUSION OF CHILDREN RESIDING IN LOW-RENT PUBLIC HOUSING AS
FEDERALLY CONNECTED CHILDREN

SEC. 203. (a)(1) The second sentence of section 15(1) of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress), is amended by striking out "and (B)" and inserting in lieu thereof "(B) any low-rent housing (whether or not owned by the United States) which is part of a low-rent housing project assisted under the United States Housing Act of 1937, and (C)".

72 Stat. 556.
20 USC 645.

(2) The fourth sentence of such section 15(1) is amended (A) by striking out the comma before "(B)" and inserting in lieu thereof "and", and (B) by striking out all that follows "postal services" and inserting in lieu thereof a period.

50 Stat. 888.
42 USC 1430.

(3) Section 5(c) of such Act is amended by striking out the colon and all that follows and inserting in lieu thereof a period and the following: "In determining the eligibility of a local educational agency under this subsection and in determining the number of federally connected children who are in the average daily membership of the schools of such agency during a base year and in estimating the increase since the base year in the number of such children under subsection (a), children residing on any housing property (whether or not owned by the United States), which is part of a low-rent housing project assisted under the United States Housing Act of 1937, shall not be considered as having been federally connected during the base year if such housing project was begun after the base year 1964-1965."

72 Stat. 549.
20 USC 635.

81 Stat. 806.
20 USC 244.

50 Stat. 888.
42 USC 1430.
78 Stat. 797.

42 USC 1486.
81 Stat. 709.
42 USC 2861-
2864.

Effective date.

72 Stat. 549.
20 USC 635.

20 USC 633.

67 Stat. 534.
20 USC 240.

(b) (1) The second sentence of section 303(1) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended by striking out “, and (C)” and inserting in lieu thereof “, (C) any low-rent housing (whether or not owned by the United States) which is part of a low-rent housing project assisted under the United States Housing Act of 1937, section 516 of the Housing Act of 1949, or part B of title III of the Economic Opportunity Act of 1964, and (D)”.

(2) The fourth sentence of such section 303(1) is amended by striking out “(A) any real property used for a labor supply center, labor home or labor camp for migratory workers, (B)” and by striking out all that follows “postal services” and inserting in lieu thereof a period.

(c) (1) The amendments made by subsections (a) and (b) shall be effective after June 30, 1970.

(2) For the purposes of section 5 of such Act of September 23, 1950, the number of children in the membership of a local educational agency residing in a low-rent housing project assisted under the United States Housing Act of 1937 during the years of the base period preceding the effective date provided in paragraph (1) shall be determined by the Commissioner on the basis of estimates.

(3) Section 3 of such Act of September 23, 1950, is further amended by inserting at the end thereof the following new sentence: “Such order of priority shall provide that applications for payments based upon increases in the number of children residing on, or residing with a parent employed on, property which is part of a low-rent housing project assisted under the United States Housing Act of 1937 shall not be approved for any fiscal year until all other applications under paragraphs (2) and (3) of subsection (a) of section 5 have been approved for that fiscal year.”

(4) Subsection (c) of section 5 of such Act of September 30, 1950, is amended to read as follows:

“ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS

“(c) (1) If the funds appropriated for any fiscal year for making payments under this title are not sufficient to pay in full the total amounts which the Commissioner estimates all local educational agencies will be entitled to receive under this title for such year, the Commissioner (A) shall determine the part of the entitlement of each such local educational agency which is attributable to determinations under subsections (a) and (b) of section 3 of the number of children who resided on, or resided with a parent employed on, property which is part of a low-rent housing project assisted under the United States Housing Act of 1937, section 516 of the Housing Act of 1949, or part B of title III of the Economic Opportunity Act of 1964, and (B) except as otherwise provided in paragraph (3), shall allocate such funds, other than so much thereof as he estimates may be required for carrying out the provisions of section 6, among sections 2, 3, and 4(a) in the proportion that the amount he estimates to be required under each such section bears to the total estimated to be required under all such sections, except that he shall not take into consideration any part of any entitlement determined under clause (A). The amount so allocated to any such section shall be available for payment of a percentage of the amount to which each local educational agency is entitled under such section. Such percentage shall be equal to the percentage which the amount allocated to a section under the second sentence of this paragraph is of the amount to which all such agencies are entitled under such section. For the purposes of this paragraph, in determining the amount to which each local educational agency is entitled under section 3 he shall include any increases under paragraph (4) of subsec-

20 USC 238.

20 USC 241,
237-239.

tion (c) thereof; but he shall exclude any part of any entitlement determined under clause (A) of this paragraph.

“(2) If the funds available for allocation under paragraph (1) for any fiscal year exceed the amount necessary to fully satisfy entitlements for which allocations will be made under such paragraph, that excess shall be available for payment of a percentage of that part of the entitlement of each local educational agency determined under clause (A) of paragraph (1). Such percentage shall be equal to the percentage which the amount of such excess is of the total amount to which all such agencies are so entitled.

“(3) All funds appropriated for making payments under this title for any fiscal year shall be allocated in the manner specified in paragraphs (1) and (2), unless an Act making appropriations for making payments under this title for any fiscal year specifically makes funds available for payments on the basis of entitlements determined under clause (A) of paragraph (1), apart from other payments under this title, in which case, if the funds so appropriated are not sufficient to pay in full the total amount to which all local educational agencies are so entitled, such funds shall be available for making payments in the manner specified in paragraph (2) respecting allocations of any excess appropriations.

“(4) In case the amount allocated to a section under paragraph (1) for a fiscal year exceeds the total to which all local educational agencies are entitled under such section for such year or, in case additional funds become available for making payments under this title, the excess or such additional funds, as the case may be, shall be allocated among sections for which previous allocations are inadequate, on the same basis as is provided in paragraphs (1), (2), and (3) for the initial allocation.”

MINIMUM ELIGIBILITY REQUIREMENT FOR PUBLIC LAW 815

SEC. 204. (a) The first sentence of section 5(c) of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress), as amended by section 203(a) (3) of this Act, is amended to read as follows:

“(c) A local educational agency shall not be eligible to have any amount included in its maximum by reason of paragraph (1), (2), or (3) of subsection (a) unless the increase in children referred to in such paragraph, prior to the application of the limitation in subsection (d) is at least twenty and—

“(1) in the case of paragraph (1) or (2), is—

“(A) equal to at least 10 per centum of the number of all children who were in the average daily membership of the schools of such agency during the base year, or

“(B) at least one thousand five hundred, whichever is the lesser; and

“(2) in the case of paragraph (3), is—

“(A) equal to at least 10 per centum of the number of all children who were in the average daily membership of the schools of such agency during the base year, or

“(B) at least two thousand five hundred,

whichever is the lesser: *Provided*, That no local educational agency shall be regarded as eligible under this paragraph (2) unless the Commissioner finds that the construction of additional minimum school facilities for the number of children in such increase will impose an undue financial burden on the taxing and borrowing authority of such agency.”

Ante, p. 155;
Post, p. 254.

72 Stat. 549.
20 USC 635.

(b) Section 5(d) of such Act is amended by inserting before the period at the end of the first sentence thereof the following: “, except that the number of children counted for the purposes of paragraph (1) or (2) of subsection (a) shall not be reduced by more than one thousand five hundred and that the number of children counted for the purposes of paragraph (3) of subsection (a) shall not be reduced by more than two thousand five hundred”.

SCHOOL CONSTRUCTION ASSISTANCE WHERE THE IMMUNITY OF CERTAIN FEDERAL PROPERTY FROM TAXATION CREATES A SUBSTANTIAL AND CONTINUING IMPAIRMENT OF THE ABILITY TO FINANCE NEEDED SCHOOL FACILITIES

72 Stat. 555;
81 Stat. 807.
20 USC 644.

SEC. 205. (a) Section 14 of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress), is amended by redesignating subsections (c), (d), (e), and (f) of such subsection, and all references thereto, as subsections (d), (e), (f), and (g), respectively, and inserting after subsection (d) the following new subsection:

“(c) If the Commissioner determines with respect to any local educational agency—

“(1) that (A) such agency is providing or, upon completion of the school facilities for which provision is made herein, will provide, free public education for children who are inadequately housed by minimum school facilities and whose membership in the schools of such agency has not formed and will not form the basis for payments under other provisions of this Act, and (B) the total number of such children represents a substantial percentage of the total number of children for whom such agency provides free public education, and (C) Federal property constitutes a substantial part of the school district of such agency,

“(2) that the immunity of such Federal property from taxation by such agency has created a substantial and continuing impairment of such agency’s ability to finance needed school facilities,

“(3) that such agency is making a reasonable tax effort and is exercising due diligence in availing itself of State and other financial assistance for the purpose, and

“(4) that such agency does not have sufficient funds available to it from other Federal, State, and local sources to provide the minimum school facilities required for free public education of a substantial percentage of the children in the membership of its schools,

he may provide the assistance necessary to enable such agency to provide minimum school facilities for children in the membership of the schools of such agency whom the Commissioner finds to be inadequately housed, upon such terms and conditions, and in such amounts (subject to the applicable provisions of this section) as the Commissioner may consider to be in the public interest. Such assistance may not exceed the portion of the cost of such facilities which the Commissioner estimates has not been, and is not to be, recovered by the local educational agency from other sources, including payments by the United States under any other provisions of this Act or any other law. Notwithstanding the provisions of this subsection, the Commissioner may waive the percentage requirement in paragraph (1) whenever, in his judgment, exceptional circumstances exist which make such action necessary to avoid inequity and avoid defeating the purposes of this subsection.”

DECLARATION OF POLICY WITH RESPECT TO SCHOOL CONSTRUCTION
ASSISTANCE FOR INDIAN CHILDREN

SEC. 206. Section 14 of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress), relating to public schools with children residing on Indian lands, is further amended by inserting at the end thereof the following:

Ante, p. 158.

“(h) It is hereby declared to be the policy of the Congress that the provision of assistance pursuant to subsections (a) and (b) of this section shall be given a priority at least equal to that given to payments made pursuant to section 10 of this Act.”

80 Stat. 1215.
20 USC 640.

TITLE III—AMENDMENTS TO THE ADULT
EDUCATION ACT OF 1966

EXTENSION AND REVISION OF THE ADULT EDUCATION ACT OF 1966

SEC. 301. Effective on and after July 1, 1969, title III of the Elementary and Secondary Education Amendments of 1966 (the Adult Education Act of 1966) is amended to read as follows:

80 Stat. 1216.
20 USC 1201
note.

“TITLE III—ADULT EDUCATION

“SHORT TITLE

“SEC. 301. This title may be cited as the ‘Adult Education Act’.

Citation of
title.

“STATEMENT OF PURPOSE

“SEC. 302. It is the purpose of this title to expand educational opportunity and encourage the establishment of programs of adult public education that will enable all adults to continue their education to at least the level of completion of secondary school and make available the means to secure training that will enable them to become more employable, productive, and responsible citizens.

“DEFINITIONS

“SEC. 303. As used in this title—

“(a) The term ‘adult’ means any individual who has attained the age of sixteen.

“(b) The term ‘adult education’ means services or instruction below the college level (as determined by the Commissioner), for adults who—

“(1) do not have a certificate of graduation from a school providing secondary education and who have not achieved an equivalent level of education, and

“(2) are not currently required to be enrolled in schools.

“(c) The term ‘adult basic education’ means adult education for adults whose inability to speak, read, or write the English language constitutes a substantial impairment of their ability to get or retain employment commensurate with their real ability, which is designed to help eliminate such inability and raise the level of education of such individuals with a view to making them less likely to become dependent on others, to improving their ability to benefit from occupational training and otherwise increasing their opportunities for more productive and profitable employment, and to making them better able to meet their adult responsibilities.

“(d) The term ‘Commissioner’ means the Commissioner of Education.

“(e) The term ‘local educational agency’ means a public board of education or other public authority legally constituted within a State for either administrative control or direction of public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools, except that, if there is a separate board or other legally constituted local authority having administrative control and direction of adult education in public schools therein, such term means such other board or authority.

“(f) The term ‘State’ includes the District of Columbia, and (except for the purposes of section 305(a)) the Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands.

“(g) The term ‘State educational agency’ means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or if there is a separate State agency or officer primarily responsible for supervision of adult education in public schools then such agency or officer may be designated for the purpose of this title by the Governor or by State law. If no agency or officer qualifies under the preceding sentence, such term shall mean an appropriate agency or officer designated for the purposes of this title by the Governor.

“(h) The term ‘academic education’ means the theoretical, the liberal, the speculative, and classical subject matter found to compose the curriculum of the public secondary school.

“(i) The term ‘institution of higher education’ means any such institution as defined by section 801(e) of the Elementary and Secondary Education Act of 1965.

79 Stat. 56;
81 Stat. 816.
20 USC 881.

“GRANTS TO STATES FOR ADULT EDUCATION

“SEC. 304. (a) From the sums appropriated pursuant to section 312, not less than 10 per centum nor more than 20 per centum shall be reserved for the purposes of section 309.

“(b) From the remainder of such sums, the Commissioner is authorized to make grants to States, which have State plans approved by him under section 306 for the purposes of this section, to pay the Federal share of the cost of (1) the establishment or expansion of adult basic education programs to be carried out by local educational agencies and private nonprofit agencies, and (2) the establishment or expansion of adult education programs to be carried out by local educational agencies and private nonprofit agencies.

“ALLOTMENT FOR ADULT EDUCATION

“SEC. 305. (a) From the sums available for purposes of section 304(b) for any fiscal year, the Commissioner shall allot (1) not more than 2 per centum thereof among Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands according to their respective needs for assistance under such section, and (2) \$150,000 to each State. From the remainder of such sums he shall allot to each State an amount which bears the same ratio to such remainder as the number of adults who do not have a certificate of graduation from a school providing secondary education (or its equivalent) and who are not currently required to be enrolled in schools in such State bears to the number of such adults in all States.

“(b) The portion of any State’s allotment under subsection (a) for a fiscal year which the Commissioner determines will not be required, for the period such allotment is available, for carrying out the State

plan approved under this title shall be available for reallocation from time to time, on such dates during such period as the Commissioner shall fix, to other States in proportion to the original allotments to such States under subsection (a) for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum which the Commissioner estimates such State needs and will be able to use for such period for carrying out its State plan approved under this title, and the total of such reductions shall be similarly reallocated among the States whose proportionate amounts are not so reduced. Any amount reallocated to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for such year.

"STATE PLANS

"SEC. 306. (a) Any State desiring to receive its allotment of Federal funds for any grant under this title shall submit through its State educational agency a State plan. Such State plan shall be in such detail as the Commissioner deems necessary, and shall—

"(1) set forth a program for the use of grants, in accordance with section 304(b), which affords assurance of substantial progress with respect to all segments of the adult population and all areas of the State, toward carrying out the purposes of such section;

"(2) provide for the administration of such plan by the State educational agency;

"(3) provide for cooperative arrangements between the State educational agency and the State health authority authorizing the use of such health information and services for adults as may be available from such agencies and as may reasonably be necessary to enable them to benefit from the instruction provided pursuant to this title;

"(4) provide for grants to public and private nonprofit agencies for special projects, teacher-training, and research;

"(5) provide for cooperation with Community Action programs, Work Experience programs, VISTA, Work Study, and other programs relating to the antipoverty effort;

"(6) provide that such agency will make such reports to the Commissioner, in such form and containing such information, as may reasonably be necessary to enable the Commissioner to perform his duties under this title and will keep such records and afford such access thereto as the Commissioner finds necessary to assure the correctness and verification of such reports;

"(7) provide such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid the State under this title (including such funds paid by the State to local educational agencies and private nonprofit agencies);

"(8) provide that special emphasis be given to adult basic education programs except where such needs can be shown to have been met in the State; and

"(9) provide such further information and assurances as the Commissioner may by regulation require.

"(b) The Commissioner shall not finally disapprove any State plan submitted under this title, or any modification thereof, without first affording the State educational agency reasonable notice and opportunity for a hearing.

Reports.

Records.

Hearing
opportunity.

"PAYMENTS

"SEC. 307. (a) Except as provided in subsection (b), the Federal share of expenditures to carry out a State plan shall be paid from a State's allotment available for grants to such State. The Federal share for each State shall be 90 per centum, except that with respect to the Trust Territory of the Pacific Islands such Federal share shall be 100 per centum.

"(b) No payment shall be made to any State from its allotment for any fiscal year unless the Commissioner finds that the amount available for expenditure by such State for adult education from non-Federal sources for such year will be not less than the amount expended for such purposes from such sources during the preceding fiscal year, but no State shall be required to use its funds to supplant any portion of the Federal share.

"OPERATION OF STATE PLANS; HEARINGS AND JUDICIAL REVIEW

Noncompliance.
Cessation of
payments.

"SEC. 308. (a) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State educational agency administering a State plan approved under this title, finds that—

"(1) the State plan has been so changed that it no longer complies with the provisions of section 306, or

"(2) in the administration of the plan there is a failure to comply substantially with any such provision, the Commissioner shall notify such State agency that no further payments will be made to the State under this title (or, in his discretion, that further payments to the State will be limited to programs under or portions of the State plan not affected by such failure), until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, no further payments may be made to such State under this title (or payments shall be limited to programs under or portions of the State plan not affected by such failure).

"(b) A State educational agency dissatisfied with a final action of the Commissioner under section 306 or subsection (a) of this section may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner or any officer designated by him for that purpose. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Commissioner may modify or set aside his order. The findings of the Commissioner as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or part, any action of the Commissioner shall be final, subject to the review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Commissioner's action.

72 Stat. 941;
80 Stat. 1323.

62 Stat. 928.

“SPECIAL EXPERIMENTAL DEMONSTRATION PROJECTS AND TEACHER
TRAINING

“SEC. 309. (a) The sums reserved in section 304(a) for the purposes of this section shall be used for making special project grants or providing teacher-training grants in accordance with this section.

Special project grants.

“(b) The Commissioner is authorized to make grants to local educational agencies or other public or private nonprofit agencies, including educational television stations, for special projects which will be carried out in furtherance of the purposes of this title, and which—

“(1) involve the use of innovative methods, systems, materials, or programs which the Commissioner determines may have national significance or be of special value in promoting effective programs under this title, or

“(2) involve programs of adult education, carried out in cooperation with other Federal, federally assisted, State, or local programs which the Commissioner determines have unusual promise in promoting a comprehensive or coordinated approach to the problems of persons with educational deficiencies.

The Commissioner shall establish procedures for making grants under this subsection which shall require a non-Federal contribution of at least 10 per centum of the costs of such projects wherever feasible and not inconsistent with the purposes of this subsection.

“(c) The Commissioner is authorized to make provision for training persons engaged, or preparing to engage, as personnel in adult education programs designed to carry out the purposes of this title, including the payment of such stipends and allowances (including traveling and subsistence expenses, if any, for such persons and their dependents) as the Commissioner may determine by regulation. The Commissioner may provide such training directly or by contract or he may provide for such training by making grants to institutions of higher education, State or local educational agencies, or other appropriate public or private agencies or organizations.

Adult education training.

Contract authority.

“NATIONAL ADVISORY COUNCIL ON ADULT EDUCATION

“SEC. 310. (a) The President shall appoint a National Advisory Council on Adult Education (hereinafter in this section referred to as the ‘Council’).

“(b) The Council shall consist of fifteen members who shall, to the extent possible, include persons knowledgeable in the field of adult education, State and local public school officials, and other persons having special knowledge and experience, or qualifications with respect to adult education, and persons representative of the general public. The Council shall meet initially at the call of the Commissioner and elect from its number a chairman. The Council will thereafter meet at the call of the chairman, but not less often than twice a year.

Members.

“(c) The Council shall advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 306 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering adult education activities and services.

Duties.

“(d) The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this

Program evaluation.

Reports to President and Congress.

title and other Federal laws relating to adult education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations. The Secretary of Health, Education, and Welfare shall coordinate the work of the Council with that of other related advisory councils.

“LIMITATION

Grants, sectarian affiliated programs, prohibition.

“SEC. 311. No grant may be made under this title for any educational program, activity, or service related to sectarian instruction or religious worship, or provided by a school or department of divinity. For purposes of this section, the term ‘school or department of divinity’ means an institution or a department or branch of an institution whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation, or to prepare them to teach theological subjects.

“APPROPRIATIONS AUTHORIZED

“SEC. 312. (a) There are authorized to be appropriated \$160,000,000 for the fiscal year ending June 30, 1970, \$200,000,000 for the fiscal year ending June 30, 1971, and \$225,000,000 for each of the fiscal years ending June 30, 1972, and June 30, 1973, for the purposes of this title.

“(b) There are further authorized to be appropriated for each such fiscal year such sums, not to exceed 5 per centum of the amount appropriated pursuant to subsection (a) for such year, as may be necessary to pay the cost of the administration and development of State plans, and other activities required pursuant to this title.”

APPOINTMENT OF MEMBERS OF NATIONAL ADVISORY COUNCIL ON ADULT EDUCATION

SEC. 302. Members of the National Advisory Council on Adult Education shall be appointed within ninety days after the date of enactment of this Act.

TITLE IV—AMENDMENTS TO TITLE IV OF PUBLIC LAW 90-247

GENERAL PROVISIONS

SEC. 401. (a) Title IV of the Elementary and Secondary Education Amendments of 1967 is amended in the following respects:

(1) The heading of such title is amended to read as follows:

“TITLE IV—GENERAL PROVISIONS CONCERNING EDUCATION”.

(2) Section 401 of such title is amended—

(A) by adding at the end of the caption head “; DEFINITIONS; APPROPRIATIONS; SHORT TITLE”, and

(B) by inserting “(a)” after “SEC. 401.” and adding at the end thereof the following new subsections:

“(b) For the purposes of this title, the term—

“(1) ‘Commissioner’ means the Commissioner of Education;

“(2) ‘Secretary’ means the Secretary of Health, Education, and Welfare; and

“(3) ‘applicable program’ means a program to which this title is applicable.

“(c) There are hereby authorized to be appropriated for any fiscal year, as part of the appropriations for salaries and expenses for the Office of Education, such sums as the Congress may determine to be necessary to carry out the provisions of this title.

“(d) This title may be cited as the ‘General Education Provisions Act.’”

Appropriation.

Citation of title.

(3) Section 402 of such title is amended to read as follows:

81 Stat. 814.
20 USC 1222.

“PROGRAM PLANNING AND EVALUATION

“SEC. 402. (a) Sums appropriated pursuant to section 401(c) may include for any fiscal year for which appropriations are otherwise authorized under any applicable program not to exceed \$25,000,000 which shall be available to the Secretary, in accordance with regulations prescribed by him, for expenses, including grants, contracts, or other payments, for (1) planning for the succeeding year for any such program, and (2) evaluation of such programs.

Supra.

“(b) No later than July 31 of each calendar year, the Secretary shall transmit to the respective committees of the Congress having legislative jurisdiction over any applicable program a report containing (1) a brief description of each contract or grant for evaluation of such program or programs (whether or not such contract or grant was made under this section), any part of the performance of which occurred during the preceding fiscal year, (2) the name of the firm or individual who is to carry out the evaluation, and (3) the amount to be paid under the contract or grant.”

Report to congressional committees.

(4) Section 403 of such title is amended by striking out “Act referred to in section 401” and inserting in lieu thereof “applicable program” and by striking out “under any such Act” and inserting in lieu thereof “under such program”.

20 USC 1223.

(5) Sections 404 and 405 of such title are amended by striking out “Act referred to in section 401” and inserting in lieu thereof “applicable program”.

20 USC 1224,
1225.

(6) Section 404 of such title is amended—

(A) in the caption head thereof, by striking out “AND” and inserting in lieu thereof a semicolon and by inserting “CONTINGENT EXTENSION OF EXPIRING APPROPRIATION AUTHORITY” at the end thereof; and

(B) by inserting at the end thereof the following new subsection:

“(c) Unless the Congress—

“(1) in the regular session in which a comprehensive evaluation report required by subsection (b) is submitted to Congress, has passed or formally rejected legislation extending the authorization for appropriations then specified for any title, part, or section of law to which such evaluation relates, or

“(2) prior to July 1, 1973, by action of either House approves a resolution stating that the provisions of this subsection shall no longer apply,

such authorization is hereby automatically extended, at the level specified for the terminal year of such authorization for one fiscal year beyond such terminal year, as specified in such legislation.”.

(7) Section 405 of such title is amended by inserting “loans,” after “grants.”.

(8) Section 405 of such title is further amended by inserting “(a)” after “SEC. 405.” and by inserting at the end thereof the following new subsection:

“(b) Notwithstanding any other provision of law, unless enacted in specific limitation of the provisions of this subsection, any funds from appropriations to carry out any programs to which this title is

Availability of funds.

applicable during any fiscal year, ending prior to July 1, 1973, which are not obligated and expended prior to the beginning of the fiscal year succeeding the fiscal year for which such funds were appropriated shall remain available for obligation and expenditure during such succeeding fiscal year.”

82 Stat. 1094.
20 USC 1226.

Ante, p. 164.

(9) Section 406 of such title is amended by inserting “and expenditure” after “obligation”.

(10) Such title is further amended by inserting after section 401 the following heading: “PART A—APPROPRIATIONS AND EVALUATIONS” and by adding at the end thereof the following new parts:

“PART B—GENERAL REQUIREMENTS AND CONDITIONS CONCERNING
THE OPERATION AND ADMINISTRATION OF EDUCATION PROGRAMS;
GENERAL AUTHORITY OF THE COMMISSIONER OF EDUCATION

“SUBPART 1—GENERAL AUTHORITY

“DELEGATION OF AUTHORITY; UTILIZATION OF OTHER AGENCIES

“SEC. 411. (a) The Commissioner is authorized to delegate any of his functions under any applicable program, except the making of regulations and the approval of State plans, to any officer or employee of the Office of Education.

“(b) In administering any applicable program, the Commissioner is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public or nonprofit agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement, as may be agreed upon.

“COLLECTION AND DISSEMINATION OF INFORMATION

“SEC. 412. (a) The Commissioner shall—

“(1) prepare and disseminate to State and local educational agencies and institutions information concerning applicable programs and cooperate with other Federal officials who administer programs affecting education in disseminating information concerning such programs;

“(2) inform the public on federally supported education programs;

“(3) collect data and information on applicable programs for the purpose of obtaining objective measurements of the effectiveness of such programs in achieving their purposes; and

“(4) prepare and publish an annual report (to be referred to as ‘the Commissioner’s annual report’) on (A) the condition of education in the nation, (B) developments in the administration, utilization, and impact of applicable programs, (C) results of investigations and activities by the Office of Education, and (D) such facts and recommendations as will serve the purpose for which the Office of Education is established (as set forth in section 516 of the Revised Statutes (20 U.S.C. 1)).

“(b) The Commissioner’s annual report shall be submitted to the Congress not later than March 31 of each calendar year. The Commissioner’s annual report shall be made available to State and local educational agencies and other appropriate agencies and institutions and to the general public.

“(c) The Commissioner is authorized to enter into contracts with public or private agencies, organizations, groups, or individuals to carry out the provisions of this section.

Report to
Congress.

Contract
authority.

"CATALOG OF FEDERAL EDUCATION ASSISTANCE PROGRAMS

"SEC. 413. The Commissioner shall prepare and make available in such form as he deems appropriate a catalog of all Federal education assistance programs whether or not such programs are administered by him. The catalog shall—

"(1) identify each such program, and include the name of the program, the authorizing statute, the specific Federal administering officials, and a brief description of such program;

"(2) set forth the availability of benefits and eligibility restrictions in each such program;

"(3) set forth the budget requests for each such program, past appropriations, obligations incurred, and pertinent financial information indicating (A) the size of each such program for selected fiscal years, and (B) any funds remaining available;

"(4) set forth the prerequisites, including the cost to the recipient, of, receiving assistance under each such program, and any duties required of the recipient after receiving benefits;

"(5) identify appropriate officials, in Washington, District of Columbia, as well as in each State and locality (if applicable), to whom application or reference for information for each such program may be made;

"(6) set forth the application procedures;

"(7) contain a detailed index designed to assist the potential beneficiary in identifying all education assistance programs related to a particular need or category of potential beneficiaries;

"(8) contain such other program information and data as the Commissioner deems necessary or desirable in order to assist the potential program beneficiary to understand and take advantage of each Federal education assistance program; and

"(9) be transmitted to Congress with the Commissioner's annual report.

Transmittal
to Congress.

"TECHNICAL ASSISTANCE

"SEC. 414. (a) For the purpose of carrying out more effectively Federal education programs, the Commissioner is authorized, upon request, to provide advice, counsel, and technical assistance to State educational agencies, institutions of higher education, and, with the approval of the appropriate State educational agency, elementary and secondary schools—

"(1) in determining benefits available to them under Federal law;

"(2) in preparing applications for, and meeting requirements of, applicable programs;

"(3) in order to enhance the quality, increase the depth, or broaden the scope of activities under applicable programs; and

"(4) in order to encourage simplification of applications, reports, evaluations, and other administrative procedures.

"(b) The Commissioner shall permit local educational agencies to use organized and systematic approaches in determining cost allocation, collection, measurement, and reporting under any applicable program, if he determines (1) that the use of such approaches will not in any manner lessen the effectiveness and impact of such program in achieving purposes for which it is intended, (2) that the agency will use such procedures as will insure adequate evaluation of each of the programs involved, and (3) that such approaches are consistent with criteria prescribed by the Comptroller General of the United States for the purposes of audit. For the purpose of this subsection a cost is allocable to a particular cost objective to the extent of relative benefits received by such objective.

“(c) The Commissioner’s annual report shall contain a statement of the Commissioner’s activities under this section.

“PARENTAL INVOLVEMENT AND DISSEMINATION

“SEC. 415. In the case of any applicable program in which the Commissioner determines that parental participation at the State or local level would increase the effectiveness of the program in achieving its purposes, he shall promulgate regulations with respect to such program setting forth criteria designed to encourage such participation. If the program for which such determination provides for payments to local educational agencies, applications for such payments shall—

“(1) set forth such policies and procedures as will ensure that programs and projects assisted under the application have been planned and developed, and will be operated, in consultation with, and with the involvement of, parents of the children to be served by such programs and projects;

“(2) be submitted with assurance that such parents have had an opportunity to present their views with respect to the application; and

“(3) set forth policies and procedures for adequate dissemination of program plans and evaluations to such parents and the public.

“USE OF FUNDS WITHHELD FOR FAILURE TO COMPLY WITH OTHER PROVISIONS OF FEDERAL LAW

“SEC. 416. At any time that the Commissioner establishes an entitlement, or makes an allotment or reallocation to any State, under any applicable program, he shall reduce such entitlement, allotment, or reallocation by such amount as he determines it would have been reduced, had the data on which the entitlement, allotment, or reallocation is based excluded all data relating to local educational agencies of the State which on the date of the Commissioner’s action are ineligible to receive the Federal financial assistance involved because of a failure to comply with title VI of the Civil Rights Act of 1964. Any appropriated funds which will not be paid to a State as a result of the preceding sentence may be used by the Commissioner for grants to local educational agencies of that State in accordance with section 405 of the Civil Rights Act of 1964.

78 Stat. 252.
42 USC 2000d.

78 Stat. 247.
42 USC 2000c-4.

“AUTHORITY TO FURNISH INFORMATION

“SEC. 417. (a) The Commissioner is authorized to furnish transcripts or copies of tables and other records of the Office of Education to, and to make special statistical compilations and surveys for, State or local officials, private organizations, or individuals. Such statistical compilations and surveys shall be made subject to the payment of the actual or estimated cost of such work. In the case of nonprofit organizations or agencies the Commissioner may engage in joint statistical projects, the cost of which shall be shared equitably as determined by the Commissioner, provided that the purposes are otherwise authorized by law.

“(b) All moneys received in payment for work or services enumerated under this section shall be deposited in a separate account which may be used to pay directly the costs of such work or services, to repay appropriations which initially bore all or part of such costs, or to refund excess sums when necessary.

“SUBPART 2—ADMINISTRATION: REQUIREMENTS AND LIMITATIONS

“RULES: REQUIREMENTS AND ENFORCEMENT

“SEC. 421. (a) Rules, regulations, guidelines, or other published interpretations or orders issued by the Department of Health, Education, and Welfare or the Office of Education, or by any official of such agencies, in connection with, or affecting, the administration of any applicable program shall contain immediately following each substantive provision of such rules, regulations, guidelines, interpretations, or orders, citations to the particular section or sections of statutory law or other legal authority upon which such provision is based.

“(b) No standard, rule, regulation, or requirement of general applicability prescribed for the administration of any applicable program may take effect until thirty days after it is published in the Federal Register.

Publication in
Federal Register.

“(c) All such rules, regulations, guidelines, interpretations, or orders shall be uniformly applied and enforced throughout the fifty States.

“PROHIBITION AGAINST FEDERAL CONTROL OF EDUCATION

“SEC. 422. No provision of the Act of September 30, 1950, Public Law 874, Eighty-first Congress; the National Defense Education Act of 1958; the Act of September 23, 1950, Public Law 815, Eighty-first Congress; the Higher Education Facilities Act of 1963; the Elementary and Secondary Education Act of 1965; the Higher Education Act of 1965; the International Education Act of 1966; or the Vocational Education Act of 1963 shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system, or over the selection of library resources, textbooks, or other printed or published instructional materials by any educational institution or school system, or to require the assignment or transportation of students or teachers in order to overcome racial imbalance.

64 Stat. 1100.
20 USC 236.
72 Stat. 1580.
20 USC 401
note.
72 Stat. 548.
20 USC 631.
77 Stat. 363.
20 USC 701
note.
79 Stat. 27.
20 USC 821
note.
79 Stat. 1219.
20 USC 1001
note.
80 Stat. 1066.
20 USC 1171
note.
82 Stat. 1064.
20 USC 1241
note.

“LABOR STANDARDS

“SEC. 423. Except for emergency relief under section 7 of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), all laborers and mechanics employed by contractors or subcontractors on all construction and minor remodeling projects assisted under any applicable program shall be paid wages at rates not less than those prevailing on similar construction and minor remodeling in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5). The Secretary of Labor shall have, with respect to the labor standards specified in this section, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

79 Stat. 1159.
20 USC 241-1.

46 Stat. 1494;
49 Stat. 1011.

64 Stat. 1267.
63 Stat. 108.

“RECORDS AND AUDIT

“SEC. 424. (a) Each recipient of funds from a grant or contract under any applicable program shall keep such records as the Commissioner shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant, the total cost of the project or undertaking in connection with which such grant or contract is given or used, and the amount of that portion

of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

GAO audit.

“(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the grant or contract received under any applicable program.

“PAYMENTS

“SEC. 425. Payments pursuant to grants or contracts under any applicable program may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Commissioner may determine.

“AUTHORITY TO VEST TITLE TO EQUIPMENT

“SEC. 426. The authority of the Commissioner of Education to make a grant to or contract with a local educational agency or State educational agency as such agencies are defined in sections 801 (f) and 801 (k) of the Elementary and Secondary Education Act of 1965, under any applicable program, shall include discretionary authority, whenever he determines that it would be in the public interest, to vest title to equipment purchased with grant or contract funds in such agency (or waive accountability to the United States for such equipment) without further obligation to the Government or on such terms or conditions as the Commissioner deems appropriate. The authority provided by this section shall be applicable to equipment purchased with funds provided by grants or contracts made on, before, or after the date of the enactment of this section.

79 Stat. 55;
80 Stat. 1204;
81 Stat. 816.
20 USC 881.

“PART C—ADVISORY COUNCILS

“DEFINITIONS

“SEC. 431. As used in this part, the term—

“(1) ‘advisory council’ means any committee, board, commission, council, or other similar group (A) established or organized pursuant to any applicable statute, or (B) established under the authority of section 432; but such term does not include State advisory councils or commissions established pursuant to any such statute;

“(2) ‘statutory advisory council’ means an advisory council established by, or pursuant to, statute to advise and make recommendations with respect to the administration or improvement of an applicable program or other related matter;

“(3) ‘nonstatutory advisory council’ means an advisory council which is (A) established under the authority of section 432, or (B) established to advise and make recommendations with respect to the approval of applications for grants or contracts as required by statute;

“(4) ‘Presidential advisory council’ means a statutory advisory council, the members of which are appointed by the President;

“(5) ‘Secretarial advisory council’ means a statutory advisory council, the members of which are appointed by the Secretary;

“(6) ‘Commissioner’s advisory council’ means a statutory advisory council, the members of which are appointed by the Commissioner;

“(7) ‘applicable statute’ means any statute (or title, part, or section thereof) which authorizes an applicable program or controls the administration of any such program.

“AUTHORIZATION FOR NECESSARY ADVISORY COUNCILS

“SEC. 432. (a) The Commissioner is authorized to create, and appoint the members of, such advisory councils as he determines in writing to be necessary to advise him with respect to—

“(1) the organization of the Office of Education and its conduct in the administration of applicable programs;

“(2) recommendations for legislation regarding education programs and the means by which the educational needs of the Nation may be met; and

“(3) special problems and areas of special interest in education.

“(b) Each advisory council created under the authority of subsection (a) shall terminate not later than one year from the date of its creation unless the Commissioner determines in writing not more than thirty days prior to the expiration of such one year that its existence for an additional period, not to exceed one year, is necessary in order to complete the recommendations or reports for which it was created.

“(c) The Commissioner shall include in his report submitted pursuant to section 438 a statement on all advisory councils created or extended under the authority of this section and their activities.

“MEMBERSHIP AND REPORTS OF STATUTORY ADVISORY COUNCILS

“SEC. 433. Notwithstanding any other provision of law unless expressly in limitation of the provisions of this section, each statutory advisory council—

“(1) shall be composed of the number of members provided by statute who may be appointed, without regard to the provisions of title 5, United States Code, governing appointment in the competitive service, and shall serve for terms of not to exceed three years, which in the case of initial members, shall be staggered; and

“(2) shall make an annual report of its activities, findings and recommendations to the Congress not later than March 31 of each calendar year, which shall be submitted with the Commissioner's annual report.

The Commissioner shall not serve as a member of any such advisory council.

Report to Congress.

“COMPENSATION OF MEMBERS OF ADVISORY COUNCILS

“SEC. 434. Members of all advisory councils to which this part is applicable who are not in the regular full-time employ of the United States shall, while attending meetings or conferences of the advisory council or otherwise engaged in the business of the advisory council, be entitled to receive compensation at a rate fixed by the Commissioner, but not exceeding the rate specified at the time of such service for grade GS-18 in section 5332 of title 5, United States Code, including traveltime, and while so serving on the business of the advisory council away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

Post, p. 198-1.

80 Stat. 499;
83 Stat. 190.

“PROFESSIONAL, TECHNICAL, AND CLERICAL STAFF; TECHNICAL ASSISTANCE

“SEC. 435. (a) Presidential advisory councils are authorized to appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, or otherwise obtain the services of, such professional, technical, and clerical personnel as may be necessary to enable them to carry out their functions, as prescribed by law.

“(b) The Commissioner shall engage such personnel and technical assistance as may be required to permit Secretarial and Commissioner’s advisory councils to carry out their functions as prescribed by law.

80 Stat. 416.

Post, p. 198-1.

“(c) Subject to regulations of the Commissioner, Presidential advisory councils are authorized to procure temporary and intermittent services of such personnel as are necessary to the extent authorized by section 3109 of title 5, United States Code, but at rates not to exceed the rate specified at the time of such service for grade GS-18 in section 5332 of such title.

“MEETINGS OF ADVISORY COUNCILS

“SEC. 436. (a) Each statutory advisory council shall meet at the call of the chairman thereof but not less than two times each year. Nonstatutory advisory councils shall meet in accordance with regulations promulgated by the Commissioner.

“(b) Minutes of each meeting of each advisory council shall be kept and shall contain a record of the persons present, a description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the advisory council. The accuracy of all minutes shall be certified to by the chairman of the advisory council.

“AUDITING AND REVIEW OF ADVISORY COUNCIL ACTIVITIES

Records.

“SEC. 437. (a) Each statutory advisory council shall be subject to such general regulations as the Commissioner may promulgate respecting the governance of statutory advisory councils and shall keep such records of its activities as will fully disclose the disposition of any funds which may be at its disposal and the nature and extent of its activities in carrying out its functions.

GAO audit.

“(b) The Comptroller General of the United States, or any of his duly authorized representatives, shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of each statutory advisory council.

“REPORT BY THE COMMISSIONER OF EDUCATION

Report to congressional committees.

“SEC. 438. (a) Not later than March 31 of each calendar year after 1970, the Commissioner shall submit, as a part of the Commissioner’s annual report, a report on the activities of the advisory councils which are subject to this part to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives. Such report shall contain, at least, a list of all such advisory councils, the names and affiliations of their members, a description of the function of each advisory council, and a statement of the dates of the meetings of each such advisory council.

Abolishment.

“(b) If the Commissioner determines that a statutory advisory council is not needed or that the functions of two or more statutory advisory councils should be combined, he shall include in the report a recommendation that such advisory council be abolished or that such functions be combined. Unless there is an objection to such action by either the Senate or the House of Representatives within ninety days after the submission of such report, the Commissioner is authorized to abolish such advisory council or combine the functions of two or more advisory councils as recommended in such report.”

Repeal.

82 Stat. 1051.
20 USC 1147-1150.
Ante, p. 166.

(b) Sections 1207, 1208, 1209, and 1210 of the Higher Education Act of 1965 (as added by Public Law 90-575) are superseded by part A of title IV of Public Law 90-247 and are hereby repealed.

(c) The following provisions of law relating to the delegation of functions and utilization of the services of other agencies by the Office of Education are superseded by section 411 of Public Law 90-247 and are hereby repealed:

(1) The third sentence of subsection (a) of section 302 of the Act of September 30, 1950, Public Law 874, Eighty-first Congress (20 U.S.C. 243(a));

(2) Subsections (a) and (b) of section 803 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 883 (a) and (b));

(3) Subsection (a) of section 13 of the Act of September 23, 1950, Public Law 815, Eighty-first Congress (20 U.S.C. 643(a));

(4) Subsections (a) and (b) of section 1001 of the National Defense Education Act of 1958 (20 U.S.C. 581 (a), (b));

(5) Section 1203 of the Higher Education Act of 1965 (20 U.S.C. 1143);

(6) Subsections (a) and (b) of section 402 of the Higher Education Facilities Act of 1963 (20 U.S.C. 752 (a), (b));

(7) Subsection (b) of section 103 of the International Education Act of 1966 (20 U.S.C. 1174(b)); and

(d) The following provisions of law concerning dissemination of information and reports by the Commissioner of Education are superseded by sections 412, 413, and 414 of Public Law 90-247 and are hereby repealed:

(1) Section 518 of the Revised Statutes of the United States (20 U.S.C. 4);

(2) The sixth paragraph under the heading "Department of Education" in the material relating to the Department of the Interior in the Act of May 28, 1896, making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, which authorizes the Commissioner of Education to prepare and publish a bulletin concerning the condition of education (20 U.S.C. 3);

(3) Section 303 of Public Law 90-576 (20 U.S.C. 6);

(4) Section 806 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 886); and

(5) Section 1206 of the Higher Education Act of 1965 (20 U.S.C. 1146).

(e) The following provisions of law concerning requirements for rules and regulations for education programs are superseded by section 421 of Public Law 90-247 and are hereby repealed:

(1) Section 2 of Public Law 90-247 (20 U.S.C. 888); and

(2) Section 505 of Public Law 90-575 (20 U.S.C. 1001, note).

(f) The following provisions of law concerning Federal control of education are superseded by section 422 of Public Law 90-247 and are hereby repealed:

(1) Subsection (g) of section 6 and subsection (a) of section 301 of the Act of September 30, 1950, Public Law 874, Eighty-first Congress (20 U.S.C. 241(g), 242(a));

(2) Section 102 of the National Defense Education Act of 1958 (20 U.S.C. 402);

(3) Subsection (a) of section 12 of the Act of September 23, 1950, Public Law 815, Eighty-first Congress (20 U.S.C. 642(a));

(4) Section 407 of the Higher Education Facilities Act of 1963 (20 U.S.C. 757);

(5) Section 804 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 884);

(6) Subsection (a) of section 1204 of the Higher Education Act of 1965 (20 U.S.C. 1144(a));

Repeal.

Ante, p. 166.

64 Stat. 1108;
79 Stat. 35.

79 Stat. 57.

72 Stat. 554.

72 Stat. 1602.

79 Stat. 1270.

77 Stat. 377.

80 Stat. 1068.

Repeal.

Ante, pp. 166,
167.

29 Stat. 171.

82 Stat. 1095.

80 Stat. 1209;
81 Stat. 805.

82 Stat. 1050.

Repeal.

Ante, p. 169.

81 Stat. 783.

82 Stat. 1063.

Repeal.

Ante, p. 169.

67 Stat. 536;
80 Stat. 1212.
64 Stat. 1107.
72 Stat. 1582.

72 Stat. 554.

77 Stat. 379.

79 Stat. 57;

81 Stat. 816.

79 Stat. 1270;
82 Stat. 1042.

80 Stat. 1068. (7) Section 104 of the International Education Act of 1966 (20 U.S.C. 1175);

82 Stat. 1069. (8) Section 105 of the Vocational Education Act of 1963 (20 U.S.C. 1245).

Repeal. (g) The following provisions of law concerning the payment of wages at prevailing rates on federally assisted construction projects are superseded by section 423 of Public Law 90-247 and are hereby repealed:

Ante, p. 169. (1) Section 145 of title I of the Elementary and Secondary Education Act of 1965, as redesignated by this Act (20 U.S.C. 241i);

Ante, p. 126. (2) Subsection (c) of section 4 of the Act of July 26, 1954, Public Law 531, Eighty-third Congress (20 U.S.C. 332a(c));

79 Stat. 46. (3) Subsection (a) (4) of section 203 of the Library Services and Construction Act (20 U.S.C. 355c(a)(4)), and subsection (a) (3) of such section is amended by striking out the semicolon and the word "and" and at the end thereof inserting in lieu thereof a period;

78 Stat. 13. (4) Subsection (b) (1) (E) of section 6 and subsection (d) of section 12 of the Act of September 23, 1950, Public Law 815, Eighty-first Congress (20 U.S.C. 636(b)(1)(E), 642(d));

72 Stat. 551, 554. (5) Section 709 (as redesignated by section 152 of this Act) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 880b-6); and

Ante, p. 151. (6) Section 106 of the Vocational Education Act of 1963 (20 U.S.C. 1246).

82 Stat. 1069. Repeal. (h) The following provisions of law concerning advisory councils and committees are superseded by part C of title IV of Public Law 90-247 and are hereby repealed:

Ante, p. 170. (1) Subsection (d) of section 761 and sections 1002 and 1003 of the National Defense Education Act of 1958 (20 U.S.C. 561(d), 582, 583);

72 Stat. 1596, 1602. (2) Subsection (c) of section 402 of the Higher Education Facilities Act of 1963 (20 U.S.C. 752(c));

77 Stat. 377. (3) Subsections (c), (d), and (e) of section 510, subsection (c) of section 708, and section 802 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 870 (c), (d), (e), 880b-5(c), 882);

79 Stat. 54. Ante, p. 151. (4) Subsections (d) and (e) of section 109, subsection (c) of section 205, subsection (c) of section 224, subsection (c) of section 303, subsections (c) and (d) of section 469, subsections (d) and (e) of section 502, and subsections (c) and (d) of section 1205 of the Higher Education Act of 1965 (20 U.S.C. 1009 (d), (e), 1025(e), 1034(c), 1053(c), 1089(c), 1091a (d), (e), 1145 (c), (d));

79 Stat. 1223, 1226, 1228, 1230. (5) Subsections (c) and (d) of section 106 of the International Education Act of 1966 (20 U.S.C. 1177(c), (d));

82 Stat. 1032. (6) Paragraph (3) of subsection (a) of section 104 of the Vocational Education Act of 1963 (20 U.S.C. 1244(a)(3)).

81 Stat. 82. 82 Stat. 1049. 80 Stat. 1069. 82 Stat. 1066.

TITLE V—CANCELLATION OF STUDENT LOANS FOR CERTAIN PUBLIC SERVICE

CANCELLATION OF LOANS FOR CERTAIN PUBLIC SERVICE

20 USC 425. SEC. 501. (a) Section 205(a)(3) of the National Defense Education Act of 1958 is amended—

(1) by striking out "made prior to July 1, 1970 (plus interest)" and inserting in lieu thereof "(plus interest) (A)";

(2) thereafter by striking out “(A)”, “(B)”, or “(C)” wherever appearing therein and inserting in lieu thereof “(i)”, “(ii)”, or “(iii)”, respectively; and

(3) by inserting before the semi-colon at the end thereof a comma and the following: “and (B) shall be canceled for service after June 30, 1970, as a member of the Armed Forces of the United States at the rate of 12½ per centum of the total amount of such loan plus interest thereon for each year of consecutive service”.

(b) The amendment made by this section shall apply to loans made after the date of enactment of this Act.

Effective date.

TITLE VI—EDUCATION OF THE HANDICAPPED

PART A—GENERAL PROVISIONS

SHORT TITLE

SEC. 601. This title may be cited as the “Education of the Handicapped Act”.

DEFINITION

SEC. 602. As used in this title—

(1) The term “handicapped children” means mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children who by reason thereof require special education and related services.

(2) The term “Commissioner” means the Commissioner of Education.

(3) The term “Advisory Committee” means the National Advisory Committee on Handicapped Children.

(4) The term “construction”, except where otherwise specified, means (A) erection of new or expansion of existing structures, and the acquisition and installation of equipment therefor; or (B) acquisition of existing structures not owned by any agency or institution making application for assistance under this title; or (C) remodeling or alteration (including the acquisition, installation, modernization, or replacement of equipment) of existing structures; or (D) acquisition of land in connection with the activities in clauses (A), (B), and (C); or (E) a combination of any two or more of the foregoing.

(5) The term “equipment” includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them, and includes all other items necessary for the functioning of a particular facility as a facility for the provision of educational services, including items such as instructional equipment and necessary furniture, printed, published, and audio-visual instructional materials, and books, periodicals, documents, and other related materials.

(6) The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands and the Trust Territory of the Pacific Islands.

(7) The term “State educational agency” means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

(8) The term “local educational agency” means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county,

township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(9) The term "elementary school" means a day or residential school which provides elementary education, as determined under State law.

(10) The term "secondary school" means a day or residential school which provides secondary education, as determined under State law, except that it does not include any education provided beyond grade 12.

(11) The term "institution of higher education" means an educational institution in any State which—

(A) admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

(B) is legally authorized within such State to provide a program of education beyond high school;

(C) provides an educational program for which it awards a bachelor's degree, or provides not less than a two-year program which is acceptable for full credit toward such a degree, or offers a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge;

(D) is a public or other nonprofit institution; and

(E) is accredited by a nationally recognized accrediting agency or association listed by the Commissioner pursuant to this paragraph or, if not so accredited, is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited: *Provided, however,* That in the case of an institution offering a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge, if the Commissioner determines that there is no nationally recognized accrediting agency or association qualified to accredit such institutions, he shall appoint an advisory committee, composed of persons specially qualified to evaluate training provided by such institutions, which shall prescribe the standards of content, scope, and quality which must be met in order to qualify such institutions to participate under this Act and shall also determine whether particular institutions meet such standards. For the purposes of this paragraph the Commissioner shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of education or training offered.

(12) The term "nonprofit" as applied to a school, agency, organization, or institution means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(13) The term "research and related purposes" means research, research training (including the payment of stipends and allowances),

surveys, or demonstrations in the field of education of handicapped children, or the dissemination of information derived therefrom, including (but without limitation) experimental schools.

(14) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(15) The term "children with specific learning disabilities" means those children who have a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. Such disorders include such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. Such term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps, of mental retardation, of emotional disturbance, or of environmental disadvantage.

Exceptions.

BUREAU FOR EDUCATION AND TRAINING OF THE HANDICAPPED

SEC. 603. There shall be, within the Office of Education, a bureau for the education and training of the handicapped which shall be the principal agency in the Office of Education for administering and carrying out programs and projects relating to the education and training of the handicapped, including programs and projects for the training of teachers of the handicapped and for research in such education and training.

Establishment.

NATIONAL ADVISORY COMMITTEE ON HANDICAPPED CHILDREN

SEC. 604. (a) The Commissioner shall establish in the Office of Education a National Advisory Committee on Handicapped Children, consisting of fifteen members, appointed by the Commissioner. At least eight of such members shall be persons affiliated with educational, training, or research programs for the handicapped.

Establishment;
membership.

(b) The Advisory Committee shall review the administration and operation of the programs authorized by this title and other provisions of law administered by the Commissioner with respect to handicapped children, including their effect in improving the educational attainment of such children, and make recommendations for the improvement of such administration and operation with respect to such children. Such recommendations shall take into consideration experience gained under this and other Federal programs for handicapped children and, to the extent appropriate, experience gained under other public and private programs for handicapped children. The Advisory Committee shall from time to time make such recommendations as it may deem appropriate to the Commissioner and shall make an annual report of its findings and recommendations to the Commissioner not later than March 31 of each year. The Commissioner shall transmit each such report to the Secretary together with his comments and recommendations, and the Secretary shall transmit such report, comments, and recommendations to the Congress together with any comments or recommendations he may have with respect thereto.

Report to
Congress.

ACQUISITION OF EQUIPMENT AND CONSTRUCTION OF NECESSARY FACILITIES

SEC. 605. (a) In the case of any program authorized by this title, if the Commissioner determines that such program will be improved by permitting the funds authorized for such program to be used for the acquisition of equipment and the construction of necessary facilities, he may authorize the use of such funds for such purposes.

(b) If within twenty years after the completion of any construction (except minor remodeling or alteration) for which funds have been paid pursuant to a grant or contract under this title the facility constructed ceases to be used for the purposes for which it was constructed, the United States, unless the Secretary determines that there is good cause for releasing the recipient of the funds from its obligation, shall be entitled to recover from the applicant or other owner of the facility an amount which bears the same ratio to the then value of the facility as the amount of such Federal funds bore to the cost of the portion of the facility financed with such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which the facility is situated.

PART B—ASSISTANCE TO STATES FOR EDUCATION OF HANDICAPPED CHILDREN

AUTHORIZATION

SEC. 611. (a) The Commissioner is authorized to make grants pursuant to the provisions of this part for the purpose of assisting the States in the initiation, expansion, and improvement of programs and projects for the education of handicapped children at the preschool, elementary school, and secondary school levels.

Appropriations.

(b) For the purpose of making grants under this part there is authorized to be appropriated \$200,000,000 for the fiscal year ending June 30, 1971, \$210,000,000 for the fiscal year ending June 30, 1972, and \$220,000,000 for the fiscal year ending June 30, 1973.

ALLOTMENT OF FUNDS

SEC. 612. (a) (1) There is hereby authorized to be appropriated for each fiscal year for the purposes of this paragraph an amount equal to not more than 3 per centum of the amount appropriated for such year for payments to States under section 611(b). The Commissioner shall allot the amount appropriated pursuant to this paragraph among—

(A) Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands, according to their respective needs, and

(B) for each fiscal year ending prior to July 1, 1972, the Secretary of the Interior, according to the need for such assistance for the education of handicapped children on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior and the terms upon which payments for such purposes shall be made to the Secretary of the Interior shall be determined pursuant to such criteria as the Commissioner determines will best carry out the purposes of this part.

(2) From the total amount appropriated pursuant to section 611(b) for any fiscal year the Commissioner shall allot to each State an amount which bears the same ratio to such amount as the number of children aged three to twenty-one, inclusive, in the State bears to the number of such children in all the States, except that no State shall be allotted less than \$200,000 or three-tenths of 1 per centum of such amount available for allotment to the States, whichever is greater. For purposes of this paragraph and subsection (b), the term "State" shall not include the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

"State."

(b) The number of children aged three to twenty-one, inclusive, in any State and in all the States shall be determined, for purposes of this section, by the Commissioner on the basis of the most recent satisfactory data available to him.

(c) The amount of any State's allotment under subsection (a) for any fiscal year which the Commissioner determines will not be required for that year shall be available for reallocation, from time to time and on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under subsection (a) for that year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallocated among the States whose proportionate amounts were not so reduced. Any amount reallocated to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for that year.

STATE PLANS

SEC. 613. (a) Any State which desires to receive grants under this part shall submit to the Commissioner through its State educational agency a State plan (not part of any other plan) in such detail as the Commissioner deems necessary. Such State plan shall—

Grants, re-
quirements.

(1) set forth such policies and procedures as will provide satisfactory assurance that funds paid to the State under this part will be expended (A) either directly or through individual, or combinations of, local educational agencies, solely to initiate, expand, or improve programs and projects, including preschool programs and projects, (i) which are designed to meet the special educational and related needs of handicapped children throughout the State, and (ii) which are of sufficient size, scope, and quality (taking into consideration the special educational needs of such children) as to give reasonable promise of substantial progress toward meeting those needs, and (B) for the proper and efficient administration of the State plan (including State leadership activities and consultative services), and for planning on the State and local level: *Provided*, That the amount expended for such administration and planning shall not exceed 5 per centum of the amount allotted to the State for any fiscal year or \$100,000 (\$35,000 in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), whichever is greater;

Administrative
costs, limita-
tion.

(2) provide satisfactory assurance that, to the extent consistent with the number and location of handicapped children in the State who are enrolled in private elementary and secondary schools, provision will be made for participation of such children in programs assisted or carried out under this part;

(3) provide satisfactory assurance that the control of funds provided under this part, and title to property derived therefrom, shall be in a public agency for the uses and purposes provided in this part, and that a public agency will administer such funds and property;

(4) set forth policies and procedures which provide satisfactory assurance that Federal funds made available under this part will be so used as to supplement and, to the extent practical, increase the level of State, local, and private funds expended for the education of handicapped children, and in no case supplant such State, local and private funds;

(5) provide that effective procedures, including provision for appropriate objective measurements of educational achievement, will be adopted for evaluating at least annually the effectiveness of the programs in meeting the special educational needs of, and providing related services for, handicapped children;

(6) provide that the State educational agency will be the sole agency for administering or supervising the administration of the plan;

Reports;
recordkeeping.

(7) provide for (A) making such reports, in such form and containing such information, as the Commissioner may require to carry out his functions under this part, including reports of the objective measurements required by clause (5) of this subsection, and (B) keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports and proper disbursement of Federal funds under this part;

(8) provide satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this part to the State, including any such funds paid by the State to local educational agencies;

Ante, p. 123.

(9) provide satisfactory assurance that funds paid to the State under this part shall not be made available for handicapped children eligible for assistance under section 103(a)(5) of title I of the Elementary and Secondary Education Act of 1965;

(10) provide satisfactory assurance that effective procedures will be adopted for acquiring and disseminating to teachers of, and administrators of programs for, handicapped children significant information derived from educational research, demonstration, and similar projects, and for adopting, where appropriate, promising educational practices developed through such projects; and

(11) contain a statement of policies and procedures which will be designed to insure that all education programs for the handicapped in the State will be properly coordinated by the persons in charge of special education programs for handicapped children in the State educational agency.

(b) The Commissioner shall approve any State plan which he determines meets the requirements and purposes of this part.

Final
approval,
conditions.

(c) (1) The Commissioner shall not approve any State plan pursuant to this section for any fiscal year unless the plan has, prior to its submission, been made public as a separate document by the State educational agency and a reasonable opportunity has been given by that agency for comment thereon by interested persons (as defined by regulation). The State educational agency shall make public the plan as finally approved. The Commissioner shall not finally disapprove any plan submitted under this section or any modification thereof, without first affording the State educational agency submitting the plan reasonable notice and opportunity for a hearing.

Hearing
opportunity.

(2) Whenever the Commissioner, after reasonable notice and opportunity for hearing to such State agency, finds—

(A) that the State plan has been so changed that it no longer complies with the provisions of this part, or

(B) that in the administration of the plan there is a failure to comply substantially with any such provision or with any requirements set forth in the application of a local educational agency approved pursuant to such plan,

the Commissioner shall notify the agency that further payments will not be made to the State under this part (or in his discretion, that fur-

Failure to
comply.

ther payments to the State will be limited to programs or projects under the State plan, or portions thereof, not affected by the failure, or that the State educational agency shall not make further payments under this part to specified local agencies affected to the failure) until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, the Commissioner shall make no further payments to the State under this part (or shall limit payments to programs or projects under, or parts of, the State plan not affected by the failure, or payments by the State educational agency under this part shall be limited to local educational agencies not affected by the failure, as the case may be).

(d)(1) If any State is dissatisfied with the Commissioner's final action with respect to the approval of its State plan submitted under subsection (a) or with his final action under subsection (c), such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

Judicial review.

(2) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive: but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

72 Stat. 941.

(3) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

62 Stat. 928.

PAYMENTS

SEC. 614. From the amounts allotted to each State under this part, the Commissioner shall pay to that State an amount equal to the amount expended by the State in carrying out its State plan.

Matching funds.

PART C—CENTERS AND SERVICES TO MEET SPECIAL NEEDS OF THE HANDICAPPED

REGIONAL RESOURCE CENTERS

SEC. 621. (a) The Commissioner is authorized to make grants to or contracts with institutions of higher education, State educational agencies, or combinations of such agencies or institutions, which combinations may include one or more local educational agencies, within particular regions of the United States, to pay all or part of the cost of the establishment and operation of regional centers which will develop and apply the best methods of appraising the special educational needs of handicapped children referred to them and will provide other services to assist in meeting such needs. Centers established or operated under this section shall (1) provide testing and educational evaluation to determine the special educational needs of handicapped children referred to such centers, (2) develop educational programs to meet those needs, and (3) assist schools and other appropriate agencies, organizations, and institutions in providing such educational programs through services such as consultation (including,

Establishment;
functions.

in appropriate cases, consultation with parents or teachers of handicapped children at such regional centers), periodic reexamination and reevaluation of special educational programs, and other technical services.

(b) In determining whether to approve an application for a project under this section, the Commissioner shall consider the need for such a center in the region to be served by the applicant and the capability of the applicant to develop and apply, with the assistance of funds under this section, new methods, techniques, devices, or facilities relating to educational evaluation or education of handicapped children.

CENTERS AND SERVICES FOR DEAF-BLIND CHILDREN

SEC. 622. (a) It is the purpose of this section to provide, through a limited number of model centers for deaf-blind children, a program designed to develop and bring to bear upon such children, beginning as early as feasible in life, those specialized, intensive professional and allied services, methods, and aids that are found to be most effective to enable them to achieve their full potential for communication with, and adjustment to, the world around them, for useful and meaningful participation in society, and for self-fulfillment.

(b) The Commissioner is authorized, upon such terms and conditions (subject to the provisions of subsection (b)(1) of this section) as he deems appropriate to carry out the purposes of this section, to make grants to or contracts with public or nonprofit private agencies, organizations, or institutions to pay all or part of the cost of establishment, including construction, which for the purposes of this section shall include the construction of residential facilities, and operation of centers for deaf-blind children.

(c) In determining whether to make a grant or contract under subsection (b), the Commissioner shall take into consideration the need for a center for deaf-blind children in the light of the general availability and quality of existing services for such children in the part of the country involved.

(d)(1) A grant or contract pursuant to subsection (b) shall be made only if the Commissioner determines that there is satisfactory assurance that the center will provide such services as he has by regulation prescribed, including at least—

(A) comprehensive diagnostic and evaluative services for deaf-blind children;

(B) a program for the adjustment, orientation, and education of deaf-blind children which integrates all the professional and allied services necessary therefor; and

(C) effective consultative services for parents, teachers, and others who play a direct role in the lives of deaf-blind children to enable them to understand the special problems of such children and to assist in the process of their adjustment, orientation, and education.

(2) Any such services may be provided to deaf-blind children (and, where applicable, other persons) regardless of whether they reside in the center, may be provided at some place other than the center, and may include the provision of transportation for any such children (including an attendant) and for parents.

EARLY EDUCATION FOR HANDICAPPED CHILDREN

SEC. 623. (a) The Commissioner is authorized to arrange by contract, grant, or otherwise with appropriate public agencies and private nonprofit organizations, for the development and carrying out by such agencies and organizations of experimental preschool and early education programs for handicapped children which the Commissioner determines show promise of promoting a comprehensive and strengthened approach to the special problems of such children. Such programs shall be distributed to the greatest extent possible throughout the Nation, and shall be carried out both in urban and in rural areas. Such programs shall include activities and services designed to (1) facilitate the intellectual, emotional, physical, mental, social, and language development of such children; (2) encourage the participation of the parents of such children in the development and operation of any such program; and (3) acquaint the community to be served by any such program with the problems and potentialities of such children.

(b) Each arrangement for developing or carrying out a program authorized by this section shall provide for the effective coordination of each such program with similar programs in the schools of the community to be served by such a program.

(c) No arrangement pursuant to this section shall provide for the payment of more than 90 per centum of the cost of developing, carrying out, or evaluating such a program. Non-Federal contributions may be in cash or in kind, fairly evaluated, including, but not limited to, plant, equipment, and services.

Funds, limitation.

RESEARCH, INNOVATION, TRAINING, AND DISSEMINATION ACTIVITIES IN CONNECTION WITH CENTERS AND SERVICES FOR THE HANDICAPPED

SEC. 624. (a) The Commissioner is authorized, either as part of any grant or contract under this part, or by separate grant to, or contract with, an agency, organization, or institution operating a center or providing a service which meets such requirements as the Commissioner determines to be appropriate, consistent with the purposes of this part, to pay all or part of the cost of such activities as—

(1) research to identify and meet the full range of special needs of handicapped children;

(2) development or demonstration of new, or improvements in existing, methods, approaches, or techniques, which would contribute to the adjustment and education of such children;

(3) training (either directly or otherwise) of professional and allied personnel engaged or preparing to engage in programs specifically designed for such children, including payment of stipends for trainees and allowances for travel and other expenses for them and their dependents; and

(4) dissemination of materials and information about practices found effective in working with such children.

(b) In making grants and contracts under this section, the Commissioner shall insure that the activities funded under such grants and contracts will be coordinated with similar activities funded from grants and contracts under other parts of this title.

EVALUATIONS

SEC. 625. The Commissioner shall conduct, either directly or by contract with independent organizations, a thorough and continuing evaluation of the effectiveness of each program assisted under this part.

AUTHORIZATION OF APPROPRIATIONS

SEC. 626. There are hereby authorized to be appropriated \$36,500,000 for the fiscal year ending June 30, 1971, \$51,500,000 for the fiscal year ending June 30, 1972, and \$66,500,000 for the fiscal year ending June 30, 1973, for the purpose of carrying out the provisions of this part.

PART D—TRAINING PERSONNEL FOR THE EDUCATION OF THE
HANDICAPPED

GRANTS TO INSTITUTIONS OF HIGHER EDUCATION AND OTHER APPROPRIATE
INSTITUTIONS OR AGENCIES

SEC. 631. The Commissioner is authorized to make grants to institutions of higher education and other appropriate nonprofit institutions or agencies to assist them—

(1) in providing training of professional personnel to conduct training of teachers and other specialists in fields related to the education of handicapped children;

(2) in providing training for personnel engaged or preparing to engage in employment as teachers of handicapped children, as supervisors of such teachers, or as speech correctionists or other special personnel providing special services for the education of such children, or engaged or preparing to engage in research in fields related to the education of such children; and

(3) in establishing and maintaining scholarships, with such stipends and allowances as may be determined by the Commissioner, for training personnel engaged in or preparing to engage in employment as teachers of the handicapped or as related specialists.

Grants under this subsection may be used by such institutions to assist in covering the cost of courses of training or study for such personnel and for establishing and maintaining fellowships or traineeships with such stipends and allowances as may be determined by the Commissioner.

GRANTS TO STATE EDUCATIONAL AGENCIES

SEC. 632. The Commissioner is authorized to make grants to State educational agencies to assist them in establishing and maintaining, directly or through grants to institutions of higher education, programs for training personnel engaged, or preparing to engage, in employment as teachers of handicapped children or as supervisors of such teachers. Such grants shall also be available to assist such institutions in meeting the cost of training such personnel.

GRANTS OR CONTRACTS TO IMPROVE RECRUITING OF EDUCATIONAL PERSONNEL, AND TO IMPROVE DISSEMINATION OF INFORMATION CONCERNING
EDUCATIONAL OPPORTUNITIES FOR THE HANDICAPPED

SEC. 633. The Commissioner is authorized to make grants to public or nonprofit private agencies, organizations, or institutions, or to enter into contracts with public or private agencies, organizations, or institutions, for projects for—

(1) encouraging students and professional personnel to work in various fields of education of handicapped children and youth through, among other ways, developing and distributing imaginative or innovative materials to assist in recruiting personnel for such careers, or publicizing existing forms of financial aid which might enable students to pursue such careers, or

(2) disseminating information about the programs, services, and resources for the education of handicapped children, or pro-

viding referral services to parents, teachers, and other persons especially interested in the handicapped.

TRAINING OF PHYSICAL EDUCATORS AND RECREATION PERSONNEL FOR
HANDICAPPED CHILDREN

SEC. 634. The Commissioner is authorized to make grants to institutions of higher education to assist them in providing training for personnel engaged or preparing to engage in employment as physical educators or recreation personnel for handicapped children or as educators or supervisors of such personnel, or engaged or preparing to engage in research or teaching in fields related to the physical education or recreation of such children.

REPORTS

SEC. 635. Each recipient of a grant under this part during any fiscal year shall, after the end of such fiscal year, submit a report to the Commissioner. Such report shall be in such form and detail and contain such information as the Commissioner determines to be appropriate.

AUTHORIZATION OF APPROPRIATIONS

SEC. 636. There are authorized to be appropriated for carrying out this part, \$69,500,000 for the fiscal year ending June 30, 1971, \$87,000,000 for the fiscal year ending June 30, 1972, and \$103,500,000 for the fiscal year ending June 30, 1973.

PART E—RESEARCH IN THE EDUCATION OF THE HANDICAPPED
RESEARCH AND DEMONSTRATION PROJECTS IN EDUCATION OF HANDICAPPED
CHILDREN

SEC. 641. The Commissioner is authorized to make grants to States, State or local educational agencies, institutions of higher education, and other public or nonprofit private educational or research agencies and organizations, and to make contracts with States, State or local educational agencies, institutions of higher education, and other public or private educational or research agencies and organizations, for research and related purposes and to conduct research, surveys, or demonstrations, relating to education of handicapped children.

RESEARCH AND DEMONSTRATION PROJECTS IN PHYSICAL EDUCATION AND
RECREATION FOR HANDICAPPED CHILDREN

SEC. 642. The Commissioner is authorized to make grants to States, State or local educational agencies, institutions of higher education, and other public or nonprofit private educational or research agencies and organizations, and to make contracts with States, State or local educational agencies, institutions of higher education, and other public or private educational or research agencies and organizations, for research and related purposes relating to physical education or recreation for handicapped children, and to conduct research, surveys, or demonstrations relating to physical education or recreation for handicapped children.

PANELS OF EXPERTS

SEC. 643. The Commissioner shall from time to time appoint panels of experts who are competent to evaluate various types of research or Evaluation prior
to grant.

demonstration projects under this part, and shall secure the advice and recommendations of one such panel before making any grant under this part.

AUTHORIZATION OF APPROPRIATIONS

SEC. 644. There are hereby authorized to be appropriated \$27,000,000 for the fiscal year ending June 30, 1971, \$35,500,000 for the fiscal year ending June 30, 1972, and \$45,000,000 for the fiscal year ending June 30, 1973, for carrying out the provisions of this part.

PART F—INSTRUCTIONAL MEDIA FOR THE HANDICAPPED

PURPOSE

SEC. 651. (a) The purposes of this part are to promote—

(1) the general welfare of deaf persons by (A) bringing to such persons understanding and appreciation of those films which play such an important part in the general and cultural advancement of hearing persons, (B) providing through these films enriched educational and cultural experiences through which deaf persons can be brought into better touch with the realities of their environment, and (C) providing a wholesome and rewarding experience which deaf persons may share together; and

(2) the educational advancement of handicapped persons by (A) carrying on research in the use of educational media for the handicapped, (B) producing and distributing educational media for the use of handicapped persons, their parents, their actual or potential employers, and other persons directly involved in work for the advancement of the handicapped, and (C) training persons in the use of educational media for the instruction of the handicapped.

CAPTIONED FILMS AND EDUCATIONAL MEDIA FOR HANDICAPPED PERSONS

Loan service.

SEC. 652. (a) The Commissioner shall establish a loan service of captioned films and educational media for the purpose of making such materials available in the United States for nonprofit purposes to handicapped persons, parents of handicapped persons, and other persons directly involved in activities for the advancement of the handicapped in accordance with regulations.

(b) The Commissioner is authorized to—

(1) acquire films (or rights thereto) and other educational media by purchase, lease, or gift;

(2) acquire by lease or purchased equipment necessary to the administration of this part;

(3) provide for the captioning of films;

(4) provide for the distribution of captioned films and other educational media and equipment through State schools for the handicapped and such other agencies as the Commissioner may deem appropriate to serve as local or regional centers for such distribution;

(5) provide for the conduct of research in the use of educational and training films and other educational media for the handicapped, for the production and distribution of educational and training films and other educational media for the handicapped and the training of persons in the use of such films and media, including the payment to those persons of such stipends (including allowances for travel and other expenses of such persons and their dependents) as he may determine, which shall be consistent with prevailing practices under comparable federally supported programs;

(6) utilize the facilities and services of other governmental agencies; and

(7) accept gifts, contributions, and voluntary and uncompensated services of individuals and organizations.

NATIONAL CENTER ON EDUCATIONAL MEDIA AND MATERIALS FOR THE HANDICAPPED

SEC. 653. (a) The Secretary is authorized to enter into an agreement with an institution of higher education for the establishment and operation of a National Center on Educational Media and Materials for the Handicapped, which will provide a comprehensive program of activities to facilitate the use of new educational technology in education programs for handicapped persons, including designing and developing, and adapting instructional materials, and such other activities consistent with the purposes of this part as the Secretary may prescribe in the agreement. Such agreement shall—

Establishment.

(1) provide that Federal funds paid to the Center will be used solely for such purposes as are set forth in the agreement;

(2) authorize the Center, subject to the Secretary's prior approval, to contract with public and private agencies and organizations for demonstration projects; and

(3) provide for an annual report on the activities of the Center which will be transmitted to the Congress.

Report to Congress.

(b) In considering proposals from institutions of higher education to enter into an agreement under this subsection, the Secretary shall give preference to institutions—

(1) which have demonstrated the capabilities necessary for the development and evaluation of educational media for the handicapped; and

(2) which can serve the educational technology needs of the Model High School for the Deaf (established under Public Law 89-694).

AUTHORIZATION OF APPROPRIATIONS

80 Stat. 1027.
D.C. Code 31-1051 note.

SEC. 654. For the purpose of carrying out this part, there are hereby authorized to be appropriated not to exceed \$12,500,000 for the fiscal year ending June 30, 1971, \$15,000,000 for the fiscal year ending June 30, 1972, and \$20,000,000 for the fiscal year ending June 30, 1973, and each succeeding fiscal year thereafter.

PART G—SPECIAL PROGRAMS FOR CHILDREN WITH SPECIFIC LEARNING DISABILITIES

RESEARCH, TRAINING, AND MODEL CENTERS

SEC. 661. (a) The Commissioner is authorized to make grants to, and contracts with, institutions of higher education, State and local educational agencies, and other public and private educational and research agencies and organizations (except that no grant shall be made other than to a nonprofit agency or organization) in order to carry out a program of—

(1) research and related purposes relating to the education of children with specific learning disabilities;

(2) professional or advanced training for educational personnel who are teaching, or are preparing to be teachers of, children with specific learning disabilities, or such training for persons who are, or are preparing to be, supervisors and teachers of such personnel; and

(3) establishing and operating model centers for the improvement of education of children with specific learning disabilities, which centers shall (A) provide testing and educational evaluation to identify children with learning disabilities who have been referred to such centers, (B) develop and conduct model programs designed to meet the special educational needs of such children, (C) assist appropriate educational agencies, organizations, and institutions in making such model programs available to other children with learning disabilities, and (D) disseminate new methods or techniques for overcoming learning disabilities to educational institutions, organizations, and agencies within the area served by such center and evaluate the effectiveness of the dissemination process. Such evaluation shall be conducted annually after the first year of operation of a center.

In making grants and contracts under this section the Commissioner shall give special consideration to applications which propose innovative and creative approaches to meeting the educational needs of children with specific learning disabilities, and those which emphasize the prevention and early identification of learning disabilities.

(b) In making grants and controls under this section, the Commissioner shall—

(1) for the purposes of clause (2) of subsection (a), seek to achieve an equitable geographical distribution of training programs and trained personnel throughout the Nation, and

(2) for the purposes of clause (3) of subsection (a), to the extent feasible, taking into consideration the appropriations pursuant to this section, seek to encourage the establishment of a model center in each of the States.

Appropriations.

(c) For the purpose of making grants and contracts under this section there are hereby authorized to be appropriated \$12,000,000 for the fiscal year ending June 30, 1970, \$20,000,000 for the fiscal year ending June 30, 1971, and \$31,000,000 for each of the succeeding fiscal years ending prior to July 1, 1973.

REPEALER

SEC. 662. Effective July 1, 1971, the following provisions of law are repealed:

(1) That part of section 1 of the Act of September 2, 1958 (Public Law 85-905), which follows the enacting clause and sections 2, 3, and 4 of such Act;

(2) The Act of September 6, 1958 (Public Law 85-926);

(3) Title VI of the Elementary and Secondary Education Act of 1965 (Public Law 89-10);

(4) Titles III and V of the Act of October 31, 1963 (Public Law 88-164); and

(5) The Act of September 30, 1968 (Public Law 90-538).

TITLE VII—VOCATIONAL EDUCATION

EXTENSION OF PROGRAM OF GRANTS FOR SPECIAL PROGRAMS FOR DISADVANTAGED STUDENTS

SEC. 701. Section 102(b) of the Vocational Education Act of 1963 is amended by inserting after "1970," the following: "\$50,000,000 for the fiscal year ending June 30, 1971, and \$60,000,000 for the fiscal year ending June 30, 1972,".

Effective date.

79 Stat. 983.
42 USC 2491-
2494.
72 Stat. 1777.
20 USC 611-
617.
80 Stat. 1204;
81 Stat. 800, 813.
20 USC 871-
880a.
77 Stat. 294.
20 USC 611-
618, 676.
81 Stat. 530.
42 USC 2698 et
seq.
82 Stat. 901.
20 USC 621-
624.
82 Stat. 1065.
20 USC 1242.

TECHNICAL AMENDMENT

SEC. 702. Section 103(a)(2)(D) of the Vocational Education Act of 1963 is amended by striking out “5 per centum” and inserting in lieu thereof “15 per centum”.

82 Stat. 1065.
20 USC 1243.

CLARIFYING AMENDMENT WITH RESPECT TO STATE ADVISORY COUNCILS

SEC. 703. Section 104(b)(1) of the Vocational Education Act of 1963 is amended by inserting after “State board are elected” the following: “(including election by the State legislature)”.

20 USC 1244.

EXTENSION OF AUTHORITY FOR RESIDENTIAL FACILITIES

SEC. 704. (a) Section 152(a)(1) of the Vocational Education Act of 1963 is amended by striking out “\$15,000,000 for the fiscal year ending June 30, 1970” and inserting in lieu thereof “for each of the succeeding fiscal years ending prior to July 1, 1972”.

20 USC 1322.

(b) Section 153(d)(2) of such Act is amended by striking out “1969” and inserting in lieu thereof “1970, and on July 1, 1971”.

20 USC 1323.

PROMOTION OF KNOWLEDGE OF NUTRITION

SEC. 705. Section 161(b) of the Vocational Education Act of 1963 is amended by adding after “consumer education programs,” the following: “including promotion of nutritional knowledge and food use and the understanding of the economic aspects of food use and purchase.”.

20 USC 1341.

EXTENSION OF WORK-STUDY PROGRAMS

SEC. 706. (a) Section 181(a) of the Vocational Education Act of 1963 is amended by inserting after “1970” a comma and the following: “\$45,000,000 for the fiscal year ending June 30, 1971, and \$55,000,000 for the fiscal year ending June 30, 1972”.

20 USC 1371.

(b) Section 183(a) of such Act is amended by striking out “the fiscal year ending June 30, 1970” and inserting in lieu thereof “any succeeding fiscal year”.

20 USC 1373.

EXTENSION OF CURRICULUM DEVELOPMENT PROGRAM

SEC. 707. Section 191(b) of the Vocational Education Act of 1963 is amended by striking out “the fiscal year ending June 30, 1970” and inserting in lieu thereof “each of the succeeding fiscal years ending prior to July 1, 1972”.

20 USC 1391.

EXTENSION OF PART F OF THE EDUCATION PROFESSIONS DEVELOPMENT ACT

SEC. 708. Section 555 of the Education Professions Development Act (title V of the Higher Education Act of 1965) is amended by striking out “and” where it appears after “1969,” and by inserting before the period at the end thereof a comma and the following: “the sum of \$40,000,000 for the fiscal year ending June 30, 1971, and the sum of \$45,000,000 for the fiscal year ending June 30, 1972”.

82 Stat. 1094.
20 USC 1119c-4.

TECHNICAL AMENDMENT

SEC. 709. Section 104 of the Vocational Education Amendments of 1968 is amended by striking out “this Act” and inserting in lieu thereof “the Vocational Education Act of 1963”.

20 USC 11 note.

TITLE VIII—MISCELLANEOUS

WAIVER OF MATCHING REQUIREMENT IN THE UPWARD BOUND PROGRAM

82 Stat. 1018.
20 USC 1068.

SEC. 801. Section 408(c) (1) of the Higher Education Act of 1965 is amended by inserting after the third sentence thereof the following: "The Commissioner may, however, approve assistance in excess of such percentage if he determines, in accordance with regulations establishing objective criteria, that such action is required in furtherance of the purposes of this section. Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, or services."

EXTENSION OF AUTHORIZATION FOR ADVISORY COUNCIL UNDER EDUCATION PROFESSIONS DEVELOPMENT ACT

81 Stat. 82.
20 USC 1091a.

SEC. 802. Section 502(f) of the Education Professions Development Act (title V of the Higher Education Act of 1965) is amended by striking out "two" and inserting in lieu thereof "three".

TEACHER CORPS ASSISTANCE FOR INDIAN CHILDREN

81 Stat. 86.
20 USC 1103.

SEC. 803. The first sentence of section 513(c) (2) of the Higher Education Act of 1965 is amended to read as follows: "Not to exceed 3 per centum of the number of members of the Teacher Corps who are available shall be allocated to Puerto Rico and the Virgin Islands and not to exceed 5 per centum of such members shall be allocated to the elementary and secondary schools operated for Indian children by the Department of Interior, according to their respective needs."

STUDENT TEACHER CORPS

SEC. 804. (a) It is the purpose of this section to encourage high school and college students, parents, and other community residents to volunteer for service on a part-time or full-time basis as tutors or instructional assistants for children in disadvantaged areas and to provide support by the Teacher Corps of volunteer programs to be carried out by State and local educational agencies and institutions of higher education.

79 Stat. 1255.
20 USC 1101.

(b) (1) Section 511(a) of the Higher Education Act of 1965 is amended by deleting the word "and" at the end of paragraph (1), by deleting the period at the end of paragraph (2) and inserting in lieu thereof a semicolon and the word "and", and by inserting after paragraph (2) the following new paragraph:

"(3) attracting volunteers to serve as part-time tutors or full-time instructional assistants in programs carried out by local educational agencies and institutions of higher education serving such areas."

81 Stat. 85;
82 Stat. 1039.
20 USC 1101.

(2) Section 511(b) of such Act is amended by striking out "\$56,000,000 for each of the succeeding fiscal years ending prior to July 1, 1971" and inserting in lieu thereof "\$80,000,000 for the fiscal year ending June 30, 1970, and \$100,000,000 for the fiscal year ending June 30, 1971".

81 Stat. 85.
20 USC 1103.

(c) Paragraph (1) of section 513(a) of such Act is amended by inserting before the semicolon at the end thereof a comma and the following: "and, for such periods as the Commissioner may prescribe by regulation, persons who volunteer to serve as part-time tutors or full-time instructional assistants".

(d) Section 513(a) of such Act is further amended by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively, and by inserting after paragraph (4) the following new paragraph:

81 Stat. 85.
20 USC 1103.

“(5) enter into contracts or other arrangements with local educational agencies or institutions of higher education, upon approval by the appropriate State educational agency, under which provisions (including payment of the cost of such arrangements) will be made (A) to carry out programs serving disadvantaged areas in which volunteers (including high school and college students) serve as part-time tutors or full-time instructional assistants in teams with other Teacher Corps members, under the guidance of experienced teachers, but not in excess of 90 per centum of the cost of compensation for such tutors and instructional assistants may be paid from Federal funds, and (B) to provide appropriate training to prepare tutors and instructional assistants for service in such programs;”.

Contract
authority.

(e) Section 514(a) of such Act is amended—

79 Stat. 1257;
81 Stat. 86.
20 USC 1104.

(1) by inserting after “paragraph (3) of section 513(a)” a comma and the following: “or an arrangement with a local educational agency or institution of higher education pursuant to paragraph (5) of section 513(a),”;

(2) by striking out in paragraph (2) “is equal to” and inserting in lieu thereof “does not exceed”, and by striking out “\$75 per week” in such paragraph and inserting in lieu thereof “\$90 per week”; and

Supra.

(3) by deleting the word “and” at the end of paragraph (1), by deleting the period at the end of paragraph (2) and inserting in lieu thereof a semicolon and the word “and”, and by inserting after paragraph (2) the following new paragraph:

“(3) tutors and instructional assistants shall be compensated at such rates as the Commissioner may determine to be consistent with prevailing practices under comparable federally supported work-study programs.”

TEACHER CORPS CORRECTIONS EDUCATION PROJECTS

SEC. 805. (a) Section 511(a) of the Higher Education Act of 1965 (as amended by section 804(b) of this Act) is further amended by deleting the word “and” at the end of paragraph (2), by deleting the period at the end of paragraph (3) and inserting in lieu thereof a semicolon and the word “and”, and by inserting after paragraph (3) the following new paragraph:

Ante, p. 190.

“(4) attracting and training educational personnel to provide relevant remedial, basic, and secondary educational training, including literacy and communications skills, for juvenile delinquents, youth offenders, and adult criminal offenders.”

(b) Section 513(a) of such Act is further amended by redesignating paragraphs (6), (7), and (8) (as redesignated by section 804(d) of this Act), and all references thereto, as paragraphs (7), (8), and (9), respectively, and by inserting after paragraph (5) the following new paragraph:

Supra.

“(6) enter into arrangements, through grants or contracts, with State and local educational agencies, and with institutions of higher education, and such other agencies or institutions approved by the Commissioner according to criteria which shall be established by him to carry out the purposes of this paragraph, under which provisions (including payment of the cost of such arrangements) will be made to furnish to such agencies members of the Teacher Corps to carry out projects designed to meet the

special educational needs of juvenile delinquents, youth offenders, and adult criminal offenders, and persons who have been determined by a State or local educational agency, court of law, law enforcement agency, or any other State or local public agency to be predelinquent juveniles, but not in excess of 90 per centum of the cost of compensation for Teacher Corps members serving in such projects may be paid from Federal funds;”.

Compensation.
79 Stat. 1257.
20 USC 1104.
Ante, p. 191.

(c) Section 514(a) of such Act is further amended by inserting before “shall provide” the following: “or an arrangement with any agency pursuant to paragraph (6) of Section 513(a).”.

PROVISIONS RELATED TO GIFTED AND TALENTED CHILDREN

79 Stat. 1258.
20 USC 1111.

SEC. 806. (a) Section 521 of the Higher Education Act of 1965 (relating to fellowships for teachers) is amended by inserting in the last sentence thereof after the words “handicapped children” a comma and the following: “and for gifted and talented children”.

79 Stat. 1269;
82 Stat. 1042.
20 USC 1141.

(b) Section 1201 of such Act (relating to definitions) is amended by adding at the end thereof the following new paragraph:

“(k) The term ‘gifted and talented children’ means, in accordance with objective criteria prescribed by the Commissioner, children who have outstanding intellectual ability or creative talent.”

(c) (1) The Commissioner of Education shall:

(A) determine the extent to which special educational assistance programs are necessary or useful to meet the needs of gifted and talented children,

(B) show which existing Federal educational assistance programs are being used to meet the needs of gifted and talented children,

(C) evaluate how existing Federal educational assistance programs can be more effectively used to meet these needs, and

(D) recommend which new programs, if any, are needed to meet these needs.

Report to
Congress.

(2) The Commissioner shall report his findings, together with his recommendations, to the Congress not later than one year after the enactment of this Act.

CONSOLIDATION OF TITLE III OF THE NATIONAL DEFENSE EDUCATION ACT OF 1958 AND SECTION 12 OF THE NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES ACT OF 1965

78 Stat. 1103.
20 USC 443.

SEC. 807. (a) (1) Section 303(a) of the National Defense Education Act of 1958 is amended by striking out “science, mathematics, history, civics, geography, economics, industrial arts, modern foreign language, English, or reading” and inserting in lieu thereof “academic subjects”.

72 Stat. 1589.

(2) Section 303(a) (5) of such Act is amended by striking out “the fields of science, mathematics, history, civics, geography, economics, industrial arts, modern foreign languages, English, and reading” and inserting in lieu thereof “academic subjects”.

82 Stat. 1052.
20 USC 441.

(3) The first sentence of section 301 of such Act is amended by striking out “\$120,000,000” and inserting in lieu thereof “\$120,500,000” and by striking out “\$130,000,000” and inserting in lieu thereof “\$130,500,000”.

Repeal.
79 Stat. 854.
20 USC 961.

(b) Section 12 of the National Foundation on the Arts and the Humanities Act of 1965 is hereby repealed.

ADVISORY COUNCIL ON RESEARCH AND DEVELOPMENT

SEC. 808. Section 2 of the Cooperative Research Act of 1954 is amended by adding the following new subsection at the end thereof:

68 Stat. 533;
79 Stat. 44.
20 USC 331a.

“(e) (1) The Commissioner shall establish in the Office of Education an Advisory Council on Research and Development, consisting of fifteen members appointed, without regard to the civil service laws, by the Commissioner with the approval of the Secretary of Health, Education, and Welfare. The Commissioner shall appoint one such member as Chairman. Such members shall include persons recognized as authorities in the field of educational research and development or in related fields.

“(2) The Advisory Council shall advise the Commissioner with respect to matters of general policy arising in the administration of this Act.”

RESEARCH ON PROBLEMS OF FINANCING ELEMENTARY AND SECONDARY EDUCATION

SEC. 809. (a) The Congress finds that—

(1) insufficient national concern has been focused upon the escalating operating expenses and construction costs faced by school districts, including serious inequities within and among States in financial support of elementary and secondary education;

(2) taxpayer resistance to the existing tax structure is growing and school bond issues and budget requests are being rejected;

(3) school districts are facing serious fiscal crises as they approach or exceed statutory limits on taxing and bonding authority; and

(4) there is a need for additional knowledge to solve these problems.

(b) It is the purpose of this section—

(1) to provide for research and reports on such problems under the Cooperative Research Act; and

(2) to provide for a National Commission on School Finance to study such problems and report to the Commissioner and the Congress within two years.

20 USC 331
note.

Report to
Congress.

20 USC 331a.

(c) Section 2(a) of the Cooperative Research Act is amended by inserting at the end thereof the following:

“(3) The Commissioner shall, pursuant to his authority under this Act, provide for research regarding the problems of financing elementary and secondary education. Such research shall include, but not be limited to, recommendations concerning—

“(A) an appropriate division of responsibility among local, State, and the Federal Government in financing elementary and secondary education;

“(B) an appropriate balance of categorical aid, general aid, and school construction aid in the total Federal responsibility for financing elementary and secondary education;

“(C) new approaches to relieve the fiscal crisis now facing the schools;

“(D) the use of Federal revenue sharing for supporting elementary and secondary education; and

“(E) methods to minimize variations within and among States in per pupil expenditures for elementary and secondary education.

The Commissioner shall make a preliminary report to the Congress not later than one hundred and twenty days after the date of enactment of the Elementary and Secondary Education Amendments of 1969 identifying all existing federally financed research in this area (whether authorized under this or any other Act) and the current status of such research. Thereafter, the Commissioner shall report the

Report to
Congress.

results of, and recommendations with respect to, research under this paragraph as a separate and distinct part of his annual report pursuant to subsection (d)."

National Commission on School Finance.
Establishment.
Membership.

(d) The Commissioner shall, not later than ninety days after the date of enactment of this Act, establish a National Commission on School Finance. Such Commission shall consist of fifteen members appointed from (1) members of State and local educational agencies, (2) State and local government officials, (3) education administrators, (4) teachers, (5) financial experts, (6) parents with one or more children in a public elementary or secondary school, (7) the Office of Education, (8) the Department of the Treasury, with the approval of the Secretary of the Treasury, and (9) other appropriate fields. The Commissioner shall appoint a chairman and vice chairman from among such members. Such Commission shall make a full and complete investigation and study of the financing of elementary and secondary education, including, but not limited to, the matters referred to in section 2(a)(3) of the Cooperative Research Act (as amended by subsection (c) of this section). The Commission shall report the results of such investigation and study and its recommendations to the Commissioner and the Congress not later than two years after the date of enactment of this Act. Funds available for the purposes of the Cooperative Research Act and for the purposes of section 402 of Public Law 90-247 shall be available for the purposes of this subsection.

Ante, p. 193.
Report to Congress.

Ante, p. 165.

CONSTRUCTION OF EDUCATIONAL RESEARCH FACILITIES

79 Stat. 46.
20 USC 332a.

SEC. 810. Section 4(a) of the Cooperative Research Act (Public Law 83-531) is amended by striking out "July 1, 1970" and substituting in lieu thereof "July 1, 1973", and by striking out "July 1, 1971" and substituting in lieu thereof "July 1, 1974".

AMENDMENT RELATING TO THE AMERICAN PRINTING HOUSE FOR THE BLIND

Appropriation expenditure.

70 Stat. 938.

SEC. 811. (a) The paragraph designated "First" in section 3 of the Act entitled "An Act to promote the education of the blind", approved March 3, 1879 (20 U.S.C. 102), is amended to read as follows:

"First. (A) Such appropriation shall be expended by the trustees of the American Printing House for the Blind each year in manufacturing and furnishing books and other materials specially adapted for instruction of the blind; and the total amount of such books and other materials so manufactured and furnished by such appropriation shall each year be distributed among all the public and private nonprofit institutions in the States, territories, and possessions of the United States, the Commonwealth of Puerto Rico, and the District of Columbia, in which blind pupils are educated. Each public and private nonprofit institution for the education of the blind shall receive, in books and other materials, upon requisition of its superintendent, that portion of the appropriation as is shown by the ratio between the number of blind pupils in that institution and the total number of blind pupils in all of the public and private nonprofit institutions in which blind pupils are educated. Each chief State school officer shall receive, in books and other materials, upon requisition, that portion of the appropriation as is shown by the ratio between the number of blind pupils in public and private nonprofit institutions (in the State) in which blind pupils are educated, other than institutions to which the preceding sentence is applicable, and the total number of blind pupils in the public and private nonprofit institutions in which blind pupils are educated in all of the States, territories, and possessions of the United States, the Commonwealth of Puerto Rico, and the District of

Columbia. The ratio referred to in each of the two immediately preceding sentences shall be computed upon the first Monday in January of each year; and for purposes of such sentences the number of blind pupils in public and private nonprofit institutions in which blind pupils are educated shall be authenticated in such manner and as often as the trustees of the American Printing House for the Blind shall require. For purposes of this Act, an institution for the education of the blind is any institution which provides education exclusively for the blind, or exclusively for the blind and other handicapped children (in which case special classes are provided for the blind); the chief State school officer of a State is the superintendent of public elementary and secondary schools in such State or, if there is none, such other official as the Governor certifies to have comparable responsibility in the State; and a blind pupil is a blind individual pursuing a course of study in an institution of less than college grade.

“(B) The portion of the appropriation received by each chief State school officer, in such books and other materials under subparagraph (A) of this paragraph which represents the number of blind pupils in private nonprofit institutions in such State in which blind pupils are educated shall be distributed among such institutions on the basis of the number of blind pupils in each such institution as compared to the total number of such pupils in all of the private nonprofit institutions in which blind pupils are educated in such State.

“(C) All books and other materials furnished pursuant to this Act, and control and administration of their use, shall vest only in a public agency. Such books and materials made available pursuant to this Act for use of teachers and blind pupils in any State, Territory, or possession of the United States, the Commonwealth of Puerto Rico, and the District of Columbia in any school shall be limited to those books and materials which have been approved by an appropriate educational authority or agency of such State, Territory, possession, Commonwealth, or District, or any local educational authority thereof, for use, or are used, in a public elementary or secondary school therein.”

(b) The paragraph designated “Fourth” of section 3 of the Act entitled “An Act to promote the education of the blind”, approved March 3, 1879, as amended (20 U.S.C. 102), is amended by inserting immediately after “public”, the following: “and private nonprofit”.

20 Stat. 468.

(c) Section 4 of such Act is amended by inserting immediately after “public”, the following: “or private nonprofit”.

20 USC 104.

Approved April 13, 1970.

Public Law 91-231

AN ACT

To increase the pay of Federal employees.

April 15, 1970
[S. 3690]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the “Federal Employees Salary Act of 1970”.

Federal Employees Salary Act of 1970.

SEC. 2. (a) (1) The President shall increase the rates of basic pay, basic compensation, and salaries (as such rates were increased by Executive Order Numbered 11474, dated June 16, 1969) contained in the schedules listed in paragraph (2) of this subsection by amounts equal, as nearly as may be practicable and with regard to maintaining

5 USC 5332
note.

Post, p. 198-1.

approximately equal increments within any grade, level, or class of any such schedule, to 6 percent.

(2) The schedules referred to in paragraph (1) of this subsection are as follows: the General Schedule contained in section 5332(a) of title 5, United States Code; the Postal Field Service Schedule and the Rural Carrier Schedule contained in sections 3542(a) and 3543(a), respectively, of title 39, United States Code; the schedules relating to certain positions within the Department of Medicine and Surgery of the Veterans' Administration and contained in section 4107 of title 38, United States Code; and the Foreign Service schedules contained in sections 412 and 415 of the Foreign Service Act of 1946.

(b) Rates of basic pay, basic compensation, and salaries of officers and employees paid under the schedules referred to in subsection (a) of this section shall be increased initially under conversion rules prescribed by the President or by such agency as the President may designate.

(c) The increases made by the President under this section shall have the force and effect of law and shall be printed in (1) the Statutes at Large in the same volume as public laws, (2) the Federal Register, and (3) the Code of Federal Regulations.

SEC. 3. (a) The rates of pay of personnel subject to sections 210 and 214 of the Federal Salary Act of 1967 (81 Stat. 633, 635; Public Law 90-206), relating to Agricultural Stabilization and Conservation County Committee employees and to certain employees of the legislative branch of the Government, respectively, and any minimum or maximum rate, limitation, or allowance applicable to any such personnel, shall be adjusted, effective on the first day of the first pay period which begins on or after December 27, 1969, by amounts which are identical, insofar as practicable, to the amounts of the adjustments under section 2 of this Act for corresponding rates of pay for employees subject to the General Schedule, by the following authorities—

(1) the Secretary of Agriculture, with respect to individuals employed by the county committees established under section 590h(b) of title 16;

(2) the President pro tempore of the Senate, with respect to the United States Senate;

(3) the Finance Clerk of the House of Representatives, with respect to the United States House of Representatives; and

(4) the Architect of the Capitol, with respect to the Office of the Architect of the Capitol.

The provisions of this section shall not be construed to allow adjustments in the rates of pay of the following officers of the United States House of Representatives: Parliamentarian, Chaplain, Clerk, Sergeant at Arms, Doorkeeper, Postmaster, and the four Floor Assistants to the Minority whose position titles formerly were Minority Clerk, Minority Sergeant at Arms, Minority Doorkeeper, and Minority Postmaster.

(b) Notwithstanding section 665 of title 31, the rates of pay of employees in and under the judicial branch of the Government, whose rates of pay are fixed by administrative action pursuant to law and are not otherwise adjusted under this section may be adjusted, effective on the first day of the first pay period which begins on or after December 27, 1969, by amounts not to exceed the amounts of the adjustments under section 2(a) of this Act for corresponding rates of pay. The limitations fixed by law with respect to the aggregate salaries payable to secretaries and law clerks of circuit and district judges shall be adjusted, effective on the first day of the first pay

Post, p. 719.

22 USC 867,
870.
Pay increases
by conversion.

Publication in
Statutes at
Large, Federal
Register, Code
of Federal Reg-
ulations.

ASCS county
committee em-
ployees.

Legislative
branch employ-
ees.

16 USC 590h
note.

2 USC 60e-14
and note.

52 Stat. 31;
81 Stat. 633.

Exceptions.

Judicial branch
employees.

Secretaries and
law clerks.

period which begins on or after the date on which adjustments become effective under this section, by amounts not to exceed the amounts of the adjustments under this section for corresponding rates of pay.

(c) The rates of pay of United States attorneys and assistant United States attorneys whose annual salaries are fixed pursuant to section 548 of title 28, United States Code, shall be increased, effective on the first day of the first pay period which begins on or after December 27, 1969, by amounts equal, as nearly as may be practicable, to the increases provided pursuant to section 2 of this Act for corresponding rates of pay.

U.S. attorneys
and assistant U.S.
attorneys.
80 Stat. 618;
81 Stat. 633.

(d) Notwithstanding section 665 of title 31, the rates of pay of employees of the Federal Government and of the government of the District of Columbia whose rates of pay are fixed by administrative action pursuant to law and are not otherwise increased pursuant to this section are hereby authorized to be increased, effective on the first day of the first pay period which begins on or after December 27, 1969, by amounts not to exceed the increases provided pursuant to section 2 of this Act for corresponding rates of pay in the appropriate schedule or scale of pay.

Salaries fixed
by administrative
action.
Federal and
D.C. government
employees.

SEC. 4. (a) An increase in pay, compensation, or salary which becomes effective under section 2 of this Act is not an equivalent increase in pay within the meaning of section 5335 of title 5, United States Code, or section 3552 of title 39, United States Code.

80 Stat. 469.
76 Stat. 854;
Post, p. 719.

(b) Nothing in this Act shall impair any authority pursuant to which rates of pay, compensation, or salary may be fixed by administrative action.

(c) Notwithstanding any provisions other than section 6 of this Act—

(1) any officer or employee of the United States Government receiving pay, compensation, or salary which is less than the basic pay for level V of the Executive Schedule in section 5316 of title 5, United States Code, in effect on the date of enactment of this Act, shall not have his pay, compensation, or salary increased, by reason of the enactment of this Act, to a rate in excess of the basic pay for such level V; and

83 Stat. 864.
5 USC 5316
note.

(2) any officer or employee of the United States Government receiving pay, compensation, or salary equal to or in excess of the basic pay for such level V shall not have his pay, compensation, or salary increased.

SEC. 5. (a) Retroactive pay, compensation, or salary shall be paid by reason of this Act only in the case of an individual in the service of the United States (including service in the Armed Forces of the United States) or the municipal government of the District of Columbia on the date of enactment of this Act, except that such retroactive pay, compensation, or salary shall be paid—

Retroactive
pay.

(1) to an officer or employee who retired, during the period beginning on the first day of the first pay period which began on or after December 27, 1969, and ending on the date of enactment of this Act, for services rendered during such period; and

(2) in accordance with subchapter VIII of chapter 55 of title 5, United States Code, relating to settlement of accounts, for services rendered, during the period beginning on the first day of the first pay period which began on or after December 27, 1969, and ending on the date of enactment of this Act, by an officer or employee who died during such period.

80 Stat. 495;
82 Stat. 1212.
5 USC 5581.

Such retroactive pay, compensation, or salary shall not be considered as basic pay for the purposes of subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, or any other

80 Stat. 564;
83 Stat. 136.
5 USC 8331.

retirement law or retirement system, in the case of any such retired or deceased officer or employee.

(b) For the purposes of this section, service in the Armed Forces of the United States, in the case of an individual relieved from training and service in the Armed Forces of the United States or discharged from hospitalization following such training and service, shall include the period provided by law for the mandatory restoration of such individual to a position in or under the United States Government or the municipal government of the District of Columbia.

D.C. judges.
82 Stat. 1119;
Post, p. 475.

Sec. 6. (a) Section 11-702(d) of the District of Columbia Code is amended by striking out "\$29,000" and "\$28,500" and inserting in lieu thereof "\$36,500" and "\$36,000", respectively.

(b) Section 11-902(d) of the District of Columbia Code is amended by striking out "\$28,000" and "\$27,500" and inserting in lieu thereof "\$34,500" and "\$34,000", respectively.

Post, pp. 574,
579.

(c) The first sentence of the second paragraph of section 2 of the District of Columbia Revenue Act of 1937, as amended (D.C. Code, sec. 47-2402), is amended by striking out "\$27,500" and inserting in lieu thereof "\$34,000".

Former U.S.
Presidents'
staffs.

Sec. 7. The third sentence of subsection (b) of the first section of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), is amended by striking out "\$80,000" and inserting in lieu thereof "\$96,000".

81 Stat. 642.
Premium pay.
80 Stat. 487;
81 Stat. 200,
638.

Sec. 8. Section 5545(c) (2) of title 5, United States Code, is amended to read as follows:

Percentage
rate.

Post, p. 198-1.

Effective
dates.

"(2) an employee in a position in which the hours of duty cannot be controlled administratively, and which requires substantial amounts of irregular, unscheduled, overtime duty with the employee generally being responsible for recognizing, without supervision, circumstances which require him to remain on duty, shall receive premium pay for this duty on an annual basis instead of premium pay provided by other provisions of this subchapter, except for regularly scheduled overtime, night, and Sunday duty, and for holiday duty. Premium pay under this paragraph is determined as an appropriate percentage, not less than 10 per centum nor more than 25 per centum, of such part of the rate of basic pay for the position as does not exceed the minimum rate of basic pay for GS-10, by taking into consideration the frequency and duration of irregular unscheduled overtime duty required in the position."

Sec. 9. (a) Sections 1 to 6, inclusive, of this Act shall become effective on the first day of the first pay period which begins on or after December 27, 1969.

(b) This section and sections 7 and 8 of this Act shall become effective on the date of enactment of this Act.

Life insurance.
80 Stat. 592.
5 USC 8701.

(c) For purposes of determining the amount of insurance for which an individual is eligible under chapter 87 of title 5, United States Code, relating to group life insurance for Government employees, all changes in rates of pay, compensation, and salary which result from the enactment of this Act shall be held and considered to become effective as of the date of such enactment.

Retirement
deductions and
contributions.

(d) Any deduction to be made as the result of the enactment of this Act from the pay, compensation, or salary of an officer or employee enrolled in a retirement system of the United States Government, and the contribution of the agency employing the officer or employee, shall be made at the rates of deductions and contributions in effect for that system on the date of such enactment.

Approved April 15, 1970.

Conversion Rules

SEC. 5. (a) The officers hereinafter designated shall prescribe such rules as may be necessary to convert the rates of basic pay, basic compensation or salaries of officers and employees to the rates prescribed in this order:

- (1) General Schedule, the Civil Service Commission.
- (2) Postal Field Service including the Rural Carrier Schedule, the Postmaster General.
- (3) Schedules for the Department of Medicine and Surgery of the Veterans' Administration, the Administrator of Veterans' Affairs.
- (4) Foreign Service schedules, the Secretary of State.

(b) Subject to the provisions of this order, rules prescribed pursuant to subsection (a) shall conform as nearly as may be practicable to the provisions with regard to conversion contained in the Federal Salary Act of 1967, 81 Stat. 624. Entitlement to retroactive pay under such rules shall be subject to the provisions of section 5 of the Federal Employees Salary Act of 1970.

Ante, p. 197.

Effective Date

SEC. 6. This order shall take effect as of the first day of the first pay period beginning on or after December 27, 1969.



THE WHITE HOUSE,
April 15, 1970

Executive Order 11525**ADJUSTING THE RATES OF MONTHLY BASIC PAY FOR MEMBERS OF
THE UNIFORMED SERVICES**

By virtue of the authority vested in me by the laws of the United States, including the Act of December 16, 1967, 81 Stat. 649, the Federal Employees Salary Act of 1970, and section 301 of title 3 of the United States Code, and as President of the United States and Commander in Chief of the armed forces of the United States, it is hereby ordered as follows:

Ante, p. 195.

SECTION 1. The rates of monthly basic pay for members of the uniformed services within each pay grade are adjusted upwards as set forth in the following tables:

Public Law 91-232

AN ACT

To amend the District of Columbia Bail Agency Act to provide additional funds for the District of Columbia Bail Agency for fiscal year 1970.

April 15, 1970
[H. R. 16612]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 9 of the District of Columbia Bail Agency Act (D.C. Code, sec. 23-908) is amended by striking out “, but not to exceed \$130,000 in any one fiscal year.”

D.C. Bail
Agency Act,
amendment.
80 Stat. 329;
Post, p. 654.

Approved April 15, 1970.

Public Law 91-233

AN ACT

To amend the Agricultural Act of 1949 with regard to the use of dairy products, and for other purposes.

April 17, 1970
[S. 2595]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 416 of the Agricultural Act of 1949, as amended (7 U.S.C. 1431), is amended by adding at the end thereof the following:

Agricultural
Act of 1949,
amendment.
68 Stat. 458;
80 Stat. 1538.

“Dairy products acquired by the Commodity Credit Corporation through price support operations may, insofar as they can be used in the United States in nonprofit school lunch and other nonprofit child feeding programs, in the assistance of needy persons, and in charitable institutions, including hospitals, to the extent that needy persons are served, be donated for any such use prior to any other use or disposition.”

Approved April 17, 1970.

Public Law 91-234

AN ACT

To amend the Railway Labor Act in order to change the number of carrier representatives and labor organization representatives on the National Railroad Adjustment Board, and for other purposes.

April 23, 1970
[H. R. 15349]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 3, First, of the Railway Labor Act is amended by striking out “thirty-six members, eighteen of whom shall be selected by the carriers and eighteen” and inserting in lieu thereof “thirty-four members, seventeen of whom shall be selected by the carriers and seventeen.”

SEC. 2. Subsection (b) of said section 3, First, is amended by inserting the word “voting” ahead of the words “representative on any division of the Board.”

SEC. 3. Subsection (c) of said section 3, First, is amended by adding the following at the start thereof: “Except as provided in the second paragraph of subsection (h) of this section,” and inserting the word “voting” ahead of the words “representative on any division of the Board.”

SEC. 4. The second paragraph of subsection (h) of said section 3, First, is amended by amending the last sentence thereof to read as follows: “This division shall consist of eight members, four of whom

National Rail-
road Adjustment
Board repre-
sentatives.
Composition
change.
48 Stat. 1189.
45 USC 153.

Selection
method.

First Division.

48 Stat. 1186;
64 Stat. 1238.
45 USC 151a,
152.

shall be selected and designated by the carriers and four of whom shall be selected and designated by the labor organizations, national in scope and organized in accordance with section 2 hereof and which represent employees in engine, train, yard, or hostling service: *Provided, however,* That each labor organization shall select and designate two members on the First Division and that no labor organization shall have more than one vote in any proceedings of the First Division or in the adoption of any award with respect to any dispute submitted to the First Division: *Provided further, however,* That the carrier members of the First Division shall cast no more than two votes in any proceedings of the division or in the adoption of any award with respect to any dispute submitted to the First Division."

48 Stat. 1191.
45 USC 153.

SEC. 5. Subsection (k) of said section 3, First, is amended by inserting the words "except as provided in paragraph (h) of this section," after the words "*Provided, however, That.*"

SEC. 6. Subsection (n) of said section 3, First, is amended by inserting the words "eligible to vote" after the words "Adjustment Board."

Approved April 23, 1970.

Public Law 91-235

AN ACT

April 24, 1970
[H. R. 8654]

To provide that, for purposes of the Internal Revenue Code of 1954, individuals who were illegally detained during 1968 by the Democratic People's Republic of Korea shall be treated as serving in a combat zone.

Taxes.
Treatment of
certain indi-
viduals as
serving in
combat zone.
68A Stat. 34-
898; 80 Stat.
1165.
26 USC 112,
692, 2201, 7508.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for purposes of sections 112, 692, 2201, and 7508 of the Internal Revenue Code of 1954, individuals who were removed from a United States vessel and illegally detained (or who died while being illegally detained) by the Democratic People's Republic of Korea at any time during the calendar year 1968 shall be treated while so detained as serving in an area designated by the President of the United States by Executive order as a combat zone for purposes of section 112 and during the period designated by the President by Executive order as the period of combatant activities in such zone for purposes of such section.

SEC. 2. The provisions of this Act shall apply—

(1) for purposes of section 112 of such Code, with respect to compensation received for periods of active service after December 31, 1967, in taxable years ending after such date;

(2) for purposes of sections 692 and 2201 of such Code, with respect to decedents dying after December 31, 1967; and

(3) for purposes of section 7508 of such Code, with respect to individuals who were detained after December 31, 1967.

Approved April 24, 1970.

Public Law 91-236

JOINT RESOLUTION

April 27, 1970
[H. J. Res. 251]

To authorize the President to proclaim the last Friday of April 1970 as "National Arbor Day".

National Arbor
Day.
Proclamation.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the last Friday of April 1970 "National Arbor Day" and calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

Approved April 27, 1970.

Public Law 91-237

AN ACT

To provide that the Federal Office Building and United States Courthouse in Chicago, Illinois, shall be named the "Everett McKinley Dirksen Building".

May 1, 1970
[S. 3253]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Office Building and United States Courthouse at 219 South Dearborn Street in Chicago, Illinois, shall be renamed the "Everett McKinley Dirksen Building" in memory of the late Everett McKinley Dirksen, a distinguished Member of the United States House of Representatives from the State of Illinois from 1933 to 1949 and of the United States Senate from 1950 to 1969. Any reference to the Federal Office Building and United States Courthouse at 219 South Dearborn Street in Chicago, Illinois, in any law, regulation, document, record, map, or other paper of the United States shall be deemed a reference to such building as the "Everett McKinley Dirksen Building".

Everett McKinley
Dirksen Building.
Designation.

SEC. 2. Upon a determination that a local educational agency lacks the fiscal capacity to provide an adequate free public education for children of persons who live and work on Federal property, and if such children constitute not less than 25 percent of the total enrollment, the Secretary of Health, Education, and Welfare shall from sums already available make emergency payments for the current school year to such local educational agency as may be necessary to provide a free public education for such children: *Provided*, That the total of such payments shall not exceed \$2,500,000 and shall not exceed the average per pupil cost to such agency for all children eligible to receive a free public education from such agency, less Federal and State payments to such agency for free public education.

Impacted areas.
Emergency
school payments
by HEW, fiscal
1970.

Limitation.

Approved May 1, 1970.

Public Law 91-238

AN ACT

To authorize the Secretary of the Interior to permit the removal of the Francis Asbury statue, and for other purposes.

May 4, 1970
[S. 1968]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to permit the removal of the statue of Francis Asbury erected, pursuant to the Act of February 28, 1919 (40 Stat. 1213), on lands in the District of Columbia now under the administrative jurisdiction of the National Park Service, and to convey without compensation title to said statue to the Methodist Corporation, a religious corporation duly organized and existing under the laws of the District of Columbia, upon such terms and conditions as the Secretary deems necessary. The removal of the statue and restoration of the site to the satisfaction of the Secretary shall be without cost to the United States.

Francis Asbury
statue, removal.

Approved May 4, 1970.

Public Law 91-239

AN ACT

May 6, 1970
[S. 2306]

To provide for the establishment of an international quarantine station and to permit the entry therein of animals from any country and the subsequent movement of such animals into other parts of the United States for purposes of improving livestock breeds, and for other purposes.

International
animal quaran-
tine station.
Establishment.

Acceptance of
gifts, etc.

Cooperation
with breeders'
organizations.

Collection of
fees.

Regulations.

Smuggling penal-
ties.
62 Stat. 716;
68 Stat. 782.

Appropriation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized, in his discretion, to establish and maintain an international animal quarantine station within the territory of the United States. The quarantine station shall be located on an island selected by the Secretary of Agriculture where, in his judgment, maximum animal disease and pest security measures can be maintained. The Secretary of Agriculture is authorized to acquire land or any interest therein, by purchase, donation, exchange, or otherwise and construct or lease buildings, improvements, and other facilities as may be necessary for the establishment and maintenance of such quarantine station. The Secretary of Agriculture, on behalf of the United States, is authorized to accept any gift or donation of money, personal property, buildings, improvements, and other facilities for the purpose of conducting the functions authorized under this Act. Notwithstanding the provisions of any other law to prevent the introduction or dissemination of livestock or poultry disease or pests, animals may be brought into the quarantine station from any country, including but not limited to those countries in which the Secretary of Agriculture determines that rinderpest or foot-and-mouth disease exists, and subsequently moved into other parts of the United States, in accordance with such conditions as the Secretary of Agriculture shall determine are adequate in order to prevent the introduction into and the dissemination within the United States of livestock or poultry diseases or pests. The Secretary of Agriculture is authorized to cooperate in such manner as he deems appropriate, with other North American countries or with breeders' organizations or similar organizations or with individuals within the United States regarding importation of animals into and through the quarantine station and to charge and collect reasonable fees for use of the facilities of such station from importers. Such fees shall be deposited into the Treasury of the United States to the credit of the appropriation charged with the operating expenses of the quarantine station. The Secretary is authorized to issue such regulations as he deems necessary to carry out the provisions of this Act.

SEC. 2. The provisions and penalties of section 545 of title 18, United States Code, shall apply to the bringing of animals to the quarantine station or the subsequent movement of animals to other parts of the United States, including Puerto Rico, Guam, and the Virgin Islands, contrary to the conditions prescribed by the Secretary in regulations issued hereunder.

SEC. 3. There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

Approved May 6, 1970.

Public Law 91-240

AN ACT

To provide for disposition of estates of intestate members of the Cherokee, Chickasaw, Choctaw, and Seminole Nations of Oklahoma dying without heirs.

May 7, 1970
[H. R. 4145]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That upon the final determination of a court having jurisdiction or by decision of the Secretary of the Interior after a period of five years from the death of the decedent, it is determined that a member of the Cherokee, Chickasaw, Choctaw, or Seminole Nations or Tribes of Oklahoma or a person of the blood of said tribes has died intestate without heirs, owning trust or restricted Indian lands in Oklahoma or an interest therein or rents or profits therefrom, such lands, interests, or profits shall escheat to the Nation or tribe from which title to the trust or restricted Indian lands or interest therein was derived and shall be held thereafter in trust by the United States for said nation or tribe.

Indian Tribes,
Okla.
Intestate mem-
bers.
Disposition of
estates.

Approved May 7, 1970.

Public Law 91-241

AN ACT

To amend title 38, United States Code, to liberalize the conditions under which the administrator of Veterans' Affairs is required to effect recoupment from disability compensation otherwise payable to certain disabled veterans.

May 7, 1970
[H. R. 10912]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 11 of title 38, United States Code, is amended by adding the following new section at the end thereof:

Veterans.
72 Stat. 1117;
76 Stat. 406.
38 USC 301-360.

“§ 361. Payment of disability compensation in disability severance cases

“The deduction of disability severance pay from disability compensation, as required by section 1212(c) of title 10, United States Code, shall be made at a monthly rate not in excess of the rate of compensation to which the former member would be entitled based on the degree of his disability as determined on the initial Veterans' Administration rating.”

70A Stat. 99.

Approved May 7, 1970.

Public Law 91-242

AN ACT

To extend for four years the period of time during which certain requirements shall continue to apply with respect to applications for a license for an activity which may affect the resources of the Hudson Riverway, and for other purposes.

May 9, 1970
[H. R. 13106]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Act of September 26, 1966 (Public Law 89-605; 80 Stat. 848), is amended by striking out “three years after the date of this Act” and inserting in lieu thereof “seven years after the date of this Act”.

Hudson River-
way.
License require-
ments, exten-
sion.

SEC. 2. Section 3 of such Act of September 26, 1966 (Public Law 89-605; 80 Stat. 848), is amended by striking out “July 1, 1968” and inserting in lieu thereof “July 1, 1970, and annually thereafter.”

Report, exten-
sion.

Approved May 9, 1970.

Public Law 91-243

AN ACT

May 9, 1970
[H. R. 14896]

To amend the Act of October 15, 1966 (80 Stat. 915), establishing a program for the preservation of additional historic properties throughout the Nation, and for other purposes.

Historic proper-
ties preservation
program, exten-
sion.

16 USC 470h.

Advisory
Council, mem-
bership increase.

16 USC 470i.

16 USC 470l.

16 USC 470m.

International
study centre.
U.S. participa-
tion.

Appropriation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of October 15, 1966 (80 Stat. 915; 16 U.S.C. 470) is amended as follows:

(a) Section 108 is amended by deleting the first sentence and inserting in lieu thereof the following: "There are authorized to be appropriated not more than \$7,000,000 to carry out the provisions of this title for fiscal year 1971, \$10,000,000 for fiscal year 1972, and \$15,000,000 for fiscal year 1973."

(b) Section 201(a) is amended by—

(1) striking out "seventeen" and inserting "twenty";

(2) inserting after paragraph (6) the following:

"(7) The Secretary of Agriculture

"(8) The Secretary of Transportation

"(9) The Secretary of the Smithsonian Institution; and"

(3) redesignating paragraphs "(7)" and "(8)" as "(10)" and

"(11)", respectively.

(c) Section 201(b) is amended by striking out "(6)" and inserting "(10)".

(d) Section 201(c) is amended by striking out "(8)" and inserting "(11)".

(e) Section 201(f) is amended by striking out "Eight" and inserting "Eleven".

(f) Section 204 is amended by striking out "(7)" in the first sentence and inserting "(10)", and by striking out "(8)" in the second sentence and inserting "(11)".

(g) Section 205(d) is amended by striking out "(6)" in the first sentence and inserting "(9)".

SEC. 2. The following new section is added to the Act of October 15, 1966, *supra*:

"SEC. 206. (a) The participation of the United States as a member in the International Centre for the Study of the Preservation and Restoration of Cultural Property is hereby authorized.

"(b) The Council shall recommend to the Secretary of State, after consultation with the Smithsonian Institution and other public and private organizations concerned with the technical problems of preservation, the members of the official delegation which will participate in the activities of the Centre on behalf of the United States. The Secretary of State shall appoint the members of the official delegation from the persons recommended to him by the Council.

"(c) For the purposes of this section, there are authorized to be appropriated not more than \$100,000 annually for fiscal year 1971 and for each of the two succeeding fiscal years."

Approved May 9, 1970.

Public Law 91-244

AN ACT

To provide for the striking of medals in commemoration of the many contributions to the founding and early development of the State of Texas and the city of San Antonio by Jose Antonio Navarro.

May 9, 1970
[H. R. 13959]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Jose Antonio
Navarro.
San Antonio,
Tex.
Commemoration
medals.

MEDALS AUTHORIZED

SECTION 1. In commemoration of the many contributions to the founding and early development of the State of Texas and the city of San Antonio by Jose Antonio Navarro (a signer of the Texas Declaration of Independence, a representative to the Texas Congress, a senator before and after the annexation of Texas, a participant of the constitutional convention of 1845, and in the highest sense, a noble man, one of the few Mexican patriots who stood by Texas in her struggle for liberty), the Secretary of the Treasury (referred to in this Act as the Secretary) shall furnish medals in accordance with this Act to the San Antonio Conservation Society (referred to in this Act as the society). The medals authorized under this Act are national medals within the meaning of section 3351 of the Revised Statutes (31 U.S.C. 368).

DESIGN AND MATERIALS

SEC. 2. The medals shall bear such emblems, devices, and inscriptions, shall be of such size or sizes, and shall be made of such materials as the society may determine with the approval of the Secretary.

MINIMUM QUANTITIES

SEC. 3. Except for such quantities, if any, of gold or silver medals as may be approved by the Secretary, the medals may not be made in quantities of less than two thousand nor in an aggregate quantity greater than one hundred thousand. They shall be made and delivered at such times as may be required by the society, but no medals shall be made after December 31, 1970.

DETERMINATION OF COST; SECURITY FOR PAYMENT

SEC. 4. The medals shall be furnished at a price or prices equal to the costs of manufacture as estimated by the Secretary, including labor, materials, dies, use of machinery, and overhead expenses. The medals may not be made unless security satisfactory to the Secretary is furnished to indemnify the United States for full payment of these costs.

Approved May 9, 1970.

Public Law 91-245

AN ACT

May 12, 1970
[S. 1193]

To authorize the Secretary of the Interior to prevent terminations of oil and gas leases in cases where there is a nominal deficiency in the rental payment, and to authorize him to reinstate under some conditions oil and gas leases terminated by operation of law for failure to pay rental timely.

Mineral Leasing
Act, amendments.

50 Stat. 956;
76 Stat. 943.

Oil and gas
leases, rein-
statement.
76 Stat. 943.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 31(b) of the Mineral Leasing Act of 1920 (41 Stat. 450), as amended (30 U.S.C. 188(b)), is amended by changing the period at the end thereof to a colon and adding the following: "*Provided*, That if the rental payment due under a lease is paid on or before the anniversary date but either (1) the amount of the payment has been or is hereafter deficient and the deficiency is nominal, as determined by the Secretary by regulation, or (2) the payment was calculated in accordance with the acreage figure stated in the lease, or in any decision affecting the lease, or made in accordance with a bill or decision which has been rendered by him and such figure, bill, or decision is found to be in error resulting in a deficiency, such lease shall not automatically terminate unless (1) a new lease had been issued prior to the date of this Act or (2) the lessee fails to pay the deficiency within the period prescribed in a notice of deficiency sent to him by the Secretary."

SEC. 2. Section 31(c) of the Mineral Leasing Act of 1920 (41 Stat. 450), as amended (30 U.S.C. 188(c)), is amended to read as follows:

"(c) Where any lease has been or is hereafter terminated automatically by operation of law under this section for failure to pay on or before the anniversary date the full amount of rental due, but such rental was paid on or tendered within twenty days thereafter, and it is shown to the satisfaction of the Secretary of the Interior that such failure was either justifiable or not due to a lack of reasonable diligence on the part of the lessee, the Secretary may reinstate the lease if—

"(1) a petition for reinstatement, together with the required rental, including back rental accruing from the date of termination of the lease, is filed with the Secretary; and

"(2) no valid lease has been issued affecting any of the lands covered by the terminated lease prior to the filing of said petition. The Secretary shall not issue any new lease affecting any of the lands covered by such terminated lease for a reasonable period, as determined in accordance with regulations issued by him. In any case where a reinstatement of a terminated lease is granted under this subsection and the Secretary finds that the reinstatement of such lease will not afford the lessee a reasonable opportunity to continue operations under the lease, the Secretary may, at his discretion, extend the term of such lease for such period as he deems reasonable: *Provided*, That (A) such extension shall not exceed a period equivalent to the time beginning when the lessee knew or should have known of the termination and ending on the date the Secretary grants such petition; (B) such extension shall not exceed a period equal to the unexpired portion of the lease or any extension thereof remaining at the date of termination; and (C) when the reinstatement occurs after the expiration of the term or extension thereof the lease may be extended from the date the Secretary grants the petition."

Approved May 12, 1970.

Public Law 91-246

AN ACT

To amend the Arms Control and Disarmament Act in order to extend the authorization for appropriations.

May 12, 1970
[S. 3544]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of section 49(a) of the Arms Control and Disarmament Act, as amended (22 U.S.C. 2589(a)), is amended by inserting immediately after "\$18,500,000", the following: ", and for the two fiscal years 1971 and 1972, the sum of \$17,500,000,".

77 Stat. 341;
82 Stat. 129.

Approved May 12, 1970.

Public Law 91-247

AN ACT

To authorize appropriations for certain maritime programs of the Department of Commerce.

May 13, 1970
[H. R. 15945]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That funds are hereby authorized to be appropriated without fiscal year limitation as the appropriation Act may provide for the use of the Department of Commerce, for the fiscal year 1971, as follows:

Commerce Department maritime programs.
Appropriation authorization.

(a) acquisition, construction, or reconstruction of vessels and construction-differential subsidy and cost of national defense features incident to the construction, reconstruction, or reconditioning of ships, \$199,500,000;

(b) payment of obligations incurred for ship operation subsidies, \$193,000,000;

(c) expenses necessary for research and development activities (including reimbursement of the Vessel Operations Revolving Fund for losses resulting from expenses of experimental ship operations), \$19,000,000;

(d) reserve fleet expenses, \$4,675,000;

(e) maritime training at the Merchant Marine Academy at Kings Point, New York, \$6,800,000;

(f) financial assistance to State marine schools, \$2,445,000; and
(g) continued operation of nuclear ship Savannah (including reimbursement of the Vessel Operations Revolving Fund for losses resulting from expenses of experimental ship operations), \$4,000,000.

Approved May 13, 1970.

Public Law 91-248

AN ACT

To amend the National School Lunch Act and the Child Nutrition Act of 1966 to clarify responsibilities related to providing free and reduced-price meals and preventing discrimination against children, to revise program matching requirements, to strengthen the nutrition training and education benefits of the programs, and otherwise to strengthen the food service programs for children in schools and service institutions.

May 14, 1970
[H. R. 515]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Food service programs for children.

AUTHORIZATION FOR ADVANCE APPROPRIATIONS; CARRYOVER
AUTHORIZATION

76 Stat. 944;
82 Stat. 117.
42 USC 1752.

80 Stat. 885.
42 USC 1771
note.

76 Stat. 945.
42 USC 1759,
1760.

SECTION 1. (a) Section 3 of the National School Lunch Act is amended by inserting at the end thereof the following: "Appropriations to carry out the provisions of this Act and of the Child Nutrition Act of 1966 for any fiscal year are authorized to be made a year in advance of the beginning of the fiscal year in which the funds will become available for disbursement to the States. Notwithstanding any other provision of law, any funds appropriated to carry out the provisions of such Acts shall remain available for the purposes of the Act for which appropriated until expended."

(b) The first sentence of section 10 of the National School Lunch Act and the first sentence of section 12(d)(5) of such Act are each amended by striking the words "preceding fiscal year" and inserting in lieu thereof the following: "fiscal year beginning two years immediately prior to the fiscal year for which the Federal funds are appropriated".

NONFOOD ASSISTANCE PROGRAM AUTHORIZATION

Appropriation.
80 Stat. 887.
42 USC 1774.

SEC. 2. Sections 5(a) and 5(b) of the Child Nutrition Act of 1966 are amended to read as follows:

"(a) There is hereby authorized to be appropriated for the fiscal year ending June 30, 1971, not to exceed \$38,000,000, for the fiscal year ending June 30, 1972, not to exceed \$33,000,000, for the fiscal year ending June 30, 1973, not to exceed \$15,000,000, and for each succeeding fiscal year, not to exceed \$10,000,000, to enable the Secretary to formulate and carry out a program to assist the States through grants-in-aid and other means to supply schools drawing attendance from areas in which poor economic conditions exist with equipment, other than land or buildings, for the storage, preparation, transportation, and serving of food to enable such schools to establish, maintain, and expand school food service programs. In the case of a nonprofit private school, such equipment shall be for use of such school principally in connection with child feeding programs authorized in this Act and in the National School Lunch Act, as amended, and in the event such equipment is no longer so used, it may be transferred to another nonprofit private school participating in any of such programs or to a public school participating in any of such programs, or, failing either of these dispositions, that part of such equipment financed with Federal funds, or the residual value thereof, shall revert to the United States.

Apportionment
to States.

76 Stat. 944.
42 USC 1753.

"(b) The Secretary shall apportion 50 per centum of the funds appropriated for the purposes of this section among the States during each fiscal year on the same basis as apportionments are made under section 4 of the National School Lunch Act, as amended, for supplying agricultural and other foods. The remaining funds appropriated for

the purposes of this section shall be apportioned to each State on the basis of the ratio between the number of children enrolled in schools without a food service in such State and the number of children enrolled in schools without a food service in all States. Payments to any State of funds apportioned for any fiscal year shall be made upon condition that at least one-fourth of the cost of any equipment financed under this subsection shall be borne by State or local funds."

ADMINISTRATIVE EXPENSES, NUTRITION EDUCATION, AND DIRECT
EXPENDITURES

SEC. 3. The first sentence of section 6 of the National School Lunch Act is amended to read as follows: "The funds provided by appropriation or transfer from other accounts for any fiscal year for carrying out the provisions of this Act, and for carrying out the provisions of the Child Nutrition Act of 1966, other than section 3 thereof, less

60 Stat. 231.
42 USC 1755.

Ante, p. 208.

"(1) not to exceed 3½ per centum thereof which per centum is hereby made available to the Secretary for his administrative expenses under this Act and under the Child Nutrition Act of 1966;

"(2) the amount apportioned by him pursuant to sections 4 and 5 of this Act and the amount appropriated pursuant to sections 11 and 13 of this Act and sections 4, 5, and 7 of the Child Nutrition Act of 1966; and

76 Stat. 944;
60 Stat. 231.
42 USC 1753,
1754.
Post, pp. 211.
210.
Post, pp. 214.
210.
Ante, p. 208.

"(3) not to exceed 1 per centum of the funds provided for carrying out the programs under this Act and the programs under the Child Nutrition Act of 1966, other than section 3, which per centum is hereby made available to the Secretary to supplement the nutritional benefits of these programs through grants to States and other means for nutritional training and education for workers, cooperators, and participants in these programs and for necessary surveys and studies of requirements for food service programs in furtherance of the purposes expressed in section 2 of this Act and section 2 of the Child Nutrition Act of 1966,

shall be available to the Secretary during such year for direct expenditure by him for agricultural commodities and other foods to be distributed among the States and schools and service institutions participating in the food service programs under this Act and under the Child Nutrition Act of 1966 in accordance with the needs as determined by the local school and service institution authorities."

60 Stat. 230;
80 Stat. 885.
42 USC 1751.
1771.

STATE MATCHING REQUIREMENTS

SEC. 4. Section 7 of the National School Lunch Act is further amended by inserting immediately before the last sentence of such section the following: "For the fiscal year beginning July 1, 1971, and the fiscal year beginning July 1, 1972, State revenue (other than revenues derived from the program) appropriated or utilized specifically for program purposes (other than salaries and administrative expenses at the State, as distinguished from local, level) shall constitute at least 4 per centum of the matching requirement; for each of the two succeeding fiscal years, at least 6 per centum of the matching requirement; for each of the subsequent two fiscal years, at least 8 per centum of the matching requirement; and for each fiscal year thereafter, at least 10 per centum of the matching requirement. The State revenues made available pursuant to the preceding sentence shall be disbursed to schools, to the extent the State deems practicable, in such manner that each school receives the same proportionate share of such revenues as it

60 Stat. 232.
42 USC 1756.

76 Stat. 944;
Post, p. 211.
 42 USC 1753.
Post, p. 214.
Ante, p. 208.

receives of the funds apportioned to the State for the same year under sections 4 and 11 of the National School Lunch Act and sections 4 and 5 of the Child Nutrition Act of 1966."

STATE ADMINISTRATIVE EXPENSES

80 Stat. 888.
 42 USC 1776.

SEC. 5. The first sentence of section 7 of the Child Nutrition Act of 1966 is amended (1) by inserting "or for the administrative expenses of any other designated State agency" immediately after "its administrative expenses"; and (2) by inserting "and service institutions" immediately after "local school districts".

ADDITIONAL PROGRAM REQUIREMENTS AND AUTHORITY

60 Stat. 233.
 42 USC 1758.

SEC. 6. (a) The second sentence of section 9 of the National School Lunch Act (42 U.S.C. 1751) is amended by inserting "not exceeding 20 cents per meal" immediately after "or at a reduced cost".

(b) Section 9 of the National School Lunch Act is further amended by inserting after the second sentence thereof the following: "Such determinations shall be made by local school authorities in accordance with a publicly announced policy and plan applied equitably on the basis of criteria which, as a minimum, shall include the level of family income, including welfare grants, the number in the family unit, and the number of children in the family unit attending school or service institutions; but, by January 1, 1971, any child who is a member of a household which has an annual income not above the applicable family size income level set forth in the income poverty guidelines shall be served meals free or at reduced cost. The income poverty guidelines to be used for any fiscal year shall be those prescribed by the Secretary as of July 1 of such year. In providing meals free or at reduced cost to needy children, first priority shall be given to providing free meals to the neediest children. Determination with respect to the annual income of any household shall be made solely on the basis of an affidavit executed in such form as the Secretary may prescribe by an adult member of such household."

82 Stat. 118.
 42 USC 1761.

(c) Section 13(f) of the National School Lunch Act is amended by inserting after the second sentence, a new sentence: "Such determinations shall be made by the service institution authorities in accordance with a publicly announced policy and plan applied equitably on the basis of criteria which, as a minimum, shall include the level of family income, including welfare grants, the number in the family unit, and the number of children in the family unit attending school or service institutions."

80 Stat. 887.
 42 USC 1773.

(d) The third sentence of section 9 of the National School Lunch Act and the fourth sentence of section 13(f) of such Act and the fourth sentence of section 4(e) of the Child Nutrition Act of 1966 are each amended by striking out the period at the end of the sentence and inserting in lieu thereof a comma and the following: "nor shall there be any overt identification of any such child by special tokens or tickets, announced or published lists of names, or other means."

49 Stat. 774.
 7 USC 612c.
 68 Stat. 458.
 7 USC 1431.
 79 Stat. 1212.
 7 USC 1446a-1.

(e) Section 9 of the National School Lunch Act is further amended by inserting at the end thereof the following: "The Secretary is authorized to prescribe terms and conditions respecting the use of commodities donated under such section 32, under section 416 of the Agricultural Act of 1949, as amended, and under section 709 of the Food and Agriculture Act of 1965, as amended, as will maximize the nutritional and financial contributions of such donated commodities

in such schools and institutions. The requirements of this section relating to the service of meals without cost or at a reduced cost shall apply to the lunch program of any school utilizing commodities donated under any of the provisions of law referred to in the preceding sentence. None of the requirements of this section in respect to the amount for 'reduced cost' meals and to eligibility for meals without cost shall apply to nonprofit private schools which participate in the school lunch program under the provisions of section 10 until such time as the Secretary certifies that sufficient funds from sources other than children's payments are available to enable such schools to meet these requirements."

60 Stat. 233.
42 USC 1759.

SPECIAL ASSISTANCE

SEC. 7. Section 11 of the National School Lunch Act is amended to read as follows:

Appropriations.
76 Stat. 946.
42 USC 1759a.

"SPECIAL ASSISTANCE

"SEC. 11. (a) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1971, and for each succeeding fiscal year such sums as may be necessary to provide special assistance to assure access to the school lunch program under this Act by children of low-income families.

"(b) Of the sums appropriated pursuant to this section for any fiscal year, 3 per centum shall be available for apportionment to Puerto Rico, the Virgin Islands, Guam, and American Samoa. From the funds so available the Secretary shall apportion to each such State an amount which bears the same ratio to such funds as the number of children aged three to seventeen, inclusive, in such State bears to the total number of such children in all such States. If any such State cannot utilize for the purposes of this section all of the funds so apportioned to it, the Secretary shall make further apportionment on the same basis as the initial apportionment to any such State which justifies, on the basis of operating experience, the need for additional funds for such purposes.

"(c) The remaining sums appropriated pursuant to this section for any fiscal year shall be apportioned among States, other than Puerto Rico, the Virgin Islands, Guam, and American Samoa. The amount apportioned to each such State shall bear the same ratio to such remaining funds as the number of children in such State aged three to seventeen, inclusive, in households with incomes of less than \$4,000 per annum bears to the total number of such children in all such States. If any such State cannot utilize for the purposes of this section all of the funds so apportioned to it, the Secretary shall make further apportionment on the same basis as the initial apportionment to any such State which justifies, on the basis of operating experience, the need for such additional funds for such purposes.

"(d) Payment of the funds apportioned to any State under this section shall be made as provided in the last sentence of section 7 of this Act.

Ante, p. 209.

"(e) Funds paid to any State for any fiscal year pursuant to this section shall be disbursed to schools in such State to assist them in financing all or part of the operating costs of the school lunch program in such schools including the costs of obtaining, preparing, and serving food. The amounts of funds that each school shall from time to time receive, within a maximum per meal amount established by the Secretary for all States, shall be based on the need of the school for assistance in meeting the requirements of section 9 of this Act concerning the service of lunches to children unable to pay the full cost of such lunches.

Ante, p. 210.

Ante, p. 210.

"(f) If in any State the State educational agency is not permitted by law to disburse funds paid to it under this Act to nonprofit private schools in the State, the Secretary shall withhold from the funds apportioned to such State under subsection (b) or (c) of this section an amount which bears the same ratio to such funds as the number of free or reduced-price lunches served in accordance with section 9 of this Act in the fiscal year beginning two years immediately prior to the fiscal year for which the funds are appropriated, by all nonprofit private schools participating in the program under this Act in such State, bears to the number of such free and reduced-price lunches served during such prior year by all schools participating in the program under this Act in such State. The Secretary shall disburse the funds so withheld directly to the nonprofit private schools within such State for the same purposes and subject to the same conditions as are applicable to a State educational agency disbursing funds under this section.

76 Stat. 944;
60 Stat. 231;
Ante, p. 209.
42 USC 1753,
1754.

"(g) In carrying out this section, the terms and conditions governing the operation of the school lunch program set forth in other sections of this Act, including those applicable to funds apportioned or paid pursuant to section 4 or 5 but excluding the provisions of section 7 relating to matching, shall be applicable to the extent they are not inconsistent with the express requirements of this section.

80 Stat. 885.
42 USC 1771
note.

"(h) (1) Not later than January 1 of each year, each State educational agency shall submit to the Secretary, for approval by him as a prerequisite to receipt of Federal funds or any commodities donated by the Secretary for use in programs under this Act and the Child Nutrition Act of 1966, a State plan of child nutrition operations for the following fiscal year, which shall include, as a minimum, a description of the manner in which the State educational agency proposes (A) to use the funds provided under this Act and funds from sources within the State to furnish a free or reduced-price lunch to every needy child in accordance with the provisions of section 9; (B) to extend the school-lunch program under this Act to every school within the State, and (C) to use the funds provided under section 13 of this Act and section 4 of the Child Nutrition Act of 1966 and funds from sources within the State to the maximum extent practicable to reach needy children.

82 Stat. 117;
Post, p. 214.
42 USC 1761.

Reports to
State educational
agency.

"(2) Each school participating in the school-lunch program under this Act shall report each month to its State educational agency the average number of children in the school who received free lunches and the average number of children who received reduced price lunches during the immediately preceding month. Each participating school shall provide an estimate, as of October 1 and March 1 of each year, of the number of children who are eligible for a free or reduced price lunch.

Reports to
Secretary.

"(3) The State educational agency of each State shall report to the Secretary each month the average number of children in the State who received free lunches and the average number of children in the State who received reduced price lunches during the immediately preceding month. Each State educational agency shall provide an estimate as of October 1 and March 1 of each year, of the number of children who are eligible for a free or reduced price lunch."

REGULATIONS

80 Stat. 889.
42 USC 1779.

SEC. 8. Section 10 of the Child Nutrition Act of 1966 is amended by striking out the period at the end thereof and inserting in lieu thereof

the following: "and the National School Lunch Act, including regulations relating to the service of food in participating schools and service institutions in competition with the programs authorized under this Act and the National School Lunch Act. In such regulations the Secretary may provide for the transfer of funds by any State between the programs authorized under this Act and the National School Lunch Act on the basis of an approved State plan of operation for the use of the funds and may provide for the reserve of up to 1 per centum of the funds available for apportionment to any State to carry out special developmental projects."

Transfer and
reserve of funds.

NATIONAL ADVISORY COUNCIL

SEC. 9. The National School Lunch Act is amended by adding at the end thereof the following new section:

60 Stat. 230;
82 Stat. 117.
42 USC 1751
note.

"NATIONAL ADVISORY COUNCIL

"SEC. 14. (a) There is hereby established a council to be known as the National Advisory Council on Child Nutrition (hereinafter in this section referred to as the 'Council') which shall be composed of thirteen members appointed by the Secretary. One member shall be a school administrator, one member shall be a person engaged in child welfare work, one member shall be a person engaged in vocational education work, one member shall be a nutrition expert, one member shall be a school food service management expert, one member shall be a State superintendent of schools (or the equivalent thereof), one member shall be a State school lunch director (or the equivalent thereof), one member shall be a person serving on a school board, one member shall be a classroom teacher, and four members shall be officers or employees of the Department of Agriculture specially qualified to serve on the Council because of their education, training, experience, and knowledge in matters relating to child food programs.

Membership.

"(b) The nine members of the Council appointed from outside the Department of Agriculture shall be appointed for terms of three years, except that such members first appointed to the Council shall be appointed as follows: Three members shall be appointed for terms of three years, three members shall be appointed for terms of two years, and three members shall be appointed for terms of one year. Thereafter all appointments shall be for a term of three years, except that a person appointed to fill an unexpired term shall serve only for the remainder of such term. Members appointed from the Department of Agriculture shall serve at the pleasure of the Secretary.

Terms of
office.

"(c) The Secretary shall designate one of the members to serve as Chairman and one to serve as Vice Chairman of the Council.

"(d) The Council shall meet at the call of the Chairman but shall meet at least once a year.

"(e) Seven members shall constitute a quorum and a vacancy on the Council shall not affect its powers.

Quorum.

"(f) It shall be the function of the Council to make a continuing study of the operation of programs carried out under the National School Lunch Act, the Child Nutrition Act of 1966, and any related Act under which meals are provided for children, with a view to determining how such programs may be improved. The Council shall submit to the President and the Congress annually a written report of the results of its study together with such recommendations for administrative and legislative changes as it deems appropriate.

Study.

42 USC 1771
note.

Report to
President and
Congress.

Technical assistance.

“(g) The Secretary shall provide the Council with such technical and other assistance, including secretarial and clerical assistance, as may be required to carry out its functions under this Act.

Travel and subsistence pay.

“(h) Members of the Council shall serve without compensation but shall receive reimbursement for necessary travel and subsistence expenses incurred by them in the performance of the duties of the Council.”

SCHOOL BREAKFAST PROGRAM AUTHORIZATION

82 Stat. 119.
42 USC 1773.

SEC. 10. Section 4(a) of the Child Nutrition Act of 1966 is hereby amended by striking out “\$12,000,000” and inserting “\$25,000,000”.

Approved May 14, 1970.

Public Law 91-249

AN ACT

May 14, 1970
[H. R. 1049]

To amend the Anadromous Fish Conservation Act of October 30, 1965, relating to the conservation and enhancement of the Nation's anadromous fishing resources, to encourage certain joint research and development projects, and for other purposes.

Anadromous Fish Conservation Act, amendment.
79 Stat. 1125.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first proviso contained in the second sentence of subsection (a) of the first section of the Act of October 30, 1965 (16 U.S.C. 757a(a)), is amended by inserting “, except as provided in subsection (c) of this section,” immediately before “the Federal share”.

Federal and non-Federal costs.

(b) The first section of such Act of October 30, 1965 (16 U.S.C. 757a), is further amended by adding at the end thereof the following new subsection:

“(c) Whenever two or more States having a common interest in any basin jointly enter into a cooperative agreement with the Secretary under subsection (a) of this section to carry out a research and development program to conserve, develop, and enhance anadromous fishery resources of the Nation, or fish in the Great Lakes that ascend streams to spawn, the Federal share of the program costs shall be increased to a maximum of 60 per centum. Structures, devices, or other facilities, including fish hatcheries, constructed by such States under a cooperative agreement described in this subsection shall be operated and maintained without cost to the Federal Government. For the purpose of this subsection, the term ‘basin’ includes rivers and their tributaries, lakes, and other bodies of water or portions thereof.”

“Basin.”

Appropriation.

SEC. 2. Subsection (a) of section 4 of such Act of October 30, 1965 (16 U.S.C. 757d(a)), is amended by adding at the end thereof the following new sentences: “There is authorized to be appropriated to carry out this Act, not to exceed \$6,000,000 for the fiscal year ending June 30, 1971, not to exceed \$7,500,000 for the fiscal year ending June 30, 1972, not to exceed \$8,500,000 for the fiscal year ending June 30, 1973, and not to exceed \$10,000,000 for the fiscal year ending June 30, 1974. Sums appropriated under this subsection are authorized to remain available until expended.”

Citation of act.

SEC. 3. Such Act of October 30, 1965 (16 U.S.C. 757a-757f), is amended by adding at the end thereof the following new section:

“SEC. 7. This Act may be cited as the ‘Anadromous Fish Conservation Act’.”

Approved May 14, 1970.

Public Law 91-250

AN ACT

To amend section 613 of the Merchant Marine Act, 1936, as amended.

May 14, 1970
[H. R. 12605]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 613 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1183), is amended by—

(a) Striking the letter “(d)” in subsection (b) after the words “under subsection”, and inserting in lieu thereof the letter “(e)”.

(b) Striking subsection (c) and inserting in lieu thereof a new subsection (c) to read as follows:

“(c) The Secretary of Commerce may authorize passenger vessels under operating-differential subsidy contracts to provide domestic service between specified ports while the vessels are on voyages in an essential service in the foreign commerce of the United States without reduction of operating-differential subsidy and the partial payback of construction-differential subsidy for operating in the domestic trades, if it finds that such domestic service will not result in a substantial deviation from the service, route, or line for which operating-differential subsidy is paid and will not adversely affect service on such service, route, or line.”

(c) Redesignating subsection (d) as subsection (e) and inserting a new subsection (d) to read as follows:

“(d) When a vessel is being operated on cruises or has been authorized under this section to provide domestic passenger services while on voyages in an essential service in foreign commerce of the United States—

“(1) it shall carry no mail unless required by law, or cargo except passengers’ luggage, except between those ports between which it may carry mail and cargo on its regular service assigned by contract;

“(2) it may not carry one-way passengers between those ports served by another United States carrier on its regular service assigned by contract, without the consent of such carrier, except between those ports between which it may carry one-way passengers on its own regular service assigned by contract;

“(3) it shall stop at other domestic ports only for the same time and the same purpose as is permitted with respect to a foreign-flag vessel which is carrying passengers who embarked at a domestic port, except that a cruise may end at a different port or coast from that where it began and may embark or disembark passengers at other domestic ports, either when not involving transportation in the domestic offshore trade in competition with a United States-flag passenger vessel offering berth service therein, or, if involving such transportation, with the consent of such carrier: *Provided, however,* That nothing herein shall be construed to repeal or modify section 805(a) of this Act.

Section 605(c) of this Act shall not apply to cruises authorized under this section. Notwithstanding the applicable provisions of section 605(a) and section 506 of this Act requiring the reduction of operating differential subsidy and the partial payback of construction differential subsidy for operating in the domestic trades, such reduction of operating subsidy and partial payback of construction subsidy under sections 605(a) and 506, respectively, shall not apply to cruises or domestic services authorized under this section.”

(d) Striking subsection (e).

Approved May 14, 1970.

Passenger ves-
sels.
Off-season
cruises.
75 Stat. 89;
82 Stat. 248.

49 Stat. 2012.
46 USC 1223.
46 USC 1175.

52 Stat. 958.
46 USC 1156.

75 Stat. 89;
82 Stat. 248.
46 USC 1183.

Public Law 91-251

May 14, 1970
[S. 3007]

AN ACT

To authorize the transfer of the Brown unit of the Fort Belknap Indian irrigation project on the Fort Belknap Indian Reservation, Montana, to the land-owners within the unit.

Fort Belknap
Indian irri-
gation project,
Mont.
Brown unit,
transfer.

Condition.

Cancellation
of charges.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to convey all of the right, title, and interest of the United States in the facilities of the Brown unit of the Fort Belknap Indian irrigation project, located in township 28 north, ranges 23 and 24 east, Montana principal meridian, including, but not limited to, easements, rights-of-way, canals, laterals, drains, structures of all kinds, and water rights held for the benefit of the unit, to an organization or association having form and powers satisfactory to the Secretary which represents the owners of the lands served by the unit. As a condition to said conveyance, the grantee organization or association shall assume full and sole responsibility for the care, operation, and maintenance of the unit upon conveyance, and shall hold the United States free of all loss or liability for damages or injuries, direct or consequential, caused by the existence or operation of the unit or any of its features or structures, from and after the date of its conveyance.

SEC. 2. Upon conveyance of the Brown unit of the Fort Belknap Indian irrigation project as provided for in section 1 of this Act, the Secretary is authorized to cancel all accrued operation and maintenance charges and all construction charges with respect to the said unit.

Approved May 14, 1970.

Public Law 91-252

May 14, 1970
[H. R. 1187]

AN ACT

To amend the Act of August 7, 1961, providing for the establishment of Cape Cod National Seashore.

Appropriation
increase.

16 USC 459b-8.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 9 of the Act entitled "An Act to provide for the establishment of Cape Cod National Seashore," approved August 7, 1961 (75 Stat. 284, 293), is amended by striking out the figure "\$16,000,000" and inserting in lieu thereof the figure "\$33,500,000".

Approved May 14, 1970.

Public Law 91-253

May 14, 1970
[S. 2452]

AN ACT

To amend section 211 of the Public Health Service Act to equalize the retirement benefits for commissioned officers of the Public Health Service with retirement benefits provided for other officers in the uniformed services.

Public Health
Service Act,
amendment.
74 Stat. 33.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (4) of section 211(a) of the Public Health Service Act (42 U.S.C. 212(a)(4)) is amended by inserting the word "plus" after the semicolon at the end of clause (ii), and by adding after clause (ii) the following new clause:

“(iii) the number of years of service with which he was entitled to be credited for purposes of basic pay on May 31, 1958, or (if higher) on any date prior thereto, reduced by any such year included under clause (i) and further reduced by any such year with which he was entitled to be credited under paragraphs (7) and (8) of section 205(a) of title 37, United States Code, on any date before June 1, 1958;”.

76 Stat. 459.

SEC. 2. The amendments made by this Act shall apply in the case of retired pay for any period after the month in which this Act is enacted.

Effective date.

Approved May 14, 1970.

Public Law 91-254

AN ACT

To provide for the striking of medals in commemoration of the completion of the carvings on Stone Mountain, Georgia, depicting heroes of the Confederacy.

May 14, 1970
[S. 3435]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. In commemoration of the completion of the carvings on Stone Mountain, Georgia, depicting heroes of the Confederacy, the Secretary of the Treasury (referred to hereinafter in this Act as the “Secretary”) is authorized to furnish to the Stone Mountain Memorial Association (referred to hereinafter in this Act as the “association”) not more than five hundred thousand medals with suitable emblems, devices, and inscriptions to be determined by the association subject to the approval of the Secretary. The medals authorized by this Act shall be treated as national medals for the purposes of section 3351 of the Revised Statutes.

Stone Mountain,
Ga.
Carvings.
Commemorative
medals.

31 USC 368.

SEC. 2. The medals shall be made and delivered at such times as may be required by the association, in quantities of not less than two thousand, but none may be made after December 31, 1971.

SEC. 3. The Secretary shall furnish the medals at not less than the estimated cost of manufacture, including labor, materials, dies, use of machinery, and overhead expenses. The medals may not be struck unless security satisfactory to the Secretary is furnished to indemnify the United States for full payment of these costs.

Cost.

SEC. 4. Medals struck under authority of this Act shall be of such size or sizes and of such metals as may be determined by the Secretary in consultation with the association.

Size, etc.

Approved May 14, 1970.

Public Law 91-255

JOINT RESOLUTION

To provide for the appointment of James Edwin Webb as Citizen Regent of the Board of Regents of Smithsonian Institution.

May 18, 1970
[S. J. Res. 193]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, which occurred by the death of Robert Vedder Fleming, of Washington, District of Columbia, be filled by the appointment of James Edwin Webb for the statutory term of six years.

Smithsonian
Institution.

Approved May 18, 1970.

Public Law 91-256

May 18, 1970
[H. R. 12673]

AN ACT

To authorize the transfer by licensed blood banks in the District of Columbia of blood components within the District of Columbia.

D.C. blood
banks, blood
transfer author-
ization.
58 Stat. 702.
42 USC 262.

45 Stat. 1326;
75 Stat. 519.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any blood bank in the District of Columbia, holding an unsuspended and unrevoked license issued under section 351 of the Public Health Service Act, may transfer, for use in the District of Columbia, platelets and other components of blood in general use in the States (as determined by the Commissioner of the District of Columbia), produced in such blood bank, to physicians licensed under the Healing Arts Practice Act, District of Columbia, 1928 (D.C. Code, sec. 2-101 et seq.), to District of Columbia hospitals, and to licensed private hospitals and other medical facilities in the District of Columbia.

(b) Section 351 of the Public Health Service Act shall not apply with respect to any transfer made in accordance with the first section of this Act.

Approved May 18, 1970.

Public Law 91-257

May 19, 1970
[H. J. Res. 1232]

JOINT RESOLUTION

Making further continuing appropriations for the fiscal year 1970, and for other purposes.

Continuing
appropriations,
1970.

Post, p. 376.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there are hereby appropriated out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds for the several departments, agencies, corporations, and other organizational units of the Government such amounts as (1) may be necessary to cover salaries, compensation, and pay (including pensions, retired pay, and veterans' readjustment benefits) for the fiscal year 1970, and are provided for in the Second Supplemental Appropriations Act, 1970, as passed by the House of Representatives May 7, 1970, and (2) may be necessary for the activities for which disbursements are made by the Secretary of the Senate, and by the Architect of the Capitol for Senate items, to the extent and in the manner which would be provided for in the supplemental estimates therefor submitted to the second session of the Ninety-first Congress (House Document Numbered 91-272).

SEC. 2. Except as otherwise provided in clause (2) of section 1 of this joint resolution, appropriations made by this joint resolution shall be available to the extent and in the manner which would be provided by the Second Supplemental Appropriations Act, 1970, and all expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever such Act is enacted into law.

Approved May 19, 1970.

Public Law 91-258

AN ACT

To provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes.

May 21, 1970
[H. R. 14465]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Aviation facilities, expansion and improvement; revenue.

TITLE I—AIRPORT AND AIRWAY DEVELOPMENT ACT OF 1970

PART I—SHORT TITLE, ETC.

SECTION 1. SHORT TITLE.

This title may be cited as the “Airport and Airway Development Act of 1970”. Citation of title.

SEC. 2. DECLARATION OF POLICY.

The Congress hereby finds and declares—

That the Nation's airport and airway system is inadequate to meet the current and projected growth in aviation.

That substantial expansion and improvement of the airport and airway system is required to meet the demands of interstate commerce, the postal service, and the national defense.

That the annual obligational authority during the period July 1, 1970, through June 30, 1980, for the acquisition, establishment, and improvement of air navigational facilities under the Federal Aviation Act of 1958 (49 U.S.C. 1301 et seq.), should be no less than \$250,000,000.

72 Stat. 731.

That the obligational authority during the period July 1, 1970, through June 30, 1980, for airport assistance under this title should be \$2,500,000,000.

SEC. 3. NATIONAL TRANSPORTATION POLICY.

(a) FORMULATION OF POLICY.—Within one year after the date of enactment of this title, the Secretary of Transportation shall formulate and recommend to the Congress for approval a national transportation policy. In the formulation of such policy, the Secretary shall take into consideration, among other things—

(1) the coordinated development and improvement of all modes of transportation, together with the priority which shall be assigned to the development and improvement of each mode of transportation; and

(2) the coordination of recommendations made under this title relating to airport and airway development with all other recommendations to the Congress for the development and improvement of our national transportation system.

(b) ANNUAL REPORT.—The Secretary shall submit an annual report to the Congress on the implementation of the national transportation policy formulated under subsection (a) of this section. Such report shall include the specific actions taken by the Secretary with respect to (1) the coordination of the development and improvement of all modes of transportation, (2) the establishment of priorities with respect to the development and improvement of each mode of transportation, and (3) the coordination of recommendations under this title relating to airport and airway development with all other recommendations to the Congress for the development and improvement of our national transportation system.

Report to Congress.

SEC. 4. COST ALLOCATION STUDY.

The Secretary of Transportation shall conduct a study respecting the appropriate method for allocating the cost of the airport and airway system among the various users, and shall identify the cost to the Federal Government that should appropriately be charged to the system and the value to be assigned to any general public benefit, including military, which may be determined to exist. In conducting the study the Secretary shall consult fully with and give careful consideration to the views of the users of the system. The Secretary shall report the results of the study to Congress within two years from the date of enactment of this title.

Report to
Congress.

PART II—AIRPORT AND AIRWAY DEVELOPMENT**SEC. 11. DEFINITIONS.**

As used in this part—

(1) "Airport" means any area of land or water which is used, or intended for use, for the landing and takeoff of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

(2) "Airport development" means (A) any work involved in constructing, improving, or repairing a public airport or portion thereof, including the removal, lowering, relocation, and marking and lighting of airport hazards, and including navigation aids used by aircraft landing at, or taking off from, a public airport, and including safety equipment required by rule or regulation for certification of the airport under section 612 of the Federal Aviation Act of 1958, and (B) any acquisition of land or of any interest therein, or of any easement through or other interest in airspace, including land for future airport development, which is necessary to permit any such work or to remove or mitigate or prevent or limit the establishment of, airport hazards.

Post, p. 234.

(3) "Airport hazard" means any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near such airport, which obstructs the airspace required for the flight of aircraft in landing or taking off at such airport or is otherwise hazardous to such landing or taking off of aircraft.

(4) "Airport master planning" means the development for planning purposes of information and guidance to determine the extent, type, and nature of development needed at a specific airport. It may include the preparation of an airport layout plan and feasibility studies, and the conduct of such other studies, surveys, and planning actions as may be necessary to determine the short-, intermediate-, and long-range aeronautical demands required to be met by a particular airport as a part of a system of airports.

(5) "Airport system planning" means the development for planning purposes of information and guidance to determine the extent, type, nature, location, and timing of airport development needed in a specific area to establish a viable and balanced system of public airports. It includes identification of the specific aeronautical role of each airport within the system, development of estimates of system-wide development costs, and the conduct of such studies, surveys, and other planning actions as may be necessary to determine the short-, intermediate-, and long-range aeronautical demands required to be met by a particular system of airports.

(6) "Landing area" means that area used or intended to be used for the landing, takeoff, or surface maneuvering of aircraft.

(7) "Government aircraft" means aircraft owned and operated by the United States.

(8) "Planning agency" means any planning agency designated by the Secretary which is authorized by the laws of the State or States (including the Commonwealth of Puerto Rico, the Virgin Islands, and Guam) or political subdivisions concerned to engage in areawide planning for the areas in which assistance under this part is to be used.

(9) "Project" means a project for the accomplishment of airport development, airport master planning, or airport system planning.

(10) "Project costs" means any costs involved in accomplishing a project.

(11) "Public agency" means a State, the Commonwealth of Puerto Rico, the Virgin Islands, or Guam or any agency of any of them; a municipality or other political subdivision; or a tax-supported organization; or an Indian tribe or pueblo.

(12) "Public airport" means any airport which is used or to be used for public purposes, under the control of a public agency, the landing area of which is publicly owned.

(13) "Secretary" means the Secretary of Transportation.

(14) "Sponsor" means any public agency which, either individually or jointly with one or more other public agencies, submits to the Secretary, in accordance with this part, an application for financial assistance.

(15) "State" means a State of the United States or the District of Columbia.

(16) "Terminal area" means that area used or intended to be used for such facilities as terminal and cargo buildings, gates, hangars, shops, and other service buildings; automobile parking, airport motels, and restaurants, and garages and automobile service facilities used in connection with the airport; and entrance and service roads used by the public within the boundaries of the airport.

(17) "United States share" means that portion of the project costs of projects for airport development approved pursuant to section 16 of this part which is to be paid from funds made available for the purposes of this part.

SEC. 12. NATIONAL AIRPORT SYSTEM PLAN.

(a) FORMULATION OF PLAN.—The Secretary is directed to prepare and publish, within two years after the date of enactment of this part, and thereafter to review and revise as necessary, a national airport system plan for the development of public airports in the United States. The plan shall set forth, for at least a ten-year period, the type and estimated cost of airport development considered by the Secretary to be necessary to provide a system of public airports adequate to anticipate and meet the needs of civil aeronautics, to meet requirements in support of the national defense as determined by the Secretary of Defense, and to meet the special needs of the postal service. The plan shall include all types of airport development eligible for Federal aid under section 14 of this part, and terminal area development considered necessary to provide for the efficient accommodation of persons and goods at public airports, and the conduct of functions in operational support of the airport. Airport development identified by the plan shall not be limited to the requirements of any classes or categories of public airports. In preparing the plan, the Secretary shall consider the needs of all segments of civil aviation.

(b) CONSIDERATION OF OTHER MODES OF TRANSPORTATION.—In formulating and revising the plan, the Secretary shall take into consideration, among other things, the relationship of each airport to the rest of the transportation system in the particular area, to the forecasted technological developments in aeronautics, and to developments forecasted in other modes of intercity transportation.

(c) **FEDERAL, STATE, AND OTHER AGENCIES.**—In developing the national airport system plan, the Secretary shall to the extent feasible consult with the Civil Aeronautics Board, the Post Office Department, the Department of the Interior regarding conservation and natural resource values, and other Federal agencies, as appropriate; with planning agencies, and airport operators; and with air carriers, aircraft manufacturers, and others in the aviation industry. The Secretary shall provide technical guidance to agencies engaged in the conduct of airport system planning and airport master planning to insure that the national airport system plan reflects the product of interstate, State, and local airport planning.

(d) **COOPERATION WITH FEDERAL COMMUNICATIONS COMMISSION.**—The Secretary shall, to the extent possible, consult, and give consideration to the views and recommendations of the Federal Communications Commission, and shall make all reasonable efforts to cooperate with that Commission for the purpose of eliminating, preventing, or minimizing airport hazards caused by the construction or operation of any radio or television station. In carrying out this section, the Secretary may make any necessary surveys, studies, examinations, and investigations.

(e) **CONSULTATION WITH DEPARTMENT OF DEFENSE.**—The Department of Defense shall make military airports and airport facilities available for civil use to the extent feasible. In advising the Secretary of national defense requirements pursuant to subsection (a) of this section, the Secretary of Defense shall indicate the extent to which military airports and airport facilities will be available for civil use.

(f) **CONSULTATION CONCERNING ENVIRONMENTAL CHANGES.**—In carrying out this section, the Secretary shall consult with and consider the views and recommendations of the Secretary of the Interior, the Secretary of Health, Education, and Welfare, the Secretary of Agriculture, and the National Council on Environmental Quality. The recommendations of the Secretary of the Interior, the Secretary of Health, Education, and Welfare, the Secretary of Agriculture, and the National Council on Environmental Quality, with regard to the preservation of environmental quality, shall, to the extent that the Secretary of Transportation determines to be feasible, be incorporated in the national airport system plan.

(g) **COOPERATION WITH THE FEDERAL POWER COMMISSION.**—The Secretary shall, to the extent possible, consult, and give consideration to the views and recommendations of the Federal Power Commission, and shall make all reasonable efforts to cooperate with that Commission for the purpose of eliminating, preventing, or minimizing airport hazards caused by the construction or operation of power facilities. In carrying out this section, the Secretary may make any necessary surveys, studies, examinations, and investigations.

(h) **AVIATION ADVISORY COMMISSION.**—

(1) There is established an Aviation Advisory Commission (hereafter in this subsection referred to as the "Commission"). The Commission shall be composed of nine members appointed by the President from private life as follows:

(A) One person to serve as Chairman of the Commission who is specially qualified to serve as Chairman by virtue of his education, training, or experience.

(B) Eight persons who are specially qualified to serve on such Commission from among representatives of the commercial air carriers, general aviation, aircraft manufacturers, airport sponsors, State aeronautics agencies, and three major organizations concerned with conservation or regional planning.

Not more than five members of the Commission shall be from the same political party. Any vacancy in the Commission shall not affect its

Establishment;
membership.
Appointments
by President.

powers but shall be filled in the same manner in which the original appointment was made, and subject to the same limitations with respect to party affiliations. Five members shall constitute a quorum.

(2) It shall be the duty of the Commission—

Duties.

(A) to formulate recommendations concerning the long-range needs of aviation, including but not limited to, future airport requirements and the national airport system plan described in subsection (a) of this section, and recommendations concerning surrounding land uses, ground access, airways, air service, and aircraft compatible with such plan;

(B) to facilitate consideration of other modes of transportation and cooperation with other agencies and community and industry groups as provided in subsections (b) through (g) of this section.

In carrying out its duties under this subsection, the Commission shall establish such task forces as are necessary to include technical representation from the organizations referred to in this subsection, from Federal agencies, and from such other organizations and agencies as the Commission considers appropriate.

(3) Each member of the Commission shall, while serving on the business of the Commission, be entitled to receive compensation at a rate fixed by the President, but not exceeding \$100 per day, including travel time; and, while so serving away from his home or regular place of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

Compensation;
travel ex-
penses.

80 Stat. 499;
83 Stat. 190.

(4) (A) The Commission is authorized, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, to appoint and fix the compensation of such personnel as may be necessary to carry out the functions of the Commission, but no individual so appointed shall receive compensation in excess of the rate authorized for GS-18 by section 5332 of such title.

80 Stat. 443, 467.
5 USC 5101-
5115, 5331-5338.

Ante, p. 198-1.

(B) The Commission is authorized to obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, but at rates for individuals not to exceed \$100 per diem.

80 Stat. 416.

(C) Administrative services shall be provided the Commission by the General Services Administration on a reimbursable basis.

(D) The Commission is authorized to request from any department, agency, or independent instrumentality of the Government any information and assistance it deems necessary to carry out its functions under this subsection; and each such department, agency, and instrumentality is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information and assistance to the Commission upon request made by the Chairman.

(5) The Commission shall submit to the President and to the Congress, or or before January 1, 1972, a final report containing the recommendations formulated by it under this subsection. The Commission shall cease to exist 60 days after the date of the submission of its final report.

Report to
President and
Congress.
Termination.

(6) There are authorized to be appropriated from the Airport and Airway Trust Fund such sums, not to exceed \$2,000,000, as may be necessary to carry out the provisions of this subsection.

Appropriation.

SEC. 13. PLANNING GRANTS.

(a) **AUTHORIZATION TO MAKE GRANTS.**—In order to promote the effective location and development of airports and the development of an adequate national airport system plan, the Secretary may make grants of funds to planning agencies for airport system planning, and to public agencies for airport master planning.

(b) **AMOUNT AND APPORTIONMENT OF GRANTS.**—The award of grants under subsection (a) of this section is subject to the following limitations:

(1) The total funds obligated for grants under this section may not exceed \$75,000,000 and the amount obligated in any one fiscal year may not exceed \$15,000,000.

(2) No grant under this section may exceed two-thirds of the cost incurred in the accomplishment of the project.

(3) No more than 7.5 per centum of the funds made available under this section in any fiscal year may be allocated for projects within a single State, the Commonwealth of Puerto Rico, the Virgin Islands, or Guam. Grants for projects encompassing an area located in two or more States shall be charged to each State in the proportion which the number of square miles the project encompasses in each State bears to the square miles encompassed by the entire project.

(c) **REGULATIONS; COORDINATION WITH SECRETARY OF HOUSING AND URBAN DEVELOPMENT.**—The Secretary may prescribe such regulations as he deems necessary governing the award and administration of grants authorized by this section. The Secretary and the Secretary of Housing and Urban Development shall develop jointly procedures designed to preclude duplication of their respective planning assistance activities and to ensure that such activities are effectively coordinated.

SEC. 14. AIRPORT AND AIRWAY DEVELOPMENT PROGRAM.

Grants.

(a) **GENERAL AUTHORITY.**—In order to bring about, in conformity with the national airport system plan, the establishment of a nationwide system of public airports adequate to meet the present and future needs of civil aeronautics, the Secretary is authorized to make grants for airport development by grant agreements with sponsors in aggregate amounts not less than the following:

(1) For the purpose of developing in the several States, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands, airports served by air carriers certificated by the Civil Aeronautics Board, and airports the primary purpose of which is to serve general aviation and to relieve congestion at airports having a high density of traffic serving other segments of aviation, \$250,000,000 for each of the fiscal years 1971 through 1975.

(2) For the purpose of developing in the several States, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands, airports serving segments of aviation other than air carriers certificated by the Civil Aeronautics Board, \$30,000,000 for each of the fiscal years 1971 through 1975.

(b) **OBLIGATIONAL AUTHORITY.**—To facilitate orderly long-term planning by sponsors, the Secretary is authorized, effective on the date of enactment of this title, to incur obligations to make grants for airport development from funds made available under this part for the fiscal year ending June 30, 1971, and the succeeding four fiscal years in a total amount not to exceed \$840,000,000. No obligation shall be incurred under this subsection for a period of more than three fiscal years and no such obligation shall extend beyond June 30, 1975. The Secretary shall not incur more than one obligation under this subsection with respect to any single project for airport development. Obligations incurred under this subsection shall not be liquidated in an

aggregate amount exceeding \$280,000,000 prior to June 30, 1971, an aggregate amount exceeding \$560,000,000 prior to June 30, 1972, and an aggregate amount exceeding \$840,000,000 prior to June 30, 1973.

(c) **AIRWAY FACILITIES.**—For the purpose of acquiring, establishing, and improving air navigation facilities under section 307(b) of the Federal Aviation Act of 1958, the Secretary is authorized, within the limits established in appropriations Acts, to obligate for expenditure not less than \$250,000,000 for each of the fiscal years 1971 through 1975.

72 Stat. 750.
49 USC 1348.

(d) **OTHER EXPENSES.**—The balance of the moneys available in the trust fund shall be allocated for the necessary administrative expenses incident to the administration of programs for which funds are to be allocated as set forth in subsections (a) and (b) of this section, and for the maintenance and operation of air navigation facilities and the conduct of other functions under section 307(b) of the Federal Aviation Act of 1958, not otherwise provided for in subsection (c) of this section, and for research and development activities under section 312(c) (as it relates to safety in air navigation) of the Federal Aviation Act of 1958. The initial \$50,000,000 of any sums appropriated to the trust fund pursuant to subsection (d) of section 208 of the Airport and Airway Revenue Act of 1970 shall be allocated to such research and development activities.

49 USC 1353.

Post, p. 250.

SEC. 15. DISTRIBUTION OF FUNDS; STATE APPORTIONMENT.

(a) APPORTIONMENT OF FUNDS.—

(1) As soon as possible after July 1 of each fiscal year for which any amount is authorized to be obligated for the purposes of paragraph (1) of section 14(a) of this part, the amount made available for that year shall be apportioned by the Secretary as follows:

(A) One-third to be distributed as follows:

(i) 97 per centum of such one-third for the several States, one-half in the proportion which the population of each State bears to the total population of all the States, and one-half in the proportion which the area of each State bears to the total area of all the States.

(ii) 3 per centum of such one-third for Hawaii, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands, to be distributed in shares of 35 per centum, 35 per centum, 15 per centum, and 15 per centum, respectively.

(B) One-third to be distributed to sponsors of airports served by air carriers certificated by the Civil Aeronautics Board in the same ratio as the number of passengers enplaned at each airport of the sponsor bears to the total number of passengers enplaned at all such airports.

(C) One-third to be distributed at the discretion of the Secretary.

(2) As soon as possible after July 1 of each fiscal year for which any amount is authorized to be obligated for the purposes of paragraph (2) of section 14(a) of this part, the amount made available for that year shall be apportioned by the Secretary as follows:

(A) Seventy-three and one-half per centum for the several States, one-half in the proportion which the population of each State bears to the total population of all the States, and one-half in the proportion which the area of each State bears to the total area of all the States.

(B) One and one-half per centum for Hawaii, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands, to be distributed in shares of 35 per centum, 35 per centum, 15 per centum, and 15 per centum, respectively.

(C) Twenty-five per centum to be distributed at the discretion of the Secretary.

(3) Each amount apportioned to a State under paragraph (1) (A) (i) or (2) (A) of this subsection shall, during the fiscal year for which it was first authorized to be obligated and the fiscal year immediately following, be available only for approved airport development projects located in that State, or sponsored by that State or some public agency thereof but located in an adjoining State. Each amount apportioned to a sponsor of an airport under paragraph (1) (B) of this subsection shall, during the fiscal year for which it was first authorized to be obligated and the two fiscal years immediately following, be available only for approved airport development projects located at airports sponsored by it. Any amount apportioned as described in this paragraph which has not been obligated by grant agreement at the expiration of the period of time for which it was so apportioned shall be added to the discretionary fund established by subsection (b) of this section.

"Passengers
enplaned."

(4) For the purposes of this section, the term "passengers enplaned" shall include United States domestic, territorial, and international revenue passenger enplanements in scheduled and nonscheduled service of air carriers and foreign air carriers in intrastate and interstate commerce as shall be determined by the Secretary pursuant to such regulations as he shall prescribe.

(b) **DISCRETIONARY FUND.**—(1) The amounts authorized by subsection (a) of this section to be distributed at the discretion of the Secretary shall constitute a discretionary fund.

(2) The discretionary fund shall be available for such approved projects for airport development in the several States, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam as the Secretary considers most appropriate for carrying out the national airport system plan regardless of the location of the projects. In determining the projects for which the fund is to be used, the Secretary shall consider the existing airport facilities in the several States, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam, and the need for or lack of development of airport facilities in the several States, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam. Amounts placed in the discretionary fund pursuant to subsection (a) of this section, including amounts added to the discretionary fund pursuant to paragraph (3) of such subsection (a), may be used only in accordance with the purposes for which originally appropriated.

"Population."

"Area."

(c) **NOTICE OF APPORTIONMENT; DEFINITION OF TERMS.**—Upon making an apportionment as provided in subsection (a) of this section, the Secretary shall inform the executive head of each State, and any public agency which has requested such information, as to the amounts apportioned to each State. As used in this section, the term "population" means the population according to the latest decennial census of the United States and the term "area" includes both land and water.

SEC. 16. SUBMISSION AND APPROVAL OF PROJECTS FOR AIRPORT DEVELOPMENT.

(a) **SUBMISSION.**—Subject to the provisions of subsection (b) of this section, any public agency, or two or more public agencies acting jointly, may submit to the Secretary a project application, in a form and containing such information, as the Secretary may prescribe, setting forth the airport development proposed to be undertaken. No project application shall propose airport development other than that included in the then current revision of the national airport system plan formulated by the Secretary under this part, and all proposed development shall be in accordance with standards established by the Secretary, including standards for site location, airport layout, grading, drainage, seeding, paving, lighting, and safety of approaches.

(b) **PUBLIC AGENCIES WHOSE POWERS ARE LIMITED BY STATE LAW.**—Nothing in this part shall authorize the submission of a project

application by any municipality or other public agency which is subject to the law of any State if the submission of the project application by the municipality or other public agency is prohibited by the law of that State.

(c) APPROVAL.—

(1) All airport development projects shall be subject to the approval of the Secretary, which approval may be given only if he is satisfied that—

(A) the project is reasonably consistent with plans (existing at the time of approval of the project) of planning agencies for the development of the area in which the airport is located and will contribute to the accomplishment of the purposes of this part;

(B) sufficient funds are available for that portion of the project costs which are not to be paid by the United States under this part;

(C) the project will be completed without undue delay;

(D) the public agency or public agencies which submitted the project application have legal authority to engage in the airport development as proposed; and

(E) all project sponsorship requirements prescribed by or under the authority of this part have been or will be met.

No airport development project may be approved by the Secretary with respect to any airport unless a public agency holds good title, satisfactory to the Secretary, to the landing area of the airport or the site therefor, or gives assurance satisfactory to the Secretary that good title will be acquired.

(2) No airport development project may be approved by the Secretary which does not include provision for installation of the landing aids specified in subsection (d) of section 17 of this part and determined by him to be required for the safe and efficient use of the airport by aircraft taking into account the category of the airport and the type and volume of traffic utilizing the airport.

(3) No airport development project may be approved by the Secretary unless he is satisfied that fair consideration has been given to the interest of communities in or near which the project may be located.

(4) It is declared to be national policy that airport development projects authorized pursuant to this part shall provide for the protection and enhancement of the natural resources and the quality of environment of the Nation. In implementing this policy, the Secretary shall consult with the Secretaries of the Interior and Health, Education, and Welfare with regard to the effect that any project involving airport location, a major runway extension, or runway location may have on natural resources including, but not limited to, fish and wildlife, natural, scenic, and recreation assets, water and air quality, and other factors affecting the environment, and shall authorize no such project found to have adverse effect unless the Secretary shall render a finding, in writing, following a full and complete review, which shall be a matter of public record, that no feasible and prudent alternative exists and that all possible steps have been taken to minimize such adverse effect.

(d) HEARINGS.—

(1) No airport development project involving the location of an airport, an airport runway, or a runway extension may be approved by the Secretary unless the public agency sponsoring the project certifies to the Secretary that there has been afforded the opportunity for public hearings for the purpose of considering the economic, social, and environmental effects of the airport location and its consistency with the goals and objectives of such urban planning as has been carried out by the community.

(2) When hearings are held under paragraph (1) of this subsection, the project sponsor shall, when requested by the Secretary, submit a copy of the transcript to the Secretary.

(e) AIR AND WATER QUALITY.—

(1) The Secretary shall not approve any project application for a project involving airport location, a major runway extension, or runway location unless the Governor of the State in which such project may be located certifies in writing to the Secretary that there is reasonable assurance that the project will be located, designed, constructed, and operated so as to comply with applicable air and water quality standards. In any case where such standards have not been approved or where such standards have been promulgated by the Secretary of the Interior or the Secretary of Health, Education, and Welfare, certification shall be obtained from the appropriate Secretary. Notice of certification or of refusal to certify shall be provided within sixty days after the project application is received by the Secretary.

(2) The Secretary shall condition approval of any such project application on compliance during construction and operation with applicable air and water quality standards.

(f) AIRPORT SITE SELECTION.—

(1) Whenever the Secretary determines (A) that a metropolitan area comprised of more than one unit of State or local government is in need of an additional airport to adequately meet the air transportation needs of such area, and (B) that an additional airport for such area is consistent with the national airport system plan prepared by the Secretary, he shall notify, in writing, the governing authorities of the area concerned of the need for such additional airport and request such authorities to confer, agree upon a site for the location of such additional airport, and notify the Secretary of their selection. In order to facilitate the selection of a site for an additional airport under the preceding sentence, the Secretary shall exercise such of his authority under this part as he may deem appropriate to carry out the provisions of this paragraph. For the purposes of this subsection, the term "metropolitan area" means a standard metropolitan statistical area as established by the Bureau of the Budget, subject however to such modifications and extensions as the Secretary may determine to be appropriate for the purposes of this subsection.

"Metropolitan
area."

(2) In the case of a proposed new airport serving any area, which does not include a metropolitan area, the Secretary shall not approve any airport development project with respect to any proposed airport site not approved by the community or communities in which the airport is proposed to be located.

SEC. 17. UNITED STATES SHARE OF PROJECT COSTS.

(a) GENERAL PROVISION.—Except as provided in subsections (b), (c), and (d) of this section, the United States share payable on account of any approved airport development project submitted under section 16 of this part may not exceed 50 per centum of the allowable project costs.

(b) PROJECTS IN PUBLIC LAND STATES.—In the case of any State containing unappropriated and unreserved public lands and non-taxable Indian lands (individual and tribal) exceeding 5 per centum of the total area of all lands therein, the United States share under subsection (a) shall be increased by whichever is the smaller of the following percentages thereof: (1) 25 per centum, or (2) a percentage equal to one-half of the percentage that the area of all such lands in that State is of its total area.

(c) PROJECTS IN THE VIRGIN ISLANDS.—The United States share payable on account of any approved project for airport development in the Virgin Islands shall be any portion of the allowable project

costs of the project, not to exceed 75 per centum, as the Secretary considers appropriate for carrying out the provisions of this part.

(d) **LANDING AIDS.**—To the extent that the project costs of an approved project for airport development represent the cost of (1) land required for the installation of approach light systems, (2) touchdown zone and centerline runway lighting, or (3) high intensity runway lighting, the United States share shall be not to exceed 82 per centum of the allowable costs thereof.

Cost limitation.

SEC. 18. PROJECT SPONSORSHIP.

As a condition precedent to his approval of an airport development project under this part, the Secretary shall receive assurances in writing, satisfactory to him, that—

Conditions.

(1) the airport to which the project for airport development relates will be available for public use on fair and reasonable terms and without unjust discrimination;

(2) the airport and all facilities thereon or connected therewith will be suitably operated and maintained, with due regard to climatic and flood conditions;

(3) the aerial approaches to the airport will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards;

(4) appropriate action, including the adoption of zoning laws, has been or will be taken, to the extent reasonable, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft;

(5) all of the facilities of the airport developed with Federal financial assistance and all those usable for landing and takeoff of aircraft will be available to the United States for use by Government aircraft in common with other aircraft at all times without charge, except, if the use by Government aircraft is substantial, a charge may be made for a reasonable share, proportional to such use, of the cost of operating and maintaining the facilities used;

(6) the airport operator or owner will furnish without cost to the Federal Government for use in connection with any air traffic control activities, or weather-reporting and communication activities related to air traffic control, any areas of land or water, or estate therein, or rights in buildings of the sponsor as the Secretary considers necessary or desirable for construction at Federal expense of space or facilities for such purposes;

(7) all project accounts and records will be kept in accordance with a standard system of accounting prescribed by the Secretary after consultation with appropriate public agencies;

Recordkeeping.

(8) the airport operator or owner will maintain a fee and rental structure for the facilities and services being provided the airport users which will make the airport as self-sustaining as possible under the circumstances existing at that particular airport, taking into account such factors as the volume of traffic and economy of collection;

(9) the airport operator or owner will submit to the Secretary such annual or special airport financial and operations reports as the Secretary may reasonably request; and

Reports.

(10) the airport and all airport records will be available for inspection by any duly authorized agent of the Secretary upon reasonable request.

Availability of records.

Compliance.

Contract
authority.

60 Stat. 170;
Post, p. 235.
49 USC 1101
note.

To insure compliance with this section, the Secretary shall prescribe such project sponsorship requirements, consistent with the terms of this part, as he considers necessary. Among other steps to insure such compliance the Secretary is authorized to enter into contracts with public agencies, on behalf of the United States. Whenever the Secretary obtains from a sponsor any area of land or water, or estate therein, or rights in buildings of the sponsor and constructs space or facilities thereon at Federal expense, he is authorized to relieve the sponsor from any contractual obligation entered into under this part or the Federal Airport Act to provide free space in airport buildings to the Federal Government to the extent he finds that space no longer required for the purposes set forth in paragraph (6) of this section.

SEC. 19. GRANT AGREEMENTS.

Upon approving a project application for airport development, the Secretary, on behalf of the United States, shall transmit to the sponsor or sponsors of the project application an offer to make a grant for the United States share of allowable project costs. An offer shall be made upon such terms and conditions as the Secretary considers necessary to meet the requirements of this part and the regulations prescribed thereunder. Each offer shall state a definite amount as the maximum obligation of the United States payable from funds authorized by this part, and shall stipulate the obligations to be assumed by the sponsor or sponsors. If and when an offer is accepted in writing by the sponsor, the offer and acceptance shall comprise an agreement constituting an obligation of the United States and of the sponsor. Thereafter, the amount stated in the accepted offer as the maximum obligation of the United States may not be increased by more than 10 per centum. Unless and until an agreement has been executed, the United States may not pay, nor be obligated to pay, any portion of the costs which have been or may be incurred.

SEC. 20. PROJECT COSTS.

(a) ALLOWABLE PROJECT COSTS.—Except as provided in section 21 of this part, the United States may not pay, or be obligated to pay, from amounts appropriated to carry out the provisions of this part, any portion of a project cost incurred in carrying out a project for airport development unless the Secretary has first determined that the cost is allowable. A project cost is allowable if—

(1) it was a necessary cost incurred in accomplishing airport development in conformity with approved plans and specifications for an approved airport development project and with the terms and conditions of the grant agreement entered into in connection with the project;

(2) it was incurred subsequent to the execution of the grant agreement with respect to the project, and in connection with airport development accomplished under the project after the execution of the agreement. However, the allowable costs of a project may include any necessary costs of formulating the project (including the costs of field surveys and the preparation of plans and specifications, the acquisition of land or interests therein or easements through or other interests in airspace, and any necessary administrative or other incidental costs incurred by the sponsor specifically in connection with the accomplishment of the project for airport development, which would not have been incurred otherwise) which were incurred subsequent to May 13, 1946;

(3) in the opinion of the Secretary it is reasonable in amount, and if the Secretary determines that a project cost is unreasonable in amount, he may allow as an allowable project cost only so much of such project cost as he determines to be reasonable; except that

in no event may he allow project costs in excess of the definite amount stated in the grant agreement; and

(4) it has not been included in any project authorized under section 13 of this part.

The Secretary is authorized to prescribe such regulations, including regulations with respect to the auditing of project costs, as he considers necessary to effectuate the purposes of this section.

Regulations.

(b) **COSTS NOT ALLOWED.**—The following are not allowable project costs: (1) the cost of construction of that part of an airport development project intended for use as a public parking facility for passenger automobiles; or (2) the cost of construction, alteration, or repair of a hangar or of any part of an airport building except such of those buildings or parts of buildings intended to house facilities or activities directly related to the safety of persons at the airport.

SEC. 21. PAYMENTS UNDER GRANT AGREEMENTS.

The Secretary, after consultation with the sponsor with which a grant agreement has been entered into, may determine the times and amounts in which payments shall be made under the terms of a grant agreement for airport development. Payments in an aggregate amount not to exceed 90 per centum of the United States share of the total estimated allowable project costs may be made from time to time in advance of accomplishment of the airport development to which the payments relate, if the sponsor certifies to the Secretary that the aggregate expenditures to be made from the advance payments will not at any time exceed the cost of the airport development work which has been performed up to that time. If the Secretary determines that the aggregate amount of payments made under a grant agreement at any time exceeds the United States share of the total allowable project costs, the United States shall be entitled to recover the excess. If the Secretary finds that the airport development to which the advance payments relate has not been accomplished within a reasonable time or the development is not completed, the United States may recover any part of the advance payment for which the United States received no benefit. Payments under a grant agreement shall be made to the official or depository authorized by law to receive public funds and designated by the sponsor.

SEC. 22. PERFORMANCE OF CONSTRUCTION WORK.

(a) **REGULATIONS.**—The construction work on any project for airport development approved by the Secretary pursuant to section 16 of this part shall be subject to inspection and approval by the Secretary and in accordance with regulations prescribed by him. Such regulations shall require such cost and progress reporting by the sponsor or sponsors of such project as the Secretary shall deem necessary. No such regulation shall have the effect of altering any contract in connection with any project entered into without actual notice of the regulation.

(b) **MINIMUM RATES OF WAGES.**—All contracts in excess of \$2,000 for work on projects for airport development approved under this part which involve labor shall contain provisions establishing minimum rates of wages, to be predetermined by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5), which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.

49 Stat. 1011;
78 Stat. 238.

(c) **OTHER PROVISIONS AS TO LABOR.**—All contracts for work on projects for airport development approved under this part which involve labor shall contain such provisions as are necessary to insure (1) that no convict labor shall be employed; and (2) that, in the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given, where they are qualified,

54 Stat. 1179.

to individuals who have served as persons in the military service of the United States, as defined in section 101(1) of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended (50 App. U.S.C. 511(1)), and who have been honorably discharged from such service. However, this preference shall apply only where the individuals are available and qualified to perform the work to which the employment relates.

SEC. 23. USE OF GOVERNMENT-OWNED LANDS.

(a) **REQUESTS FOR USE.**—Subject to the provisions of subsection (c) of this section, whenever the Secretary determines that use of any lands owned or controlled by the United States is reasonably necessary for carrying out a project for airport development under this part, or for the operation of any public airport, including lands reasonably necessary to meet future development of an airport in accordance with the national airport system plan, he shall file with the head of the department or agency having control of the lands a request that the necessary property interests therein be conveyed to the public agency sponsoring the project in question or owning or controlling the airport. The property interest may consist of the title to, or any other interest in, land or any easement through or other interest in airspace.

(b) **MAKING OF CONVEYANCES.**—Upon receipt of a request from the Secretary under this section, the head of the department or agency having control of the lands in question shall determine whether the requested conveyance is inconsistent with the needs of the department or agency, and shall notify the Secretary of his determination within a period of four months after receipt of the Secretary's request. If the department or agency head determines that the requested conveyance is not inconsistent with the needs of that department or agency, the department or agency head is hereby authorized and directed, with the approval of the President and the Attorney General of the United States, and without any expense to the United States, to perform any acts and to execute any instruments necessary to make the conveyance requested. A conveyance may be made only on the condition that, at the option of the Secretary, the property interest conveyed shall revert to the United States in the event that the lands in question are not developed for airport purposes or used in a manner consistent with the terms of the conveyance. If only a part of the property interest conveyed is not developed for airport purposes, or used in a manner consistent with the terms of the conveyance, only that particular part shall at the option of the Secretary, revert to the United States.

(c) **EXEMPTION OF CERTAIN LANDS.**—Unless otherwise specifically provided by law, the provisions of subsections (a) and (b) of this section shall not apply with respect to lands owned or controlled by the United States within any national park, national monument, national recreation area, or similar area under the administration of the National Park Service; within any unit of the National Wildlife Refuge System or similar area under the jurisdiction of the Bureau of Sport Fisheries and Wildlife; or within any national forest or Indian reservation.

SEC. 24. REPORTS TO CONGRESS.

On or before the third day of January of each year the Secretary shall make a report to the Congress describing his operations under this part during the preceding fiscal year. The report shall include a detailed statement of the airport development accomplished, the status of each project undertaken, the allocation of appropriations, and an itemized statement of expenditures and receipts.

SEC. 25. FALSE STATEMENTS.

Any officer, agent, or employee of the United States, or any officer, agent, or employee of any public agency, or any person, association, firm, or corporation who, with intent to defraud the United States—

(1) knowingly makes any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the costs thereof, in connection with the submission of plans, maps, specifications, contracts, or estimates of project costs for any project submitted to the Secretary for approval under this part;

(2) knowingly makes any false statement, false representation, or false report or claim for work or materials for any project approved by the Secretary under this part; or

(3) knowingly makes any false statement or false representation in any report required to be made under this part;

shall, upon conviction thereof, be punished by imprisonment for not to exceed five years or by a fine of not to exceed \$10,000, or by both.

Penalty.

SEC. 26. ACCESS TO RECORDS.

(a) **RECORDKEEPING REQUIREMENTS.**—Each recipient of a grant under this part shall keep such records as the Secretary may prescribe, including records which fully disclose the amount and the disposition by the recipient of the proceeds of the grant, the total cost of the plan or program in connection with which the grant is given or used, and the amount and nature of that portion of the cost of the plan or program supplied by other sources, and such other records as will facilitate an effective audit.

(b) **AUDIT AND EXAMINATION.**—The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to grants received under this part.

(c) **AUDIT REPORTS.**—In any case in which an independent audit is made of the accounts of a recipient of a grant under this part relating to the disposition of the proceeds of such grant or relating to the plan or program in connection with which the grant was given or used, the recipient shall file a certified copy of such audit with the Comptroller General of the United States not later than six months following the close of the fiscal year for which the audit was made. On or before January 3 of each year the Comptroller General shall make a report to the Congress describing the results of each audit conducted or reviewed by him under this section during the preceding fiscal year. The Comptroller General shall prescribe such regulations as he may deem necessary to carry out the provisions of this subsection.

Report to
Congress.

Regulations.

(d) **WITHHOLDING INFORMATION.**—Nothing in this section shall authorize the withholding of information by the Secretary or the Comptroller General of the United States, or any officer or employee under the control of either of them, from the duly authorized committees of the Congress.

SEC. 27. GENERAL POWERS.

The Secretary is empowered to perform such acts, to conduct such investigations and public hearings, to issue and amend such orders, and to make and amend such regulations and procedures, pursuant to and consistent with the provisions of this part, as he considers necessary to carry out the provisions of, and to exercise and perform his powers and duties under, this part.

PART III—MISCELLANEOUS

SEC. 51. AMENDMENTS TO FEDERAL AVIATION ACT OF 1958.

72 Stat. 747.

(a) (1) **PROCUREMENT PROCEDURES.**—Section 303 of the Federal Aviation Act of 1958 (49 U.S.C. 1344) is amended by adding at the end thereof the following new subsection:

“NEGOTIATION OF PURCHASES AND CONTRACTS

“(e) The Secretary of Transportation may negotiate without advertising purchases of and contracts for technical or special property related to, or in support of, air navigation that he determines to require a substantial initial investment or an extended period of preparation for manufacture, and for which he determines that formal advertising would be likely to result in additional cost to the Government by reason of duplication of investment or would result in duplication of necessary preparation which would unduly delay the procurement of the property. The Secretary shall, at the beginning of each fiscal year, report to the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Commerce of the Senate all transactions negotiated under this subsection during the preceding fiscal year.”

Report to
congressional
committees.

(2) **TABLE OF CONTENTS.**—That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the side heading “Sec. 303. Administration of the Agency.” is amended by adding at the end thereof the following:

“(e) Negotiation of purchases and contracts.”.

72 Stat. 775;
82 Stat. 395.

(b) (1) **AIRPORT CERTIFICATION.**—Title VI of the Federal Aviation Act of 1958 (49 U.S.C. 1421–1431), relating to safety regulation of civil aeronautics, is amended by adding at the end thereof the following new section:

“AIRPORT OPERATING CERTIFICATES

“POWER TO ISSUE

“SEC. 612. (a) The Administrator is empowered to issue airport operating certificates to airports serving air carriers certificated by the Civil Aeronautics Board and to establish minimum safety standards for the operation of such airports.

“ISSUANCE

“(b) Any person desiring to operate an airport serving air carriers certificated by the Civil Aeronautics Board may file with the Administrator an application for an airport operating certificate. If the Administrator finds, after investigation, that such person is properly and adequately equipped and able to conduct a safe operation in accordance with the requirements of this Act and the rules, regulations, and standards prescribed thereunder, he shall issue an airport operating certificate to such person. Each airport operating certificate shall prescribe such terms, conditions, and limitations as are reasonably necessary to assure safety in air transportation, including but not limited to, terms, conditions, and limitations relating to—

Terms and
conditions.

“(1) the installation, operation, and maintenance of adequate air navigation facilities; and

“(2) the operation and maintenance of adequate safety equipment, including firefighting and rescue equipment capable of rapid access to any portion of the airport used for the landing, takeoff, or surface maneuvering of aircraft.”

(2) **TABLE OF CONTENTS.**—That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the center heading "TITLE VI—SAFETY REGULATION OF CIVIL AERONAUTICS" is amended by adding at the end thereof the following:

72 Stat. 733.

"Sec. 612. Airport operating certificates.

"(a) Power to issue.

"(b) Issuance."

(3) **PROHIBITIONS.**—Section 610(a) of such Act (49 U.S.C. 1430 (a)), relating to prohibitions, is amended—

72 Stat. 780.

(A) by striking out "and" at the end of paragraph (6);

(B) by striking out the period at the end of paragraph (7) and inserting in lieu thereof "; and"; and

(C) by adding at the end thereof the following new paragraph:

"(8) For any person to operate an airport serving air carriers certificated by the Civil Aeronautics Board without an airport operating certificate, or in violation of the terms of any such certificate."

(4) **EFFECTIVE DATE.**—The amendments made by paragraph (3) of this subsection shall take effect upon the expiration of the two-year period beginning on the date of their enactment.

SEC. 52. REPEAL; CONFORMING AMENDMENTS; SAVING PROVISIONS; AND SEPARABILITY.

(a) **REPEAL.**—The Federal Airport Act (49 U.S.C. 1101 et seq.) is repealed as of the close of June 30, 1970.

60 Stat. 170.

(b) **CONFORMING AMENDMENTS.**—

(1) The first section of the Act of March 18, 1950, relating to Department of the Interior Airports (16 U.S.C. 7a), is amended by striking out "Administrator of the Federal Aviation Agency" each place it appears and inserting in lieu thereof at each such place "Secretary of Transportation".

64 Stat. 27;
72 Stat. 807.

(2) Section 509(c) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3188a) is amended by inserting "Airport and Airway Development Act of 1970;" immediately after "Federal Airport Act;".

81 Stat. 267;
83 Stat. 218.

(3) Section 208(2) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3338(2)) is amended by inserting "section 19 of the Airport and Airway Development Act of 1970;" immediately after "section 12 of the Federal Airport Act;".

80 Stat. 1265.

(4) The Federal Aviation Act of 1958 (49 U.S.C. 1301 et seq.) is amended—

(A) by striking out "or by the Federal Airport Act" in section 313(c) and inserting in lieu thereof "the Federal Airport Act, or the Airport and Airway Development Act of 1970"; and

72 Stat. 752.

(B) by striking out "Federal Airport Act" in section 1109(e) and inserting in lieu thereof "Airport and Airway Development Act of 1970".

75 Stat. 527;
49 USC 1509.

(5) Section 214(c) of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 214(c)) is amended by inserting "Airport and Airway Development Act of 1970;" immediately after "Federal Airport Act;".

81 Stat. 263;
83 Stat. 215.

(6) Section 13(g)(1) of the Surplus Property Act of 1944 (50 App. U.S.C. 1622(g)(1)) is amended by striking out "Federal Airport Act (60 Stat. 170)" and inserting in lieu thereof "Airport and Airway Development Act of 1970".

61 Stat. 678.

(7) Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267) is amended by striking out "and (h)" and inserting in lieu thereof "(h) the Airport and Airway Development Act of 1970; and (i)".

60 Stat. 170.
49 USC 1101 note.

(c) **SAVING PROVISIONS.**—All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, grants, rights, and privileges which have been issued, made, granted, or allowed to become effective by the President, the Secretary of Transportation, or any court of competent jurisdiction under any provision of the Federal Airport Act, as amended, which are in effect at the time this section takes effect, are continued in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Secretary of Transportation or by any court of competent jurisdiction, or by operation of law.

(d) **SEPARABILITY.**—If any provision of this title or the application thereof to any person or circumstances is held invalid, the remainder of the title and the application of the provision to other persons or circumstances is not affected thereby.

SEC. 53. MAXIMUM CHARGES FOR CERTAIN OVERTIME SERVICES.

46 Stat. 715;
58 Stat. 269.

(a) Notwithstanding the provisions of section 451 of the Tariff Act of 1930 (19 U.S.C. 1451) or any other provisions of law, the maximum amount payable by the owner, operator, or agent of any private aircraft or private vessel for services performed on or after July 1, 1970, upon the request of such owner, operator, or agent, by officers and employees of the Customs Service, by officers and employees of the Immigration and Naturalization Service, by officers and employees (including an independent contractor performing inspectional services) of the Public Health Service, and by officers and employees of the Department of Agriculture, on a Sunday or holiday, or at any time after 5 o'clock postmeridian or before 8 o'clock antemeridian on a week day, in connection with the arrival in or departure from the United States of such private aircraft or vessel, shall not exceed \$25.

(b) Notwithstanding any other provision of law, no payment shall be required for services described in subsection (a) if such services are performed on a week day and an officer or employee stationed on his regular tour of duty at the place of arrival or departure is available to perform such services.

(c) Amounts payable for services described in subsection (a) shall be collected by the Department or agency providing the services and shall be deposited into the Treasury of the United States to the credit of the appropriation of that agency charged with the expense of such services.

Definitions.

(d) As used in this section—

(1) the term "private aircraft" means any civilian aircraft not being used to transport persons or property for compensation or hire, and

(2) the term "private vessel" means any civilian vessel not being used (A) to transport persons or property for compensation or hire, or (B) in fishing operations or in processing of fish or fish products.

TITLE II—AIRPORT AND AIRWAY REVENUE ACT OF 1970

Citation of
title.

SEC. 201. SHORT TITLE, ETC.

(a) **SHORT TITLE.**—This title may be cited as the "Airport and Airway Revenue Act of 1970".

(b) **AMENDMENT OF 1954 CODE.**—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

68A Stat. 3.
26 USC 1 et seq.

SEC. 202. TAX ON AVIATION FUEL.

(a) **IMPOSITION OF TAX.**—Section 4041 (relating to tax on special fuels) is amended by striking out subsections (c), (d), and (e) and inserting after subsection (b) the following new subsections: 70 Stat. 89,
388; 72 Stat. 1286.
26 USC 4041.

“(c) **NONCOMMERCIAL AVIATION.**—

“(1) **IN GENERAL.**—There is hereby imposed a tax of 7 cents a gallon upon any liquid (other than any product taxable under section 4081)—

70 Stat. 389;
75 Stat. 123.

“(A) sold by any person to an owner, lessee, or other operator of an aircraft, for use as a fuel in such aircraft in noncommercial aviation; or

“(B) used by any person as a fuel in an aircraft in noncommercial aviation, unless there was a taxable sale of such liquid under this section.

“(2) **GASOLINE.**—There is hereby imposed a tax (at the rate specified in paragraph (3)) upon any product taxable under section 4081—

“(A) sold by any person to an owner, lessee, or other operator of an aircraft, for use as a fuel in such aircraft in noncommercial aviation; or

“(B) used by any person as a fuel in an aircraft in noncommercial aviation, unless there was a taxable sale of such product under subparagraph (A).

The tax imposed by this paragraph shall be in addition to any tax imposed under section 4081.

“(3) **RATE OF TAX.**—The rate of tax imposed by paragraph (2) is as follows:

“3 cents a gallon for the period ending September 30, 1972; and

“5½ cents a gallon for the period after September 30, 1972.

“(4) **DEFINITION OF NONCOMMERCIAL AVIATION.**—For purposes of this chapter, the term ‘noncommercial aviation’ means any use of an aircraft, other than use in a business of transporting persons or property for compensation or hire by air. The term also includes any use of an aircraft, in a business described in the preceding sentence, which is properly allocable to any transportation exempt from the taxes imposed by sections 4261 and 4271 by reason of section 4281 or 4282.

Post, pp. 238,
239, 241.

“(5) **TERMINATION.**—On and after July 1, 1980, the taxes imposed by paragraphs (1) and (2) shall not apply.

“(d) **ADDITIONAL TAX.**—If a liquid on which tax was imposed on the sale thereof is taxable at a higher rate under subsection (c) (1) of this section on the use thereof, there is hereby imposed a tax equal to the difference between the tax so imposed and the tax payable at such higher rate.

“(e) **RATE REDUCTION.**—On and after October 1, 1972—

“(1) the taxes imposed by subsections (a) and (b) shall be 1½ cents a gallon, and

“(2) the second and third sentences of subsections (a) and (b) shall not apply.

“(f) **EXEMPTION FOR FARM USE.**—

“(1) **EXEMPTION.**—Under regulations prescribed by the Secretary or his delegate, no tax shall be imposed under this section on any liquid sold for use or used on a farm for farming purposes.

“(2) **USE ON A FARM FOR FARMING PURPOSES.**—For purposes of paragraph (1) of this subsection, use on a farm for farming purposes shall be determined in accordance with paragraphs (1), (2), and (3) of section 6420(c).

70 Stat. 87.

“(g) **EXEMPTION FOR USE AS SUPPLIES FOR VESSELS.**—Under regulations prescribed by the Secretary or his delegate, no tax shall be

72 Stat. 1282.
26 USC 4221.

imposed under this section on any liquid sold for use or used as supplies for vessels or aircraft (within the meaning of section 4221(d)(3)).

“(h) **REGISTRATION.**—If any liquid is sold by any person for use as a fuel in an aircraft, it shall be presumed for purposes of this section that a tax imposed by this section applies to the sale of such liquid unless the purchaser is registered in such manner (and furnishes such information in respect of the use of the liquid) as the Secretary or his delegate shall by regulations provide.”

68A Stat. 478;
70 Stat. 388;
75 Stat. 123.

(b) **CONFORMING AND TECHNICAL AMENDMENTS.**—Section 4041(b) (relating to imposition of tax on special motor fuels) is amended—

(1) by striking out “motor vehicle, motorboat, or airplane” each place it appears and inserting in lieu thereof “motor vehicle or motorboat”; and

(2) by striking out “for the propulsion of” each place it appears and inserting in lieu thereof “in”.

SEC. 203. TAX ON TRANSPORTATION OF PERSONS BY AIR.

76 Stat. 115;
79 Stat. 148.

(a) **IMPOSITION OF TAX.**—Section 4261 (relating to imposition of tax on transportation of persons by air) is amended to read as follows:

“SEC. 4261. IMPOSITION OF TAX.

Infra.

“(a) **IN GENERAL.**—There is hereby imposed upon the amount paid for taxable transportation (as defined in section 4262) of any person which begins after June 30, 1970, a tax equal to 8 percent of the amount so paid. In the case of amounts paid outside of the United States for taxable transportation, the tax imposed by this subsection shall apply only if such transportation begins and ends in the United States.

“(b) **SEATS, BERTHS, ETC.**—There is hereby imposed upon the amount paid for seating or sleeping accommodations in connection with transportation which begins after June 30, 1970, and with respect to which a tax is imposed by subsection (a), a tax equal to 8 percent of the amount so paid.

Post, p. 241.

“(c) **USE OF INTERNATIONAL TRAVEL FACILITIES.**—There is hereby imposed a tax of \$3 upon any amount paid (whether within or without the United States) for any transportation of any person by air, if such transportation begins in the United States and begins after June 30, 1970. This subsection shall not apply to any transportation all of which is taxable under subsection (a) (determined without regard to sections 4281 and 4282).

“(d) **BY WHOM PAID.**—Except as provided in section 4263 (a), the taxes imposed by this section shall be paid by the person making the payment subject to the tax.

“(e) **REDUCTION, ETC., OF RATES.**—Effective with respect to transportation beginning after June 30, 1980—

“(1) the rate of the taxes imposed by subsections (a) and (b) shall be 5 percent, and

“(2) the tax imposed by subsection (c) shall not apply.”

76 Stat. 116.

(b) **DEFINITION OF TAXABLE TRANSPORTATION.**—Section 4262 (relating to definition of taxable transportation) is amended—

(1) by striking out “subchapter” in subsections (a) and (b) and inserting in lieu thereof “part”; and

(2) by striking out “transportation” in subsection (a)(1) and inserting in lieu thereof “transportation by air”; and

(3) by striking out “in the case of transportation” in subsection (a)(2) and inserting in lieu thereof “in the case of transportation by air”; and

(4) by striking out “any transportation which” in subsection (b) and inserting in lieu thereof “any transportation by air which”; and

(5) by adding at the end thereof the following new subsection:

“(d) **TRANSPORTATION.**—For purposes of this part, the term ‘transportation’ includes layover or waiting time and movement of the aircraft in deadhead service.”

“Transportation.”

(c) **REQUIREMENTS WITH RESPECT TO AIRLINE TICKETS AND ADVERTISING.**—

(1) Subchapter B of chapter 75 (relating to other offenses) is amended by adding at the end thereof the following new section:

68A Stat. 862;
79 Stat. 155.
26 USC 7261-7274.

“**SEC. 7275. PENALTY FOR OFFENSES RELATING TO CERTAIN AIRLINE TICKETS AND ADVERTISING.**

“(a) **TICKETS.**—In the case of transportation by air all of which is taxable transportation (as defined in section 4262), the ticket for such transportation—

Ante, p. 238.

“(1) shall show the total of (A) the amount paid for such transportation and (B) the taxes imposed by sections 4261 (a) and (b),

Ante, p. 238.

“(2) shall not show separately the amount paid for such transportation nor the amount of such taxes, and

“(3) if the ticket shows amounts paid with respect to any segment of such transportation, shall comply with paragraphs (1) and (2) with respect to such segments as well as with respect to the sum of the segments.

“(b) **ADVERTISING.**—In the case of transportation by air all of which is taxable transportation (as defined in section 4262) or would be taxable transportation if section 4262 did not include subsection (b) thereof, any advertising made by or on behalf of any person furnishing such transportation (or offering to arrange such transportation) which states the cost of such transportation shall—

“(1) state such cost only as the total of (A) the amount to be paid for such transportation, and (B) the taxes imposed by sections 4261 (a), (b), and (c), and

“(2) shall not state separately the amount to be paid for such transportation nor the amount of such taxes.

“(c) **PENALTY.**—Any person who violates any provision of subsection (a) or (b) is, for each violation, guilty of a misdemeanor, and upon conviction thereof shall be fined not more than \$100.”

(2) The table of sections for such subchapter B is amended by adding at the end thereof the following:

“Sec. 7275. Penalty for offenses relating to certain airline tickets and advertising.”

SEC. 204. TAX ON TRANSPORTATION OF PROPERTY BY AIR.

Subchapter C of chapter 33 (relating to transportation by air) is amended by adding at the end thereof the following new part:

Ante, p. 238;
72 Stat. 260.
26 USC 4261-4264.

“PART II—PROPERTY

“Sec. 4271. Imposition of tax.

“Sec. 4272. Definition of taxable transportation, etc.

“SEC. 4271. IMPOSITION OF TAX.

“(a) **IN GENERAL.**—There is hereby imposed upon the amount paid within or without the United States for the taxable transportation (as defined in section 4272) of property which begins after June 30, 1970, a tax equal to 5 percent of the amount so paid for such transportation. The tax imposed by this subsection shall apply only to amounts paid to a person engaged in the business of transporting property by air for hire.

“(b) **BY WHOM PAID.**—

“(1) **IN GENERAL.**—Except as provided by paragraph (2), the tax imposed by subsection (a) shall be paid by the person making the payment subject to tax.

“(2) PAYMENTS MADE OUTSIDE THE UNITED STATES.—If a payment subject to tax under subsection (a) is made outside the United States and the person making such payment does not pay such tax, such tax—

“(A) shall be paid by the person to whom the property is delivered in the United States by the person furnishing the last segment of the taxable transportation in respect of which such tax is imposed, and

“(B) shall be collected by the person furnishing the last segment of such taxable transportation.

“(c) DETERMINATION OF AMOUNTS PAID IN CERTAIN CASES.—For purposes of this section, in any case in which a person engaged in the business of transporting property by air for hire and one or more other persons not so engaged jointly provide services which include taxable transportation of property, and the person so engaged receives, for the furnishing of such taxable transportation, a portion of the receipts from the joint providing of such services, the amount paid for the taxable transportation shall be treated as being the sum of (1) the portion of the receipts so received, and (2) any expenses incurred by any of the persons not so engaged which are properly attributable to such taxable transportation and which are taken into account in determining the portion of the receipts so received.

Termination
date.

(d) TERMINATION.—Effective with respect to transportation beginning after June 30, 1980, the tax imposed by subsection (a) shall not apply.

“SEC. 4272. DEFINITION OF TAXABLE TRANSPORTATION, ETC.

“(a) IN GENERAL.—For purposes of this part, except as provided in subsection (b), the term ‘taxable transportation’ means transportation by air which begins and ends in the United States.

“(b) EXCEPTIONS.—For purposes of this part, the term ‘taxable transportation’ does not include—

“(1) that portion of any transportation which meets the requirements of paragraphs (1), (2), (3), and (4) of section 4262(b), or

“(2) under regulations prescribed by the Secretary or his delegate, transportation of property in the course of exportation (including shipment to a possession of the United States) by continuous movement, and in due course so exported.

“(c) EXCESS BAGGAGE OF PASSENGERS.—For purposes of this part, the term ‘property’ does not include excess baggage accompanying a passenger traveling on an aircraft operated on an established line.

“(d) TRANSPORTATION.—For purposes of this part, the term ‘transportation’ includes layover or waiting time and movement of the aircraft in deadhead service.”

SEC. 205. MISCELLANEOUS AMENDMENTS RELATING TO TAXES ON TRANSPORTATION BY AIR.

(a) EXEMPTIONS AND SPECIAL RULES.—

(1) Subchapter C of chapter 33 (relating to transportation by air) is amended by adding at the end thereof the following new part:

76 Stat. 116;
Ante, p. 238.
26 USC 4262.

Ante, p. 239;
72 Stat. 260.

“PART III—SPECIAL PROVISIONS APPLICABLE TO TAXES ON TRANSPORTATION BY AIR

“Sec. 4281. Small aircraft on nonestablished lines.

“Sec. 4282. Transportation by air for other members of affiliated group.

“SEC. 4281. SMALL AIRCRAFT ON NONESTABLISHED LINES.

“The taxes imposed by sections 4261 and 4271 shall not apply to transportation by an aircraft having a maximum certificated takeoff weight (as defined in section 4492(b)) of 6,000 pounds or less, except when such aircraft is operated on an established line.

Ante, pp. 238, 239.

Post, p. 243.

“SEC. 4282. TRANSPORTATION BY AIR FOR OTHER MEMBERS OF AFFILIATED GROUP.

“(a) GENERAL RULE.—Under regulations prescribed by the Secretary or his delegate, if—

“(1) one member of an affiliated group is the owner or lessee of an aircraft, and

“(2) such aircraft is not available for hire by persons who are not members of such group,
no tax shall be imposed under section 4261 or 4271 upon any payment received by one member of the affiliated group from another member of such group for services furnished to such other member in connection with the use of such aircraft.

“(b) AFFILIATED GROUP.—For purposes of subsection (a), the term ‘affiliated group’ has the meaning assigned to such term by section 1504(a), except that all corporations shall be treated as includible corporations (without any exclusion under section 1504(b)).”

“Affiliated group.”

68A Stat. 369;
80 Stat. 116.
26 USC 1504,
72 Stat. 260.

(2) Section 4292 (relating to State and local governmental exemption) is amended by striking out “or 4261”.

(3) Section 4293 (relating to exemption for United States and possessions) is amended by striking out “subchapters B and C” and inserting in lieu thereof “subchapter B”.

68A Stat. 511.

(4) Section 4294(a) (relating to exemption for nonprofit educational organizations) is amended by striking out “or 4261”.

72 Stat. 1292.

(b) CREDITS AND REFUNDS.—

(1) (A) Section 6421(a) (relating to nonhighway use of gasoline) is amended by adding the following sentence at the end thereof: “Except as provided in paragraph (3) of subsection (e) of this section, in the case of gasoline used after June 30, 1970, as a fuel in an aircraft, the Secretary or his delegate shall pay (without interest) to the ultimate purchaser of such gasoline an amount equal to the amount determined by multiplying the number of gallons of gasoline so used by the rate at which tax was imposed on such gasoline under section 4081.”

70 Stat. 394;
73 Stat. 615.

Infra.

(B) Section 6421(e) (relating to exempt sales; other payments or refunds available) is amended by adding at the end thereof the following new paragraph:

70 Stat. 389;
75 Stat. 123.
70 Stat. 394.

“(3) GASOLINE USED IN NONCOMMERCIAL AVIATION.—This section shall not apply in respect of gasoline which is used after June 30, 1970, as a fuel in an aircraft in noncommercial aviation (as defined in section 4041(c)(4)).”

Ante, p. 237.

(2) Section 6415 (relating to credits or refunds to persons who collected certain taxes) is amended by striking out “section 4251 or 4261” each place it appears and inserting in lieu thereof “section 4251, 4261, or 4271”.

68A Stat. 798.

72 Stat. 1306.
26 USC 6416.

(3) Subparagraph (A) of section 6416(a)(2) (relating to exceptions) is amended by striking out "section 4041 (a)(2) or (b)(2) (use of diesel and special motor fuels)" and inserting in lieu thereof "section 4041 (relating to tax on special fuels) on the use of any liquid".

(4) Subparagraph (M) of section 6416(b)(2) (relating to special cases in which tax payments constitute overpayments) is amended to read as follows:

"(M) in the case of gasoline, used or sold for use in the production of special fuels referred to in section 4041;"

(c) **OTHER TECHNICAL AND CLERICAL AMENDMENTS.—**

Repeal.
76 Stat. 117.

(1) Section 4263 (relating to exemptions) is hereby repealed.

(2) Section 4264 (relating to special rules) is redesignated as section 4263.

79 Stat. 148.

(3) Section 4291 is amended by striking out "section 4264(a)" and inserting in lieu thereof "section 4263(a)".

(4) So much of subchapter C of chapter 33 (relating to transportation of persons) as precedes section 4261 is amended to read as follows:

"Subchapter C—Transportation by Air

"Part I. Persons.

"Part II. Property.

"Part III. Special provisions relating to taxes on transportation by air.

"PART I—PERSONS

"Sec. 4261. Imposition of tax.

"Sec. 4262. Definition of taxable transportation.

"Sec. 4263. Special rules."

(5) The table of subchapters for chapter 33 is amended by striking out "SUBCHAPTER C—Transportation of Persons by Air." and inserting in lieu thereof "SUBCHAPTER C—Transportation by Air."

68A Stat. 483.

(6) Section 4082(c) (relating to certain uses defined as sales) is amended by striking out "or of special motor fuels referred to in section 4041(b)" and inserting in lieu thereof "or of special fuels referred to in section 4041".

70 Stat. 87;
79 Stat. 165.

(7) Section 6420(i)(1) (relating to cross references) is amended—

(A) by striking out "diesel fuel and special motor fuels" and inserting in lieu thereof "special fuels", and

(B) by striking out "section 4041(d)" and inserting in lieu thereof "section 4041(f)".

(8) Section 6421(j) (relating to cross references) is amended to read as follows:

"(j) **CROSS REFERENCES.—**

"(1) For rate of tax in case of special fuels used in noncommercial aviation or for nonhighway purposes, see section 4041.

"(2) For civil penalty for excessive claims under this section, see section 6675.

"(3) For fraud penalties, etc., see chapter 75 (section 7201 and following, relating to crimes, other offenses, and forfeitures)."

SEC. 206. TAX ON USE OF AIRCRAFT.

(a) **IMPOSITION OF TAX.**—Chapter 36 (relating to certain other excise taxes) is amended by adding at the end thereof the following new subchapter:

26 USC 4461
et seq.

“Subchapter E—Tax on Use of Civil Aircraft

“Sec. 4491. Imposition of tax.

“Sec. 4492. Definitions.

“Sec. 4493. Special rules.

“Sec. 4494. Cross reference.

“SEC. 4491. IMPOSITION OF TAX.

“(a) IMPOSITION OF TAX.—A tax is hereby imposed on the use of any taxable civil aircraft during any year at the rate of—

“(1) \$25, plus

“(2) (A) in the case of an aircraft (other than a turbine engine powered aircraft) having a maximum certificated takeoff weight of more than 2,500 pounds, 2 cents a pound for each pound of the maximum certificated takeoff weight, or (B) in the case of any turbine engine powered aircraft, 3½ cents a pound for each pound of the maximum certificated takeoff weight.

“(b) BY WHOM PAID.—Except as provided in section 4493(a), the tax imposed by this section shall be paid—

“(1) in the case of a taxable civil aircraft described in section 4492(a)(1), by the person in whose name the aircraft is, or is required to be, registered, or

“(2) in the case of a taxable civil aircraft described in section 4492(a)(2), by the United States person by or for whom the aircraft is owned.

“(c) PRORATION OF TAX.—If in any year the first use of the taxable civil aircraft is after the first month in such year, that portion of the tax which is determined under subsection (a)(2) shall be reckoned proportionately from the first day of the month in which such use occurs to and including the last day in such year.

“(d) ONE TAX LIABILITY PER YEAR.—

“(1) IN GENERAL.—To the extent that the tax imposed by this section is paid with respect to any taxable civil aircraft for any year, no further tax shall be imposed by this section for such year with respect to such aircraft.

“(2) CROSS REFERENCE.—

“For privilege of paying tax imposed by this section in installments, see section 6156.

“(e) TERMINATION.—On and after July 1, 1980, the tax imposed by subsection (a) shall not apply.

“SEC. 4492. DEFINITIONS.

“(a) TAXABLE CIVIL AIRCRAFT.—For purposes of this subchapter, the term ‘taxable civil aircraft’ means any engine driven aircraft—

“(1) registered, or required to be registered, under section 501(a) of the Federal Aviation Act of 1958 (49 U.S.C., sec. 1401(a)), or

“(2) which is not described in paragraph (1) but which is owned by or for a United States person.

“(b) WEIGHT.—For purposes of this subchapter, the term ‘maximum certificated takeoff weight’ means the maximum such weight contained in the type certificate or airworthiness certificate.

“(c) OTHER DEFINITIONS.—For purposes of this subchapter—

“(1) YEAR.—The term ‘year’ means the one-year period beginning on July 1.

“(2) USE.—The term ‘use’ means use in the navigable airspace of the United States.

72 Stat. 737.

“(3) NAVIGABLE AIRSPACE OF THE UNITED STATES.—The term ‘navigable airspace of the United States’ has the definition given to such term by section 101(24) of the Federal Aviation Act of 1958 (49 U.S.C., sec. 1301(24)), except that such term does not include the navigable airspace of the Commonwealth of Puerto Rico or of any possession of the United States.

“SEC. 4493. SPECIAL RULES.

“(a) PAYMENT OF TAX BY LESSEE.—

“(1) IN GENERAL.—Any person who is the lessee of any taxable civil aircraft on the day in any year on which occurs the first use which subjects such aircraft to the tax imposed by section 4491 for such year may, under regulations prescribed by the Secretary or his delegate, elect to be liable for payment of such tax. Notwithstanding any such election, if such lessee does not pay such tax, the lessor shall also be liable for payment of such tax.

“(2) EXCEPTION.—No election may be made under paragraph (1) with respect to any taxable civil aircraft which is leased from a person engaged in the business of transporting persons or property for compensation or hire by air.

Foreign air
commerce.

“(b) CERTAIN PERSONS ENGAGED IN FOREIGN AIR COMMERCE.—

“(1) ELECTION TO PAY TENTATIVE TAX.—Any person who is a significant user of taxable civil aircraft in foreign air commerce may, with respect to that portion of the tax imposed by section 4491 which is determined under section 4491(a)(2) on any taxable civil aircraft for any year beginning on or after July 1, 1970, elect to pay the tentative tax determined under paragraph (2). The payment of such tentative tax shall not relieve such person from payment of the net liability for the tax imposed by section 4491 on such taxable civil aircraft (determined as of the close of such year).

“(2) TENTATIVE TAX.—For purposes of paragraph (1), the tentative tax with respect to any taxable civil aircraft for any year is an amount equal to that portion of the tax imposed by section 4491 on such aircraft for such year which is determined under section 4491(a)(2), reduced by a percentage of such amount equal to the percentage which the aggregate of the payments to which such person was entitled under section 6426 (determined without regard to section 6426(c)(2)) with respect to the preceding year is of the aggregate of the taxes imposed by section 4491 for which such person was liable for payment for the preceding year. In the case of the year beginning on July 1, 1970, this subsection shall apply only if the person electing to pay the tentative tax establishes what the tentative tax would have been for such year if section 4491 had taken effect on July 1, 1969.

Post, p. 245.

“(3) SIGNIFICANT USERS OF AIRCRAFT IN FOREIGN AIR COMMERCE.—For purposes of paragraph (1), a person is a significant user of taxable civil aircraft in foreign air commerce for any year only if the aggregate of the payments to which such person was entitled under section 6426 (determined without regard to section 6426(c)(2)) with respect to the preceding year was at least 10 percent of the aggregate of the taxes imposed by section 4491 for which such person was liable for payment for the preceding year.

“(4) NET LIABILITY FOR TAX.—For purposes of paragraph (1), the net liability for the tax imposed by section 4491 with respect to any taxable civil aircraft for any year is—

“(A) the amount of the tax imposed by such section, reduced by

“(B) the amount payable under section 6426 with respect to such aircraft for the year (determined without regard to section 6426(c)(2)).

“SEC. 4494. CROSS REFERENCE.

“For penalties and administrative provisions applicable to this subchapter, see subtitle F.”

(b) INSTALLMENT PAYMENT OF TAX.—

(1) Section 6156(a) (relating to installment payments of tax on use of highway motor vehicles) is amended by inserting “or 4491” after “4481”.

75 Stat. 125.

(2) Paragraph (2) of section 6156(e) is amended to read as follows:

“(2) July, August, or September of 1972, in the case of the tax imposed by section 4481.”

(c) REFUND FOR CERTAIN FOREIGN AIR COMMERCE.—Subchapter B of chapter 65 (relating to rules of special application) is amended by adding at the end thereof the following new section:

68A Stat. 794;
82 Stat. 262.
26 USC 6411-
6425.

“SEC. 6426. REFUND OF AIRCRAFT USE TAX WHERE PLANE TRANSPORTS FOR HIRE IN FOREIGN AIR COMMERCE.

“(a) **GENERAL RULE.**—In the case of any aircraft used in the business of transporting persons or property for compensation or hire by air, if any of such transportation during any period is transportation in foreign air commerce, the Secretary or his delegate shall pay (without interest) to the person who paid the tax under section 4491 for such period the amount determined by multiplying that portion of the amount so paid for such period which is determined under section 4491(a)(2) with respect to such aircraft by a fraction—

Ante, p. 243.

“(1) the numerator of which is the number of airport-to-airport miles such aircraft traveled in foreign air commerce during such period while engaged in such business, and

“(2) the denominator of which is the total number of airport-to-airport miles such aircraft traveled during such period.

“(b) DEFINITIONS.—For purposes of this section—

Definitions.

“(1) **FOREIGN AIR COMMERCE.**—The term ‘foreign air commerce’ means any movement by air of the aircraft which does not begin and end in the United States; except that any segment of such movement in which the aircraft traveled between two ports or stations in the United States shall be treated as travel which is not foreign air commerce.

“(2) **AIRPORT-TO-AIRPORT MILES.**—The term ‘airport-to-airport miles’ means the official mileage distance between airports as determined under regulations prescribed by the Secretary or his delegate.

“(c) PAYMENTS TO PERSONS PAYING TENTATIVE TAX.—In the case of any person who paid a tentative tax determined under section 4493(b) with respect to any aircraft for any period, the amount payable under subsection (a) with respect to such aircraft for such period—

“(1) shall be computed with reference to that portion of the tax imposed under section 4491 for such period which is determined under section 4491(a)(2), and

“(2) as so computed, shall be reduced by an amount equal to—

“(A) the amount by which that portion of the tax imposed under section 4491 for such period which is determined under section 4491(a)(2), exceeds

“(B) the amount of the tentative tax determined under section 4493(b) paid for such period.

“(d) TIME FOR FILING CLAIM.—Not more than one claim may be filed under this section by any person with respect to any year. No

claim shall be allowed under this subsection with respect to any year unless filed on or before the first September 30 after the end of such year.

“(e) **REGULATIONS.**—The Secretary or his delegate may by regulations prescribe the conditions, not inconsistent with the provisions of this section, under which payments may be made under this section or the amount to which any person is entitled under this section with respect to any period may be treated by such person as an overpayment which may be credited against the tax imposed by section 4491 with respect to such period.”

(d) **CLERICAL AMENDMENTS.**—

(1) The table of subchapters for chapter 36 is amended by adding at the end thereof the following:

“SUBCHAPTER E. Tax on use of civil aircraft.”

(2) The heading for section 6156 is amended by inserting “**AND CIVIL AIRCRAFT**” after “**HIGHWAY MOTOR VEHICLES**”.

(3) The table of sections for subchapter A of chapter 62 is amended by inserting “and civil aircraft” after “highway motor vehicles” in the item relating to section 6156.

(4) The table of sections for subchapter B of chapter 65 is amended by adding at the end thereof the following:

“Sec. 6426. Refund of aircraft use tax where plane transports for hire in foreign air commerce.”

SEC. 207. PAYMENTS WITH RESPECT TO CERTAIN USES OF GASOLINE AND SPECIAL FUELS.

(a) **PAYMENTS WITH RESPECT TO CERTAIN NONTAXABLE USES OF FUELS.**—Subchapter B of chapter 65 (relating to rules of special application) is amended by adding after section 6426 (as added by section 406(c) of this title) the following new section:

Ante, p. 245.

“SEC. 6427. FUELS NOT USED FOR TAXABLE PURPOSES.

“(a) **NONTAXABLE USES.**—Except as provided in subsection (f), if tax has been imposed under section 4041 (a), (b), or (c) on the sale of any fuel and, after June 30, 1970, the purchaser uses such fuel other than for the use for which sold, or resells such fuel, the Secretary or his delegate shall pay (without interest) to him an amount equal to—

75 Stat. 123;
Ante, p. 237.

“(1) the amount of tax imposed on the sale of the fuel to him, reduced by

“(2) if he uses the fuel, the amount of tax which would have been imposed under section 4041 on such use if no tax under section 4041 had been imposed on the sale of the fuel.

“(b) **LOCAL TRANSIT SYSTEMS.**—

“(1) **ALLOWANCE.**—Except as provided in subsection (f) if any fuel on the sale of which tax was imposed under section 4041 (a) or (b) is, after June 30, 1970, used by the purchaser during any calendar quarter in vehicles while engaged in furnishing scheduled common carrier public passenger land transportation service along regular routes, the Secretary or his delegate shall, subject to the provisions of paragraph (2), pay (without interest) to the purchaser the amount determined by multiplying—

“(A) 2 cents for each gallon of fuel so used on which tax was imposed at the rate of 4 cents a gallon, by

“(B) the percentage which the purchaser’s commuter fare revenue (as defined in section 6421(d)(2)) derived from such scheduled service during the quarter was of his total passenger fare revenue derived from such scheduled service during the quarter.

76 Stat. 119.

“(2) **LIMITATION.**—Paragraph (1) shall apply in respect of fuel used during any calendar quarter only if at least 60 percent of the total passenger fare revenue derived during the quarter

from scheduled service described in paragraph (1) by the purchaser was attributable to commuter fare revenue derived during the quarter by the purchaser from such scheduled service.

“(c) **USE FOR FARMING PURPOSES.**—Except as provided in subsection (f), if any fuel on the sale of which tax was imposed under section 4041 (a), (b), or (c) is, after June 30, 1970, used on a farm for farming purposes (within the meaning of section 6420(c)), the Secretary or his delegate shall pay (without interest) to the purchaser an amount equal to the amount of the tax imposed on the sale of the fuel. For purposes of this subsection, if fuel is used on a farm by any person other than the owner, tenant, or operator of such farm, such owner, tenant, or operator shall be treated as the user and purchaser of such fuel.

75 Stat. 123;
Ante, p. 237.
70 Stat. 87.

“(d) **TIME FOR FILING CLAIMS; PERIOD COVERED.**—

“(1) **GENERAL RULE.**—Except as provided in paragraph (2), not more than one claim may be filed under subsection (a), (b), or (c), by any person with respect to fuel used during his taxable year; and no claim shall be allowed under this paragraph with respect to fuel used during any taxable year unless filed by the purchaser not later than the time prescribed by law for filing a claim for credit or refund of overpayment of income tax for such taxable year. For purposes of this paragraph, a person's taxable year shall be his taxable year for purposes of subtitle A.

“(2) **EXCEPTION.**—If \$1,000 or more is payable under subsections (a) and (b) to any person with respect to fuel used during any of the first three quarters of his taxable year, a claim may be filed under this section by the purchaser with respect to fuel used during such quarter. No claim filed under this paragraph shall be allowed unless filed on or before the last day of the first quarter following the quarter for which the claim is filed.

“(e) **APPLICABLE LAWS.**—

“(1) **IN GENERAL.**—All provisions of law, including penalties, applicable in respect of the taxes imposed by section 4041 shall, insofar as applicable and not inconsistent with this section, apply in respect of the payments provided for in this section to the same extent as if such payments constituted refunds of overpayments of the tax so imposed.

“(2) **EXAMINATION OF BOOKS AND WITNESSES.**—For the purpose of ascertaining the correctness of any claim made under this section, or the correctness of any payment made in respect of any such claim, the Secretary or his delegate shall have the authority granted by paragraphs (1), (2), and (3) of section 7602 (relating to examination of books and witnesses) as if the claimant were the person liable for tax.

68A Stat. 901.

“(f) **INCOME TAX CREDIT IN LIEU OF PAYMENT.**—

“(1) **PERSONS NOT SUBJECT TO INCOME TAX.**—Payment shall be made under this section only to—

“(A) the United States or an agency or instrumentality thereof, a State, a political subdivision of a State, or any agency or instrumentality of one or more States or political subdivisions, or

“(B) an organization exempt from tax under section 501 (a) (other than an organization required to make a return of the tax imposed under subtitle A for its taxable year).

26 USC 501.

“(2) **EXCEPTION.**—Paragraph (1) shall not apply to a payment of a claim filed under subsection (d) (2).

“(3) ALLOWANCE OF CREDIT AGAINST INCOME TAX.—

“For allowances of credit against the income tax imposed by subtitle A for fuel used or resold by the purchaser, see section 39.

“(g) REGULATIONS.—The Secretary or his delegate may by regulations prescribe the conditions, not inconsistent with the provisions of this section, under which payments may be made under this section.

“(h) CROSS REFERENCES.—

“(1) For civil penalty for excessive claims under this section, see section 6675.

“(2) For fraud penalties, etc., see chapter 75 (section 7201 and following, relating to crimes, other offenses, and forfeitures).”

79 Stat. 165.

(b) TIME FOR FILING CLAIMS.—Section 6420(b)(2)(B) (relating to gasoline used on farms), section 6421(c)(3)(A)(ii) (relating to gasoline used for certain nonhighway purposes or by local transit systems), and section 6424(b)(1) (relating to lubricating oil not used in highway vehicles) are each amended by striking out “time prescribed by law for filing an income tax return for such taxable year” and inserting in lieu thereof “time prescribed by law for filing a claim for credit or refund of overpayment of income tax for such taxable year”.

79 Stat. 137.

79 Stat. 167.
26 USC 39.

(c) CREDIT AGAINST INCOME TAX.—Section 39 (relating to certain uses of gasoline and lubrication oil) is amended—

(1) by inserting “, **SPECIAL FUELS**,” after “**GASOLINE**” in the heading of such section;

(2) by striking out “and” at the end of subsection (a)(2), by striking out the period at the end of subsection (a)(3) and inserting in lieu thereof “, and”, and by adding at the end of subsection (a) the following new paragraph:

Ante, p. 246.

“(4) under section 6427 with respect to fuels used for non-taxable purposes or resold during the taxable year (determined without regard to section 6427(f)).”;

(3) by striking out “6421 or 6424” in subsection (c) and inserting in lieu thereof “6421, 6424, or 6427”; and

(4) by striking out “6421(i) or 6424(g)” in subsection (c) and inserting in lieu thereof “6421(i), 6424(g), or 6427(f)”.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

79 Stat. 167,
168.

(1) Sections 874(a), 6201(a)(4), and 6401(b) are each amended by striking out “uses of gasoline and lubricating oil” and inserting in lieu thereof “uses of gasoline, special fuels, and lubricating oil”.

(2) The heading of section 6201(a)(4) is amended by striking out “FOR USE OF GASOLINE” and inserting in lieu thereof “UNDER SECTION 39”.

79 Stat. 139.

(3) Section 6206 is amended—

(A) by striking out “**AND 6424**” in the heading of such section and inserting in lieu thereof “**6424, AND 6427**”;

(B) by striking out “or 6424” each place it appears in the text of such section and inserting in lieu thereof “6424, or 6427”; and

(C) by striking out “by section 4081 (or, in the case of lubricating oil, by section 4091)” and inserting in lieu thereof “by section 4081 (with respect to payments under sections 6420 and 6421), 4091 (with respect to payments under section 6424), or 4041 (with respect to payments under section 6427)”.

72 Stat. 1306.

(4) Section 6416(b)(2)(G) is amended by inserting “before July 1, 1970” after “if”.

(5) Section 6416(b)(2)(H) is amended by inserting "beginning before July 1, 1970," after "during any calendar quarter".

72 Stat. 1306.
26 USC 6416.

(6) Section 6416(b)(2)(I) is amended by inserting "before July 1, 1970," after "used or resold for use".

(7) Section 6416(b)(2)(J) is amended by inserting "before July 1, 1970," after "used or resold for use".

(8) Section 6675 is amended—

70 Stat. 90;
79 Stat. 139.

(A) by striking out "GASOLINE" in the heading of such section and inserting in lieu thereof "FUELS";

(B) by striking out "or" before "6424" in subsection (a), and by inserting after "motor vehicles)" in such subsection "or 6427 (relating to fuels not used for taxable purposes)"; and

(C) by striking out "or 6424" in subsection (b)(1) and inserting in lieu thereof "6424, or 6427".

(9) Sections 7210, 7603, and 7604, and the first sentence of section 7605(a) are each amended by inserting "6427(e)(2)," after "6424(d)(2),". The second sentence of section 7605(a) is amended by striking out "or 6424(d)(2)" and inserting in lieu thereof "6424(d)(2), or 6427(e)(2)".

68A Stat. 854,
902.

(10) The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting "special fuels," after "gasoline" in the item relating to section 39.

(11) The table of sections for subchapter A of chapter 63 is amended by striking out "and 6424" in the item relating to section 6206 and inserting in lieu thereof "6424, and 6427".

(12) The table of sections for subchapter B of chapter 65 is amended by adding at the end thereof the following new item:

"Sec. 6427. Fuels not used for taxable purposes."

(13) The table of sections for subchapter B of chapter 68 is amended by striking out "gasoline" in the item relating to section 6675 and inserting in lieu thereof "fuels".

(e) HIGHWAY TRUST FUND AMENDMENTS.—Subsection (f) of section 209 of the Highway Revenue Act of 1956 (23 U.S.C., sec. 120 note) is amended—

70 Stat. 399.

(1) by inserting at the end of paragraph (3) the following new sentence: "This paragraph shall not apply to amounts estimated by the Secretary of the Treasury as paid under sections 6420 and 6421 of such Code with respect to gasoline used after June 30, 1970, in aircraft.";

Ante, p. 241.

(2) by striking out "GASOLINE AND LUBRICATING OIL" in the heading of paragraph (6) and inserting in lieu thereof "GASOLINE, SPECIAL FUELS, AND LUBRICATING OIL";

79 Stat. 168.

(3) by striking out "(relating to credit for certain uses of gasoline and lubricating oil) with respect to gasoline and lubricating oil" in the first sentence of paragraph (6) and inserting in lieu thereof "(relating to credit for certain uses of gasoline, special fuels, and lubricating oil) with respect to gasoline, special fuels, and lubricating oil";

(4) by adding at the end of paragraph (6) the following new sentence: "This paragraph shall not apply to amounts estimated by the Secretary of the Treasury as attributable to the use after June 30, 1970, of gasoline and special fuels in aircrafts."; and

(5) by adding after paragraph (6) the following new paragraph:

"(7) TRANSFERS FROM TRUST FUND FOR NONTAXABLE USES OF FUELS.—The Secretary of the Treasury shall pay from time to time from the Trust Fund into the general fund of the Treasury amounts equivalent to the amounts paid before July 1, 1973, under

Ante, p. 246.

section 6427 of the Internal Revenue Code of 1954 (relating to fuels not used for taxable purposes) on the basis of claims filed for fuels used before October 1, 1972. This paragraph shall not apply to amounts estimated by the Secretary of the Treasury as paid under such section 6427 with respect to fuels used in aircraft."

SEC. 208. AIRPORT AND AIRWAY TRUST FUND.

(a) **CREATION OF TRUST FUND.**—There is established in the Treasury of the United States a trust fund to be known as the "Airport and Airway Trust Fund" (hereinafter in this section referred to as the "Trust Fund"), consisting of such amounts as may be appropriated or credited to the Trust Fund as provided in this section.

(b) **TRANSFER TO TRUST FUND OF AMOUNTS EQUIVALENT TO CERTAIN TAXES.**—There is hereby appropriated to the Trust Fund—

(1) amounts equivalent to the taxes received in the Treasury after June 30, 1970, and before July 1, 1980, under subsections (c) and (d) of section 4041 (taxes on aviation fuel) and under sections 4261, 4271, and 4491 (taxes on transportation by air and on use of civil aircraft) of the Internal Revenue Code of 1954;

(2) amounts determined by the Secretary of the Treasury to be equivalent to the taxes received in the Treasury after June 30, 1970, and before July 1, 1980, under section 4081 of such Code, with respect to gasoline used in aircraft; and

(3) amounts determined by the Secretary of the Treasury to be equivalent to the taxes received in the Treasury after June 30, 1970, and before July 1, 1980, under paragraphs (2) and (3) of section 4071(a) of such Code, with respect to tires and tubes of the types used on aircraft.

The amounts appropriated by paragraphs (1), (2), and (3) shall be transferred at least quarterly from the general fund of the Treasury to the Trust Fund on the basis of estimates made by the Secretary of the Treasury of the amounts referred to in paragraphs (1), (2), and (3) received in the Treasury. Proper adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(c) **TRANSFER OF UNEXPENDED FUNDS.**—At the close of June 30, 1970, there shall be transferred to the Trust Fund all unexpended funds which have been appropriated before July 1, 1970, out of the general fund of the Treasury to meet obligations of the United States (1) described in subparagraph (B) or (C) of subsection (f) (1) of this section, or (2) incurred under the Federal Airport Act (49 U.S.C., sec. 1101 et seq.).

(d) **APPROPRIATION OF ADDITIONAL SUMS.**—There are hereby authorized to be appropriated to the Trust Fund such additional sums as may be required to make the expenditures referred to in subsection (f) of this section.

(e) **MANAGEMENT OF TRUST FUND.**—

(1) **REPORT.**—It shall be the duty of the Secretary of the Treasury to hold the Trust Fund, and (after consultation with the Secretary of Transportation) to report to the Congress each year on the financial condition and the results of the operations of the Trust Fund during the preceding fiscal year and on its expected condition and operations during the next five fiscal years. Such report shall be printed as a House document of the session of the Congress to which the report is made.

Ante, p. 237.
Ante, pp. 238,
239, 243.

68A Stat. 483;
75 Stat. 123.
26 USC 4081.

70 Stat. 388;
75 Stat. 124.

60 Stat. 170.

Report to
Congress.

(2) INVESTMENT.—

(A) IN GENERAL.—It shall be the duty of the Secretary of the Treasury to invest such portion of the Trust Fund as is not, in his judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired (i) on original issue at the issue price, or (ii) by purchase of outstanding obligations at the market price. The purposes for which obligations of the United States may be issued under the Second Liberty Bond Act, as amended, are hereby extended to authorize the issuance at par of special obligations exclusively to the Trust Fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the Public Debt; except that where such average rate is not a multiple of one-eighth of 1 percent, the rate of interest of such special obligations shall be the multiple of one-eighth of 1 percent next lower than such average rate. Such special obligations shall be issued only if the Secretary of the Treasury determines that the purchase of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States on original issue or at the market price, is not in the public interest.

40 Stat. 288.
31 USC 774.

(B) SALE OF OBLIGATIONS.—Any obligation acquired by the Trust Fund (except special obligations issued exclusively to the Trust Fund) may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest.

(C) INTEREST ON CERTAIN PROCEEDS.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

(3) APPLICABILITY OF PARAGRAPH (2).—Paragraph (2) of this subsection shall not apply until the beginning of the fiscal year immediately following the first fiscal year beginning after June 30, 1970, in which the receipts of the Trust Fund under subsection (b) exceed 80 percent of the expenditures from the Trust Fund under subsection (f) (1).

(f) EXPENDITURES FROM TRUST FUND.—

(1) AIRPORT AND AIRWAY PROGRAM.—Amounts in the Trust Fund shall be available, as provided by appropriation Acts, for making expenditures after June 30, 1970, and before July 1, 1980, to meet those obligations of the United States—

(A) hereafter incurred under title I of this Act (as in effect on the date of the enactment of this Act), or incurred at any time before July 1, 1970, under the Federal Airport Act (49 U.S.C., sec. 1101 et seq.);

Ante, p. 219.

(B) heretofore or hereafter incurred under the Federal Aviation Act of 1958, as amended (49 U.S.C., sec. 1301 et seq.), which are attributable to planning, research and

60 Stat. 170.

72 Stat. 731.

development, construction, or operation and maintenance of—

- (i) air traffic control,
 - (ii) air navigation,
 - (iii) communications, or
 - (iv) supporting services,
- for the airway system; or

(C) for those portions of the administrative expenses of the Department of Transportation which are attributable to activities described in subparagraph (A) or (B).

(2) **TRANSFERS FROM TRUST FUND ON ACCOUNT OF CERTAIN REFUNDS.**—The Secretary of the Treasury shall pay from time to time from the Trust Fund into the general fund of the Treasury amounts equivalent to—

(A) the amounts paid after June 30, 1970, and before July 1, 1980, in respect of fuel used in aircraft, under sections 6420 (relating to amounts paid in respect of gasoline used on farms), 6421 (relating to amounts paid in respect of gasoline used for certain nonhighway purposes), and 6427 (relating to fuels not used for taxable purposes) of the Internal Revenue Code of 1954, and

(B) the amounts paid under section 6426 of such Code (relating to refund of aircraft use tax where plane transports for hire in foreign air commerce),

on the basis of claims filed for periods beginning after June 30, 1970.

(3) **TRANSFERS FROM TRUST FUND ON ACCOUNT OF CERTAIN SECTION 39 CREDITS.**—The Secretary of the Treasury shall pay from time to time from the Trust Fund into the general fund of the Treasury amounts equivalent to the credits allowed under section 39 of the Internal Revenue Code of 1954 with respect to fuel used in aircraft during taxable years ending after June 30, 1970, and beginning before July 1, 1980, and attributable to use after June 30, 1970, and before July 1, 1980. Such amounts shall be transferred on the basis of estimates by the Secretary of the Treasury, and proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the credits allowed.

(g) **HIGHWAY TRUST FUND AMENDMENT.**—Subsection (c) of section 209 of the Highway Revenue Act of 1956 (23 U.S.C., sec. 120 note) is amended by adding at the end thereof the following new paragraph:

“(5) **ADJUSTMENTS FOR AVIATION USES.**—The amounts described in paragraphs (1)(A) and (3)(A) with respect to any period shall (before the application of this subsection) be reduced by appropriate amounts to reflect any amounts transferred to the Airport and Airway Trust Fund under section 208(b) of the Airport and Airway Revenue Act of 1970 with respect to such period. The amounts described in paragraphs (1)(E) and (3)(C) with respect to any period shall (before the application of this subsection) be reduced by appropriate amounts to reflect any amounts transferred to the Airport and Airway Trust Fund under section 208(b)(3) of the Airport and Airway Revenue Act of 1970 with respect to such period.”

SEC. 209. INVESTIGATION AND REPORT TO CONGRESS.

(a) **STUDY AND INVESTIGATION.**—The Secretary of Transportation is hereby authorized and directed, in cooperation with such other Federal officers and agencies as may be designated by the President and through full consultation with and consideration of the views of the users of the system, to make a study and investigation to make

70 Stat. 87;
79 Stat. 165.
Ante, p. 241.

Ante, p. 246.
Ante, p. 245.

Ante, p. 248.

70 Stat. 397.

Ante, p. 250.

available to the Congress information on the basis of which it may determine what revisions, if any, of the taxes imposed by the United States should be made in order to assure, insofar as practicable, an equitable distribution of the tax burden among the various classes of persons using the airports and airways of the United States or otherwise deriving benefits from such airports and airways.

(b) **REPORTS.**—The Secretary of Transportation shall report to the Congress the results of the study and investigation required by subsection (a). The final report shall be made as soon as possible but in no event later than March 1, 1972. On or before March 1, 1971, the Secretary of Transportation shall report to the Congress the progress that has been made in carrying out the study and investigation required by subsection (a). Each such report shall be printed as a House document of the session of the Congress to which the report is made. In addition, the Secretary of Transportation shall identify the costs to the Federal Government that should appropriately be charged to the system and the value to be appropriately assigned to the general public benefit.

Reports to
Congress.

(c) **FUNDS FOR STUDY AND INVESTIGATION.**—There are hereby authorized to be appropriated out of the Airport and Airway Trust Fund such sums as may be necessary to enable the Secretary of Transportation to carry out the provisions of this section.

Appropriations.

SEC. 210. APPLICATION OF CERTAIN OTHER TAX PROVISIONS.

(a) Nothing in this title or in any other law of the United States shall prevent the application of sections 104 through 110 of title 4 of the United States Code to civil airports owned by the United States.

61 Stat. 644;
70 Stat. 799.

(b) Subsection (a) shall not apply to—

(1) sales or use taxes in respect of fuels for aircraft or in respect of other servicing of aircraft, or

(2) taxes, fees, head charges, or other charges in respect of the landing or taking off of aircraft or aircraft passengers or freight.

(c) In the case of any lease in effect on September 28, 1969, subsection (a) shall not authorize the levy or collection of any tax in respect of any transaction occurring, or any service performed, pursuant to such lease before the expiration of such lease (determined without regard to any renewal or extension of such lease made after September 28, 1969). For purposes of the preceding sentence, the term "lease" includes a contract.

"Lease."

SEC. 211. EFFECTIVE DATES.

(a) **GENERAL RULE.**—Except as provided in subsection (b), the amendments made by this title shall take effect on July 1, 1970.

(b) **EXCEPTIONS.**—The amendments made by sections 203 and 204 shall apply to transportation beginning after June 30, 1970. The amendments made by subsections (a), (b), and (c) of section 207 shall apply with respect to taxable years ending after June 30, 1970.

Approved May 21, 1970.

Public Law 91-259

AN ACT

To provide for the disposition of judgment funds of the Confederated Tribes of the Umatilla Indian Reservation.

May 21, 1970
[H. R. 9477]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the entire unexpended balance of funds that were appropriated by the Act of May 13, 1966 (80 Stat. 141) to pay a judgment by the Indian Claims

Confederated
Tribes of the
Umatilla Reserva-
tion.
Judgment funds,
disposition.

Commission entered in docket numbers 264, 264A, and 264B in favor of the Confederated Tribes of the Umatilla Indian Reservation, and the interest thereon, less litigation expenses, estimated costs of distribution, and \$200,000 to be used as provided in section 5 of this Act, shall be distributed, per capita, in equal shares to all eligible members of the Confederated Tribes as defined in this Act under such terms and conditions as are authorized by the tribal governing body and approved by the Secretary of the Interior, including the establishment of trusts for minors and incompetents. Payments to heirs or legatees shall be made upon proof of death and inheritance satisfactory to the Secretary, whose findings shall be final and conclusive. Such per capita distribution shall be made in three installments of approximately equal amount, the first installment to be made as soon as possible after the date of this Act and the next two installments to be made at six-month intervals.

Eligibility.

SEC. 2. The persons eligible to receive such per capita payments shall be all persons who were living on December 17, 1965, and whose names appear on any of the following:

(a) The membership roll of the Confederated Tribes as of June 15, 1957, as approved by the Bureau of Indian Affairs on January 10, 1958, or

(b) The supplemental membership roll as of April 12, 1960, approved by the Bureau of Indian Affairs on January 27, 1961, and also any other persons born after July 1, 1949, and living on or at any time between December 17, 1965, and the date of this Act who were either enrolled as of the date of this Act or became entitled to enrollment under section (b), article IV of the constitution and bylaws of the Confederated Tribes adopted November 4, 1949, as determined by the Secretary of the Interior or his authorized representative.

SEC. 3. Until distributed such funds shall remain tribal funds and the shares herein designated for the eligible members shall constitute inheritable property from and after December 17, 1965.

Tax exemption.

SEC. 4. The per capita distributions of such funds shall not be subject to Federal or State income tax.

Education fund.

SEC. 5. The \$200,000 withheld from per capita distribution pursuant to section 1 of this Act shall be invested or placed in trust with an institutional trustee by the Secretary of the Interior, under terms and conditions approved by the tribal governing body. The income from the investment or trust, together with such invasions of the principal or trust corpus as the Secretary deems desirable, shall be used for the education of members of the tribe until such time as the tribal governing body, with the approval of the Secretary, determines that the funds should be used in some other manner.

Approved May 21, 1970.

Public Law 91-260

JOINT RESOLUTION

To further amend the Elementary and Secondary Education Act.

May 21, 1970
[S. J. Res. 199]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, effective April 13, 1970, clause (A) in clause (1) of section 5(c) of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress) is amended by striking out "at least 10 per centum" and inserting in lieu thereof "at least 6 per centum".

Ante, p. 157.

Approved May 21, 1970.

Public Law 91-261

AN ACT

To authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard.

May 21, 1970
[H. R. 15694]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That funds are hereby authorized to be appropriated for fiscal year 1971 for the use of the Coast Guard as follows:

U. S. Coast Guard.
Appropriation
authorization.

VESSELS

For procurement and increasing capability of vessels, \$62,295,000.

A. Procurement:

- (1) one replacement polar icebreaker.
- (2) design of vessels.

None of the vessels authorized herein shall be procured from other than shipyards and facilities within the United States.

B. Increasing capability:

- (1) increase fuel capacity and improve habitability on high endurance cutters of the three hundred and twenty-seven foot class.
- (2) improve habitability on cutter Storis and selected buoy tenders.

AIRCRAFT

For procurement and extension of service life of aircraft, \$12,865,000.

A. Procurement:

- (1) six medium range helicopters.

B. Extension of service life:

- (1) replace center wing box beam on seven HC-130 aircraft.

CONSTRUCTION

For establishment or development of installations and facilities by acquisition, construction, conversion, extension, or installation of permanent or temporary public works, including the preparation of sites and furnishing of appurtenances, utilities, and equipment for the following, \$24,840,000:

- (1) San Francisco, California: complete radio station construction;
- (2) Washington and Oregon: relocate and improve communications facilities;
- (3) Portsmouth, Virginia: consolidate and improve facilities;
- (4) Neah Bay, Washington: improve station facilities;
- (5) Barnegat, New Jersey: improve station facilities;
- (6) Barbers Point, Hawaii: improve air station facilities;
- (7) Governor's Island, New York: improve base facilities;
- (8) Western Long Island, Connecticut and New York: improve station facilities;
- (9) Curtis Bay, Maryland: modernize and replace yard equipment and utilities;
- (10) Various locations: transportable pollution control equipment;
- (11) Various locations: aids to navigation projects on selected waterways;
- (12) Various locations: automate light stations;

- (13) Various locations: modernize LORAN C equipment;
 - (14) Various locations: modernize LORAN-A equipment;
 - (15) Alaska: improve and rehabilitate selected loran stations;
 - (16) Various locations: public family quarters; and
 - (17) Various locations: advance planning, survey, design, and architectural services; project administration costs; acquire sites in connection with projects not otherwise authorized by law.
- Approved May 21, 1970.

Public Law 91-262

AN ACT

May 21, 1970
[H. R. 10106]

To amend title 38, United States Code, to revise the definition of the term "child" to recognize an adopted child of a veteran as a dependent from the date of issuance of an interlocutory decree, to increase the rates of dependency and indemnity compensation payable to dependent children of deceased veterans, and for other purposes.

Veterans.
Adopted
"child."
72 Stat. 1106;
73 Stat. 424.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection 101(4) of title 38, United States Code, is amended by adding at the end thereof the following sentence:

"A person with respect to whom an interlocutory decree of adoption has been issued by an appropriate adoption authority shall be recognized thereafter as a legally adopted child, unless and until that decree is rescinded: *Provided*, That the child remains in the custody of the adopting parent or parents during the interlocutory period."

80 Stat. 1159.

SEC. 2. Section 413 of title 38, United States Code, is amended to read as follows:

"§ 413. Dependency and indemnity compensation to children

"Whenever there is no widow of a deceased veteran entitled to dependency and indemnity compensation, dependency and indemnity compensation shall be paid in equal shares to the children of the deceased veteran at the following monthly rates:

"(1) One child, \$88.

"(2) Two children, \$127.

"(3) Three children, \$164.

"(4) More than three children, \$164, plus \$32 for each child in excess of three."

SEC. 3. (a) Subsection (a) of section 414 of title 38, United States Code, is amended by striking out "\$29" and inserting in lieu thereof "\$32".

(b) Subsection (b) of section 414 of such title is amended by striking out "\$80" and inserting in lieu thereof "\$88".

(c) Subsection (c) of section 414 of such title is amended by striking out "\$41" and inserting in lieu thereof "\$45".

Effective date.

SEC. 4. The amendments made by sections 2 and 3 of this Act shall become effective on the first day of the second calendar month following the month in which this Act is enacted.

Approved May 21, 1970.

Public Law 91-263

AN ACT

To make certain revisions in the retirement benefits of District of Columbia public school teachers and other educational employees, and for other purposes.

May 22, 1970
[H. R. 15980]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) The last sentence of the first paragraph of section 13 of the Act entitled "An Act for the retirement of public school teachers in the District of Columbia", approved August 7, 1946 (D.C. Code, sec. 31-733), is amended to read as follows: "The term 'average salary' shall mean the largest annual rate resulting from averaging, over any period of three consecutive years of eligible service, or in the case of a survivor annuity under subsection (b) of section 9 of this Act based on service of less than three years, over the total eligible service in the public schools of the District of Columbia, a teacher's rates of annual salary in effect during such period, with each rate weighted by the time it was in effect."

(b) The first paragraph of section 8 of such Act (D.C. Code, sec. 31-728) is amended—

(1) by inserting after the first sentence thereof the following new sentences: "In computing an annuity under section 5(a) of this Act the total service of a teacher shall include days of unused sick leave credited to him. No deposit may be required for days of unused sick leave included in a teacher's total service under the preceding sentence. Days of unused sick leave shall not be counted in determining a teacher's average salary or his eligibility for an annuity."; and

(2) by striking out "This section" in the last sentence of such paragraph and inserting in lieu thereof "Except as otherwise provided in this paragraph, this section".

(c) Section 21 of such Act (D.C. Code, sec. 31-739a) is amended—

(1) by inserting "1 per centum plus" immediately after "shall be increased by" in subsection (b); and (2) by amending subsection (c) (2) to read as follows:

"(2) For the purpose of computing the annuity of a child under subsection (b) (2) of section 9 of this Act that commences on or after the first day of the first month that begins on or after the effective date of the District of Columbia Teachers' Retirement Amendments of 1970, the items \$900, \$1,080, \$2,700, and \$3,240 appearing in subsection (b) (2) of section 9 of this Act shall be increased by the total per centum increases allowed and in force under this section on or after such day and, in case of a deceased annuitant, the items 60 per centum and 75 per centum appearing in subsection (b) (2) of section 9 of this Act shall be increased by the total per centum allowed and in force to the annuitant under this section on or after such day".

(d) (1) The first sentence of the first section of such Act (D.C. Code, sec. 31-721) is amended to read as follows: "Beginning on the first day of the first pay period which begins after December 31, 1969, there shall be deducted and withheld from the annual salary of each teacher in the public schools of the District of Columbia an amount equal to 7 per centum of the teacher's annual salary."

(2) The amendment made by this subsection shall not apply to any persons retired or otherwise separated prior to the date of enactment of this Act.

District of Columbia Teachers' Retirement Amendments of 1970.

71 Stat. 48.
"Average salary."

66 Stat. 19;
81 Stat. 748.
D.C. Code
31-729.

Service credit for unused sick leave.
60 Stat. 879.

66 Stat. 17;
81 Stat. 748.
D.C. Code
31-725.

80 Stat. 266.

Increased annuities for children.
Post, p. 258.

Deductions.
71 Stat. 46.

Nonapplicability.

Survivor annuities.
66 Stat. 19;
81 Stat. 748.

(e) Subsection (b) of section 9 of such Act (D.C. Code, sec. 31-729 (b)) is amended—

(1) by amending the first sentence of paragraph (1) to read as follows:

“(b) (1) In the event any teacher to whom this subchapter applies shall die subsequent to March 6, 1952, after completing at least eighteen months of eligible service and is survived by a widow, or dependent widower, such widow or dependent widower shall be paid an annuity beginning the day after the teacher dies, equal to 55 per centum of the amount of an annuity computed as provided in subsection (a) of section 5 of this Act with respect to such teacher, except that in the computation of the annuity under such subsection the annuity of the teacher shall be at least the smaller of (i) 40 per centum of his average salary, or (ii) the sum obtained under such subsection after increasing his eligible service of the type last performed by the period elapsing between the date of death and the date he would have become sixty years of age.”;

(2) by amending the first two sentences of paragraph (2) to read as follows:

“(2) If any teacher to whom this subchapter applies shall die after completing at least eighteen months of eligible service or after having retired under the provisions of section 3 or section 4 of this Act and is survived by a wife or husband, each surviving child shall be paid an annuity equal to the smallest of (a) 60 per centum of the teacher's average salary divided by the number of children, (b) \$900, or (c) \$2,700 divided by the number of children. If such teacher is not survived by a wife or husband, each surviving child shall be paid an annuity equal to the smallest of (a) 75 per centum of the teacher's average salary divided by the number of children, (b) \$1,080, or (c) \$3,240 divided by the number of children.”; and

(3) by amending paragraph (3) to read as follows:

“(3) In the event any teacher to whom this subchapter applies shall die subsequent to March 6, 1952, after completing at least eighteen months of eligible service, and is not survived by a widow, a dependent widower, and/or children, but is survived by dependent parents or a dependent father or a dependent mother, such surviving dependent parents or parent shall be paid an annuity, beginning the first day of the month following the death of the teacher, equal to 55 per centum of the amount of an annuity computed as provided in subsection (a) of section 5 of this Act with respect to such teacher, except that, in the computation of the annuity under such subsection, the annuity of the teacher shall be at least the smaller of (i) 40 per centum of his average salary, or (ii) the sum obtained under such subsection after increasing his eligible service of the type last performed by the period elapsing between the date of death and the date he would have become sixty years of age: *Provided*. That such payments shall be made jointly to surviving dependent parents and payment of such annuity shall continue after the death of either dependent parent: *Provided further*. That all such payments or any right thereto shall cease upon the death of both dependent parents.”

(f) (1) The second sentence of subsection (b) (1) of section 5 of such Act (D.C. Code, sec. 31-725(b) (1)) is amended by striking out “, excluding any increase because of retirement under section 4 of this Act,”.

(2) The first sentence of subsection (b) (2) of section 5 of such Act (D.C. Code, sec. 31-725(b) (2)) is amended by striking out “50” and inserting in lieu thereof “55”.

(g) Such Act is amended by adding at the end thereof the following new section:

D.C. Code 31-723, 31-724.

D.C. Code 31-725.

Annuity computation.
71 Stat. 46.

Option.
66 Stat. 17.

"SEC. 23. Effective on (a) the first day of the first month which begins after October 20, 1969, or (b) the commencing date of annuity, whichever is later, the annuity of each surviving spouse whose entitlement to annuity payable from the District of Columbia teachers' retirement and annuity fund resulted from the death of:

"(1) a teacher prior to October 24, 1962, or

"(2) a retired teacher whose retirement was based on a separation from service prior to October 24, 1962, shall be increased by 10 per centum."

SEC. 2. (a) The amendments made by subsections (a), (b), (e) (1), (e) (3), and (f) of section 1 of this Act shall not apply in the case of persons retired or otherwise separated prior to October 20, 1969, and the rights of such persons and their survivors shall continue in the same manner and to the same extent as if such amendments had not been made.

(b) The amendment made by subsection (c) (1) of section 1 of this Act shall apply only to determinations of amounts of annuity increases which are made after October 20, 1969, under section 21 of the Act of August 7, 1946 (D.C. Code, sec. 31-739a).

(c) (1) The amendment made by subsection (e) (2) of section 1 of this Act shall become effective on the first day of the first month which begins after October 20, 1969.

(2) The annuity of each surviving child who, immediately prior to the effective date of such amendment is receiving an annuity under subsection (b) (2) of section 9 of such Act (D.C. Code, sec. 31-729 (b) (2)) or under a comparable provision of any prior law, or who hereafter becomes entitled to receive annuity under such Act shall be recomputed effective on such date, or computed from commencing date if later, in accordance with such amendment. No increase allowed or in force prior to such date shall be included in the computation or recomputation of any such annuity. This paragraph shall not operate to reduce any annuity.

SEC. 3. The Act entitled "An Act for the retirement of public school teachers in the District of Columbia", approved August 7, 1946, as amended (60 Stat. 875; D.C. Code, sec. 31-721 to 739) is amended by inserting the following section after the first section:

"SEC. 1A. (a) Any teacher who enters on approved leave without pay to serve as a full-time officer or employee of an organization composed primarily of teachers, for the purpose of bargaining with the District of Columbia concerning grievances, disputes, hours of employment, or conditions of work, may, within sixty days after entering on such leave without pay, file with the Board of Education of the District of Columbia an election to receive full retirement credit for his periods of that leave without pay and arrange to pay currently into the teachers' retirement fund established pursuant to this Act, through the Board of Education, amounts equal to the retirement deductions plus additional amounts equivalent to such amounts, in lieu of District of Columbia contributions which would be applicable if he were in pay status. A teacher who is on approved leave without pay and serving as a full-time officer or employee of such an organization on the date of enactment of this section may similarly make such election within sixty days after such date of enactment. If the election and all payments herein provided are not made, the teacher shall receive no credit for such periods of leave without pay occurring on or after the date of enactment of this section.

"(b) A teacher may deposit with interest at 4 per centum compounded annually an amount equal to retirement deductions representing any period or periods of approved leave without pay while serving, prior to the date of enactment of this section, as a full-time

Nonapplicability.
Ante, p. 257.

Ante, p. 257.
Effective date.
Ante, p. 258.

Recomputed annuity of surviving child.
Ante, p. 258.

81 Stat. 751.
D.C. Code 31-721 to 31-739c.
Retirement credit for leave without pay.

Matching retirement deposit.

officer or employee of an organization composed primarily of teachers, and may receive full retirement credit for such period or periods of leave without pay. In the event of the death of such teacher any individual entitled to annuity under this Act may make such deposit."

Appropriation
calculation.

SEC. 4. Section 7 of the Act entitled "An Act for the retirement of public school teachers in the District of Columbia", approved August 7, 1946 (60 Stat. 879, as amended: D.C. Code, sec. 31-727), is amended to read as follows:

"SEC. 7. The amount of each year's appropriation shall be such amount as is necessary to maintain during such fiscal year a balance in the teachers' retirement fund approximately equal, to the nearest million dollars, to the balance in that fund on June 30, 1969, or such amount as is necessary to maintain the equity in such fund of all teachers, active and retired, whichever amount is greater. If at any time the balance in the Teachers' Retirement Fund is not sufficient to meet all obligations against such fund, the fund will have a claim on the District of Columbia revenues to the extent necessary to meet such obligations."

Effective dates.

SEC. 5. (a) Section 1 of this Act, except for subsection (d), shall be effective October 20, 1969.

(b) Subsection (d) of section 1 of the Act shall be effective on the first day of the first pay period which begins after December 31, 1969.

(c) Sections 3 and 4 of this Act shall be effective on the date of enactment.

Short title.

SEC. 6. This Act may be cited as the "District of Columbia Teachers' Retirement Amendments of 1970."

Approved May 22, 1970.

Public Law 91-264

AN ACT

May 22, 1970
[H. R. 4869]

To further the economic advancement and general welfare of the Hopi Indian Tribe of the State of Arizona.

Indians.
Hopi Tribe,
Arizona.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That, for the purpose of assisting in the economic advancement and contributing to the general welfare of the Hopi Indian Tribe of Arizona, the Congress hereby finds it to be fitting and appropriate to provide the Hopi Tribal Council with certain powers of self-determination that are necessary to enable the Hopi people to carry out the effective development and operation of the Hopi Industrial Park, which is located in the counties of Navajo and Coconino in the State of Arizona.

Delegation of
powers.

SEC. 2. The Hopi Tribal Council shall have the following powers:

(a) To sell any part of the lands within the Hopi Industrial Park.

(b) To execute mortgages upon, or deeds of trust to, the lands within said Hopi Industrial Park. Such lands shall be subject to foreclosure or sale pursuant to the terms of such mortgage or deed of trust in accordance with the laws of the State of Arizona. The United States shall be an indispensable party to, and may be joined in, any such proceeding involving said lands with the right to remove the action to the United States district court for the district in which the land is situated, according to the procedure in section 1446, of title 28 United States Code, and the United States shall have the right to appeal from any order of remand entered in such action.

(c) To pledge any revenue or other income from lands within said Hopi Industrial Park, and the improvements situated thereon, and any

62 Stat. 939;
79 Stat. 887.

other revenue or income that may be available to the Hopi Tribe without regard to source, to secure any indebtedness of the Hopi Tribe incurred in the development of said Hopi Industrial Park, and any action to enforce said pledge shall be in accordance with the laws of the State of Arizona, and the United States shall be an indispensable party thereto to the same extent and under the same conditions as hereinbefore provided in the case of mortgage foreclosures.

(d) To issue bonds for and on behalf of the Hopi Tribe, and pay the costs thereof, to accomplish the purposes of this Act, in one or more series, in such denomination or denominations, maturing at such time or times, and in such amount or amounts, bearing interest at such rate or rates, in such form either coupon or registered, to be executed in such manner, payable in such medium of payment, at such place or places, subject to such terms of redemption, with or without premium, and containing such other restrictive terms as may be provided by tribal ordinance. Such bonds may be sold at not less than par at either public or private sale and shall be fully negotiable.

(e) To appoint a bank or trust company with its home office in the State of Arizona having an officially reported combined capital, surplus, undivided profits and reserves aggregating not less than \$10,000,000 as trustee for all of the purposes provided in the ordinance authorizing and creating any issue of bonds. Any trustee so appointed may be authorized to commence an action for and on behalf of, or on relation of, the Hopi Tribe to enforce any obligation to the tribe pledged to secure payment of the bonds without joining the United States as a party thereto.

(f) To enter into any business venture as a shareholder of a corporation issuing nonassessable stock, or as a limited partner with any corporation, firm or person operating within said Hopi Industrial Park.

(g) To lease lands within the Hopi Industrial Park, any other tribal lands, and the improvements thereon, in accordance with the provisions of Federal laws.

SEC. 3. The exercise of all powers granted the Hopi Tribal Council by this Act shall be subject to the approval of the Secretary of the Interior, or his duly authorized representatives.

Secretary of
Interior, approval.

SEC. 4. Bonds issued by authority of this Act and bearing the signatures of tribal officers in office on the date of the signing thereof shall be valid and binding obligations, notwithstanding that before the delivery thereof and payment therefor any or all of the persons whose signatures appear thereon have ceased to be officers of the Hopi Tribal Council.

SEC. 5. All bonds issued by the Hopi Tribal Council for and on behalf of the Hopi Tribe and the interest provided in said bonds shall be exempt from taxation to the same extent they would have been exempt if the bonds had been issued by the State of Arizona or a political subdivision thereof.

SEC. 6. Any securities issued by the Hopi Tribal Council (including any guarantee by such council), and any securities guaranteed by the council as to both principal and interest, shall be deemed to be exempted securities within the meaning of paragraph (a) (2) of section 3 of the Act of May 27, 1933, as amended (15 U.S.C. 77c), and paragraph (a) (12) of section 3 of the Act of June 6, 1934, as amended (15 U.S.C. 78c), and shall be exempt from all registration requirements of said Acts.

Exempted
securities.

48 Stat. 906.

48 Stat. 882.

Approved May 22, 1970.

Public Law 91-265

AN ACT

May 22, 1970
[H. R. 10105]

To amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations for fiscal years 1970, 1971, and 1972, and for other purposes.

National Traffic
and Motor Vehicle
Safety Act of 1966,
amendments,
80 Stat. 728.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 121 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1409) is amended by adding at the end thereof the following new subsection:

"(c) There is authorized to be appropriated for the purposes of carrying out this Act, other than title III, not to exceed \$23,000,000 for the fiscal year 1970, \$40,000,000 for the fiscal year 1971, and \$40,000,000 for the fiscal year 1972."

80 Stat. 718.

"Motor vehicle
equipment."

SEC. 2. Section 102(4) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1391(4)) is amended to read as follows:

"(4) 'Motor vehicle equipment' means any system, part, or component of a motor vehicle as originally manufactured or any similar part or component manufactured or sold for replacement or improvement of such system, part, or component or as any accessory, or addition to the motor vehicle, and any device, article, or apparel not a system, part, or component of a motor vehicle (other than medicines, or eyeglasses prescribed by a physician or other duly licensed practitioner), which is manufactured, sold, delivered, offered, or intended for use exclusively to safeguard motor vehicles, drivers, passengers, and other highway users from risk of accident, injury, or death."

Performance
data; original
purchaser.
80 Stat. 725.

SEC. 3. The second sentence of subsection (d) of section 112 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1401) is amended to read as follows: "The Secretary is authorized to require the manufacturer to give such notification of such performance and technical data as the Secretary determines necessary to carry out the purposes of this Act in the following manner—

"(1) to each prospective purchaser of a motor vehicle or item of equipment before its first sale for purposes other than resale at each location where any such manufacturer's vehicles or items of motor vehicle equipment are offered for sale by a person with whom such manufacturer has a contractual, proprietary, or other legal relationship in a manner determined by the Secretary to be appropriate which may include, but is not limited to, printed matter (A) available for retention by such prospective purchaser and (B) sent by mail to such prospective purchaser upon his request; and

"(2) to the first person who purchases a motor vehicle or item of equipment for purposes other than resale, at the time of such purchase, in printed matter placed in the motor vehicle or attached to or accompanying the item of motor vehicle equipment."

SEC. 4. (a) Section 113(a) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1402) is amended by inserting immediately after "Every manufacturer of motor vehicles" the following: "or tires".

(b) The first sentence of subsection (d) of section 113 of such Act is amended by inserting immediately after "Every manufacturer of motor vehicles" the following: "or tires".

(c) Section 113 of such Act is further amended by adding at the end thereof the following:

Recordkeeping.

"(f) Every manufacturer of motor vehicles or tires shall maintain records of the names and addresses of the first purchaser (other than a dealer or distributor) of motor vehicles or tires produced by that manufacturer. The Secretary may establish, by order, procedures

to be followed by manufacturers in establishing and maintaining such records, including procedures to be followed by distributors and dealers to assist manufacturers to secure the information required by this subsection which will not affect the obligation of manufacturers under this subsection. Such procedures shall be reasonable for the particular type of motor vehicle or type of tires for which they are prescribed. With respect to a tire marketed under a brand name not owned by the manufacturer of the tire, the brand name owner shall maintain the records otherwise required of the manufacturer by this subsection, and shall give any notification required by this section of the manufacturer whenever he is furnished such a notification by the manufacturer, and for the purposes of section 112(c) of this Act, such brand name owner shall be deemed a manufacturer.

“(g) For the purpose of this section the term ‘manufacturer of tires’ includes, in the case of retreaded tires, the retreader.”

(d) The amendment made by subsection (b) of this section shall take effect on the date of enactment of this Act. The amendments made by subsections (a) and (c) of this section shall take effect on the one hundred and eightieth day after the date of enactment of this Act unless the Secretary of Transportation finds, for good cause shown, that a later effective date is in the public interest and publishes his reasons for such finding, except that such later effective date shall not be more than one year after the date of enactment of this Act.

SEC. 5. Subsection (a) of section 120 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1408) is amended by striking out “and (6)” and inserting in lieu thereof the following: “(6) a statement of enforcement actions including judicial decisions, settlements, or pending litigation during such year; and (7)”.

SEC. 6. Title II of the National Traffic and Motor Vehicle Safety Act of 1966 is amended by adding at the end thereof the following new section:

“SEC. 206. The Secretary shall, not later than one year after the date of enactment of this section, establish safety standards under title I of this Act setting limits on the age of tire carcasses which can be retreaded. Such standards shall establish varying age limits for such carcasses based on the extent to which the carcass was designed and constructed to be retreaded, the rate of deterioration of the materials in such tire, and such other factors as he determines necessary to carry out the purposes of this Act.”

SEC. 7. Title III of the National Traffic and Motor Vehicle Safety Act of 1966 is amended to read as follows:

“TITLE III—RESEARCH AND TEST FACILITIES

“SEC. 301. (a) The Secretary of Transportation is authorized to plan, design, and construct (including the alteration of existing facilities) facilities suitable to conduct research, development, and compliance and other testing in traffic safety (including highway safety and motor vehicle safety), except that no appropriation shall be made for any such planning, designing, or construction involving an expenditure in excess of \$100,000 if such planning, designing, or construction has not been approved by resolutions adopted in substantially the same form by the Committees on Interstate and Foreign Commerce and on Public Works of the House of Representatives, and by the Committees on Commerce and on Public Works of the Senate. For the purpose of securing consideration of such approval the Secretary shall transmit to Congress a prospectus of the proposed facility including (but not limited to)—

“(1) a brief description of the facility to be planned, designed, or constructed;

80 Stat. 725.
15 USC 1401.
“Manufacturer of
tires.”
Effective dates.

80 Stat. 728.

15 USC 1421-
1425.

Retreaded tires.

15 USC 1381
note.

Prospectus,
transmittal to
Congress.

"(2) the location of the facility, and an estimate of the maximum cost of the facility;

"(3) a statement of those agencies, private and public, which will use such facility, together with the contribution to be made by each such agency toward the cost of such facility; and

"(4) a statement of justification of the need for such facility.

"(b) The estimated maximum cost of any facility approved under this section as set forth in the prospectus may be increased by the amount equal to the percentage increase, if any, as determined by the Secretary, in construction costs, from the date of the transmittal of such prospectus to Congress, but in no event shall the increase authorized by this subsection exceed 10 per centum of such estimated maximum cost."

Agricultural
tractor accidents.
Report to Con-
gress.

SEC. 8. (a) The Secretary of Transportation (hereinafter referred to as the "Secretary") is hereby authorized to prepare and to submit to the Congress no later than January 1, 1971, a report on the extent, causes and means of prevention of agricultural tractor accidents on both public roads and farms. In addition to such other information as he deems appropriate, the Secretary shall include in the report—

(1) an estimate, based on the best statistical information available, of the number of deaths and injuries resulting annually from agricultural tractor accidents;

(2) an identification of the primary causes of agricultural tractor accidents, including consideration of the hazards most likely to cause death or injury; and

(3) specific recommendations on means of preventing the occurrence of, and reducing the severity of injuries resulting from, agricultural tractor accidents, including such legislative proposals as the Secretary determines are needed.

(b) In formulating the recommendations to be submitted to the Congress, the Secretary shall give careful consideration to the advisability of establishing uniform Federal safety standards in the design and manufacture of all agricultural tractors sold in interstate commerce, requiring the installation on such tractors of safety devices, and providing assistance to the States in developing accurate reporting procedures for accidents involving such tractors.

(c) In order to facilitate the prompt completion of this report, officials of other Federal departments or agencies shall make available to the Secretary, upon his request, any data or information in their possession relating to agricultural tractor accidents and shall otherwise provide assistance.

Approved May 22, 1970.

Public Law 91-266

AN ACT

May 22, 1970
[S. 1458]

To prohibit the business of debt adjusting in the District of Columbia except as an incident to the lawful practice of law or as an activity engaged in by a nonprofit corporation or association.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, as used in this Act, the term—

(1) "Debt adjusting" means an activity, whether referred to by the term "budget counseling", "budget planning", "budget service", "credit advising", "debt adjusting", "debt counseling", "debt help", "financial adjusting", "financial arranging", "prorating", or some other term of

D. C.
Debt adjustment,
prohibition.
"Debt adjust-
ing."

like import, which involves a particular debtor's entering into an express or implied contract whereby the debtor agrees to pay an amount or amounts of money periodically or otherwise to a person who agrees, for a consideration, to distribute such money among specified creditors in accordance with a plan agreed upon between the debtor and the person to whom the debtor makes or agrees to make such payments.

(2) "Person" does not include an individual admitted to the bar of the United States District Court for the District of Columbia.

(3) "Partnership" does not include a partnership all the members of which are admitted to the bar of the United States District Court for the District of Columbia.

SEC. 2. Except as provided in section 3, no person, partnership, association, or corporation shall engage in the business of debt adjusting in the District of Columbia.

SEC. 3. The provisions of this Act shall not apply to those situations involving debt adjusting incurred incidentally in the lawful practice of law in the District of Columbia nor shall anything in this Act be construed to apply to any nonprofit or charitable corporation or association which engages in debt adjusting even though the nonprofit corporation or association may charge and collect nominal sums as reimbursement for expenses in connection with such services.

SEC. 4. (a) Whoever violates section 2 of this Act shall be subject to a fine of not more than \$1,000 and to imprisonment for not more than six months, or to both.

(b) Prosecutions for violations of this Act shall be conducted in the name of the District of Columbia by the Corporation Counsel or any of his assistants.

Approved May 22, 1970.

"Person."

"Partnership."

Exceptions.

Penalty.

Public Law 91-267

AN ACT

To change the name of the Kaysinger Bluff Dam and Reservoir, Osage River Basin, Missouri, to the Harry S. Truman Dam and Reservoir, Missouri.

May 26, 1970
[S. 3778]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Kaysinger Bluff Dam and Reservoir, Osage River Basin, Missouri, authorized by the Flood Control Act approved September 3, 1954 (Public Law 83-780), shall hereafter be known as the Harry S. Truman Dam and Reservoir, and any law, regulation, document, or record of the United States in which such project is designated or referred to shall be held to refer to such project under and by the name of "Harry S. Truman Dam and Reservoir".

Harry S. Truman
Dam and Reser-
voir.

68 Stat. 1262.

Approved May 26, 1970.

Public Law 91-268

May 26, 1970
[S. 2999]

AN ACT

To authorize, in the District of Columbia, the gift of all or part of a human body after death for specified purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

D.C.
Anatomical
gifts.

DEFINITIONS; SHORT TITLE

SECTION 1. (a) As used in this Act, the term—

(1) “bank or storage facility” means a facility licensed, accredited, or approved under the laws of any State for storage of human bodies or parts thereof;

(2) “decedent” means a deceased individual and includes a stillborn infant or fetus;

(3) “donor” means an individual who makes a gift of all or part of his body;

(4) “hospital” means a hospital licensed, accredited, or approved under the laws of any State and includes a hospital operated by the United States Government, a State, or a subdivision thereof, although not required to be licensed under State laws;

(5) “part” includes organs, tissues, eyes, bones, arteries, blood, other fluids, and other portions of a human body, and “part” includes “parts”;

(6) “person” means an individual, corporation, government, or governmental subdivision or agency, business trust, estate, trust, partnership, or association or any other legal entity;

(7) “physician” or “surgeon” means a physician or surgeon licensed or authorized to practice under the laws of any State; and

(8) “State” includes any State, district, Commonwealth, territory, insular possession, the District of Columbia, and any other area subject to the legislative authority of the United States of America.

Short title.

(b) Sections 1 through 8 of this Act shall be known as the “District of Columbia Anatomical Gift Act”.

PERSONS WHO MAY EXECUTE AN ANATOMICAL GIFT

SEC. 2. (a) Any individual of sound mind and eighteen years of age or more may give all or any part of his body for any purposes specified in section 3, the gift to take effect upon death.

(b) Any of the following persons, in order of priority stated, when persons in prior classes are not available at the time of death, and in the absence of actual notice of contrary indications by the decedent, or actual notice of opposition by a member of the same or a prior class, may give all or any part of the decedent's body for any purposes specified in section 3:

(1) the spouse,

(2) an adult son or daughter,

(3) either parent,

(4) an adult brother or sister,

(5) a guardian of the person of the decedent at the time of his death, or

(6) any other person authorized or under obligation to dispose of the body.

(c) If the donee has actual notice of contrary indications by the decedent, or that a gift by a member of a class is opposed by a member

of the same or a prior class, the donee shall not accept the gift. The persons authorized by subsection (b) may make the gift after death or immediately before death.

(d) A gift of all or part of a body authorizes any examination necessary to assure medical acceptability of the gift for the purposes intended.

(e) The rights of the donee created by the gift are paramount to the rights of others except as provided by section 7(d).

PERSONS WHO MAY BECOME DONEES, AND PURPOSES FOR WHICH
ANATOMICAL GIFTS MAY BE MADE

SEC. 3. The following persons may become donees of gifts of bodies or parts thereof for the purposes stated:

(1) any hospital, surgeon, or physician, for medical or dental education, research, advancement of medical or dental science, therapy, or transplantation; or

(2) any accredited medical or dental school, college, or university, for education, research, advancement of medical or dental science, or therapy; or

(3) any bank or storage facility, for medical or dental education, research, advancement of medical or dental science, therapy, or transplantation; or

(4) any specified individual for therapy or transplantation needed by him.

MANNER OF EXECUTING ANATOMICAL GIFTS

SEC. 4. (a) A gift of all or part of the body under section 2(a) may be made by will. The gift becomes effective upon the death of the testator without waiting for probate. If the will is not probated, or if it is declared invalid for testamentary purposes, the gift, to the extent that it has been acted upon in good faith, is nevertheless valid and effective.

Gift by will.

(b) (1) A gift of all or part of the body under section 2(a) may also be made by document other than a will. The gift becomes effective upon death of the donor. The document, which may be a card designed to be carried on the person, must be signed by the donor, in the presence of two witnesses who must sign the document in his presence. If the donor cannot sign, the document may be signed for him at his direction and in his presence, and in the presence of two witnesses who must sign the document in his presence. Delivery of the document of gift during the donor's lifetime is not necessary to make the gift valid.

Other document.

Uniform donor
card form.

(2) Any such document referred to in paragraph (1) of this subsection may be in the following form and contain the following information:

UNIFORM DONOR CARD
of

print or type name of donor

In the hope that I may help others, I hereby make this anatomical gift, if medically acceptable, to take effect upon my death. The words and marks below indicate my desires.
I give: (a)—any needed organs or parts
(b)—only the following organs or parts

specify the organ(s) or part(s)

for the purposes of transplantation, therapy, medical research, or education;
(c)—my body for anatomical study if needed.

Limitations or special wishes, if any: _____

(Other side of card)

Signed by the donor and the following two witnesses in the presence of each other:

_____	_____
Signature of donor	Date of birth of donor
_____	_____
Date signed	City and State
_____	_____
Witness	Witness

This is a legal document under the District of Columbia Anatomical Gift Act or similar laws.

Donee provisions.

(c) The gift may be made to a specified donee or without specifying a donee. If the latter, the gift may be accepted by the attending physician as donee upon or following death. If the gift is made to a specified donee who is not available at the time and place of death, the attending physician upon or following death, in the absence of any expressed indication that the donor desired otherwise, may accept the gift as donee. The physician who becomes a donee under this subsection shall not participate in the procedures for removing or transplanting a part.

Surgeon or
physician, designation.

(d) Notwithstanding section 7(b), the donor may designate in his will, card, or other document of gift the surgeon or physician to carry out the appropriate procedures. In the absence of a designation, or if the designee is not available, the donee or other person authorized to accept the gift may employ or authorize any surgeon or physician for the purpose.

Recorded message.

(e) Any gift by a person designated in section 2(b) shall be made by a document signed by him, or made by his telegraphic, recorded telephonic, or other recorded message.

DELIVERY OF DOCUMENT OF GIFT

SEC. 5. If the gift is made by the donor to a specified donee, the will, card, or other document, or any executed copy thereof, may be delivered to the donee to expedite the appropriate procedures immediately after death, but delivery is not necessary to the validity of the gift. The will, card, or other document, or an executed copy thereof, may be deposited in any hospital, bank or storage facility, or registry office that accepts them for safekeeping or for facilitation of procedures after death. On request of any interested party upon or after the donor's death, the person in possession shall produce the document for examination.

AMENDMENT OR REVOCATION OF THE GIFT

SEC. 6. (a) If the will, card, or other document of executed copy thereof, has been delivered to a specified donee, the donor may amend or revoke the gift by—

- (1) the execution and delivery to the donee of a signed statement, or
- (2) an oral statement made in the presence of two persons and communicated to the donee, or
- (3) a statement during a terminal illness or injury addressed to an attending physician and communicated to the donee, or
- (4) a signed card or document found on his person or in his effects.

(b) Any document of gift which has not been delivered to the donee may be revoked by the donor in the manner set out in subsection (a) or by destruction, cancellation, or mutilation of the document and all executed copies thereof.

(c) Any gift made by a will may also be amended or revoked in the manner provided for amendment or revocation of wills, or as provided in subsection (a).

RIGHTS AND DUTIES AT DEATH

SEC. 7. (a) The donee may accept or reject the gift. If the donee accepts a gift of the entire body, he may, subject to the terms of the gift, authorize embalming and the use of the body in funeral services. If the gift is of a part of the body, the donee, upon the death of the donor and prior to embalming, shall cause the part to be removed without unnecessary mutilation. After removal of the part, custody of the remainder of the body vests in the surviving spouse, next of kin or other persons under obligation to dispose of the body.

(b) The time of death shall be determined by a physician who attends the donor at his death, or, if none, the physician who certifies the death. This physician shall not participate in the procedures for removing or transplanting a part.

(c) A person who acts in good faith in accord with the terms of this Act, or under the anatomical gift laws of another State is not liable for damages in any civil action or subject to prosecution in any criminal proceeding for his act.

(d) The provisions of this Act are subject to the laws of the District of Columbia prescribing powers and duties with respect to autopsies.

Time of death.

Liability.

Autopsies.

UNIFORMITY OF INTERPRETATION

SEC. 8. This Act shall be so construed as to effectuate its general purpose to make uniform the law of those States which enacted it.

Human tissue
banks.
Definitions.
76 Stat. 534.

SEC. 9. (a) That part of section 3 of the District of Columbia Tissue Bank Act (D.C. Code, sec. 2-252) which follows the definition of the term "Commissioners" is amended to read as follows:

Ante, p. 266.

"Donor" means any person who, in accordance with the provisions of the District of Columbia Anatomical Gift Act, bequeaths or donates his tissue for removal after death in furtherance of the purposes of such Act, and also means any deceased person whose tissue is donated or disposed of for the purposes of this Act, the District of Columbia Anatomical Gift Act, or sections 675, 676, and 683 of the Act of March 3, 1901, as amended (D.C. Code, sec. 27-119a and sec. 27-125).

64 Stat. 904;
31 Stat. 1298;
76 Stat. 536, 537.

"Tissue" means any body of a dead human or any portion thereof, including organs, tissues, eyes, bones, arteries, blood, and other fluids.

"Tissue bank" means a facility for procuring, removing, and disposing of tissue for the purposes set forth in the District of Columbia Anatomical Gift Act, and for the purposes of reconstructive medicine and surgery, and research and teaching in reconstructive medicine and surgery."

Licenses and
regulations.
76 Stat. 535.
D.C. Code 2-253.

(b) Subsection (b) of section 4 of the District of Columbia Tissue Bank Act is amended by striking out "prescribing, without limitation," and inserting in lieu thereof "to carry out the purposes of this Act and the District of Columbia Anatomical Gift Act, including, without limitation, rules and regulations prescribing."

Repeals.
D.C. Code 2-255
to 2-257.

(c) Sections 6, 7, and 8 of the District of Columbia Tissue Bank Act are hereby repealed.

Tissue removal,
authorization.
D.C. Code 2-258.

(d) Subsection (b) of section 9 of the District of Columbia Tissue Bank Act is amended to read as follows:

"(b) The Coroner of the District of Columbia may, in his discretion, allow tissue to be removed from any dead human body in his custody or under his jurisdiction, if such tissue removal shall not interfere with other functions of the Office of the Coroner, and the person who, in accordance with section 2(b) of the District of Columbia Anatomical Gift Act, is authorized to donate tissue therefrom, shall first authorize such tissue removal."

(e) Section 683 of the Act of March 8, 1901 (D.C. Code, sec. 27-125), is amended by deleting "may be removed by or under the supervision of a person licensed under the authority of section 4 of such Act for preservation in a tissue bank operating pursuant to such Act," and inserting in lieu thereof the following: "or the District of Columbia Anatomical Gift Act may be removed by or under the supervision of a person licensed under the authority of section 4 of the District of Columbia Tissue Bank Act for preservation in a tissue bank operating pursuant to such Act, or for use in accordance with the provisions of the District of Columbia Anatomical Gift Act,".

64 Stat. 904;
76 Stat. 536.

(f) Sections 675 and 676 of the Act of March 3, 1901 (D.C. Code, sec. 27-119a), is amended by inserting immediately after "such Act" the following: "or the District of Columbia Anatomical Gift Act".

Approved May 26, 1970.

Public Law 91-269

AN ACT

To provide for Federal Government recognition of and participation in international expositions proposed to be held in the United States, and for other purposes.

May 27, 1970
[S. 856]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that—

International
expositions.
U.S. recognition
and participation.

(a) international expositions, when properly organized, financed, and executed, have a significant impact on the economic growth of the region surrounding the exposition and, under appropriate international sanction, are important instruments of national policy, particularly in the exchange of ideas and the demonstration of cultural achievements between peoples;

(b) in view of the widely varying circumstances under which international expositions have developed in the United States, the different degrees to which the Federal Government has assisted and participated in such expositions, and the increasing number of proposals for future expositions, the national interest requires that Federal action concerning such expositions be given orderly consideration; and

(c) such orderly consideration is best achieved by the development of uniform standards, criteria, and procedures to establish the conditions under which the Government hereafter will (A) recognize international expositions proposed to be held in the United States, and (B) take part in such expositions.

Uniform
standards.

FEDERAL RECOGNITION

SEC. 2. (a) Any international exposition proposed to be held in the United States shall be eligible on application from its sponsors to receive the recognition of the Federal Government upon a finding of the President that recognition will be in the national interest. In making such a finding the President shall consider—

(1) a report by the Secretary of Commerce which shall include (A) an evaluation of purposes and reasons for the exposition, and (B) a determination that guaranteed financial and other support has been secured by the exposition from affected State and local governments and from business and civic leadership of the region and others, in amounts sufficient in his judgment to assure the successful development and progress of the exposition;

(2) a report by the Secretary of State that the proposed exposition qualifies for consideration of registration by the Bureau of International Expositions (hereafter referred to as BIE); and

(3) such other evidence as the President may consider to be appropriate.

(b) Upon a finding by the President that an international exposition is eligible for Federal recognition, the President may take such measures recognizing the exposition as he deems proper, including, but not limited to—

(1) presenting of an official request by the United States for registration of the exposition by the BIE;

(2) providing for fulfillment of the requirements of the Convention of November 22, 1928, as amended, relating to international expositions; and

19 UST 5927.

Report to
Congress.

- (3) extending invitations, by proclamation or by such other manner he deems proper, to the several States of the Union and to foreign governments to take part in the exposition, provided that he shall not extend such an invitation until he has been notified officially of BIE registration for the exposition.
- (c) The President shall report his actions under this section promptly to the Congress.

FEDERAL PARTICIPATION

Congressional
authorization.

SEC. 3. The Federal Government may participate in an international exposition proposed to be held in the United States only upon the authorization of the Congress. If the President finds that Federal participation is in the national interest, he shall transmit to the Congress his proposal for such participation, which proposal shall include—

(a) evidence that the international exposition has met the criteria for Federal recognition and, pursuant to section 2 of this Act, it has been so recognized;

(b) a statement that the international exposition has been registered by the BIE; and

(c) a plan prepared by the Secretary of Commerce in cooperation with other interested departments and agencies of the Federal Government for Federal participation in the exposition. In developing such a plan, the Secretary shall give due consideration to whether or not the plan should include the construction of a Federal pavilion and, if so, whether or not the Government would have need for a permanent structure in the area of the exposition. In the event such need is established, the Secretary may include in his plan a recommendation that, as a condition of participation, the Government should be deeded a satisfactory site for the Federal pavilion, in fee simple and free of liens or other encumbrances. The Secretary shall seek the advice of the Administrator of the General Services Administration to the extent necessary in carrying out the provisions of this subsection.

ESTABLISHMENT AND PUBLICATION OF STANDARDS AND CRITERIA

SEC. 4. (a) The Secretary of Commerce is hereby authorized and directed to establish and maintain standards, definitions, and criteria which are adequate to carry out the purposes of section 2(a)(1) and section 3(a) of this Act; and

Publication in
Federal Register.

(b) Standards, definitions, and criteria established by the Secretary and such revisions in them as he may make from time to time shall be published in the Federal Register.

SEC. 5. The President may withdraw Federal recognition or participation whenever he finds that continuing recognition or participation would be inconsistent with the national interest and with the purposes of this Act.

SEC. 6. Nothing in this Act shall affect or limit the authority of Federal departments and agencies to participate in international expositions or events otherwise authorized by law.

SEC. 7. Section 8 of Public Law 89-685 is hereby repealed.

Repeal.
80 Stat. 974.
22 USC 2451a.
Appropriation.

SEC. 8. There are authorized to be appropriated such sums, not to exceed \$200,000 in any fiscal year, as may be necessary to carry out the purposes of this Act.

Approved May 27, 1970.

Public Law 91-270

AN ACT

To authorize the Secretary of the Interior to construct, operate, and maintain the Merlin division, Rogue River Basin project, Oregon, and for other purposes.

May 28, 1970
[H. R. 780]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of providing irrigation water for approximately nine thousand three hundred acres, flood control, area redevelopment, and providing municipal and industrial water supply, fish and wildlife enhancement, and recreation benefits, the Secretary of the Interior, acting pursuant to the Federal reclamation laws (Act of June 17, 1902 (32 Stat. 388), and Act amendatory thereof or supplementary thereto), is authorized to construct, operate, and maintain the Merlin division, Rogue River Basin project, Oregon. The principal works of the division shall consist of Sexton Dam and Reservoir, diversion and distribution facilities, and drainage facilities.

Rogue River
Basin project, Ore.
Merlin division,
authorization.

43 USC 371 note,
391 note.

SEC. 2. Irrigation repayment contracts shall provide with respect to any contract unit, for repayment of the irrigation construction costs assigned for repayment to the irrigators over a period of not more than fifty years, exclusive of any development period authorized by law. Irrigation repayment contracts shall further provide for the assessment and collection of a service charge of not less than \$40 per annum for each identifiable ownership receiving irrigation service from and through the works of the Merlin division, such charge to be in addition to the repayment capacity of the lands as determined by the Secretary on the basis of studies of the value of water for full-time family-size farm operations. Construction costs allocated to irrigation beyond the ability of irrigators to repay shall be charged to and returned to the reclamation fund in accordance with the provisions of section 2 of the Act of June 14, 1966 (80 Stat. 200), as amended by section 6 of the Act of September 7, 1966 (80 Stat. 707).

Irrigation, repay-
ment period.

Service charge.

Construction
costs.

16 USC 835j-
835m and notes.

SEC. 3. The conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the Merlin division shall be in accordance with the provisions of the Federal Water Project Recreation Act (79 Stat. 213).

Recreation; fish
and wildlife
enhancement.

SEC. 4. Before the works are transferred to an irrigation water user's organization for care, operation, and maintenance, the organization shall have agreed to operate them in such fashion, satisfactory to the Secretary, as to achieve the benefits to fish and wildlife enhancement, and recreation on which the allocations of costs therefor are predicated, and to operate them in accordance with regulations prescribed by the Secretary of the Army to achieve the benefits to flood control on which the allocation of costs therefor is predicated, and to return the works to the United States for care, operation, and maintenance in the event of failure to comply with the requirements to achieve such benefits.

16 USC 460b-12
note.
Transfer terms.

SEC. 5. Power and energy required for irrigation water pumping for the Merlin division shall be made available by the Secretary from the Federal Columbia River system at charges determined by him.

Power and
energy.

SEC. 6. For a period of ten years from the date of enactment of this Act, no water from the project authorized by this Act shall be delivered to any water user for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949, or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as

Newly irrigated
lands, use restric-
tion.

63 Stat. 1051.
7 USC 1421 note,
1428.

62 Stat. 1251.
7 USC 1301.

defined in section 301(b)(10) of the Agricultural Adjustment Act of 1938, as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

Appropriation.

SEC. 7. There is hereby authorized to be appropriated for construction of the works herein authorized the sum of \$28,470,000 (July 1969 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in the costs of construction as indicated by engineering costs indexes applicable to the type of construction involved therein. There are also authorized to be appropriated such sums as may be required for the operation and maintenance of said works.

Approved May 28, 1970.

Public Law 91-271

AN ACT

June 2, 1970
[S. 2624]

To improve the judicial machinery in customs courts by amending the statutory provisions relating to judicial actions and administrative proceedings in customs matters, and for other purposes.

Customs courts.
Procedural
changes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—JUDICIAL ACTIONS IN CUSTOMS CASES

SHORT TITLE

Citation of title.

SEC. 101. This title may be cited as "The Customs Courts Act of 1970".

APPEALS FROM CUSTOMS COURT DECISIONS—JURISDICTION

62 Stat. 942.

SEC. 102. Section 1541 of title 28 of the United States Code is amended to read as follows:

“§ 1541. Appeals from Customs Court decisions

“(a) The Court of Customs and Patent Appeals has jurisdiction of appeals from all final judgments or orders of the United States Customs Court.

“(b) When the chief judge of the Customs Court issues an order under the provisions of section 256(b) of this title; or when any judge in the Customs Court, in issuing any other interlocutory order, includes in the order a statement that a controlling question of law is involved as to which there is substantial ground for difference of opinion and that an immediate appeal from its order may materially advance the ultimate termination of the litigation, the Court of Customs and Patent Appeals may, in its discretion, permit an appeal to be taken from such order, if application is made to it within ten days after the entry of the order: *Provided, however,* That neither the application for nor the granting of an appeal hereunder stays proceedings in the Customs Court unless a stay is ordered by a judge of the Customs Court or by the Court of Customs and Patent Appeals or a judge of that court.”

Post, p. 277.

APPEALS FROM CUSTOMS COURT DECISIONS—PROCEDURE

SEC. 103. Section 2601 of title 28 of the United States Code is amended to read as follows:

62 Stat. 979.

“§ 2601. Appeals from Customs Court decisions

“(a) A party may appeal to the Court of Customs and Patent Appeals from a final judgment or order of the Customs Court within sixty days after entry of the judgment or order.

“(b) An appeal is made by filing in the office of the clerk of the Court of Customs and Patent Appeals a notice of appeal which shall include a concise statement of the errors complained of. A copy of the notice shall be served on the adverse parties. When the United States is an adverse party service shall be made on the Attorney General and the Secretary of the Treasury or their designees. Thereupon, the Court of Customs and Patent Appeals shall order the Customs Court to transmit the record and evidence taken, together with either the findings of fact and conclusions of law or the opinion, as the case may be.

“(c) The Court of Customs and Patent Appeals may affirm, modify, vacate, set aside, or reverse any judgment or order of the Customs Court lawfully brought before it for review, and may remand the cause and direct the entry of an appropriate judgment or order, or require such further proceedings as may be just under the circumstances. The judgment or order of the Court of Customs and Patent Appeals shall be final and conclusive unless modified, vacated, set aside, reversed, or remanded by the Supreme Court under section 2106 of this title.”

62 Stat. 963.
28 USC 2106.

PRECEDENCE OF AMERICAN MANUFACTURER, PRODUCER, OR WHOLESALE
CASES

62 Stat. 980;
80 Stat. 902.

SEC. 104. Section 2602 of title 28 of the United States Code is amended to read as follows:

“§ 2602. Precedence of American manufacturer, producer, or wholesaler cases

Post, p. 286.

“(a) Every proceeding in the Court of Customs and Patent Appeals arising under section 516 of the Tariff Act of 1930, as amended, shall be given precedence over other cases on the docket of such court, except as provided for in paragraph (b) of this section, and shall be assigned for hearing at the earliest practicable date and expedited in every way.

80 Stat. 899.

“(b) Appeals from findings by the Secretary of Commerce provided for in headnote 6 to schedule 8, part 4, of the Tariff Schedules of the United States (19 U.S.C. 1202) shall receive a preference over all other matters.”

DUTIES OF CHIEF JUDGE; PRECEDENCE OF JUDGES

62 Stat. 900;
73 Stat. 474.

SEC. 105. Section 253 of title 28 of the United States Code is amended to read as follows:

“§ 253. Duties of chief judge; precedence of judges

“(a) The chief judge of the Customs Court, with the approval of the court, shall supervise the fiscal affairs and clerical force of the court;

“(b) The chief judge shall promulgate dockets.

“(c) The chief judge, under rules of the court, may designate any judge or judges of the court to try any case and, when the circumstances so warrant, reassign the case to another judge or judges.

“(d) Whenever the chief judge is unable to perform the duties of his office or the office is vacant, his powers and duties shall devolve upon the judge next in precedence who is able to act, until such disability is removed or another chief judge is appointed and duly qualified.

“(e) The chief judge shall have precedence and shall preside at any session which he attends. Other judges shall have precedence and shall preside according to the seniority of their commissions. Judges whose commissions bear the same date shall have precedence according to seniority in age.”

SINGLE-JUDGE TRIALS

SEC. 106. Section 254 of title 28 of the United States Code is amended to read as follows:

62 Stat. 900.

“§ 254. Single-judge trials

“Except as otherwise provided in section 255 of this title, the judicial power of the Customs Court with respect to any action, suit or proceeding shall be exercised by a single judge, who may preside alone and hold a regular or special session of court at the same time other sessions are held by other judges.”

Infra.

PUBLICATION OF DECISIONS

SEC. 107. Section 255 of title 28 of the United States Code is redesignated as section 257 and is amended to read as follows:

“§ 257. Publication of decisions

“All decisions of the Customs Court shall be preserved and open to inspection. The court shall forward copies of each decision to the Secretary of the Treasury or his designee and to the appropriate customs officer for the district in which the case arose. The Secretary shall publish weekly such decisions as he or the court may designate and abstracts of all other decisions.”

THREE-JUDGE TRIALS

SEC. 108. There shall be a new section 255 of title 28 of the United States Code as follows:

“§ 255. Three-judge trials

“(a) Upon application of any party to a civil action, or upon his own initiative, the chief judge of the Customs Court shall designate any three judges of the court to hear and determine any civil action which the chief judge finds: (1) raises an issue of the constitutionality of an Act of Congress, a proclamation of the President or an Executive order; or (2) has broad or significant implications in the administration or interpretation of the customs laws.

“(b) A majority of the three judges designated may hear and determine the civil action and all questions pending therein.”

TRIALS AT PORTS OTHER THAN NEW YORK

SEC. 109. There shall be a new section 256 of title 28 of the United States Code as follows:

“§ 256. Trials at ports other than New York

“(a) The chief judge may designate any judge or judges of the court to proceed, together with necessary assistants, to any port or to any place within the jurisdiction of the United States to preside at a trial or hearing at the port or place.

“(b) Upon application of a party or upon his own initiative, and upon a showing that the interests of economy, efficiency, and justice will be served, the chief judge may issue an order authorizing a judge of the court to preside in an evidentiary hearing in a foreign country whose laws do not prohibit such a hearing: *Provided, however,* That an interlocutory appeal may be taken from such an order pursuant to the provisions of section 1541(b) of this title, subject to the discretion of the Court of Customs and Patent Appeals as set forth in that section.”

Ante, p. 275.

JURISDICTION OF THE CUSTOMS COURT

62 Stat. 943.

SEC. 110. Section 1582 of title 28 of the United States Code is amended to read as follows:

“§ 1582. Jurisdiction of the Customs Court46 Stat. 590.
19 USC 1654.

“(a) The Customs Court shall have exclusive jurisdiction of civil actions instituted by any person whose protest pursuant to the Tariff Act of 1930, as amended, has been denied, in whole or in part, by the appropriate customs officer, where the administrative decision, including the legality of all orders and findings entering into the same, involves: (1) the appraised value of merchandise; (2) the classification and rate and amount of duties chargeable; (3) all charges or exactions of whatever character within the jurisdiction of the Secretary of the Treasury; (4) the exclusion of merchandise from entry or delivery under any provisions of the customs laws; (5) the liquidation or reliquidation of an entry, or a modification thereof; (6) the refusal to pay a claim for drawback; or (7) the refusal to reliquidate an entry under section 520(c) of the Tariff Act of 1930, as amended.

52. Stat. 1086;
67 Stat. 519.
19 USC 1520.

“(b) The Customs Court shall have exclusive jurisdiction of civil actions brought by American manufacturers, producers, or wholesalers pursuant to section 516 of the Tariff Act of 1930, as amended.

Post, p. 286.

“(c) The Customs Court shall not have jurisdiction of an action unless (1) either a protest has been filed, as prescribed by section 514 of the Tariff Act of 1930, as amended, and denied in accordance with the provisions of section 515 of the Tariff Act of 1930, as amended, or if the action relates to a decision under section 516 of the Tariff Act of 1930, as amended, all remedies prescribed therein have been exhausted, and (2) except in the case of an action relating to a decision under section 516 of the Tariff Act of 1930, as amended, all liquidated duties, charges or exactions have been paid at the time the action is filed.

Post, p. 284.*Post*, p. 285.Single civil
action.

“(d) Only one civil action may be brought in the Customs Court to contest the denial of a single protest. However, any number of entries of merchandise involving common issues may be included in a single civil action. Actions may be consolidated by order of the court or by request of the parties, with approval of the court, if there are common issues.”

REPEAL OF SECTION 1583—REVIEW OF DECISIONS ON PROTESTS

62 Stat. 943.

SEC. 111. Section 1583 of title 28 of the United States Code is repealed.

TIME FOR COMMENCEMENT OF ACTION

SEC. 112. Section 2631 of title 28 of the United States Code is amended to read as follows:

“§ 2631. Time for commencement of action*Supra*.

“(a) An action over which the court has jurisdiction under section 1582(a) of this title is barred unless commenced within one hundred and eighty days after:

Post, p. 285.

“(1) the date of mailing of notice of denial, in whole or in part, of a protest pursuant to the provisions of section 515(a) of the Tariff Act of 1930, as amended; or

“(2) the date of denial of a protest by operation of law pursuant to the provisions of section 515(b) of the Tariff Act of 1930, as amended.

“(b) An action over which the court has jurisdiction under section 1582(b) of this title is barred unless commenced within thirty days after the date of mailing of a notice sent pursuant to section 516(c) of the Tariff Act of 1930, as amended.”

Ante, p. 278.

Post, p. 286.

CUSTOMS COURT PROCEDURE AND FEES

SEC. 113. Section 2632 of title 28 of the United States Code is amended to read as follows:

62 Stat. 980.

“§ 2632. Customs Court procedure and fees

“(a) A party may contest denial of a protest under section 515 of the Tariff Act of 1930, as amended, or the decision of the Secretary of the Treasury made under section 516 of the Tariff Act of 1930, as amended, by bringing a civil action in the Customs Court. A civil action shall be commenced by filing a summons in the form, manner, and style and with the content prescribed in rules adopted by the court.

Post, p. 285.

Post, p. 286.

“(b) There shall be a filing fee payable upon commencing an action. The amount of the fee shall be fixed by the Customs Court but shall be not less than \$5 nor more than the filing fee for commencing a civil action in a United States district court. The Customs Court may fix all other fees to be charged by the clerk of the court.

Filing fee.

“(c) The Customs Court shall provide by rule for pleadings and other papers, for their amendment, service, and filing, for consolidations, severances, and suspensions of cases, and for other procedural matters.

“(d) The Customs Court, by rule, may consider any new ground in support of a civil action if the new ground (1) applies to the same merchandise that was the subject of the protest; and (2) is related to the same administrative decision or decisions listed in section 514 of the Tariff Act of 1930, as amended, that were contested in the protest.

Post, p. 284.

“(e) All pleadings and other papers filed in the Customs Court shall be served on all the adverse parties in accordance with the rules of the court. When the United States is an adverse party, service of the summons shall be made on the Attorney General and the Secretary of the Treasury or their designees.

Service of
summons.

“(f) Upon service of the summons on the Secretary of the Treasury or his designee, the appropriate customs officer shall forthwith transmit the following items, if they exist, to the United States Customs Court as part of the official record of the civil action: (1) consumption or other entry; (2) commercial invoice; (3) special Customs invoice; (4) copy of protest; (5) copy of denial of protest in whole or in part; (6) importer's exhibits; (7) official samples; (8) any official laboratory reports; and (9) the summary sheet. If any of the aforesaid items do not exist in the particular case, an affirmative statement to that effect shall be transmitted as part of the official record.”

PRECEDENCE OF AMERICAN MANUFACTURER, PRODUCER, OR WHOLESALE CASES

SEC. 114. Section 2633 of title 28 of the United States Code is amended to read as follows:

“§ 2633. Precedence of American manufacturer, producer, or wholesaler cases

“Every proceeding in the Customs Court arising under section 516 of the Tariff Act of 1930, as amended, shall be given precedence over other cases on the docket of the court, and shall be assigned for hearing and trial at the earliest practicable date and expedited in every way.”

NOTICE

62 Stat. 981.

SEC. 115. Section 2634 of title 28 of the United States Code is amended to read as follows:

“§ 2634. Notice

“Reasonable notice of the time and place of trial before a judge of the Customs Court shall be given to all parties to any proceeding, under rules prescribed by the court.”

BURDEN OF PROOF; EVIDENCE OF VALUE

SEC. 116. Section 2635 of title 28 of the United States Code is amended to read as follows:

“§ 2635. Burden of proof; evidence of value

“In any matter in the Customs Court:

“(a) The decision of the Secretary of the Treasury, or his delegate, is presumed to be correct. The burden to prove otherwise shall rest upon the party challenging a decision.

“(b) Where the value of merchandise is in issue:

“(1) Reports or depositions of consuls, customs officers, and other officers of the United States and depositions and affidavits of other persons whose attendance cannot reasonably be had, may be admitted in evidence when served upon the opposing party in accordance with the rules of the court.

“(2) Price lists and catalogs may be admitted in evidence when duly authenticated, relevant, and material.

“(c) The value of merchandise shall be determined from the evidence in the record and that adduced at the trial whether or not the merchandise or samples thereof are available for examination.”

ANALYSIS OF IMPORTED MERCHANDISE

SEC. 117. Section 2636 of title 28 of the United States Code is amended to read as follows:

“§ 2636. Analysis of imported merchandise

“A judge of the Customs Court may order an analysis of imported merchandise and reports thereon by laboratories or agencies of the United States.”

WITNESSES; INSPECTION OF DOCUMENTS

SEC. 118. Section 2637 of title 28 of the United States Code is amended to read as follows:

“§ 2637. Witnesses; inspection of documents

“(a) In any proceeding in the Customs Court, under rules prescribed by the court, the parties and their attorneys shall have an opportunity to introduce evidence, to hear and cross-examine the witnesses of the other party, and to inspect all samples and all papers admitted or offered as evidence, except as provided in subsection (b) of this section.

“(b) In an action instituted by an American manufacturer, producer, or wholesaler, the plaintiff may not inspect any documents or papers of a consignee or importer disclosing any information which the Customs Court deems unnecessary or improper to be disclosed.”

DECISIONS; FINDINGS OF FACT AND CONCLUSIONS OF LAW; EFFECT OF
OPINIONS

SEC. 119. Section 2638 of title 28 of the United States Code is amended to read as follows:

62 Stat. 982.

“§ 2638. Decisions; findings of fact and conclusions of law; effect of opinions

“(a) A decision of the judge in a contested case shall be supported by either (1) a statement of findings of fact and conclusions of law, or (2) an opinion stating the reasons and facts upon which the decision is based.

“(b) The decision of the judge is final and conclusive, unless a retrial or rehearing is granted pursuant to section 2639 of this title or an appeal is made to the Court of Customs and Patent Appeals within the time and in the manner provided in section 2601 of this title.”

*Infra.**Ante*, p. 275.

RETRIAL OR REHEARING

SEC. 120. Section 2639 of title 28 of the United States Code is amended to read as follows:

“§ 2639. Retrial or rehearing

“The judge who has rendered a judgment or order may, upon motion of a party or upon his own motion, grant a retrial or a rehearing, as the case may be. A party's motion must be made or the judge's action on his own motion must be taken, not later than thirty days after entry of the judgment or order.”

REPEAL OF SECTIONS 2640, 2641, 2642—REHEARING OR RETRIAL; FRIVOLOUS
PROTEST OR APPEAL; AMENDMENT OF PROTESTS, APPEALS, AND PLEAD-
INGS

SEC. 121. Sections 2640, 2641, and 2642 of title 28 of the United States Code are repealed.

62 Stat. 982;
63 Stat. 106.

EFFECTIVE DATE

SEC. 122. (a) This title shall become effective on October 1, 1970, and shall thereafter apply to all actions and proceedings in the Customs Court and the Court of Customs and Patent Appeals except those involving merchandise entered before the effective date for which trial has commenced by such effective date.

(b) An appeal for reappraisal timely filed with the Bureau of Customs before the effective date, but as to which trial has not commenced by such date, shall be deemed to have had a summons timely and properly filed under this title. When the judgment or order of the United States Customs Court has become final in this appeal, the papers shall be returned to the appropriate customs officer to decide any remaining matters relating to the entry in accordance with section 500 of the Tariff Act of 1930, as amended. A protest or summons filed after final decision on an appeal for reappraisal shall not include issues which were raised or could have been raised on the appeal for reappraisal.

Post, p. 283.

(c) A protest timely filed with the Bureau of Customs before the effective date of enactment of this Act, which is disallowed before that date, and as to which trial has not commenced by such date, shall be deemed to have had a summons timely and properly filed under this title.

(d) All other provisions of this Act shall apply to appeals and disallowed protests deemed to have had summonses timely and properly filed under this section.

MISCELLANEOUS AMENDMENTS

62 Stat. 899. SEC. 123. (a) The analysis of chapter 11 of title 28 of the United States Code, immediately preceding section 251 of such title, is amended by striking the caption of section 254 and substituting therefor the caption, "Single-judge trial," by striking the caption of section 255 and substituting therefor the caption "Three-judge trials." and by adding the following captions at the end of the analysis of that chapter:

"256. Trials at ports other than New York.

"257. Publication of decisions."

62 Stat. 942. (b) The analysis of chapter 93 of title 28 of the United States Code, immediately preceding section 1541 of such title is amended by striking the caption of section 1541 and substituting the caption "Appeals from Customs Court decisions."

62 Stat. 943. (c) The analysis of chapter 95 of title 28 of the United States Code, immediately preceding section 1581 of such title, is amended to read as follows:

"Sec.

"1581. Powers generally.

"1582. Jurisdiction of the Customs Court."

62 Stat. 979. (d) The analysis of chapter 167 of title 28 of the United States Code, immediately preceding section 2601, is amended to read as follows:

"Sec.

"2601. Appeals from Customs Court decisions.

"2602. Precedence of American manufacturer, producer, or wholesaler cases."

62 Stat. 980;
63 Stat. 106. (e) The analysis of chapter 169 of title 28 of the United States Code, immediately preceding section 2631 of such title is amended to read as follows:

"Sec.

"2631. Time for commencement of action.

"2632. Customs Court procedures and fees.

"2633. Precedence of American manufacturer, producer, or wholesaler cases.

"2634. Notice.

"2635. Burden of proof; evidence of value.

"2636. Analysis of imported merchandise.

"2637. Witnesses; inspection of documents.

"2638. Decisions; findings of fact and conclusions of law; effect of opinions.

"2639. Retrial or rehearing."

TITLE II—ADMINISTRATIVE PROCEEDINGS IN CUSTOMS MATTERS

SHORT TITLE

Citation of titles. SEC. 201. Titles II and III of this Act may be cited as "The Customs Administrative Act of 1970".

AMENDMENT OF SECTIONS

46 Stat. 590.
19 USC 1654. SEC. 202. Unless otherwise provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or provision of the Tariff Act, the reference shall be considered to be made to a section or provision of the Tariff Act of 1930, as amended (19 U.S.C. 1202 et seq.).

EFFECTIVE DATE

SEC. 203. Titles II and III of this Act shall take effect with respect to articles entered, or withdrawn from warehouse for consumption, on or after October 1, 1970, and such other articles entered or withdrawn from warehouse for consumption prior to such date, the appraisement of which has not become final before October 1, 1970, and for which an appeal for reappraisement has not been timely filed with the Bureau of Customs before October 1, 1970, or with respect to which a protest has not been disallowed in whole or in part before October 1, 1970.

APPRAISEMENT, CLASSIFICATION, AND LIQUIDATION PROCEDURES;
COLLECTIONS AND REFUNDS; LIMITATIONS

SEC. 204. (a) Section 500 of the Tariff Act (19 U.S.C. 1500) is hereby amended to read as follows: 46 Stat. 729.

"SEC. 500. APPRAISEMENT, CLASSIFICATION, AND LIQUIDATION PROCEDURES.—

"The appropriate customs officer shall, under rules and regulations prescribed by the Secretary—

"(a) appraise merchandise in the unit of quantity in which the merchandise is usually bought and sold by ascertaining or estimating the value thereof by all reasonable ways and means in his power, any statement of cost or costs of production in any invoice, affidavit, declaration, or other document to the contrary notwithstanding;

"(b) ascertain the classification and rate of duty applicable to such merchandise;

"(c) fix the amount of duty to be paid on such merchandise and determine any increased or additional duties due or any excess of duties deposited;

"(d) liquidate the entry of such merchandise; and

"(e) give notice of such liquidation to the importer, his consignee, or agent in such form and manner as the Secretary shall prescribe in such regulations."

(b) Section 488 of the Tariff Act (19 U.S.C. 1488) is repealed.

(c) Section 505 of the Tariff Act (19 U.S.C. 1505) is amended to read as follows:

Repeal.
46 Stat. 725.
46 Stat. 732.

"SEC. 505. PAYMENT OF DUTIES.—

"(a) DEPOSIT OF ESTIMATED DUTIES.—Unless merchandise is entered for warehouse or transportation, or under bond, the consignee shall deposit with the appropriate customs officer at the time of making entry the amount of duties estimated by such customs officer to be payable thereon.

"(b) COLLECTION OR REFUND.—The appropriate customs officer shall collect any increased or additional duties due or refund any excess of duties deposited as determined on a liquidation or reliquidation."

REPEAL OF SEPARATE APPRAISEMENT PROCEDURE;
VOLUNTARY RELIQUIDATIONS

SEC. 205. Section 501 of the Tariff Act (19 U.S.C. 1501) is amended to read as follows: 46 Stat. 730;
67 Stat. 517.

"SEC. 501. VOLUNTARY RELIQUIDATIONS.—

"A liquidation made in accordance with section 500 or any reliquidation thereof made in accordance with this section may be reliquidated in any respect by the appropriate customs officer on his own initiative, notwithstanding the filing of a protest, within ninety days from

Supra.

the date on which notice of the original liquidation is given to the importer, his consignee or agent. Notice of such reliquidation shall be given in the manner prescribed with respect to original liquidations under section 500(e)."

Ante, p. 283.

DUTIABLE VALUE

46 Stat. 731;
67 Stat. 518.

SEC. 206. Section 503 of the Tariff Act (19 U.S.C. 1503) is amended to read as follows:

"SEC. 503. DUTIABLE VALUE.—

Post, p. 287.
46 Stat. 745;
52 Stat. 1088;
67 Stat. 518.
19 USC 1562.

"Except as provided in section 520(c) (relating to reliquidations on the basis of authorized corrections of errors) or section 562 (relating to withdrawal from manipulating warehouses) of this Act, the basis for the assessment of duties on imported merchandise subject to ad valorem rates of duty or rates based upon or regulated in any manner by the value of the merchandise, shall be the appraised value determined upon liquidation, in accordance with section 500 or any adjustment thereof made pursuant to section 501 of the Tariff Act: *Provided, however*, That if reliquidation is required pursuant to a final judgment or order of the United States Customs Court which includes a reappraisement of imported merchandise, the basis for such assessment shall be the final appraised value determined by such court."

PROTESTS

46 Stat. 734.

SEC. 207. Section 514 of the Tariff Act (19 U.S.C. 1514) is amended to read as follows:

"SEC. 514. FINALITY OF DECISIONS; PROTESTS.—

Ante, p. 283.

Post, p. 286.

67 Stat. 519.
19 USC 1520.
46 Stat. 739.
19 USC 1521.

"(a) FINALITY OF DECISIONS.—Except as provided in section 501 (relating to voluntary reliquidations), section 516 (relating to petitions by American manufacturers, producers, and wholesalers), section 520 (relating to refunds and errors), and section 521 (relating to reliquidations on account of fraud) of this Act, decisions of the appropriate customs officer, including the legality of all orders and findings entering into the same, as to—

"(1) the appraised value of merchandise;

"(2) the classification and rate and amount of duties chargeable;

"(3) all charges or exactions of whatever character within the jurisdiction of the Secretary of the Treasury;

"(4) the exclusion of merchandise from entry or delivery under any provision of the customs laws;

"(5) the liquidation or reliquidation of an entry, or any modification thereof;

"(6) the refusal to pay a claim for drawback; and

"(7) the refusal to reliquidate an entry under section 520(c) of this Act,

shall be final and conclusive upon all persons (including the United States and any officer thereof) unless a protest is filed in accordance with this section, or unless a civil action contesting the denial of a protest, in whole or in part, is commenced in the United States Customs Court in accordance with section 2632 of title 28 of the United States Code within the time prescribed by section 2631 of that title. When a judgment or order of the United States Customs Court has become final, the papers transmitted shall be returned, together with a copy of the judgment or order to the appropriate customs officer, who shall take action accordingly.

Ante, p. 278.

"(b) PROTESTS.—

"(1) IN GENERAL.—A protest of a decision under subsection (a) shall be filed in writing with the appropriate customs officer designated

in regulations prescribed by the Secretary, setting forth distinctly and specifically each decision described in subsection (a) as to which protest is made; each category of merchandise affected by each such decision as to which protest is made; and the nature of each objection and reasons therefor. Only one protest may be filed for each entry of merchandise, except that where the entry covers merchandise of different categories, a separate protest may be filed for each category. In addition, separate protests filed by different authorized persons with respect to any one category of merchandise that is the subject of a protest are deemed to be part of a single protest. A protest may be amended, under regulations prescribed by the Secretary, to set forth objections as to a decision or decisions described in subsection (a) which were not the subject of the original protest, in the form and manner prescribed for a protest, any time prior to the expiration of the time in which such protest could have been filed under this section. New grounds in support of objections raised by a valid protest or amendment thereto may be presented for consideration in connection with the review of such protest pursuant to section 515 of this Act at any time prior to the disposition of the protest in accordance with that section. Except as otherwise provided in section 557(b) of this Act, protests may be filed by the importer, consignee, or any authorized agent of the person paying any charge or exaction, or filing any claim for drawback, or seeking entry or delivery, with respect to merchandise which is the subject of a decision in subsection (a).

*Infra.**Post*, p. 290.

“(2) **TIME FOR FILING.**—A protest of a decision, order, or finding described in subsection (a) shall be filed with such customs officer within ninety days after but not before—

“(A) notice of liquidation or reliquidation, or

“(B) in circumstances where subparagraph (A) is inapplicable, the date of the decision as to which protest is made.

“(c) **LIMITATION ON PROTEST OF RELIQUIDATIONS.**—The reliquidation of an entry shall not open such entry so that a protest may be filed against the decision of the customs officer upon any question not involved in such reliquidation.”

REVIEW OF PROTESTS

SEC. 208. Section 515 of the Tariff Act (19 U.S.C. 1515) is amended to read as follows:

46 Stat. 734.

“SEC. 515. REVIEW OF PROTESTS.—

“(a) **ADMINISTRATIVE REVIEW AND MODIFICATION OF DECISIONS.**—Unless a request for an accelerated disposition of a protest is filed in accordance with subsection (b) of this section the appropriate customs officer, within two years from the date a protest was filed in accordance with section 514 of this Act, shall review the protest and shall allow or deny such protest in whole or in part. Thereafter, any duties, charge, or exaction found to have been assessed or collected in excess shall be remitted or refunded and any drawback found due shall be paid. Upon the request of the protesting party, filed within the time allowed for the filing of a protest under section 514 of this Act, a protest may be subject to further review by another appropriate customs officer, under the circumstances and in the form and manner that may be prescribed by the Secretary in regulations, but subject to the two-year limitation prescribed in the first sentence of this subsection. Notice of the denial of any protest shall be mailed in the form and manner prescribed by the Secretary.

Ante, p. 284.

“(b) **REQUEST FOR ACCELERATED DISPOSITION OF PROTEST.**—A request for accelerated disposition of a protest filed in accordance with section 514 of this Act may be mailed by certified or registered mail to the

Ante, p. 278.

appropriate customs officer any time after ninety days following the filing of such protest. For purposes of section 1582 of title 28 of the United States Code, a protest which has not been allowed or denied in whole or in part within thirty days following the date of mailing by certified or registered mail of a request for accelerated disposition shall be deemed denied on the thirtieth day following mailing of such request."

PETITIONS BY AMERICAN MANUFACTURERS, PRODUCERS, OR WHOLESALEERS

46 Stat. 735;
52 Stat. 1084.

SEC. 209. Section 516 of the Tariff Act (19 U.S.C. 1516) is amended to read as follows:

SEC. 516. PETITIONS BY AMERICAN MANUFACTURERS, PRODUCERS, OR WHOLESALEERS—VALUE AND CLASSIFICATION.—

"(a) The Secretary shall, upon written request by an American manufacturer, producer, or wholesaler, furnish the classification, and the rate of duty, if any, imposed upon designated imported merchandise of a class or kind manufactured, produced, or sold at wholesale by him. If such manufacturer, producer, or wholesaler believes that the appraised value is too low, that the classification is not correct, or that the proper rate of duty is not being assessed, he may file a petition with the Secretary setting forth (1) a description of the merchandise, (2) the appraised value, the classification, or the rate or rates of duty that he believes proper, and (3) the reasons for his belief.

"(b) If, after receipt and consideration of a petition filed by an American manufacturer, producer, or wholesaler, the Secretary decides that the appraised value of the merchandise is too low, or that the classification of the article or rate of duty assessed thereon is not correct, he shall determine the proper appraised value or classification or rate of duty, and notify the petitioner of his determination. All such merchandise entered for consumption or withdrawn from warehouse for consumption more than thirty days after the date such notice to the petitioner is published in the weekly Customs Bulletin shall be appraised or classified or assessed as to rate of duty in accordance with the Secretary's determination.

"(c) If the Secretary decides that the appraised value or classification of the articles or the rate of duty with respect to which a petition was filed pursuant to subsection (a) is correct, he shall so inform the petitioner. If dissatisfied with the decision of the Secretary, the petitioner may file with the Secretary, not later than thirty days after the date of the decision, notice that he desires to contest the appraised value or classification of, or rate or duty assessed upon, the merchandise. Upon receipt of notice from the petitioner, the Secretary shall cause publication to be made of his decision as to the proper appraised value or classification or rate of duty and of the petitioner's desire to contest, and shall thereafter furnish the petitioner with such information as to the entries and consignees of such merchandise, entered after the publication of the decision of the Secretary at such ports of entry designated by the petitioner in his notice of desire to contest, as will enable the petitioner to contest the appraised value or classification of, or rate of duty imposed upon, such merchandise in the liquidation of one such entry at such port. The Secretary shall direct the appropriate customs officer at such ports to notify the petitioner by mail immediately when the first of such entries is liquidated.

Ante, p. 279.

"(d) Notwithstanding the filing of an action pursuant to section 2632 of title 28 of the United States Code, merchandise of the character covered by the published decision of the Secretary (when entered for consumption or withdrawn from warehouse for consumption on or before the date of publication of a decision of the United

States Customs Court or of the United States Court of Customs and Patent Appeals, not in harmony with the published decision of the Secretary) shall be appraised or classified, or both, and the entries liquidated, in accordance with the decision of the Secretary and, except as otherwise provided in this chapter, the final liquidations of these entries shall be conclusive upon all parties.

“(e) The consignee or his agent shall have the right to appear and to be heard as a party in interest before the United States Customs Court.

“(f) If the cause of action is sustained in whole or in part by a decision of the United States Customs Court or of the United States Court of Customs and Patent Appeals, merchandise of the character covered by the published decision of the Secretary, which is entered for consumption or withdrawn from warehouse for consumption after the date of publication of the court decision, shall be subject to appraisement, classification, and assessment of duty in accordance with the final judicial decision in the action, and the liquidation of entries covering the merchandise so entered or withdrawn shall be suspended until final disposition is made of the action, whereupon the entries shall be liquidated, or if necessary, reliquidated in accordance with the final decision.

“(g) Regulations shall be prescribed by the Secretary to implement the procedures required under this section.”

REFUNDS AND ERRORS

SEC. 210. Section 520(c) of the Tariff Act (19 U.S.C. 1520(c)) is amended by— 52 Stat. 1086;
67 Stat. 519.

(a) striking the words “the Secretary of the Treasury may authorize a collector to” and substituting the words “the appropriate customs officer may, in accordance with regulations prescribed by the Secretary,”;

(b) striking the word “appraisement,” wherever it appears in paragraph (1); and

(c) deleting “sixty” and substituting “ninety” and deleting “ten” and substituting “nine” in paragraph (1).

TITLE III—MISCELLANEOUS AMENDMENTS

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 301. The Tariff Act of 1930, as amended (19 U.S.C. ch. 4), is further amended as follows: 46 Stat. 590.
19 USC 1654.

(a) Section 305 (19 U.S.C. 1305) is amended by— 46 Stat. 688.

(1) striking the word “collector” in the first paragraph and inserting in lieu thereof “appropriate customs officer”; and

(2) striking the term “the collector” where it first appears in the second paragraph and inserting in lieu thereof “the appropriate customs officer” and by striking the term “the collector” wherever it thereafter appears in the paragraph and inserting in lieu thereof “such customs officer”.

(b) Sections 311, 315, 432, 434, 438, 441, 443–447, 449–450, 452–455, 457, 485, 490, 492, 496, 521, 555, 562, 584, 586, 609, 613, and 614 (19 U.S.C. 1311, 1315, 1432, 1434, 1438, 1441, 1443–1447, 1449–1450, 1452–1455, 1457, 1485, 1490, 1492, 1496, 1521, 1555, 1562, 1584, 1586, 1609, 1613, and 1614) are amended by striking the word “collector” wherever it appears in the sections and inserting in lieu thereof “appropriate customs officer”.

67 Stat. 508;
49 Stat. 524.

46 Stat. 708;
49 Stat. 521.
19 USC 1401.

(c) Section 401 (10 U.S.C. 1401) is amended by—

(1) striking subsections (h), (i), and (j);

(2) redesignating subsections (k), (l), (m), and (n) as subsections (h), (i), (j), and (k), respectively, and amending redesignated subsection (i) to read as follows:

“Officer of the
customs,”
“customs officer.”

“(i) OFFICER OF THE CUSTOMS: CUSTOMS OFFICER.—The terms ‘officer of the customs’ and ‘customs officer’ mean any officer of the Bureau of Customs of the Treasury Department (also hereinafter referred to as the ‘Customs Service’) or any commissioned, warrant, or petty officer of the Coast Guard, or any agent or other person authorized by law or designated by the Secretary of the Treasury to perform any duties of an officer of the Customs Service.”

(3) adding a new subsection (l) to read as follows:

“Secretary.”

“(l) SECRETARY.—The term ‘Secretary’ means the Secretary of the Treasury or his delegate.”

70 Stat. 943.

(d) Section 402a (19 U.S.C. 1402) is amended by—

(1) striking the word “appraiser” wherever it appears in the section and inserting in lieu thereof “appropriate customs officer”; and

(2) striking the word “APPRaiser’s” in the heading of subsection (b) and inserting in lieu thereof “CUSTOMS OFFICER’S”.

Ante, p. 284.

(3) striking the words “subject to review in reappraisement proceedings under section 501” and inserting in lieu thereof “subject to protest in accordance with section 514”.

(e) Sections 448, 493, and 608 (19 U.S.C. 1448, 1493, and 1608) are amended by striking the term “the collector” where it first appears in each section and inserting in lieu thereof “the appropriate customs officer” and by striking the term “the collector” wherever it thereafter appears in each section and inserting in lieu thereof “such customs officer”.

52 Stat. 1082;
58 Stat. 269.

(f) Section 451 (19 U.S.C. 1451) is amended by—

(1) striking the word “collector” where it appears the first time in the section and inserting in lieu thereof “appropriate customs officer”;

(2) striking out the word “collector” where it appears the second time in the section and inserting in lieu thereof “such customs officer”; and

(3) striking the word “collector” where it appears the third time in the section and inserting in lieu thereof “appropriate customs officer”.

52 Stat. 1083.

(g) Section 467 (19 U.S.C. 1467) is amended by striking the words “collector of customs” and inserting in lieu thereof “appropriate customs officer”.

46 Stat. 720.

(h) Section 482 (19 U.S.C. 1482) is amended as follows—

(1) subsection (e) is amended by striking the term “collector of customs” and inserting in lieu thereof “appropriate customs officer”; and

(2) subsection (f) is amended by striking “collector of customs or the person acting as such, or by his deputy” and inserting in lieu thereof “appropriate customs officer”.

67 Stat. 509.

(i) Section 484 (19 U.S.C. 1484) is amended as follows—

(1) subsection (a) is amended by striking the word “collector” and inserting in lieu thereof “appropriate customs officer”;

(2) paragraph (1) of subsection (c) is amended by striking the term “the collector” where it first appears in the paragraph and inserting in lieu thereof “the appropriate customs officer” and by striking the term “the collector” where it thereafter appears in the paragraph and inserting in lieu thereof “such customs officer”;

(3) paragraph (2) of subsection (c) is amended by striking the term "The collector" and inserting in lieu thereof "The appropriate customs officer" and by striking the term "the collector" wherever it appears in the paragraph and inserting in lieu thereof "such customs officer";

(4) subsection (g) is amended by striking the term "collector or the appraiser" and inserting in lieu thereof "appropriate customs officer";

(5) the second and third sentences of subsection (j) are amended by striking the word "collector" and inserting in lieu thereof "customs officer"; and

(6) the fourth sentence of subsection (j) is amended by striking the term "a collector" and inserting in lieu thereof "a customs officer" and by striking the terms "the collector" and "such collector" and inserting in lieu thereof "such customs officer".

(j) Section 491 (19 U.S.C. 1491) is amended by striking the words "by the appraiser of merchandise and sold by the collector" and inserting in lieu thereof "and sold by the appropriate customs officer".

46 Stat. 726;
52 Stat. 1083.

(k) Section 499 (19 U.S.C. 1499) is amended as follows—

(1) the first sentence is amended by striking the word "appraiser" and inserting in lieu thereof "appropriate customs officer";

(2) the second sentence is amended by striking the term "The collector" and inserting in lieu thereof "Such officer";

(3) the fifth sentence is amended to read: "Such officer may require such additional packages or quantities as he may deem necessary.";

(4) the sixth sentence is amended to read: "If any package contains any article not specified in the invoice and, in the opinion of the appropriate customs officer, such article was omitted from the invoice with fraudulent intent on the part of the seller, shipper, owner, or agent, the contents of the entire package in which such article is found shall be subject to seizure, but if no such fraudulent intent is apparent, then the value of said article shall be added to the entry and the duties thereon paid accordingly.";

(5) the seventh sentence is amended by striking the word "collector" and inserting in lieu thereof "appropriate customs officer"; and

(6) the last sentence is amended by striking the words "appraiser's return of value" and inserting in lieu thereof "appraisement" and by striking the words "value returned by the appraiser" and inserting in lieu thereof "appraisement".

(l) Section 502 (19 U.S.C. 1502) is amended by striking the words "appraiser, deputy appraiser, assistant appraiser, or examiner of merchandise" and inserting in lieu thereof "customs officer".

(m) Section 506 (19 U.S.C. 1506) is amended as follows:

(1) paragraph (1) is amended by striking the term "the collector" where it first appears in the paragraph and inserting in lieu thereof "the appropriate customs officer" and by striking the term "the collector" where it thereafter appears in the paragraph and inserting in lieu thereof "such customs officer"; and

(2) paragraph (2) is amended by striking the word "collector" and inserting in lieu thereof "appropriate customs officer".

(n) Section 509 (19 U.S.C. 1509) is amended by striking the term "Collectors and appraisers" and inserting in lieu thereof "Appropriate customs officers".

62 Stat. 990.

46 Stat. 733.

(o) Section 510 (19 U.S.C. 1510) is amended by—

(1) striking the words “or a division of such court,” the first time they appear;

(2) striking “or an appraiser, or a collector” and inserting in lieu thereof “or an appropriate customs officer”;

(3) striking “an appraiser” and inserting in lieu thereof “an appropriate customs officer, or”;

(4) striking the words “or a division of such court,” the second and third times they appear; and

(5) striking “or appraiser or collector” and inserting in lieu thereof “or appropriate customs officer”.

(p) Section 511 (19 U.S.C. 1511) is amended by—

(1) striking the words “or an appraiser, or person acting as appraiser, or a collector” and inserting in lieu thereof “or an appropriate customs officer”;

(2) striking the term “the collectors” and inserting in lieu thereof “customs officers”; and

(3) striking the term “the collector” and inserting in lieu thereof “the appropriate customs officer”.

(q) Section 512 (19 U.S.C. 1512) is amended by—

(1) striking the word “collector” and inserting in lieu thereof “customs officer”; and

(2) striking the word “collectors” and inserting in lieu thereof “customs officers”.

(r) Section 513 (19 U.S.C. 1513) is amended by striking the word “COLLECTOR’S” in the heading thereof and inserting in lieu thereof “CUSTOMS OFFICER’S” and by striking the words “collector or other” wherever they appear in the section.

67 Stat. 508.

(s) Section 523 (19 U.S.C. 1523) is amended by striking the word “collectors” and inserting in lieu thereof “customs officers”.

67 Stat. 519.

(t) The fifth sentence of section 557(b) (19 U.S.C. 1557(b)) is amended by striking the words “an appeal for reappraisement under section 501” and inserting in lieu thereof “a protest contesting an appraisal decision in accordance with section 514”.

Ante, p. 284.

(u) Section 560 (19 U.S.C. 1560) is amended by striking the words “collector or other”.

(v) Section 563 (19 U.S.C. 1563) is amended by—

(1) striking the term “collectors of customs” and inserting in lieu thereof “appropriate customs officers”; and

(2) striking the word “collector” and inserting in lieu thereof “customs officer”.

(w) Section 564 (19 U.S.C. 1564) is amended by striking the term “collector of customs” and inserting in lieu thereof “customs officer”.

(x) Section 565 (19 U.S.C. 1565) is amended by—

(1) striking the term “collector of customs” and inserting in lieu thereof “appropriate customs officer”; and

(2) striking the word “collector” wherever it thereafter appears in the section and inserting in lieu thereof “customs officer”.

(y) Section 595 (19 U.S.C. 1595) is amended by striking the words “collector of customs or other”.

(z) Section 602 (19 U.S.C. 1602) is amended by—

(1) striking the word “COLLECTOR” in the heading and inserting in lieu thereof “CUSTOMS OFFICER”; and

(2) striking the word “collector” where it first appears in the section and inserting in lieu thereof “appropriate customs officer” and by striking the word “collector” wherever it thereafter appears in the section and inserting in lieu thereof “customs officer”.

(aa) Section 603 (19 U.S.C. 1603) is amended by—

52 Stat. 1089.

(1) striking the word “COLLECTOR’S” in the heading thereof and inserting in lieu thereof “CUSTOMS OFFICER’S”; and

(2) striking the words “collector or the principal local officer of the Customs Agency Service” and inserting in lieu thereof “appropriate customs officer”.

(bb) Section 604 (19 U.S.C. 1604) is amended by striking the word “collectors” and inserting in lieu thereof “customs officers”.

46 Stat. 754.

(cc) Section 605 (19 U.S.C. 1605) is amended by—

68 Stat. 1141.

(1) striking the word “collector” and inserting in lieu thereof “appropriate customs officer”; and

(2) striking the word “collector’s” and inserting in lieu thereof “customs officer’s”.

(dd) Section 606 (19 U.S.C. 1606) is amended by striking the words “collector shall require the appraiser to” and inserting in lieu thereof “appropriate customs officer shall”.

(ee) Sections 607 and 610 (19 U.S.C. 1607 and 1610) are amended by—

(1) striking the words “returned by the appraiser”; and

(2) striking the word “collector” and inserting in lieu thereof “appropriate customs officer”.

(ff) Section 612 (19 U.S.C. 1612) is amended as follows:

(1) the first sentence is amended by striking the term “the collector” where it first appears and inserting in lieu thereof “the appropriate customs officer”; by striking the words “by the appraiser”; by striking the term “the collector” where it thereafter appears and inserting in lieu thereof “such officer”; and by striking the words “within twenty-four hours after receipt by him of the appraiser’s return”;

(2) the second sentence is amended by striking the term “the collector” and inserting in lieu thereof “such officer”; and

(3) the third sentence is amended by striking the word “collector” and inserting in lieu thereof “customs officer”.

(gg) Section 617 (19 U.S.C. 1617) is amended by striking the word “collector” and inserting in lieu thereof “customs officer” and by striking the words “or customs agent.”

(hh) Section 618 (19 U.S.C. 1618) is amended by striking the words “customs agent, collector, judge of the United States Customs Court, or United States commissioner,” and inserting in lieu thereof “customs officer”.

(ii) Section 623 (19 U.S.C. 1623) is amended by striking the term “collectors of customs” and inserting in lieu thereof “customs officers”.

52 Stat. 1089.

(jj) Section 641 (19 U.S.C. 1641) is amended by striking the words “collector or chief” wherever they appear and substituting therefor “appropriate”.

46 Stat. 759;
49 Stat. 864.

(kk) Section 648 (19 U.S.C. 1648) is amended by striking the term “Collectors of customs” and inserting in lieu thereof “Customs officers”.

SEC. 302. The last paragraph of so much of section 1 of the Act of August 1, 1914, as relates to the Customs Service, as amended (38 Stat. 623; 19 U.S.C. 2), is amended to read as follows:

“The President is authorized from time to time, as the exigencies of the service may require, to rearrange, by consolidation or otherwise, the several customs-collection districts and to discontinue ports of entry by abolishing the same or establishing others in their stead. The President is authorized from time to time to change the location of the headquarters in any customs-collection district as the needs of the service may require.”

43 Stat. 748.

SEC. 303. Section 2 of the Act of March 4, 1923, as amended (19 U.S.C. 6), is amended by—

(a) striking the first and second sentences and inserting in lieu thereof the following: "Any officer of the customs service designated by the Secretary of the Treasury for foreign service, shall, through the Department of State, be regularly and officially attached to the diplomatic missions of the United States in the countries in which they are to be stationed, and when such officers are assigned to countries in which there are no diplomatic missions of the United States, appropriate recognition and standing with full facilities for discharging their official duties shall be arranged by the Department of State."; and

(b) striking the words "and employees" in the last sentence of the section.

SEC. 304. Section 2619 of the Revised Statutes, as amended (19 U.S.C. 31), is amended to read as follows:

"A bond to the United States may be required of any customs officer for the true and faithful discharge of the duties of his office according to law."

SEC. 305. Section 2620 of the Revised Statutes, as amended (19 U.S.C. 32), is amended to read as follows:

"The amounts, conditions for filing, and procedures for the approval of bonds required of customs officers shall be set forth in regulations prescribed by the Secretary of the Treasury."

53 Stat. 810;
80 Stat. 642.

SEC. 306. Section 8 of the Act of August 24, 1912, as amended (19 U.S.C. 50), is amended by striking the term "Collectors of customs" and inserting in lieu thereof "Customs officers".

SEC. 307. Section 2654 of the Revised Statutes, as amended (19 U.S.C. 58), is amended by striking the word "Collectors" and inserting in lieu thereof "Customs officers".

SEC. 308. Section 251 of the Revised Statutes (19 U.S.C. 66) is amended by striking the word "collectors" and inserting in lieu thereof "customs officers".

64 Stat. 246.

SEC. 309. Section 3 of the Act of June 18, 1934, as amended (19 U.S.C. 81c) is amended by—

(a) striking the term "collector of customs" and inserting in lieu thereof "appropriate customs officer"; and

(b) striking the word "collector" and inserting in lieu thereof "appropriate customs officer".

39 Stat. 239.

SEC. 310. The Act of June 28, 1916 (19 U.S.C. 151), is amended by striking the term "collector of customs" and inserting in lieu thereof "appropriate customs officer".

68 Stat. 1139.

SEC. 311. Section 202(a) of the Act of May 27, 1921 (19 U.S.C. 161(a)), is amended by striking the word "report".

42 Stat. 14.

SEC. 312. Section 208 of the Act of May 27, 1921 (19 U.S.C. 167), is amended by striking the term "collector" where it first appears in the section and inserting in lieu thereof "appropriate customs officer" and by striking the term "the collector" wherever it thereafter appears in the section and inserting in lieu thereof "such customs officer".

SEC. 313. Section 209 of the Act of May 27, 1921, as amended (19 U.S.C. 168), is amended by—

(a) striking the words "appraiser or person acting as appraiser" where they first appear in the section and inserting in lieu thereof "appropriate customs officer";

(b) striking the words "report to the collector" where they first appear in the section;

(c) striking the words "each appraiser or person acting as appraiser" and inserting in lieu thereof "such customs officer"; and

(d) striking the words "and report to the collector".

SEC. 314. Section 210 of the Act of May 27, 1921, as amended (19 U.S.C. 169), is amended by—

42 Stat. 15.

(a) striking the words "appraiser or person acting as appraiser" and inserting in lieu thereof "appropriate customs officer";

(b) striking the term "the collector" and inserting in lieu thereof "such customs officer"; and

(c) striking the words "appeal and" and "appeals and".

SEC. 315. Section 5 of the Act of February 13, 1911, as amended (19 U.S.C. 261), is amended by striking "and any customs officer who may be designated for that purpose by the collector of customs."

41 Stat. 402.

SEC. 316. Section 5 of the Act of February 13, 1911, as amended (19 U.S.C. 267), is amended by—

(a) striking the words "inspectors, storekeepers, weighers, and other"; and

(b) striking the term "collector of customs" wherever it appears in the section and inserting in lieu thereof "appropriate customs officer".

SEC. 317. Section 3111 of the Revised Statutes (19 U.S.C. 282) is amended by striking the words "other or" and by striking the words "the collector or other" and the words "a collector or other" and inserting in lieu thereof in each instance the word "an".

SEC. 318. Section 3126 of the Revised Statutes (19 U.S.C. 293) is amended by striking out "collectors" and inserting in lieu thereof "appropriate customs officers".

SEC. 319. Section 2863 and 3087 of the Revised Statutes, as amended (19 U.S.C. 341 and 528), are amended by striking the word "collector" and inserting in lieu thereof "appropriate customs officer".

SEC. 320. The Act of June 16, 1937 (19 U.S.C. 1435b), is amended by—

50 Stat. 303.

(a) striking the words "collector of customs, or any deputy collector of customs designated by him" and inserting in lieu thereof "appropriate customs officer"; and

(b) striking the words "jointly by the Secretary of Commerce and".

REPEALS

SEC. 321. The following laws are hereby repealed:

(a) section 2613 of the Revised Statutes, as amended (19 U.S.C. 5);

(b) the last paragraph of so much of section 1 of the Act of July 5, 1932, as relates to the Bureau of Customs (47 Stat. 584; 19 U.S.C. 5a);

(c) section 3 of the Act of March 4, 1923 (19 U.S.C. 7);

42 Stat. 1453.

(d) section 2629 of the Revised Statutes, as amended (19 U.S.C. 8);

(e) section 2625 of the Revised Statutes, as amended (19 U.S.C. 9);

(f) section 2630 of the Revised Statutes, as amended (19 U.S.C. 10);

(g) section 2632 of the Revised Statutes, as amended (19 U.S.C. 11);

(h) the Act of February 6, 1907, as amended (19 U.S.C. 36);

34 Stat. 880.

(i) section 2633 of the Revised Statutes (19 U.S.C. 37);

(j) section 7 of the Act of March 4, 1923 (19 U.S.C. 51); and

(k) sections 1 and 2 of the Act of August 28, 1890 (19 U.S.C. 63).

42 Stat. 1454;
80 Stat. 636.
26 Stat. 362;
80 Stat. 636.

Approved June 2, 1970.

Public Law 91-272

June 2, 1970
[S. 952]

AN ACT

To provide for the appointment of additional district judges, and for other purposes.

U.S. district
court judges.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the northern district of Alabama, one additional district judge for the middle district of Alabama, one additional district judge for the district of Arizona, two additional district judges for the northern district of California, three additional district judges for the central district of California, three additional district judges for the southern district of California, one additional district judge for the district of Colorado, one additional district judge for the middle district of Florida, two additional district judges for the southern district of Florida, three additional district judges for the northern district of Georgia, one additional district judge for the southern district of Georgia, two additional district judges for the northern district of Illinois, one additional district judge for the eastern district of Kentucky, one additional district judge for the western district of Kentucky, two additional district judges for the eastern district of Louisiana, one additional district judge for the western district of Louisiana, two additional district judges for the district of Maryland, two additional district judges for the eastern district of Michigan, one additional district judge for the eastern district of Missouri, one additional district judge for the district of Nebraska, one additional district judge for the district of New Jersey, one additional district judge for the district of New Mexico, one additional district judge for the eastern district of New York, three additional district judges for the southern district of New York, one additional district judge for the northern district of Ohio, one additional district judge for the southern district of Ohio, six additional district judges for the eastern district of Pennsylvania, two additional district judges for the western district of Pennsylvania, one additional district judge for the district of Puerto Rico, one additional district judge for the district of South Carolina, one additional district judge for the western district of Tennessee, one additional district judge for the northern district of Texas, one additional district judge for the eastern district of Texas, one additional district judge for the southern district of Texas, one additional district judge for the western district of Texas, one additional district judge for the eastern district of Virginia, and one additional district judge for the southern district of West Virginia.

Alabama.

62 Stat. 895;
80 Stat. 77.

Kansas, Penn-
sylvania, Wiscon-
sin, permanent
judgeships.

28 USC 133
notes.

(b) The existing district judgeship for the middle and southern districts of Alabama, heretofore provided for by section 133 of title 28 of the United States Code, shall hereafter be a district judgeship for the southern district of Alabama only, and the present incumbent of such judgeship shall henceforth hold his office under such section 133, as amended by subsection (d) of this section.

(c) The existing district judgeship for the district of Kansas, the existing district judgeships for the eastern district of Pennsylvania, and the existing district judgeship for the eastern district of Wisconsin, created by section 5 of the Act entitled "An Act to provide for the appointment of additional circuit and district judges, and for other purposes", approved March 18, 1966 (80 Stat. 78), and amended by the Act of September 23, 1967 (81 Stat. 228), shall be permanent judgeships and the present incumbents of such judgeships shall henceforth hold their offices under section 133 of title 28, United States

a judge of the municipal court of the Virgin Islands or a circuit or district judge of the Third Circuit, or the Chief Justice of the United States may assign any other United States circuit or district judge with the consent of the judge so assigned and of the chief judge of his circuit, to serve temporarily as a judge of the District Court of the Virgin Islands. The compensation of the judges of the district court and the administrative expenses of the court shall be paid from appropriations made for the judiciary of the United States.

“(b) The judge of the district court who is senior in continuous service and under seventy years of age shall be the chief judge of the court and shall have power to appoint officers of the court when and as provided in section 756 of title 28, United States Code. The division of the business of the court among the judges shall be made as prescribed in section 137 of that title.

“(c) The Attorney General shall appoint a United States marshal for the Virgin Islands, to whose office the provisions of chapter 33 of title 28, United States Code, shall apply.”

SEC. 4. (a) Section 128(a) of title 28, United States Code, is amended to read as follows:

“EASTERN DISTRICT

“(a) The Eastern District comprises the counties of Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima.

“Court for the Eastern District shall be held at Spokane, Yakima, Walla Walla, and Richland.”

(b) Section 128(b) of title 28, United States Code, is amended to read as follows:

“WESTERN DISTRICT

“(b) The Western District comprises the counties of Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, and Whatcom.

“Court for the Western District shall be held at Bellingham, Seattle, and Tacoma.”

SEC. 5. Section 92 of title 28, United States Code, is amended to read as follows:

“§ 92. Idaho

“Idaho, exclusive of Yellowstone National Park, constitutes one judicial district.

“Court shall be held at Boise, Coeur d’Alene, Moscow, and Pocatello.”

SEC. 6. Section 118(a) of title 28, United States Code, is amended to read as follows:

“EASTERN DISTRICT

“(a) The Eastern District comprises the counties of Berks, Bucks, Chester, Delaware, Lancaster, Lehigh, Montgomery, Northampton, Philadelphia, and Schuylkill.

“Court for the Eastern District shall be held at Allentown, Easton, Reading, and Philadelphia.”

SEC. 7. The second sentence of section 117 of title 28, United States Code, is amended to read as follows:

“Court shall be held at Coquille, Eugene, Klamath Falls, Medford, Pendleton, and Portland.”

SEC. 8. Section 93(a) of title 28, United States Code, is amended by

62 Stat. 923.

62 Stat. 897.

80 Stat. 616.
28 USC 531-537.
Washington.
62 Stat. 894;
76 Stat. 598.

62 Stat. 877.

Pennsylvania.
62 Stat. 888.

Oregon.
64 Stat. 393.

Illinois.
62 Stat. 878.

striking out "Court for the Western Division shall be held at Freeport." and inserting in lieu thereof "Court for the Western Division shall be held at Freeport and Rockford."

Indiana.
62 Stat. 879. SEC. 9. The third sentence of section 94(b) of title 28, United States Code, is amended to read as follows:

"Court for the Indianapolis Division shall be held at Indianapolis and Richmond."

Florida.
76 Stat. 248. SEC. 10. The second paragraph of section 89(c) of title 28, United States Code, is amended by inserting "Fort Lauderdale," immediately after "shall be held at".

Michigan.
75 Stat. 83. SEC. 11. Section 102(b) (1) of title 28, United States Code, is amended by striking out at the end thereof "and Lansing" and inserting in lieu thereof "Lansing, and Traverse City".

Tennessee.
62 Stat. 890. SEC. 12. (a) Paragraph (1) of section 123(c) of title 28, United States Code, is amended by inserting "Haywood," immediately after "Hardin,".

(b) Paragraph (2) of such section is amended by striking out "Haywood,".

Repeal.
62 Stat. 989. SEC. 13. Section 41 of the Act of March 2, 1917 (ch. 145, 39 Stat. 965; 48 U.S.C. 863), is repealed.

SEC. 14. Section 753 of title 28, United States Code, is amended as follows:

(1) The first sentence of subsection (e) is amended by striking out "at not less than \$3,000 nor more than \$7,630 per annum".

(2) A new subsection (g) is added to read as follows:

"(g) If, upon the advice of the chief judge of any district court within the circuit, the judicial council of any circuit determines that the number of court reporters provided such district court pursuant to subsection (a) of this section is insufficient to meet temporary demands and needs and that the services of additional court reporters for such district court should be provided the judges of such district court (including the senior judges thereof when such senior judges are performing substantial judicial services for such court) on a contract basis, rather than by appointment of court reporters as otherwise provided in this section, and such judicial council notifies the Director of the Administrative Office, in writing, of such determination, the Director of the Administrative Office is authorized to and shall contract, without regard to section 3709 of the Revised Statutes of the United States, as amended (41 U.S.C. 5), with any suitable person, firm, association, or corporation for the providing of court reporters to serve such district court under such terms and conditions as the Director of the Administrative Office finds, after consultation with the chief judge of the district court, will best serve the needs of such district court."

Court of Claims.
62 Stat. 923.
28 USC 791-795. SEC. 15. (a) Chapter 51 of title 28, United States Code, is amended by adding after section 795 thereof the following new section:

§ 796. Reporting of court proceedings

"The Court of Claims is authorized to contract for the reporting of all proceedings had in open court, and in such contract to fix the terms and conditions under which such reporting services shall be performed, including the terms and conditions under which transcripts shall be supplied by the contractor to the court and to other persons, departments, and agencies."

(b) The analysis of chapter 51 of title 28, United States Code, is amended by adding at the end thereof the following new item:

"796. Reporting of court proceedings."

Approved June 2, 1970.

Public Law 91-273

AN ACT

To authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

June 2, 1970
[S. 3818]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 101. There is hereby authorized to be appropriated to the Atomic Energy Commission in accordance with the provisions of section 261 of the Atomic Energy Act of 1954, as amended:

(a) For "Operating expenses", \$2,013,307,000, not to exceed \$119,450,000 in operating costs for the High Energy Physics program category.

(b) For "Plant and capital equipment", including construction, acquisition, or modification of facilities, including land acquisition; and acquisition and fabrication of capital equipment not related to construction, a sum of dollars equal to the total of the following:

(1) SPECIAL NUCLEAR MATERIALS.—

Project 71-1-a, contaminated storm water runoff control facilities, Savannah River, South Carolina, \$900,000.

Project 71-1-b, in-tank waste solidification systems, Richland, Washington, \$6,300,000.

Project 71-1-c, storage and waste transfer facilities, Richland, Washington, \$1,700,000.

Project 71-1-d, radioactive contamination control improvements, National Reactor Testing Station, Idaho, \$1,400,000.

Project 71-1-e, gaseous diffusion production support facilities, \$14,700,000.

Project 71-1-f, process equipment modifications, gaseous diffusion plants, \$6,400,000.

(2) ATOMIC WEAPONS.—

Project 71-2-a, weapons production, development and test installations, \$10,000,000.

(3) REACTOR DEVELOPMENT.—

Project 71-3-a, modifications to reactors, \$2,000,000.

Project 71-3-b, research and development test plants, Project Rover, Los Alamos Scientific Laboratory, New Mexico, and Nevada Test Site, Nevada, \$1,000,000.

Project 71-3-c, modifications to EBR-II and related facilities, National Reactor Testing Station, Idaho, \$2,000,000.

(4) PHYSICAL RESEARCH.—

Project 71-4-a, accelerator improvements, zero gradient synchrotron, Argonne National Laboratory, Illinois, \$900,000.

Project 71-4-b, accelerator and reactor additions and modifications, Brookhaven National Laboratory, New York, \$925,000.

Project 71-4-c, accelerator improvements, Lawrence Radiation Laboratory, Berkeley, California, \$825,000.

Project 71-4-d, accelerator improvements, Stanford Linear Accelerator Center, California, \$950,000.

Project 71-4-e, accelerator improvements, medium and low energy physics, \$400,000.

(5) BIOLOGY AND MEDICINE.—

Project 71-5-a, addition to physics building (human radiobiology facility), Argonne National Laboratory, Illinois, \$2,000,000.

(6) TRAINING, EDUCATION AND INFORMATION.—

Project 71-6-a, National Nuclear Science Information Center (AE only), Oak Ridge, Tennessee, \$600,000.

(7) GENERAL PLANT PROJECTS.—\$42,000,000.

Atomic Energy
Commission.
Appropriation
authorization.
77 Stat. 88.
42 USC 2017.

(8) **CAPITAL EQUIPMENT.**—Acquisition and fabrication of capital equipment not related to construction, \$173,050,000.

Ante, p. 299.

SEC. 102. **LIMITATIONS.**—(a) The Commission is authorized to start any project set forth in subsections 101(b) (1), (2), (3), and (4) only if the currently estimated cost of that project does not exceed by more than 25 per centum the estimated cost set forth for that project.

(b) The Commission is authorized to start any project set forth in subsections 101(b) (5) and (6) only if the currently estimated cost of that project does not exceed by more than 10 per centum the estimated cost set forth for that project.

(c) The Commission is authorized to start any project under subsection 101(b) (7) only if it is in accordance with the following:

(1) The maximum currently estimated cost of any project shall be \$500,000 and the maximum currently estimated cost of any building included in such project shall be \$100,000 provided that the building cost limitation may be exceeded if the Commission determines that it is necessary in the interest of efficiency and economy.

(2) The total cost of all projects undertaken under subsection 101(b) (7) shall not exceed the estimated cost set forth in that subsection by more than 10 per centum.

Construction design services.

SEC. 103. The Commission is authorized to perform construction design services for any Commission construction project whenever (1) such construction project has been included in a proposed authorization bill transmitted to the Congress by the Commission and (2) the Commission determines that the project is of such urgency that construction of the project should be initiated promptly upon enactment of legislation appropriating funds for its construction.

Transfer of amounts.

SEC. 104. When so specified in an appropriation Act, transfers of amounts between "Operating expenses" and "Plant and capital equipment" may be made as provided in such appropriation Act.

73 Stat. 84.

SEC. 105. **AMENDMENT OF PRIOR YEAR ACTS.**—(a) Section 110 of Public Law 86-50, as amended, is further amended by adding the following at the end of the present text of subsection (f) of said section: "*And provided further*, That waiver of use charges by the Commission may not extend beyond ten years after initial criticality of the reactor."

79 Stat. 120.

(b) Section 101 of Public Law 89-32, as amended, is further amended by adding to subsection (b) (4) for project 66-4-a, sodium pump test facility, the words "for design and Phase I construction."

83 Stat. 46.

(c) Section 101 of Public Law 91-44 is amended by striking from subsection (b) (1), project 70-1-c, waste encapsulation and storage facilities, Richland, Washington, the words "(AE only)" and further striking the figure "\$1,200,000" and substituting therefor the figure "\$10,750,000".

Cooperative arrangement for research and development.

83 Stat. 47.

68 Stat. 952.

42 USC 2209.

SEC. 106. **LIQUID METAL FAST BREEDER REACTOR DEMONSTRATION PROGRAM—FOURTH ROUND.**—(a) The Commission is hereby authorized to enter into a cooperative arrangement with a reactor manufacturer and others for participation in the research and development, design, construction, and operation of a Liquid Metal Fast Breeder Reactor powerplant, in accordance with the criteria heretofore submitted to the Joint Committee on Atomic Energy and referred to in section 106 of Public Law 91-44, without regard to the provisions of section 169 of the Atomic Energy Act of 1954, as amended, and the Commission is further authorized to continue to conduct the Project Definition Phase subsequent to the aforementioned cooperative arrangement. Appropriations totalling \$50,000,000 are hereby authorized for the aforementioned cooperative arrangement and for the Project Definition Phase authorized by section 106 of Public Law

Appropriations.

91-44 and this section, said total amount to include the sum authorized by section 106 of Public Law 91-44. The Commission is also authorized hereby, without regard to the provisions of section 3679 of the Revised Statutes, as amended, to agree under said cooperative arrangement to provide assistance up to a total amount of \$50,000,000 less the sums available to the Commission and utilized for the Project Definition Phase contracts authorized pursuant to section 106 of Public Law 91-44 and this section; and, in addition to said total amount, in the Commission's discretion, to provide assistance up to a total amount of \$20,000,000 in the form of Commission-furnished services, facilities or equipment otherwise available to or planned by the Commission under its civilian base program: *Provided*, That said ceiling amounts shall not be deemed to include assistance in the form of waiver of use charges during the term of the cooperative arrangement and the Commission may agree to provide such assistance without regard to the provisions of section 53 of the Atomic Energy Act, as amended, by waiving use charges in an amount not to exceed \$10,000,000.

(b) Before the Commission enters into any arrangement or amendment thereto under the authority of subsection (a) of this section, the basis for the arrangement or amendment thereto which the Commission proposes to execute (including the name of the proposed participating party or parties with whom the arrangement is to be made, a general description of the proposed powerplant, the estimated amount of cost to be incurred by the Commission and by the participating parties, and the general features of the proposed arrangement or amendment) shall be submitted to the Joint Committee on Atomic Energy, and a period of forty-five days shall elapse while Congress is in session (in computing such forty-five days, there shall be excluded the days on which either House is not in session because of adjournment for more than three days): *Provided, however*, That the Joint Committee, after having received the basis for a proposed arrangement or amendment thereto, may by resolution in writing waive the conditions of, or all or any portion of, such forty-five day period: *Provided further*, That such arrangement or amendment shall be entered into in accordance with the basis for the arrangement or amendment submitted as provided herein: *And provided further*, That no basis for arrangement need be resubmitted to the Joint Committee for the sole reason that the estimated amount of the cost to be incurred by the Commission exceeds the estimated cost previously submitted to the Joint Committee by not more than 15 per centum.

Approved June 2, 1970.

83 Stat. 47.
Additional
assistance.
31 USC 665.

Waiver.

68 Stat. 930;
78 Stat. 603;
81 Stat. 577.
42 USC 2073.
Arrangement;
submission to
Joint Committee
on Atomic Energy.

Waiver.

Cost limitation.

Public Law 91-274

AN ACT

To amend the Act entitled "An Act to authorize the partition or sale of inherited interests in allotted lands in the Tulalip Reservation, Washington, and for other purposes", approved June 18, 1956 (70 Stat. 290).

June 2, 1970
[H. R. 11372]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act entitled "An Act to authorize the partition or sale of inherited interests in allotted lands in the Tulalip Reservation, Washington, and for other purposes", approved June 18, 1956 (70 Stat. 290, 25 U.S.C. 403a-2), is amended to read as follows:

Tulalip Reser-
vation, Wash.
Lands.

"SEC. 2. (a) Notwithstanding the provisions of the constitution and charter of the Tulalip Tribes of the Tulalip Reservation, any lands that are held by the United States in trust for the Tulalip Tribes, or that are subject to a restriction against alienation or taxation imposed by the United States, or that are on and after June 18, 1956, acquired by the Tulalip Tribes, may be sold by the Tulalip Tribes, with the consent of the Secretary of the Interior, on such terms and conditions as the Tulalip board of directors may prescribe, and such sale shall terminate the Federal trust or restrictions against alienation or taxation of the land; except that the trust or restricted status of said lands may be retained, upon approval of the Secretary of the Interior, in any sale thereof to any member of the Tulalip Tribes.

Lands in trust.

"(b) The Secretary of the Interior may accept any transfer of title from the Tulalip Tribes for any land or fractional interest in land within the boundaries of the Tulalip Reservation, and take title to such land in the name of the United States in trust for the Tulalip Tribes, and such lands shall not be subject to taxation.

Mortgages.

"(c) The Tulalip Tribes may, with the approval of the Secretary of the Interior, execute mortgages or deeds of trust to land, the title to which is held by the Tulalip Tribes or by the United States in trust for the Tulalip Tribes. Such land shall be subject to foreclosure and sale pursuant to the terms of such mortgage or deed of trust in accordance with the laws of the State of Washington. For the purpose of any foreclosure or sale proceeding, the Tulalip Tribes shall be regarded as vested with an unrestricted fee simple title to the land, the United States shall not be a necessary party to the foreclosure or sale proceeding, and any conveyance of the land pursuant to the foreclosure or sale proceeding shall divest the United States of title to the land. Title to any land redeemed or acquired by the Tulalip Tribes at such foreclosure or sale proceeding shall be taken in the name of the United States in trust for the tribes. Title to any land purchased by an individual Indian member of the Tulalip Tribes at such foreclosure sale or proceeding may, with the consent of the Secretary of the Interior, be taken in the name of the United States in trust for the individual Indian purchaser.

Moneys or credits.

"(d) Any moneys or credits received or credited to the Tulalip Tribes from the sale, exchange, mortgage, or granting of any security interest in any tribal land may be used for any tribal purpose."

Long-term leases.
81 Stat. 559.

SEC. 2. The first section of the Act of August 9, 1955 (69 Stat. 539), as amended (25 U.S.C. 415), is amended by inserting after "the Gila River Reservation," the following: "the Tulalip Indian Reservation,".

73 Stat. 597;
Post, p. 303.

SEC. 3. Section 1 of the Act of August 9, 1955 (69 Stat. 539), as amended (25 U.S.C. 415), is redesignated as subsection 1(a) and a new subsection 1(b) is added as follows:

"(b) Any lease by the Tulalip Tribes under subsection (a) of this section, except a lease for the exploitation of any natural resource, shall not require the approval of the Secretary of the Interior (1) if the term of the lease does not exceed fifteen years, with no option to renew, or (2) if the term of the lease does not exceed thirty years, with no option to renew, and the lease is executed pursuant to tribal regulations previously approved by the Secretary of the Interior."

Approved June 2, 1970.

Public Law 91-275

AN ACT

To amend the Act of August 9, 1955, to authorize longer term leases of Indian lands at the Yavapai-Prescott Community Reservation in Arizona.

June 2, 1970
[H. R. 12878]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of section 1 of the Act of August 9, 1955 (69 Stat. 539), as amended (25 U.S.C. 415), is hereby further amended by inserting the words "Yavapai-Prescott Community Reservation," after the words "San Carlos Apache Reservation,".

Indian lands,
Ariz.
Long-term
leases.
81 Stat. 560.

SEC. 2. Section 1 of the Act of August 9, 1955 (69 Stat. 539), as amended, is further amended by adding the following new sentence at the end thereof: "Prior to approval of any lease or extension of an existing lease pursuant to this section, the Secretary of the Interior shall first satisfy himself that adequate consideration has been given to the relationship between the use of the leased lands and the use of neighboring lands; the height, quality, and safety of any structures or other facilities to be constructed on such lands; the availability of police and fire protection and other services; the availability of judicial forums for all criminal and civil causes arising on the leased lands; and the effect on the environment of the uses to which the leased lands will be subject."

Ante, p. 302.

Approved June 2, 1970.

Public Law 91-276

AN ACT

To authorize the Public Printer to fix the subscription price of the daily Congressional Record.

June 12, 1970
[S. 3339]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last full paragraph of section 906 of title 44, United States Code, is amended to read as follows:

Congressional
Record, sub-
scription price.
82 Stat. 1259.

"The Public Printer may furnish the daily Record to subscribers at a price determined by the Public Printer based upon the cost of printing and distribution, such price to be payable in advance."

Approved June 12, 1970.

Public Law 91-277

JOINT RESOLUTION

Extending for four years the existing authority for the erection in the District of Columbia of a memorial to Mary McLeod Bethune.

June 12, 1970
[H. J. Res. 1069]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, effective June 1, 1967, the last sentence of the joint resolution entitled "Joint resolution authorizing the erection in the District of Columbia of a memorial to Mary McLeod Bethune", approved June 1, 1960, as amended (74 Stat. 154, 79 Stat. 822), is amended by striking out "within seven years" and inserting in lieu thereof "within eleven years".

Mary McLeod
Bethune Memorial.

Approved June 12, 1970.

Public Law 91-278

June 12, 1970
[H. R. 13816]

AN ACT

To improve and clarify certain laws affecting the Coast Guard.

Coast Guard.

63 Stat. 496;
75 Stat. 827.
14 USC 2.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 14, United States Code, is amended as follows:

(1) Section 2 is amended—

(A) by deleting the word “upon” and substituting therefor the words “on and under”, in the clause preceding the first semicolon;

(B) by inserting “and under” after the phrase “life and property on” and deleting the word “on” after the phrase “the high seas and” in the clause preceding the second semicolon; and

(C) by correctly spelling icebreaking as an unhyphenated word and inserting “, under,” after the phrase “promotion of safety on” in the clause preceding the third semicolon.

Active duty
promotion list.
77 Stat. 174.

(2) Section 41a(a) is amended by deleting the comma after the word “components” in the last sentence and inserting the words “or assigned to the Selective Service System,” in lieu thereof.

Life and prop-
erty saving.
63 Stat. 501.

(3) The beginning of the first sentence of subsection (a) of section 88 is amended to read as follows:

“(a) In order to render aid to distressed persons, vessels, and aircraft on and under the high seas and on and under the waters over which the United States has jurisdiction and in order to render aid to persons and property imperiled by flood, the Coast Guard may:”

(4) Section 182 is amended—

Cadets.
63 Stat. 508;
80 Stat. 195.

(A) by striking the word “four” and inserting the word “six” in lieu thereof in the first sentence;

(B) by inserting the words “to complete the course of instruction at the Coast Guard Academy and “after the word “prescribe,” in the penultimate sentence;

(C) by designating the amended section as subsection (a); and

(D) by adding a new subsection (b) as follows:

“(b) A cadet who does not fulfill his obligation to complete the course of instruction or refuses to accept an appointment as an officer in the Coast Guard may be transferred by the Secretary to the Coast Guard Reserve in an appropriate enlisted grade or rating, and, notwithstanding section 651 of title 10, United States Code, may be ordered to active duty to serve in that grade or rating for such period of time as the Secretary prescribes, but not for more than four years.”

70A Stat. 27;
72 Stat. 1440,
1570.

Permanent
teachers, re-
tirement.
63 Stat. 509;
77 Stat. 175.

(5) The first sentence of section 190 is amended by inserting at the end thereof, the words “, nor shall they be required to retire at age sixty-two but may be permitted to serve until age sixty-four at which time unless earlier retired or separated they shall be retired”.

63 Stat. 508.
14 USC 181-194.

(6) Chapter 9 is amended by adding at the end thereof a new section 195 as follows:

“§ 195. Admission of foreigners for instruction; restrictions; conditions

“(a) The Secretary may permit not to exceed four persons at a time from the Republic of the Philippines designated by the President to receive instruction at the Academy.

“(b) A person receiving instruction under this section is entitled to the same pay and allowances, to be paid from the same appropriations, as cadets at the Academy.

“(c) Except as the Secretary determines, a person receiving instruction under this section is subject to the same regulations governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation as a cadet; however, a person receiving instruction under this section is not entitled to an appointment in the Coast Guard by reason of his graduation from the Academy.”

(7) The analysis of chapter 9 is amended by inserting at the end thereof:

“Sec. 195. Admission of foreigners for instruction: restrictions; conditions.”

(8) Section 271 is amended by striking the word “eighteen” and inserting the word “twelve” in lieu thereof in the first sentence of subsection (c).

Promotions.
77 Stat. 181.
14 USC 271.

(9) Section 332(a) is amended by striking all after the word “perform” and inserting a period at that point.

Recall to
active duty.

(10) Subsection (g) of section 432 is amended by striking out the figures “5,100” and inserting in lieu thereof the figures “7,500”.

73 Stat. 585.

(11) Section 475 is amended—

Personnel
quarters.
63 Stat. 532.

(A) by amending the catchline to read as follows: **“Leasing and hiring of quarters; rental of inadequate housing”**;

(B) by designating the existing paragraph as subsection (d); and

(C) by adding new subsections (a), (b), (c), and (e) as follows:

Leasing.

“(a) The Secretary is authorized to lease housing facilities at or near Coast Guard installations, wherever located, for assignment as public quarters to military personnel and their dependents, if any, without rental charge upon a determination by the Secretary, or his designee, that there is a lack of adequate housing facilities at or near such Coast Guard installations. Such public housing facilities may be leased on an individual or multiple-unit basis. Expenditures for the rental of such housing facilities may not exceed the average authorized for the Department of Defense in any year except where the Secretary of the Department in which the Coast Guard is operating finds that the average is so low as to prevent rental of necessary housing facilities in some areas, in which event he is authorized to reallocate existing funds to high-cost areas so that rental expenditures in such areas exceed the average authorized for the Department of Defense.

Limitation,
exception.

“(b) Notwithstanding the provisions of any other law, members of the Coast Guard, with dependents, may occupy on a rental basis, without loss of basic allowance for quarters, inadequate quarters under the jurisdiction of the Coast Guard notwithstanding that such quarters may have been constructed or converted for assignment as public quarters. The net difference between the basic allowance for quarters and the fair rental value of such quarters shall be paid from otherwise available appropriations; however, no rental charge for such quarters shall be made against the basic allowance for quarters of a member of the Coast Guard in excess of 75 per centum of such allowance except that in no event shall the net rental value charged to the member’s basic allowance for quarters be less than the cost of maintaining and operating the housing.

Rental.

Limitation,
exception.

“(c) The Secretary is authorized, subject to regulations approved by the President—

“(1) to designate as rental housing such housing as he may determine to be inadequate as public quarters; and

“(2) to lease inadequate housing to members of the Coast Guard for occupancy by them and their dependents.

Expiration
date.

14 USC 461-
511.

"(e) The authority provided in subsections (a), (b), and (c) of this section shall expire on June 30, 1972."

(12) The analysis of chapter 13 is amended by striking out—

"475. Hiring of quarters for personnel."

and inserting in lieu thereof

"475. Leasing and hiring of quarters; rental of inadequate housing."

Supply fund.
70 Stat. 1077.

(13) Section 650 is amended—

(A) by designating the existing paragraph as subsection (a);
and

(B) by adding a new subsection (b) as follows:

"(b) Obligations may, without regard to fiscal year limitations, be incurred against anticipated reimbursement to the Coast Guard Supply Fund in such amount and for such period, as the Secretary, with approval of the Director of the Bureau of the Budget, may determine to be necessary to maintain stock levels consistently with planned operations for the next year."

77 Stat. 69.

(14) By adding the following new section after section 656:

"§ 657. Dependent school children; transportation of

"Whenever the Secretary, under such regulations as he may prescribe, determines that schools located in the same area in which a Coast Guard facility is located are not accessible by public means of transportation on a regular basis, he may provide, out of funds appropriated to or for the use of the Coast Guard, for the transportation of dependents of Coast Guard personnel between the schools serving the area and the Coast Guard facility."

14 USC 631-
656.

(15) The analysis of chapter 17 is amended by adding the following new item:

"657. Dependent school children; transportation of."

SEC. 2. Title 10, United States Code, is amended as follows:

79 Stat. 615.

(1) The catchline of section 2002 is amended to read as follows:

"§ 2002. Dependents of members of armed forces: language training"

(2) Subsection (a) of section 2002 is amended—

(A) by deleting the comma after the phrase "Secretary of Defense" and inserting "or, with respect to the Coast Guard when it is not operating as a service in the Navy, the Secretary of Transportation," in lieu thereof; and

(B) by deleting "Army, Navy, Air Force, or Marine Corps" and inserting "armed forces" in lieu thereof in subparagraph (3).

10 USC 2001-
2002.

(3) The analysis of chapter 101 is amended by striking out—

"2002. Dependents of members of Army, Navy, Air Force, or Marine Corps: language training."

and inserting in lieu thereof

"2002. Dependents of members of armed forces: language training."

Uniformed serv-
ices, pay grades.
76 Stat. 454.
37 USC 201.

SEC. 3. Title 37, United States Code, is amended as follows:

(1) Subsection (e) of section 201 is amended by striking the word "or" before "Marine Corps" and by inserting the words ", or Coast Guard" after "Marine Corps".

Rates.
77 Stat. 212.

(2) The first sentence of subsection (b) of section 203 is amended by adding the words "or as a member of the permanent commissioned teaching staff at the United States Coast Guard Academy" after the words "United States Air Force Academy".

Uniform allow-
ance.
76 Stat. 477;
80 Stat. 198.
37 USC 415.

(3) Subsection (e) of section 415 is amended by inserting the words "or a warrant officer under section 213 of title 14," after the words "section 214 of title 14,".

Approved June 12, 1970.

Public Law 91-279

AN ACT

To extend the provisions of the United States Fishing Fleet Improvement Act, as amended, and for other purposes.

June 12, 1970
[H. R. 4813]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2 of the United States Fishing Fleet Improvement Act, as amended (46 U.S.C. 1402), is amended by inserting after the first sentence thereof a new sentence to read as follows: "Any citizen of the United States may apply to the Secretary for a construction subsidy to aid in the remodeling of any vessel in accordance with this Act."

United States
Fishing Fleet
Improvement Act,
amendments.
74 Stat. 212;
78 Stat. 614.

(b) Clause (1) of section 2 of the United States Fishing Fleet Improvement Act, as amended (46 U.S.C. 1402(1)), is amended by inserting after the words "and suitable" a comma and the words "in the case of a new fishing vessel and, when appropriate, a remodeled vessel,".

(c) Clause (2) of section 2 of the United States Fishing Fleet Improvement Act, as amended (46 U.S.C. 1402(2)), is amended by deleting the word "new" from said clause.

(d) Clause (7) of section 2 of the United States Fishing Fleet Improvement Act, as amended (46 U.S.C. 1402(7)), is amended to read as follows: "(7) the vessel will be modern in design and equipment, be capable, when appropriate, to operate in expanded areas, and will not operate in a fishery if such operation would cause economic hardship to operators of efficient vessels already operating in that fishery unless such vessel will replace a vessel of the applicant operating in the same fishery during the twenty-four-month period immediately preceding the date an application is filed by the applicant, and having a comparable fishing capacity of the replacement vessel, and".

SEC. 2. Section 3 of the United States Fishing Fleet Improvement Act, as amended (46 U.S.C. 1403), is amended by changing the words "after notice and hearing," to "after notice and opportunity for a public hearing,".

SEC. 3. Section 5 of the United States Fishing Fleet Improvement Act, as amended (46 U.S.C. 1405), is amended to read as follows:

Cost determina-
tion, survey by
Maritime Admin-
istrator.

"SEC. 5. (a) Within sixty days after the date of enactment of this subsection, and from time to time thereafter, the Maritime Administrator shall survey foreign shipyards to determine the estimated difference between the cost of constructing various classes of new fishing vessels engaged in the fisheries of the United States in such shipyards, and the cost of remodeling various classes of vessels in such shipyards, and the cost of constructing or remodeling such vessels in a shipyard of the United States.

"(b) The Secretary may pay, from funds appropriated under this Act for fiscal year 1970 and subsequent fiscal years with respect to any new fishing vessel for which an application is received in such years and approved under section 3 of this Act, a construction subsidy of not less than 35 per centum and not more than 50 per centum of the lowest responsible bid for the construction of such vessel in a shipyard of the United States, as determined and certified to the Secretary by the Maritime Administrator, excluding the costs, if any, of any feature incorporated in the vessel for national defense uses which costs shall be paid by the Department of Defense in addition to such subsidy. The amount of such subsidy for each such vessel shall be determined and certified to the Secretary by the Maritime Administrator based on the periodic survey conducted under subsection (a) of this section.

Construction
subsidy, limita-
tion.

46 USC 1403.

"(c) The Secretary may pay, from funds appropriated under this Act for fiscal year 1970 and subsequent fiscal years with respect to any

Payment of
funds.

74 Stat. 212.
46 USC 1403.

vessel for which an application is received in such years and approved under section 3 of this Act for the remodeling of any vessel, a construction subsidy of not more than 35 per centum of the lowest responsible bid for the remodeling of such vessel as a fishing vessel in a shipyard of the United States, as determined and certified to the Secretary by the Maritime Administrator, excluding the costs, if any, of any feature incorporated in the vessel for national defense uses which costs shall be paid by the Department of Defense in addition to such subsidy. The amount of such subsidy for each such vessel shall be determined and certified to the Secretary by the Maritime Administrator based on the periodic survey conducted under subsection (a) of this section."

78 Stat. 614.

SEC. 4. Section 7 of the United States Fishing Fleet Improvement Act, as amended (46 U.S.C. 1407), is amended by inserting after the first sentence thereof a new sentence to read as follows: "Beginning on the date of enactment of this sentence, if the applicant disapproves the lowest responsible domestic bid certified by the Maritime Administrator for convenience or other reasons, the Secretary may permit the applicant to accept another responsible domestic bid and agree to pay a construction subsidy under subsection (b) or (c) of section 5 of this Act which shall not exceed the amount the Secretary would have paid if the applicant had accepted the lowest responsible domestic bid."

Ante, p. 307.

Transfer of
vessels.

SEC. 5. Section 9 of the United States Fishing Fleet Improvement Act, as amended (46 U.S.C. 1409), is amended by changing the first sentence thereof to read as follows: "The Secretary, in the exercise of his discretion, after notice and a public hearing, may approve the transfer of any vessel constructed with the aid of a subsidy to another fishery when, as determined by the Secretary, the operations of such vessel are shown to be uneconomical or less economical either because of an actual decline of the resource in the particular fishery or fisheries in which such vessel operates, or because of changed market conditions or a combination of these factors, and where he determines that such transfer would not cause economic hardship to operators of efficient vessels already operating in the fishery to which the vessel would be transferred, or where he determines that such transfer would enable such vessel to operate in a newly developed fishery not yet utilized to its capacity by operators of efficient vessels."

74 Stat. 214.

SEC. 6. (a) Paragraph (3) of section 11 of the United States Fishing Fleet Improvement Act, as amended (46 U.S.C. 1411(3)), is amended to read as follows:

"Citizen of the
United States."

"(3) 'citizen of the United States' includes a corporation, partnership, or association if it is a citizen of the United States within the meaning of section 2 of the Shipping Act, 1916 (39 Stat. 729), as amended (46 U.S.C. 802), and the amount of interest required to be owned by a citizen of the United States shall be at least 75 per centum."

41 Stat. 1008.
46 USC 803.

(b) Section 11 of such Act is further amended by striking out "and" at the end of paragraph (4); by redesignating paragraph (5) as paragraph (6); and by inserting immediately after paragraph (4) the following new paragraph:

"Remodeling."

"(5) 'remodeling' includes the construction through the conversion or reconditioning of any vessel to a fishing vessel and through the rebuilding of any existing fishing vessel, and".

Appropriation.
74 Stat. 214;
78 Stat. 614.

SEC. 7. Section 12 of the United States Fishing Fleet Improvement Act, as amended (46 U.S.C. 1412), is amended to read as follows:

"SEC. 12. There is authorized to be appropriated for the fiscal years 1970, 1971, and 1972, \$20,000,000 per fiscal year to carry out this Act. Such sums are authorized without fiscal year limitation."

SEC. 8. Section 13 of the United States Fishing Fleet Improvement Act, as amended (46 U.S.C. 1413), is amended by striking out "1969" and inserting in lieu thereof "1972".

Termination
date.
74 Stat. 214;
78 Stat. 614.

SEC. 9. Section 4(b)(2) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742c(b)(2)) is amended to read as follows:

70 Stat. 1121.

"(2) Mature in not more than ten years, except that where a loan is for all or part of the costs of constructing a new fishing vessel, such period may be fourteen years."

Approved June 12, 1970.

Public Law 91-280

AN ACT

To transfer from the Architect of the Capitol to the Librarian of Congress the authority to purchase office equipment and furniture for the Library of Congress.

June 12, 1970
[H. R. 11628]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled "An Act to abolish the office of Superintendent of the Library Building and Grounds and to transfer the duties thereof to the Architect of the Capitol and the Librarian of Congress", approved June 29, 1922 (42 Stat. 715; 2 U.S.C. 141), is amended—

Librarian of
Congress, addi-
tional authority.

(1) by striking out, in the second sentence thereof, "and the purchasing and supplying of all furniture and equipment for the building" and inserting in lieu thereof the following: "and the purchasing of all equipment other than office equipment"; and

(2) by inserting after the fourth sentence thereof a new sentence as follows: "The Librarian of Congress shall provide for the purchase and supply of office equipment and furniture for library purposes."

Approved June 12, 1970.

Public Law 91-281

AN ACT

To amend section 11 of an Act approved August 4, 1950 entitled "An Act relating to the policing of the buildings and grounds of the Library of Congress".

June 17, 1970
[H. R. 12619]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 11 of the Act of August 4, 1950 (64 Stat. 412; 2 U.S.C. 167j) is amended by—

(1) inserting therein, immediately after "SEC. 11.", the subsection designation "(a)"; and

(2) inserting at the end thereof the following new subsection:

"(b) For the purposes of this Act, the term 'Library of Congress buildings and grounds' shall include (1) the whole or any part of any building or structure which is occupied under lease or otherwise by the Library of Congress and is subject to supervision and control by the Librarian of Congress, (2) the land upon which there is situated any building or structure which is occupied wholly by the Library of Congress, and (3) any subway or enclosed passageway connecting two or more buildings or structures occupied in whole or in part by the Library of Congress."

"Library of Con-
gress buildings and
grounds."

Approved June 17, 1970.

stantially equivalent to that provided by the project as originally authorized.

SEC. 5. (a) The project for comprehensive development of the Delaware River Basin, as authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 522, 87th Congress, by section 203 of the Flood Control Act of 1962 (76 Stat. 1182), is hereby modified to permit use of the head and water releases of Tocks Island Reservoir as an incident to a pumped storage hydroelectric power development project by applicant presently seeking approval to undertake such development before the Delaware River Basin Commission, subject to the provisions of this section and the pertinent provisions of the Delaware River Basin Compact and the Federal Power Act, including section 10(e) (16 U.S.C. 803(e)) providing for payment of annual charges to the United States: *Provided*, That the annual charges payable by applicant for use of the Tocks Island project by the aforesaid pumped storage development, including use of project head and water releases, shall be not less than \$1,000,000.

Delaware River
Basin.

75 Stat. 688.
49 Stat. 863.
16 USC 791a.
49 Stat. 842;
76 Stat. 447.

(b) The Secretary of the Interior shall insure that the planning and construction of the aforesaid pumped-storage project shall be undertaken in accordance with the conditions and requirements relating to Sunfish Pond and Kittatinny Mountain set forth in paragraph numbered (3) (A) of Resolution Numbered 68-12 adopted October 28, 1968, by the Delaware River Basin Commission: *Provided*, That the Federal Power Commission shall adopt, as part of any license to construct, operate, or maintain the aforesaid pumped-storage project, those requirements and conditions determined by the Secretary of the Interior to be necessary to insure conformance with the provisions of paragraph (3) (A) of such resolution: *Provided further*, That in no event shall the upper pool of the applicant's proposed pumped-storage project be located on land other than that owned by applicant on April 15, 1969.

(c) Any license issued by the Federal Power Commission subject to the provisions of this section shall be conditioned upon the licensee delivering power and energy in an amount not less than, and at a cost not greater than that which would have been delivered from installation of power facilities heretofore authorized, to all preference customers eligible to purchase power from such heretofore authorized facilities: *Provided*, That, for the purposes of this section, the Delaware River Basin Commission will be considered a preference customer, and the Secretary of the Interior is hereby authorized to allocate such power as may be available under this subsection on an equitable basis among such preference customers.

(d) Power and energy shall be made available by any licensee to the United States free of cost for operation and maintenance of Tocks Island Dam.

(e) The Tocks Island project and the aforesaid pumped-storage development shall be constructed in such a manner as not to preclude installation at any time of power facilities heretofore authorized at Tocks Island Dam and use of its head and water releases for power purposes by the United States.

(f) In carrying out the purposes of this section, the Secretary of the Army and the applicant shall enter into an agreement providing for the payment by the applicant to the United States of such economic costs as may be incurred by the United States in the design, construction, and operation of the Tocks Island Dam necessary to preserve its suitability for the aforesaid pumped-storage development by applicant and power facilities heretofore authorized. In the event a license is not issued for the aforesaid pumped-storage development and the

United States constructs the heretofore authorized power facilities, the costs incurred by the United States to preserve the suitability of the project for the installation of such authorized power facilities will be borne by the United States. In the event of failure to reach timely agreement, the Secretary of the Army shall determine the payment to be made to the United States, and the applicant shall be liable therefor: *Provided*, That such determination shall be subject to review by the Federal Power Commission.

Benbrook Dam,
Tex.

SEC. 6. That the Act entitled "An Act to provide for municipal use of storage water in Benbrook Dam, Texas", approved July 24, 1956 (70 Stat. 632), is amended by inserting immediately after "Fort Worth" the following: "and with the Benbrook Water and Sewer Authority."

Libby Dam,
Mont.

SEC. 7. That the project for Libby Dam, Kootenai River, Montana, is hereby modified to provide that funds available for such project, in an amount not to exceed \$750,000, may be used in participation with the State of Montana in the construction, operation, and maintenance of fish hatchery facilities, and the performance of related services, by the State for mitigation of fish losses occasioned by the project, in a manner deemed appropriate by the Secretary of the Army, acting through the Chief of Engineers.

Rock Island,
Ill., toll bridge.

SEC. 8. That subsection (c) of the first section of the Act entitled "An Act authorizing the city of Rock Island, Illinois, or its assigns, to construct, maintain, and operate a toll bridge across the Mississippi River at or near Rock Island, Illinois, and to a place at or near the city of Davenport, Iowa," approved March 18, 1938 (52 Stat. 110), as amended is amended by striking out "1970" and inserting in lieu thereof "1972".

72 Stat. 582;
80 Stat. 1415.

Muscatine
Bridge Commission,
extension.

SEC. 9. That section 15 of the Act entitled "An Act creating the Muscatine Bridge Commission and authorizing said commission and its successors to acquire by purchase or condemnation and to construct, maintain, and operate a bridge or bridges across the Mississippi River at or near the city of Muscatine, Iowa, and the town of Drury, Illinois", approved July 26, 1956 (70 Stat. 669; Public Law 811, Eighty-fourth Congress), as amended, is amended (1) by striking out "three years" and inserting in lieu thereof "six years", and (2) by striking out "five years" and inserting in lieu thereof "eight years".

80 Stat. 274.

Denison Dam,
Tex. - Okla.

54 Stat. 1200;
71 Stat. 368.

SEC. 10. (a) That the project for Denison Dam (Lake Texoma), Red River, Texas and Oklahoma, authorized by the Flood Control Act of 1938 (52 Stat. 1215), as amended, is hereby modified to provide that the city of Sherman, Texas, is authorized to construct a barrier dam across the Big Mineral Arm of Lake Texoma so as to create a subimpoundment of not to exceed ninety-five thousand acre-feet, for the purpose of providing a municipal and industrial water supply in an amount not to exceed fifty-two thousand acre-feet annually. The city of Sherman shall reimburse the United States the costs, as determined by the Secretary of the Army, acting through the Chief of Engineers, allocable to an amount of storage in Lake Texoma equal to that in the subimpoundment, in accordance with the provisions of the Water Supply Act of 1958, as amended (43 U.S.C. 390(b)-(f)), including the loss in power revenues attributable to the subimpoundment.

72 Stat. 319;
75 Stat. 210.
43 USC 390b
note.

(b) The location and plans for the barrier dam shall be submitted to the Chief of Engineers and the Secretary of the Army for approval prior to construction in accordance with section 9 of the Act of March 3, 1899 (33 U.S.C. 401).

30 Stat. 1151.

(c) Prior to construction of the barrier dam, the city of Sherman shall agree in writing to (1) provide satisfactory means for the transference of small pleasure craft to and from the subimpoundment and Lake Texoma; (2) obtain any necessary State water rights required

for use of the stored waters; (3) hold and save the United States free from all damages due to construction, operation, and maintenance of the barrier dam and subimpoundment; (4) operate and maintain the barrier dam and subimpoundment in accordance with regulations issued by the Secretary of the Army; and (5) pay the costs of any alterations or relocations of Federal facilities necessitated by the subimpoundment.

SEC. 11. This Act may be cited as the "River Basin Monetary Authorization and Miscellaneous Civil Works Amendments Act of 1970".

Short title.

Approved June 19, 1970.

Public Law 91-283

AN ACT

To provide for the disposition of judgment funds of the Sioux Tribe of the Fort Peck Indian Reservation, Montana.

June 19, 1970
[H. R. 10184]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated by the Act of October 21, 1968 (82 Stat. 1190, 1198), to pay a judgment to the Sioux Tribe of the Fort Peck Reservation, Montana, in Indian Claims Commission Docket Numbered 279A and the interest thereon, after payment of attorney's fees and all appropriate expenses, and after deducting \$50,000 to be used as provided in section 5 of this Act, and after deducting the estimated costs of distribution, shall be distributed per capita to each person born on or before, and living on, the date of this Act who is a citizen of the United States and duly enrolled, on a roll approved by the Secretary of the Interior, as a member of the Sioux Tribe of the Fort Peck Reservation, in accordance with eligibility requirements and procedures agreed upon by the Secretary of the Interior and the tribe, or its authorized representatives.

Sioux Tribe,
Fort Peck Indian
Reservation, Mont.
Judgment funds,
disposition.

SEC. 2. The per capita shares shall be determined on the basis of the number of persons eligible for per capitās and the number of persons rejected for per capitās who have taken a timely appeal. The shares of those persons whose appeals are denied shall revert to the Sioux Tribe of the Fort Peck Reservation, Montana, to be expended for any purpose designated by the tribe and approved by the Secretary.

Per capita
shares.

SEC. 3. Sums payable to enrollees or their heirs or legatees who are less than twenty-one years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interests of such persons.

Minor enrollees,
protection of in-
terests.

SEC. 4. The funds distributed under the provisions of this Act shall not be subject to Federal or State income taxes.

Tax exemptions.

SEC. 5. Upon agreement by the Fort Peck Sioux Tribe and the Fort Peck Assiniboine Tribe on the amount each agrees to contribute from any award to each tribe in Indian Claims Commission Docket No. 279A, the agreed contribution of the Fort Peck Sioux Tribe shall be withdrawn from the \$50,000, and interest thereon, withheld from per capita distribution pursuant to section 1 of this Act, and credited to the joint account for expenditure pursuant to the Act of June 29, 1954 (68 Stat. 329): *Provided*, That upon request of the Fort Peck Sioux Tribe the Secretary of the Interior in his discretion may distribute all or part of the aforesaid \$50,000 and interest thereon per capita to each person eligible under section 1 of this Act.

Approved June 19, 1970.

Public Law 91-284

AN ACT

June 19, 1970
[H. R. 14306]

To amend the tobacco marketing provisions of the Agricultural Adjustment Act of 1938, as amended.

Tobacco allotments.
Lease and transfer.
75 Stat. 469;
82 Stat. 996,
7 USC 1314b.

Terms and conditions.
77 Stat. 81.

Acreage allotment, limitation.
81 Stat. 121.

Repeal.

76 Stat. 151.

Acreage poundage quotas.
79 Stat. 66,
7 USC 1314c.

7 USC 1316.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 316(a) of the Agricultural Adjustment Act of 1938, as amended, is amended to read as follows:

“(a) Notwithstanding any other provision of law, the Secretary, if he determines that it will not impair the effective operation of the tobacco marketing quota or price support program, may permit the owner and operator of any farm for which a tobacco acreage allotment (other than a Burley, dark air-cured, fire-cured, Virginia sun-cured and cigar-binder, type 54 or 55 tobacco acreage allotment) is established under this Act to lease all or any part of such allotment or quota to any other owner or operator of a farm in the same county for use in such county on a farm having a current tobacco allotment or quota of the same kind.”

SEC. 2. Section 316(b) of the Agricultural Adjustment Act of 1938, as amended, is amended to read as follows:

“(b) Any lease may be made for such term of years not to exceed five as the parties thereto agree, and on such other terms and conditions, except as otherwise provided in this section, as the parties thereto agree.”

SEC. 3. Section 316(e) is amended by striking the period and inserting in lieu thereof the following: “: *Provided*, That in the case of cigar-filler tobacco types 42, 43, or 44, not more than 10 acres of allotment may be leased and transferred to any farm.”

SEC. 4. Section 316(g) of the Agricultural Adjustment Act of 1938, as amended, is hereby repealed.

SEC. 5. Section 317(f) of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out in the parentheses in the fifth sentence the language “Burley tobacco, or other”.

SEC. 6. Section 703 of the Food and Agriculture Act of 1965 (79 Stat. 1210) is amended by striking out in the last sentence thereof the language “except in the case of burley tobacco, and other kinds of tobacco not subject to section 316.”

Approved June 19, 1970.

Public Law 91-285

AN ACT

June 22, 1970
[H. R. 4249]

To extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests, and for other purposes.

Voting Rights Act Amendments of 1970.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the “Voting Rights Act Amendments of 1970”.

SEC. 2. The Voting Rights Act of 1965 (79 Stat. 437; 42 U.S.C. 1973 et seq.) is amended by inserting therein, immediately after the first section thereof, the following title caption:

“TITLE I—VOTING RIGHTS”.

SEC. 3. Section 4(a) of the Voting Rights Act of 1965 (79 Stat. 438; 42 U.S.C. 1973b) is amended by striking out the words “five years” wherever they appear in the first and third paragraphs thereof, and inserting in lieu thereof the words “ten years”.

Use of tests or devices, prohibition.

SEC. 4. Section 4(b) of the Voting Rights Act of 1965 (79 Stat. 438; 42 U.S.C. 1973b) is amended by adding at the end of the first paragraph thereof the following new sentence: “On and after August 6, 1970, in addition to any State or political subdivision of a State determined to be subject to subsection (a) pursuant to the previous sentence, the provisions of subsection (a) shall apply in any State or any political subdivision of a State which (i) the Attorney General determines maintained on November 1, 1968, any test or device, and with respect to which (ii) the Director of the Census determines that less than 50 per centum of the persons of voting age residing therein were registered on November 1, 1968, or that less than 50 per centum of such persons voted in the presidential election of November 1968.”

SEC. 5. Section 5 of the Voting Rights Act of 1965 (79 Stat. 439; 42 U.S.C. 1973c) is amended by (1) inserting after “section 4(a)” the following: “based upon determinations made under the first sentence of section 4(b)”, and (2) inserting after “1964,” the following: “or whenever a State or political subdivision with respect to which the prohibitions set forth in section 4(a) based upon determinations made under the second sentence of section 4(b) are in effect shall enact or seek to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on November 1, 1968.”

SEC. 6. The Voting Rights Act of 1965 (79 Stat. 437; 42 U.S.C. 1973 et seq.) is amended by adding at the end thereof the following new titles:

“TITLE II—SUPPLEMENTAL PROVISIONS

“APPLICATION OF PROHIBITION TO OTHER STATES

“SEC. 201. (a) Prior to August 6, 1975, no citizen shall be denied, because of his failure to comply with any test or device, the right to vote in any Federal, State, or local election conducted in any State or political subdivision of a State as to which the provisions of section 4(a) of this Act are not in effect by reason of determinations made under section 4(b) of this Act.

Supra.

“(b) As used in this section, the term ‘test or device’ means any requirement that a person as a prerequisite for voting or registration for voting (1) demonstrate the ability to read, write, understand, or interpret any matter, (2) demonstrate any educational achievement or his knowledge of any particular subject, (3) possess good moral character, or (4) prove his qualifications by the voucher of registered voters or members of any other class.

“‘Test or device.’”

"RESIDENCE REQUIREMENTS FOR VOTING

"SEC. 202. (a) The Congress hereby finds that the imposition and application of the durational residency requirement as a precondition to voting for the offices of President and Vice President, and the lack of sufficient opportunities for absentee registration and absentee balloting in presidential elections—

"(1) denies or abridges the inherent constitutional right of citizens to vote for their President and Vice President;

"(2) denies or abridges the inherent constitutional right of citizens to enjoy their free movement across State lines;

"(3) denies or abridges the privileges and immunities guaranteed to the citizens of each State under article IV, section 2, clause 1, of the Constitution;

"(4) in some instances has the impermissible purpose or effect of denying citizens the right to vote for such officers because of the way they may vote;

"(5) has the effect of denying to citizens the equality of civil rights, and due process and equal protection of the laws that are guaranteed to them under the fourteenth amendment; and

"(6) does not bear a reasonable relationship to any compelling State interest in the conduct of presidential elections.

"(b) Upon the basis of these findings, Congress declares that in order to secure and protect the above-stated rights of citizens under the Constitution, to enable citizens to better obtain the enjoyment of such rights, and to enforce the guarantees of the fourteenth amendment, it is necessary (1) to completely abolish the durational residency requirement as a precondition to voting for President and Vice President, and (2) to establish nationwide, uniform standards relative to absentee registration and absentee balloting in presidential elections.

"(c) No citizen of the United States who is otherwise qualified to vote in any election for President and Vice President shall be denied the right to vote for electors for President and Vice President, or for President and Vice President, in such election because of the failure of such citizen to comply with any durational residency requirement of such State or political subdivision; nor shall any citizen of the United States be denied the right to vote for electors for President and Vice President, or for President and Vice President, in such election because of the failure of such citizen to be physically present in such State or political subdivision at the time of such election, if such citizen shall have complied with the requirements prescribed by the law of such State or political subdivision providing for the casting of absentee ballots in such election.

"(d) For the purposes of this section, each State shall provide by law for the registration or other means of qualification of all duly qualified residents of such State who apply, not later than thirty days immediately prior to any presidential election, for registration or qualification to vote for the choice of electors for President and Vice President or for President and Vice President in such election; and each State shall provide by law for the casting of absentee ballots for the choice of electors for President and Vice President, or for President and Vice President, by all duly qualified residents

USC prec.
title 1.

Durational res-
idency require-
ment, abolishment.

Absentee regis-
tration and bal-
lotting standards,
establishment.

Registration.

of such State who may be absent from their election district or unit in such State on the day such election is held and who have applied therefor not later than seven days immediately prior to such election and have returned such ballots to the appropriate election official of such State not later than the time of closing of the polls in such State on the day of such election.

“(e) If any citizen of the United States who is otherwise qualified to vote in any State or political subdivision in any election for President and Vice President has begun residence in such State or political subdivision after the thirtieth day next preceding such election and, for that reason, does not satisfy the registration requirements of such State or political subdivision he shall be allowed to vote for the choice of electors for President and Vice President, or for President and Vice President, in such election, (1) in person in the State or political subdivision in which he resided immediately prior to his removal if he had satisfied, as of the date of his change of residence, the requirements to vote in that State or political subdivision, or (2) by absentee ballot in the State or political subdivision in which he resided immediately prior to his removal if he satisfies, but for his nonresident status and the reason for his absence, the requirements for absentee voting in that State or political subdivision.

“(f) No citizen of the United States who is otherwise qualified to vote by absentee ballot in any State or political subdivision in any election for President and Vice President shall be denied the right to vote for the choice of electors for President and Vice President, or for President and Vice President, in such election because of any requirement of registration that does not include a provision for absentee registration.

“(g) Nothing in this section shall prevent any State or political subdivision from adopting less restrictive voting practices than those that are prescribed herein.

“(h) The term ‘State’ as used in this section includes each of the several States and the District of Columbia.

“(i) The provisions of section 11(c) shall apply to false registration, and other fraudulent acts and conspiracies, committed under this section.

“‘State.’”

False registration, penalty.
79 Stat. 443.
42 USC 1973i.

“JUDICIAL RELIEF

“SEC. 203. Whenever the Attorney General has reason to believe that a State or political subdivision (a) has enacted or is seeking to administer any test or device as a prerequisite to voting in violation of the prohibition contained in section 201, or (b) undertakes to deny the right to vote in any election in violation of section 202, he may institute for the United States, or in the name of the United States, an action in a district court of the United States, in accordance with sections 1391 through 1393 of title 28, United States Code, for a restraining order, a preliminary or permanent injunction, or such other order as he deems appropriate. An action under this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2282 of title 28 of the United States Code and any appeal shall be to the Supreme Court.

62 Stat. 935.

62 Stat. 968.

“PENALTY

“SEC. 204. Whoever shall deprive or attempt to deprive any person of any right secured by section 201 or 202 of this title shall be fined not more than \$5,000, or imprisoned not more than five years, or both.

“SEPARABILITY

“SEC. 205. If any provision of this Act or the application of any provision thereof to any person or circumstance is judicially determined to be invalid, the remainder of this Act or the application of such provision to other persons or circumstances shall not be affected by such determination.

“TITLE III—REDUCING VOTING AGE TO EIGHTEEN IN
FEDERAL, STATE, AND LOCAL ELECTIONS

“DECLARATION AND FINDINGS

“SEC. 301. (a) The Congress finds and declares that the imposition and application of the requirement that a citizen be twenty-one years of age as a precondition to voting in any primary or in any election—

“(1) denies and abridges the inherent constitutional rights of citizens eighteen years of age but not yet twenty-one years of age to vote—a particularly unfair treatment of such citizens in view of the national defense responsibilities imposed upon such citizens;

“(2) has the effect of denying to citizens eighteen years of age but not yet twenty-one years of age the due process and equal protection of the laws that are guaranteed to them under the fourteenth amendment of the Constitution; and

“(3) does not bear a reasonable relationship to any compelling State interest.

“(b) In order to secure the constitutional rights set forth in subsection (a), the Congress declares that it is necessary to prohibit the denial of the right to vote to citizens of the United States eighteen years of age or over.

“PROHIBITION

“SEC. 302. Except as required by the Constitution, no citizen of the United States who is otherwise qualified to vote in any State or political subdivision in any primary or in any election shall be denied the right to vote in any such primary or election on account of age if such citizen is eighteen years of age or older.

“ENFORCEMENT

“SEC. 303. (a) (1) In the exercise of the powers of the Congress under the necessary and proper clause of section 8, article I of the Constitution, and section 5 of the fourteenth amendment of the Constitution, the Attorney General is authorized and directed to institute in the name of the United States such actions against States or political subdivisions, including actions for injunctive relief, as he may determine to be necessary to implement the purposes of this title.

“(2) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this title, which shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code, and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing and determination thereof, and to cause the case to be in every way expedited.

“(b) Whoever shall deny or attempt to deny any person of any right secured by this title shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

USC prec.
title 1.

Denial of right
to vote, prohibi-
tion.

Jurisdiction.

62 Stat. 968.

Penalty.

“DEFINITION

“SEC. 304. As used in this title the term ‘State’ includes the District of Columbia.” “State.”

“EFFECTIVE DATE

“SEC. 305. The provisions of title III shall take effect with respect to any primary or election held on or after January 1, 1971.”

Approved June 22, 1970.

Public Law 91-286

AN ACT

June 23, 1970
[H. R. 9854]

To authorize the Secretary of the Interior to construct, operate, and maintain the East Greenacres unit, Rathdrum Prairie project, Idaho, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of providing irrigation water supplies, providing municipal and industrial water, the conservation and enhancement of fish and wildlife resources, and the enhancement of recreation opportunities, the Secretary of the Interior, acting pursuant to the Federal reclamation laws (Act of June 17, 1902; 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), is authorized to construct, operate, and maintain the East Greenacres unit, Rathdrum Prairie project, Idaho. The principal works of the unit shall consist of wells, regulating reservoirs, the necessary water distribution systems, and related works.

East Greenacres
unit, Rathdrum
Prairie project,
Idaho.
Authorization.

43 USC 371 and
note.

SEC. 2. (a) Irrigation repayment contracts shall provide for repayment of the irrigation construction costs assigned to the irrigators for repayment over a period of not more than fifty years, exclusive of any development period authorized by law. Construction costs allocated to irrigation beyond the ability of irrigators to repay shall be charged to and returned to the reclamation fund in accordance with the provisions of section 2 of the Act of June 14, 1966 (80 Stat. 200), as amended by section 6 of the Act of September 7, 1966 (80 Stat. 707), and from surplus municipal and industrial water revenues as provided by subsection 2(b) of this Act.

16 USC 835h-
835m.

(b) Municipal and industrial repayment contracts shall provide for repayment of the construction costs allocated to municipal and industrial water supply, with interest, by the municipal and industrial water users over a period of not more than fifty years from the date that water is first delivered for that purpose, pursuant to contracts with municipal corporations, organizations, or other entities as defined in section 2(g) of the Reclamation Project Act of 1939 (53 Stat. 1187): *Provided*, That contracts for municipal and industrial water service shall provide that annual payments shall continue at the same rates as long as the irrigation repayment contracts are in effect: *Provided further*, That revenues in excess of those required to repay the allocated municipal and industrial water supply costs with interest and the portion of the annual operation, maintenance, and replacement costs allocated to municipal and industrial water supply shall be returned to the reclamation fund and credited toward the repayment of the construction costs allocated to irrigation which are beyond the ability of the irrigators to repay. Such contracts may be entered into with a

43 USC 485a.

qualified entity or entities pursuant to the provision of this Act without regard to the last sentence of subsection 9(c) of the Reclamation Project Act of 1939, *supra*, and shall be executed before the commencement of construction of the unit.

53 Stat. 1193.
43 USC 485h.

Interest rate.
Determination
by Treasury Secre-
tary.

(c) The interest rate used for purposes of computing interest during construction and, where appropriate, interest on the unpaid balance of the reimbursable obligations assumed by non-Federal entities shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction is initiated, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for redemption for fifteen years from date of issue.

SEC. 3. The provision of lands, facilities, and project modifications which furnish outdoor recreation and fish and wildlife benefits in connection with the East Greenacres unit shall be in accordance with the Federal Water Project Recreation Act (79 Stat. 213).

16 USC 460l-
12 note.

SEC. 4. Power and energy required for irrigation water pumping for the East Greenacres unit shall be made available by the Secretary from the Federal Columbia River power system at charges determined by him.

Agricultural use,
limitation.

SEC. 5. For a period of ten years from the date of enactment of this Act, no water from the project authorized by this Act shall be delivered to any water user for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949, or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301(b)(10) of the Agricultural Adjustment Act of 1938, as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

63 Stat. 1051.
7 USC 1421
note.

62 Stat. 1251;
63 Stat. 676, 1057.
7 USC 1301.

Appropriations.

SEC. 6. There is hereby authorized to be appropriated for construction of the works herein authorized and for the acquisition of necessary land and rights the sum of \$4,965,000 (January 1969 prices), plus or minus such amounts, if any, as may be required by reason of changes in the cost of construction work of the types involved therein as shown by engineering cost indexes. There are also authorized to be appropriated such sums as may be required for the operation and maintenance of said unit.

Approved June 23, 1970.

Public Law 91-287

AN ACT

June 23, 1970
[H. R. 14300]

To amend title 44, United States Code, to facilitate the disposal of Government records without sufficient value to warrant their continued preservation, to abolish the Joint Committee on the Disposition of Executive Papers, and for other purposes.

Government rec-
ords, disposal.
82 Stat. 1299.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 3: (relating to disposal of records) of title 44, United States Code, is amended by inserting immediately after section 3303 thereof the following new section:

“§ 3303a. Examination by Administrator of General Services of lists and schedules of records lacking preservation value; disposal of records

“(a) The Administrator of General Services shall examine the lists and schedules submitted to him under section 3303 of this title. If the Administrator determines that any of the records listed in a list or schedule submitted to him do not, or will not after the lapse of the period specified, have sufficient administrative, legal, research, or other value to warrant their continued preservation by the Government, he may—

82 Stat. 1299.
44 USC 3303.

“(1) notify the agency to that effect; and

“(2) empower the agency to dispose of those records in accordance with regulations promulgated under section 3302 of this title.

“(b) Authorizations granted under lists and schedules submitted to the Administrator under section 3303 of this title shall be mandatory, subject to section 2909 of this title. Authorizations granted under schedules promulgated under subsection (d) of this section shall be permissive.

“(c) The Administrator may request advice and counsel from the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives with respect to the disposal of any particular records under this chapter whenever he considers that—

“(1) those particular records may be of special interest to the Congress; or

“(2) consultation with the Congress regarding the disposal of those particular records is in the public interest.

However, this subsection does not require the Administrator to request such advice and counsel as a regular procedure in the general disposal of records under this chapter.

“(d) The Administrator may promulgate schedules authorizing the disposal, after the lapse of specified periods of time, of records of a specified form or character common to several or all agencies if such records will not, at the end of the periods specified, have sufficient administrative, legal, research, or other value to warrant their further preservation by the United States Government.

“(e) The Administrator may approve and effect the disposal of records that are in his legal custody, provided that records that had been in the custody of another existing agency may not be disposed of without the written consent of the head of the agency.

“(f) The Administrator shall make an annual report to the Congress concerning the disposal of records under this chapter, including general descriptions of the types of records disposed of and such other information as he considers appropriate to keep the Congress fully informed regarding the disposal of records under this chapter.”

Report to Congress.

SEC. 2. (a) Section 3308 (relating to disposal of similar records where prior disposal was authorized) of title 44, United States Code, is amended by striking out “by Congress”.

82 Stat. 1301.

(b) Section 3309 (relating to preservation of claims of Government until settled in General Accounting Office) of title 44, United States Code, is amended by striking out “under sections 3306–3308 of this title” and inserting in lieu thereof “under this chapter”.

(c) The following sections of chapter 33 of title 44, United States Code, are hereby repealed:

Repeal.

(1) section 3304 (relating to lists and schedules of records lacking preservation value and their submission to Congress by the Administrator of General Services);

(2) section 3305 (relating to examination of lists and schedules by the joint congressional committee for the disposition of certain records of the United States Government and the report of that joint committee to the Congress);

82 Stat. 1300.
44 USC 3306.

(3) section 3306 (relating to disposal of records by agency heads upon notification by the Administrator of General Services of the action of the joint congressional committee); and

(4) section 3307 (relating to disposal of records upon failure of the joint congressional committee to act).

SEC. 3. The table of sections of chapter 33 of title 44, United States Code, is amended by striking out—

“3304. Lists and schedules of records lacking preservation value; submission to Congress by Administrator of General Services.

“3305. Examination of lists and schedules by joint congressional committee and report to Congress.

“3306. Disposal of records by head of Government agency upon notification by Administrator of General Services of action by joint congressional committee.

“3307. Disposal of records upon failure of joint congressional committee to act.”

and inserting in lieu thereof—

“3303a. Examination by Administrator of General Services of lists and schedules of records lacking preservation value; disposal of records.”.

SEC. 4. Section 2909 (relating to retention of records) of title 44, United States Code, is amended by striking out “approved by Congress” wherever occurring therein.

Approved June 23, 1970.

Public Law 91-288

AN ACT

June 23, 1970
[H. R. 12860]

To establish the Ford's Theatre National Historical Site, and for other purposes.

Ford's Theatre
National Historical
Site.
Establishment.

16 USC 1 et
seq.

16 USC 461-467.
Property ac-
quisition.

Appropriation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, the properties administered by the Secretary of the Interior in the District of Columbia known as the House Where Lincoln Died, the Lincoln Museum, Ford's Theatre, and the property authorized to be acquired in section 2 of this Act are hereby established as the Ford's Theatre National Historic Site, which shall be administered in accordance with the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented, and the Act of August 21, 1935 (49 Stat. 666), as amended and supplemented.

SEC. 2. The Secretary of the Interior is authorized to acquire by donation or by purchase with donated or appropriated funds the property and the improvements thereon located at 517 Tenth Street, Northwest, in the District of Columbia, adjacent to the historic Ford's Theatre and consisting of approximately eight hundred and twelve square feet of land.

SEC. 3. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, of which not more than \$94,000 shall be used for the acquisition of the property referred to in section 2 of this Act, and not more than \$176,000 shall be used for the development of said property.

Approved June 23, 1970.

Public Law 91-289

AN ACT

To amend section 6 of the War Claims Act of 1948 to include prisoners of war captured during the Vietnam conflict, and for other purposes.

June 24, 1970
[H. R. 4204]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6 of the War Claims Act of 1948 (50 App. U.S.C. 2005) is amended as follows:

War Claims Act
of 1948, amend-
ment.
62 Stat. 1244;
66 Stat. 47, 49;
68 Stat. 761.

- (1) by redesignating subsection (f) as subsection (g); and
- (2) by inserting immediately after subsection (e) the following

new subsection:

“(f) (1) As used in this subsection—

“(A) the term ‘Vietnam conflict’ relates to the period beginning February 28, 1961, and ending on such date as shall thereafter be determined by Presidential proclamation or concurrent resolution of the Congress; and

“Vietnam con-
flict.”

“(B) the term ‘prisoner of war’ means any regularly appointed, enrolled, enlisted, or inducted member of the Armed Forces of the United States who was held as a prisoner of war for any period of time during the Vietnam conflict by any force hostile to the United States, except any such member who, at any time, voluntarily, knowingly, and without duress, gave aid to or collaborated with, or in any manner served, such hostile force.

“Prisoner of
war.”

“(2) The Commission is authorized to receive and to determine, according to law, the amount and validity, and provide for the payment of any claim filed by any prisoner of war for compensation for the failure of the hostile force by which he was held as a prisoner of war, or its agents, to furnish him the quantity or quality of food prescribed for prisoners of war under the terms of the Geneva Convention of August 12, 1949. The compensation allowed to any prisoner of war under the provisions of this paragraph shall be at the rate of \$2 for each day on which he was held as a prisoner of war and on which such hostile force, or its agents, failed to furnish him such quantity or quality of food.

Claims, compen-
sation.

6 UST 3316.

“(3) The Commission is authorized to receive and to determine, according to law, the amount and validity and provide for the payment of any claim filed by any prisoner of war for compensation—

“(A) for the failure of the hostile force by which he was held as a prisoner of war, or its agents, to meet the conditions and requirements prescribed under chapter VIII, section III, of the Geneva Convention of August 12, 1949, relating to labor of prisoners of war; or

6 UST 3354.

“(B) for inhumane treatment by the hostile force by which he was held, or its agents. The term ‘inhumane treatment’ as used in this subparagraph shall include, but not be limited to, failure of such hostile force, or its agents, to meet the conditions and requirements of one or more of the provisions of article 3, 12, 13, 14, 17, 19, 22, 23, 24, 25, 27, 29, 43, 44, 45, 46, 47, 48, 84, 85, 86, 87, 88, 89, 90, 97, or 98 of the Geneva Convention of August 12, 1949.

“Inhumane
treatment.”

Compensation shall be allowed to any prisoner of war under this paragraph at the rate of \$3 per day for each day on which he was held as a prisoner of war and with respect to which he alleges and proves in a manner acceptable to the Commission the failure to meet the conditions and requirements described in subparagraph (A) of this paragraph or the inhumane treatment described in subparagraph (B) of this paragraph. In no event shall the compensation allowed to any prisoner of war under this paragraph exceed the sum of \$3 with respect to any one day.

Amount.

Limitation.

"(4) Any claim allowed by the Commission under this subsection shall be certified to the Secretary of the Treasury for payment out of funds appropriated pursuant to this subsection and shall be paid by the Secretary of the Treasury to the person entitled thereto, and shall, in the case of death or determination of death of the persons who are entitled, be paid only to or for the benefit of the persons specified, and in the order established, by subsection (d) (4) of this section.

66 Stat. 47.
50 USC app.
2005.
Filing date.

"(5) Each claim filed under this subsection must be filed not later than three years from whichever of the following dates last occurs:

"(A) the date of enactment of this subsection;

"(B) the date the prisoner of war by whom the claim is filed returned to the jurisdiction of the Armed Forces of the United States; or

"(C) the date upon which the Department of Defense makes a determination that the prisoner of war has actually died or is presumed to be dead, in the case of any prisoner of war who has not returned to the jurisdiction of the Armed Forces of the United States.

The Commission shall complete its determinations with respect to each claim filed under this subsection at the earliest practicable date, but in no event later than one year after the date on which such claim was filed.

"(6) Any claim allowed under the provisions of this subsection shall be paid from funds appropriated pursuant to paragraph (7) of this subsection.

Appropriation.

"(7) There are authorized to be appropriated such amounts as may be necessary to carry out the purposes of this subsection, including necessary administrative expenses."

U.S.S. *Pueblo*.
68 Stat. 761.

SEC. 2. Section 6(e) of the War Claims Act of 1948 (50 App. U.S.C. 2005(e)) is amended as follows:

(1) In paragraph (1), strike out "except any such member" and insert in lieu thereof "or any person (military or civilian) assigned to duty in the U.S.S. *Pueblo* who was captured by the military forces of North Korea on January 23, 1968, and thereafter held prisoner by the Government of North Korea for any period of time ending on or before December 23, 1968, except any person".

(2) At the end of paragraph (5), add the following new subparagraph:

"(D) In the case of any person assigned to duty in the U.S.S. *Pueblo* referred to in paragraph (1) of this subsection, one year after the date of enactment of this subparagraph."

62 Stat. 1242;
76 Stat. 413.

SEC. 3. Section 5 of the War Claims Act of 1948 (50 App. U.S.C. 2004) is amended—

(1) by striking out in subsection (e) "subsection (g)" and inserting in lieu thereof "subsections (g) and (i)"; and

(2) by adding at the end thereof the following new subsection

"(i) (1) As used in this subsection—

"Vietnam conflict,"

"(A) the term 'Vietnam conflict' relates to the period beginning on February 28, 1961, and ending on such date as shall thereafter be determined by Presidential proclamation or concurrent resolution of the Congress; and

"Civilian American citizen,"

"(B) the term 'civilian American citizen' means any person who being then a citizen of the United States, was captured in South east Asia during the Vietnam conflict by any force hostile to the United States, or who went into hiding in Southeast Asia in order to avoid capture or internment by any such hostile force, except (i) a person who voluntarily, knowingly, and without duress, gave aid to or collaborated with or in any manner served any such hostile force, or (ii) a regularly appointed, enrolled, enlisted, or inducted member of the Armed Forces of the United States.

"(2) The Commission is authorized to receive and to determine, according to law, the amount and validity, and provide for the payment of any claim filed by, or on behalf of, any civilian American citizen for detention benefits for any period of time subsequent to February 27, 1961, during which he was held by any such hostile force as a prisoner, internee, hostage, or in any other capacity, or remained in hiding to avoid capture or internment by any such hostile force.

Detention bene-
fits.

"(3) The detention benefits allowed under paragraph (2) of this subsection shall be at the rate of \$60 for each calendar month.

Amount.

"(4) The detention benefits allowed under paragraph (2) of this subsection shall be allowed to the civilian American citizen entitled thereto, or, in the event of his death, only to the following persons:

"(A) the widow or husband if there is no child or children of the deceased;

"(B) the widow or dependent husband and child or children of the deceased, one-half to the widow or dependent husband and the other half to the child or children in equal shares;

"(C) the child or children of the deceased in equal shares if there is no widow or dependent husband.

"(5) Any claim allowed by the Commission under this subsection shall be certified to the Secretary of the Treasury for payment out of funds appropriated pursuant to this subsection, and shall be paid to the person entitled thereto, except that if a person entitled to payment under this section is under any legal disability, payment shall be made in accordance with the provisions of subsection (e) of this section.

66 Stat. 49.

"(6) Each claim filed under this section must be filed not later than three years from whichever of the following dates last occurs:

Filing date.

"(A) the date of enactment of this subsection;

"(B) the date the civilian American citizen by whom the claim is filed returned to the jurisdiction of the United States; or

"(C) the date upon which the Commission, at the request of a potentially eligible survivor, makes a determination that the civilian American citizen has actually died or may be presumed to be dead, in the case of any civilian American citizen who has not returned to the jurisdiction of the United States.

The Commission shall complete its determinations for each claim filed under this subsection at the earliest practicable date, but not later than one year after the date on which such claim was filed.

"(7) There are authorized to be appropriated such amounts as may be necessary to carry out the purposes of this subsection, including necessary administrative expenses."

Appropriation.

Approved June 24, 1970.

Public Law 91-290

AN ACT

To further extend the period of restrictions on lands of the Quapaw Indians, Oklahoma, and for other purposes.

June 25, 1970
[S. 887]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the existing restrictions, tax exemptions, and limitations affecting lands of Quapaw Indians in Oklahoma that were extended to March 3, 1971, by the Act of July 27, 1939 (53 Stat. 1127), are hereby extended for a further period of twenty-five years from the date on which such restrictions, tax exemptions, and limitations would otherwise expire.

Quapaw Indians,
Okla.
Land restrictions,
extension.

Approved June 25, 1970.

Public Law 91-291

AN ACT

June 25, 1970
[S. 1479]

To amend title 38, United States Code, to authorize a maximum of \$15,000 coverage under Servicemen's Group Life Insurance, to enlarge the classes eligible for such insurance, to improve the administration of the programs of life insurance provided for servicemen and veterans, and for other purposes.

Armed Forces.
Group life in-
surance, increase.
79 Stat. 880.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 765 of title 38, United States Code, is amended to read as follows:

“§ 765. Definitions

“For the purpose of this subchapter—

“(1) The term ‘active duty’ means—

“(A) full-time duty in the Armed Forces, other than active duty for training;

“(B) full-time duty (other than for training purposes) as a commissioned officer of the Regular or Reserve Corps of the Public Health Service; and

“(C) full-time duty as a commissioned officer of the Environmental Science Services Administration.

“(2) The term ‘active duty for training’ means—

“(A) full-time duty in the Armed Forces performed by Reserves for training purposes;

“(B) full-time duty for training purposes performed as a commissioned officer of the Reserve Corps of the Public Health Service;

“(C) full-time duty as a member, cadet, or midshipman of the Reserve Officers Training Corps while attending field training or practice cruises; and

“(D) in the case of members of the National Guard or Air National Guard of any State, full-time duty under sections 316, 502, 503, 504, or 505 of title 32, United States Code.

“(3) The term ‘inactive duty training’ means—

“(A) duty (other than full-time duty) prescribed or authorized for Reserves (including commissioned officers of the Reserve Corps of the Public Health Service) which duty is scheduled in advance by competent authority to begin at a specific time and place; and

“(B) in the case of a member of the National Guard or Air National Guard of any State, such term means duty (other than full-time duty) which is scheduled in advance by competent authority to begin at a specific time and place under sections 316, 502, 503, 504, or 505 of title 32, United States Code.

“(4) The terms ‘active duty for training’ and ‘inactive duty training’ do not include duty performed as a temporary member of the Coast Guard Reserve, and the term ‘inactive duty training’ does not include (i) work or study performed in connection with correspondence courses, or (ii) attendance at an educational institution in an inactive status.

“(5) The term ‘member’ means—

“(A) a person on active duty, active duty for training, or inactive duty training in the uniformed services in a commissioned, warrant, or enlisted rank or grade; and

“(B) a member, cadet, or midshipman of the Reserve Officers Training Corps while attending field training or practice cruises

“(6) The term ‘uniformed services’ means the Army, Navy, Air Force, Marine Corps, Coast Guard, the commissioned corps of the

70A Stat. 605;
78 Stat. 999.

Public Health Service, and the commissioned corps of the Environmental Science Services Administration.”

SEC. 2. Section 767 of title 38, United States Code, is amended to read as follows:

79 Stat. 881.

“§ 767. Persons insured; amount

“(a) Any policy of insurance purchased by the Administrator under section 766 of this title shall automatically insure any member of the uniformed service on active duty, active duty for training, or inactive duty training scheduled in advance by competent authority, against death in the amount of \$15,000 unless such member elects in writing (1) not to be insured under this subchapter, or (2) to be insured in the amount of \$10,000 or \$5,000. The insurance shall be effective the first day of active duty or active duty for training, or the beginning of a period of inactive duty training scheduled in advance by competent authority, or from the date certified by the Administrator to the Secretary concerned as the date servicemen's group life insurance under this chapter for the class or group concerned takes effect, whichever is the later date.

“(b) Any member (other than one who has elected not to be insured under this subchapter for the period or periods of duty involved)—

“(1) who, when authorized or required by competent authority, assumes an obligation to perform (for less than thirty-one days) active duty, or active duty for training, or inactive duty training scheduled in advance by competent authority; and

“(2) who is rendered uninsurable at standard premium rates according to the good health standards approved by the Administrator, or dies within ninety days thereafter, from a disability, or aggravation of a preexisting disability, incurred by him while proceeding directly to or returning directly from such active duty, active duty for training, or inactive duty training as the case may be;

shall be deemed to have been on active duty, active duty for training, or inactive duty training, as the case may be, and to have been insured under this subchapter at the time such disability was incurred or aggravated, and if death occurs within ninety days thereafter as a result of such disability to have been insured at the time of death. In determining whether or not such individual was so authorized or required to perform such duty, and whether or not he was rendered uninsurable or died within ninety days thereafter from a disability so incurred or aggravated, there shall be taken into account the call or order to duty, the orders and authorizations of competent authority, the hour on which the member began to so proceed or to return, the hour on which he was scheduled to arrive for, or on which he ceased to perform such duty; the method of travel employed; his itinerary; the manner in which the travel was performed; and the immediate cause of disability or death. Whenever any claim is filed alleging that the claimant is entitled to benefits by reason of this subsection, the burden of proof shall be on the claimant.

“(c) If any member elects not to be insured under this subchapter or to be insured in the amount of \$10,000 or \$5,000, he may thereafter be insured under this subchapter or insured in the amount of \$15,000 or \$10,000 under this subchapter, as the case may be, upon written application, proof of good health, and compliance with such other terms and conditions as may be prescribed by the Administrator.”

79 Stat. 881.

SEC. 3. Section 768 of title 38, United States Code, is amended to read as follows:

“§ 768. Duration and termination of coverage; conversion

“(a) Each policy purchased under this subchapter shall contain a provision, in terms approved by the Administrator, to the effect that any insurance thereunder on any member of the uniformed services, unless discontinued or reduced upon the written request of the insured, shall continue in effect while the member is on active duty, active duty for training, or inactive duty training scheduled in advance by competent authority during the period thereof, and such insurance shall cease—

“(1) with respect to a member on active duty or active duty for training under a call or order to duty that does not specify a period of less than thirty-one days—

“(A) one hundred and twenty days after the separation or release from active duty or active duty for training, unless on the date of such separation or release the member is totally disabled, under criteria established by the Administrator, in which event the insurance shall cease one year after the date of separation or release from such active duty or active duty for training, or on the date the insured ceases to be totally disabled, whichever is the earlier date, but in no event prior to the expiration of one hundred and twenty days after such separation or release; or

“(B) at the end of the thirty-first day of a continuous period of (i) absence without leave, (ii) confinement by civil authorities under a sentence adjudged by a civilian court, or (iii) confinement by military authorities under a court-martial sentence involving total forfeiture of pay and allowances. Any insurance so terminated as the result of such an absence or confinement, together with any beneficiary designation in effect for such insurance at such termination thereof, shall be automatically revived as of the date the member is restored to active duty with pay or to active duty for training with pay.

“(2) with respect to a member on active duty or active duty for training under a call or order to duty that specifies a period of less than thirty-one days insurance under this subchapter shall cease at midnight, local time, on the last day of such duty, unless on such date the insured is suffering from a disability incurred or aggravated during such period which, within ninety days after such date, (i) results in his death, or (ii) renders him uninsurable at standard premium rates according to the good health standards approved by the Administrator, in which event the insurance shall continue in force to death, or for ninety days after such date, whichever is the earlier date.

“(3) with respect to a member on inactive duty training scheduled in advance by competent authority insurance under this subchapter shall cease at the end of such scheduled training period, unless at such time the insured is suffering from a disability incurred, or aggravated during such period which, within ninety days after the date of such training, (i) results in his death, or (ii) renders him uninsurable at standard premium rates according to the good health standards approved by the Administrator

in which event the insurance shall continue in force to death, or for ninety days after the date such training terminated, whichever is the earlier date.

“(b) Each policy purchased under this subchapter shall contain a provision, in terms approved by the Administrator, for the conversion of Servicemen’s Group Life Insurance to an individual policy of life insurance—

Conversion provision.

“(1) with respect to a member on active duty or active duty for training under a call or order to duty that does not specify a period of less than thirty-one days, effective the one hundred and twenty-first day after separation or release from such duty, or at any time thereafter such insurance is in effect;

“(2) with respect to a member on active duty or active duty for training under a call or order to duty that specifies a period of less than thirty-one days, and a member insured during inactive duty training scheduled in advance by competent authority there shall be no right of conversion unless the insurance is continued in force for ninety days after such duty terminates, as the result of a disability incurred or aggravated during such active duty, active duty for training, or inactive duty training, in which event the insurance may be converted effective the day after the end of such ninety-day period.

“(c) An insured eligible to convert insurance under this subchapter upon request to the Office of Servicemen’s Group Life Insurance shall be furnished a list of life insurance companies participating in the program established under this subchapter. Upon written application for conversion of Servicemen’s Group Life Insurance made by an eligible insured under this subchapter to the participating company he selects and payment of the required premiums the insured shall be granted life insurance on a plan then currently written by such company which does not provide for the payment of any sum less than the face value thereof or for the payment of an additional amount as premiums if the insured engages in the military service of the United States. Such converted insurance shall be issued without a medical examination if application is made within one hundred and twenty days after separation or release from active duty or active duty for training under a call or order to duty that did not specify a period of less than thirty-one days. Medical examinations and evidence of qualifying health conditions may be required in any case where the former member alleges that his insurance is continued in force beyond the normal termination date by reason of a qualifying disability incurred or aggravated during active duty, active duty for training, or inactive duty training. In addition to the life insurance companies participating in the program established under this subchapter, the list furnished to an insured under this section, shall include additional life insurance companies (not so participating) which meet qualifying criteria, terms and conditions established by the Administrator and agree to sell insurance to former members in accordance with the provisions of this section.”

Participating insurance companies.
Written application for conversion.

SEC. 4. Section 769 of title 38, United States Code, is amended—

(1) by amending subsections (a) and (b) to read as follows:

“(a) (1) During any period in which a member, on active duty or active duty for training under a call or order to such duty that does not specify a period of less than thirty-one days, is insured under a policy of insurance purchased by the Administrator, under section 766 of this title, there shall be deducted each month from his basic or other

Deductions.
79 Stat. 881.

pay until separation or release from such duty an amount determined by the Administrator (which shall be the same for all such members) as the share of the cost attributable to insuring such member under such policy, less any costs traceable to the extra hazard of such duty in the uniformed service.

79 Stat. 880.

“(2) During any fiscal year, or portion thereof, that a member is on active duty or active duty for training under a call or order to such duty that specifies a period of less than thirty-one days, or is authorized or required to perform inactive duty training scheduled in advance by competent authority, and is insured under a policy of insurance purchased by the Administrator, under section 766 of this title, the Secretary concerned shall collect from him (by deduction from pay or otherwise) an amount determined by the Administrator (which shall be the same for all such members) as the share of the cost attributable to insuring such member under such policy, less any costs traceable to the extra hazard of such duty in the uniformed service.

“(3) Any amount not deducted from the basic or other pay of a member insured under this subchapter, or collected from him by the Secretary concerned, if not otherwise paid, shall be deducted from the proceeds of any insurance thereafter payable. The initial monthly amount under subsection (1) hereof, or fiscal year amount under subsection (2) hereof, determined by the Administrator to be charged under this section for insurance under this subchapter may be continued from year to year, except that the Administrator may redetermine such monthly or fiscal year amounts from time to time in accordance with experience. No refunds will be made to any member of any amount properly deducted from his basic or other pay, or collected from him by the Secretary concerned, to cover the insurance granted under this subchapter.

“(b) For each month for which any member is so insured, there shall be contributed from the appropriation made for active duty pay of the uniformed service concerned an amount determined by the Administrator and certified to the Secretary concerned to be the cost of such insurance which is traceable to the extra hazard of duty in the uniformed services. Effective January 1, 1970, such cost shall be determined by the Administrator on the basis of the excess mortality incurred by members and former members of the uniformed services insured under this subchapter above what their mortality would have been under peacetime conditions as such mortality is determined by the Administrator using such methods and data as he shall determine to be reasonable and practicable. The Administrator is authorized to make such adjustments regarding contributions from pay appropriations as may be indicated from actual experience.”

(2) by inserting after “pay of members” in the first sentence of subsection (d) (1) the following: “, or collected from them by the Secretary concerned,”.

Beneficiaries.
79 Stat. 883.

SEC. 5. Section 770 of title 38, United States Code, is amended by adding the following new subsections thereto:

“(e) Until and unless otherwise changed, a beneficiary designation and settlement option filed by a member with his uniformed service under prior provisions of law will be effective with respect to the increased insurance authorized under this amendatory Act and the insurance shall be settled in the same proportionate amount as the portion designated for such beneficiary or beneficiaries bore to the amount of insurance heretofore in effect.

“(f) Notwithstanding the provisions of any other law, payment of matured Servicemen’s Group Life Insurance benefits may be made directly to a minor widow or widower on his or her own behalf, and payment in such case shall be a complete acquittance to the insurer.

Payments to
minor widow.

“(g) Payments of benefits due or to become due under Servicemen’s Group Life Insurance made to, or on account of, a beneficiary shall be exempt from taxation, shall be exempt from the claims of creditors, and shall not be liable to attachment, levy, or seizure by or under any legal or equitable process whatever, either before or after receipt by the beneficiary. The preceding sentence shall not apply to (1) collection of amounts not deducted from the member’s pay, or collected from him by the Secretary concerned under section 769(a) of this title, (2) levy under subchapter D of chapter 64 of the Internal Revenue Code of 1954 (relating to the seizure of property for collection of taxes), and (3) the taxation of any property purchased in part or wholly out of such payments.”

Benefits exempt
from taxation, etc.

Ante, p. 329.

68A Stat. 783;
80 Stat. 1135.
26 USC 6331-
6344.

SEC. 6. Section 774 of title 38, United States Code, is amended by inserting after “the Secretary of Health, Education, and Welfare,” the following: “the Secretary of Transportation.”

79 Stat. 885.

SEC. 7. The analysis of subchapter III of chapter 19 of title 38, United States Code, is amended by striking therefrom

“768. Termination of coverage; conversion”

and inserting in lieu thereof the following:

“768. Duration and termination of coverage; conversion”.

SEC. 8. The third sentence of section 705 of title 38, United States Code, is amended by striking out “lapse occurred not earlier than two months before the expiration of the term period” and inserting in lieu thereof “insured makes application for reinstatement and renewal of his term policy within five years after the date of lapse”.

National Service
Life Insurance.
72 Stat. 1148.

SEC. 9. Section 707 of title 38, United States Code, is amended by inserting “(a)” before the word “Until” and adding a new subsection (b) as follows:

Dividends.
Request for cash
payment.
72 Stat. 1149.

“(b) No claim by an insured for payment in cash of a special dividend declared prior to January 1, 1952, shall be processed by the Veterans’ Administration unless such claim was received within six years after such dividend was declared. Whenever any claim for payment of a special dividend, the processing of which is barred by this subsection, is received in the Veterans’ Administration, it shall be returned to the claimant, with a copy of this subsection, and such action shall be a complete response without further communication.”

SEC. 10. Section 717 of title 38, United States Code, is amended (a) by substituting a period for the comma after the word “beneficiary” in the last sentence of subsection (c) and striking the remainder of the sentence, and (b) by adding at the end thereof the following new subsection:

Matured insur-
ance proceeds.
Method of pay-
ment.
72 Stat. 1152.

“(e) Under such regulations as the Administrator may promulgate, the cash surrender value of any policy of insurance or the proceeds of an endowment contract which matures by reason of completion of the endowment period may be paid to the insured under option (2) or (4) of this section. All settlements under option (4), however, shall be calculated on the basis of The Annuity Table for 1949. If the option selected requires payment of monthly installments of less than \$10, the amount payable shall be paid in such maximum number of monthly installments as are a multiple of twelve as will provide a monthly installment of not less than \$10.”

SEC. 11. Section 745 of title 38, United States Code, is amended to read as follows:

U.S. Govern-
ment Life Insur-
ance.

“§ 745. Renewal

“At the expiration of any term period any insurance policy issued on the five-year level premium term plan which has not been exchanged or converted to a permanent plan of insurance and which is not lapsed shall be renewed as level premium term insurance without application for a successive five-year period at the premium rate for the attained age without medical examination. However, renewal shall be effected in cases where the policy is lapsed only if the insured makes application for reinstatement and renewal of his term policy within five years after the date of lapse, and reinstatement in such cases shall be under the terms and conditions prescribed by the Administrator.”

Optional settle-
ment.
72 Stat. 1161.

SEC. 12. Section 752 of title 38, United States Code, is amended (1) by adding “(a)” before the words “The Administrator”, and (2) by adding at the end thereof the following new subsection:

“(b) Under such regulations as the Administrator may promulgate, the cash surrender value of any policy of insurance or the proceeds of an endowment contract which matures by reason of completion of the endowment period may be paid to the insured (1) in equal monthly installments of from thirty-six to two hundred and forty in number, in multiples of twelve; or (2) as a refund life income in monthly installments payable for such periods certain as may be required in order that the sum of the installments certain, including a last installment of such reduced amount as may be necessary, shall equal the cash value of the contract, less any indebtedness, with such payments continuing throughout the lifetime of the insured. However, all settlements under option (2) above shall be calculated on the basis of The Annuity Table for 1949. If the option selected requires payment of monthly installments of less than \$10, the amount payable shall be paid in such maximum number of monthly installments as are a multiple of twelve as will provide a monthly installment of not less than \$10.”

Payments, re-
strictions.
72 Stat. 1132.

SEC. 13. (a) The first sentence of section 417(a) of title 38, United States Code, is amended by inserting “(1)” immediately after “unless”, and by striking out the period at the end of such sentence and inserting in lieu thereof a comma and the following: “or (2) the total amount paid to the widow, children, or parents of such veteran under any such policy is equal to or exceeds the face value of the policy and such amount paid when added to any amounts paid as death compensation is equal to or less than the total amount which would have been payable in dependency and indemnity compensation following the death of such veteran if such widow, children, or parents had been eligible for such compensation upon the death of such veteran. Any person receiving death compensation at the time he becomes eligible for dependency and indemnity compensation pursuant to clause (2) of the preceding sentence shall continue to receive such death compensation unless he makes application to the Administrator to be paid dependency and indemnity compensation. An election by such person to receive dependency and indemnity compensation shall be final.”

(b) The last sentence of section 417(a) of such title is amended by striking out “preceding sentence” and inserting in lieu thereof “first sentence”.

Prohibition.

(c) No dependency and indemnity compensation shall be payable to any person by virtue of the amendments made by subsection (a) of this section for any person prior to the effective date of this Act.

Effective dates.

SEC. 14. (a) The amendments made by this Act shall take effect as of the date of enactment, except that sections 10 and 12 shall take effect as of the first day of the first calendar month which begins more than six calendar months after the date of enactment of this Act.

(b) The provisions of section 765 (7), (8), and (9) of title 38, United States Code, as added by the first section of this Act shall apply only to servicemen's group life insurance in effect on the life of an insured member who dies on and after the date of enactment of this Act.

Approved June 25, 1970.

Public Law 91-292

AN ACT

To amend section 2(3) and section 8c(6) (I) of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 and subsequent legislation, so as to authorize production research under marketing agreement and order programs.

June 25, 1970
[H. R. 14810]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 and subsequent legislation (7 U.S.C. 601; 48 Stat. 31), is further amended as follows:

Agricultural
Adjustment Act,
amendments.

7 USC 674 note.

(1) Section 2(3) of the Act is further amended by inserting the words "such production research, marketing research, and development projects provided in section 8c(6) (I)," immediately after the words "establish and maintain".

61 Stat. 707;
79 Stat. 1270.
7 USC 602.

(2) Subsection (I) of section 8c(6) is further amended by (a) inserting the words "production research," immediately after the phrase "Establishing or providing for the establishment of"; (b) inserting the words "or efficient production" after the word "consumption"; and (c) striking the period at the end of subsection (I) and adding a second proviso reading ": *Provided further,* That the inclusion in a Federal marketing order of provisions for research shall not be deemed to preclude, preempt or supersede research provisions in any State program covering the same commodity."

68 Stat. 906;
76 Stat. 632;
79 Stat. 1270.
7 USC 608c.

Post, p. 1357.

Approved June 25, 1970.

Public Law 91-293

AN ACT

To amend the Act of June 28, 1948, as amended, relating to the acquisition of property for the Independence National Historical Park.

June 25, 1970
[S. 2940]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 6 of the Act entitled "An Act to provide for the establishment of the Independence National Historical Park, and for other purposes", approved June 28, 1948 (62 Stat. 1061, as amended; 16 U.S.C. 407r), is further amended by striking out "\$7,950,000" and inserting in lieu thereof "\$11,200,000".

Independence
National Historical
Park.

72 Stat. 862.

Approved June 25, 1970.

Public Law 91-294

JOINT RESOLUTION

Making continuing appropriations for the fiscal year 1971, and for other purposes.

June 29, 1970
[H. J. Res. 1264]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums

Continuing ap-
propriations, 1971.

are appropriated out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1971, namely:

SEC. 101. (a) (1) Such amounts as may be necessary for continuing projects or activities (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 1970 and for which appropriations, funds, or other authority would be available in the following Appropriation Acts for the fiscal year 1971:

Treasury, Post Office, and Executive Office Appropriation Act;
 Legislative Branch Appropriation Act;
 Office of Education Appropriation Act;
 Independent Offices and Department of Housing and Urban Development Appropriation Act;
 Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act;
 Department of the Interior and Related Agencies Appropriation Act;
 Department of Transportation and Related Agencies Appropriation Act;
 Foreign Assistance and Related Programs Appropriation Act;
 District of Columbia Appropriation Act;
 Department of Agriculture and related Agencies Appropriation Act;
 Military Construction Appropriation Act; and
 Public Works for Water, Pollution Control, and Power Development and Atomic Energy Commission Appropriation Act.

(2) Appropriations made by this subsection shall be available to the extent and in the manner which would be provided by the pertinent appropriation Act.

(3) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this subsection as passed by the House is different from that which would be available or granted under such Act as passed by the Senate, the pertinent project or activity shall be continued under the lesser amount or the more restrictive authority.

(4) Whenever an Act listed in this subsection has been passed by only one House or where an item is included in only one version of an Act as passed by both Houses, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House, but at a rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower: *Provided*, That no provision which is included in an appropriation Act enumerated in this subsection but which was not included in the applicable appropriation Act for 1970, and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this joint resolution unless such provision shall have been included in identical form in such bill as enacted by both the House and the Senate.

(b) Such amounts as may be necessary for continuing projects or activities which were conducted in the fiscal year 1970 and are listed in this subsection at a rate for operations not in excess of the current rate or the rate provided for in the budget estimate, whichever is lower, and under the more restrictive authority—

activities for which provision was made in the Department of Defense Appropriation Act, 1970;
 activities (not otherwise provided for in this joint resolution)

for which provision was made in the Departments of Labor, and Health, Education, and Welfare, and Related Agencies Appropriation Act, 1970;

Ante, p. 23.

activities of the National Foundation on the Arts and the Humanities;

activities relating to high-speed ground transportation research and development;

activities of the Peace Corps; and

activities of the American Revolution Bicentennial Commission.

(c) Such amounts as may be necessary for continuing projects or activities for which disbursements are made by the Secretary of the Senate, and the Senate items under the Architect of the Capitol, to the extent and in the manner which would be provided for in the budget estimates for fiscal year 1971.

(d) Such amounts as may be necessary for continuing the following activities, but at a rate for operations not in excess of the current rate—

activities of the National Council on Marine Resources and Engineering Development;

coal mine health and safety activities of the Department of Health, Education, and Welfare; and

activities under the airport and airway trust fund.

SEC. 102. Appropriations and funds made available and authority granted pursuant to this joint resolution shall remain available until

(a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) enactment of the applicable appropriation Act by both Houses without any provision for such project or activity, or (c) July 31, 1970, whichever first occurs.

SEC. 103. Appropriations and funds made available or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in subsection (d) (2) of section 3679 of the Revised Statutes, as amended, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds or to permit the use, including the expenditure, of appropriations, funds, or authority in any manner which would contravene the provisions of title V of the Second Supplemental Appropriation Act, 1970.

31 USC 665.

Post, p. 406.

SEC. 104. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 105. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 106. No appropriation or fund made available or authority granted pursuant to this joint resolution shall be used to initiate or resume any project or activity which was not being conducted during the fiscal year 1970.

SEC. 107. Any appropriation for the fiscal year 1971 required to be apportioned pursuant to section 3679 of the Revised Statutes, as amended, may be apportioned on a basis indicating the need (to the extent any such increases cannot be absorbed within available appropriations) for a supplemental or deficiency estimate of appropriation to the extent necessary to permit payment of such pay increases as may be granted pursuant to law to civilian officers and employees and to active and retired military personnel. Each such appropriation shall otherwise be subject to the requirements of section 3679 of the Revised Statutes, as amended.

31 USC 665.

Approved June 29, 1970.

Public Law 91-295

AN ACT

To provide a special milk program for children.

June 30, 1970
[H. R. 5554]Child Nutrition
Act of 1966,
amendment.
80 Stat. 885.
42 USC 1772."United
States."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Child Nutrition Act of 1966 is amended to read as follows:

"SEC. 3. There is hereby authorized to be appropriated for the fiscal year ending June 30, 1970, and for each succeeding fiscal year, not to exceed \$120,000,000, to enable the Secretary of Agriculture, under such rules and regulations as he may deem in the public interest, to encourage consumption of fluid milk by children in the United States in (1) nonprofit schools of high school grade and under, and (2) nonprofit nursery schools, child-care centers, settlement houses, summer camps, and similar nonprofit institutions devoted to the care and training of children. For the purposes of this section 'United States' means the fifty States, Guam, and the District of Columbia. The Secretary shall administer the special milk program provided for by this section to the maximum extent practicable in the same manner as he administered the special milk program provided for by Public Law 89-642, as amended, during the fiscal year ending June 30, 1969."

[Note by the Office of the Federal Register.—The foregoing Act, having been presented to the President of the United States on Wednesday, June 17, 1970, for his approval and not having been returned by him to the House of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval on June 30, 1970.]

Public Law 91-296

AN ACT

To amend the Public Health Service Act to revise, extend, and improve the program established by title VI of such Act, and for other purposes.

June 30, 1970
[H. R. 11102]Medical Facil-
ities Construction
and Moderniza-
tion Amendments
of 1970.

"Secretary."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE; DEFINITION

SECTION 1. (a) This Act may be cited as the "Medical Facilities Construction and Modernization Amendments of 1970".

(b) As used in the amendments made by this Act, the term "Secretary", unless the context otherwise requires, means the Secretary of Health, Education, and Welfare.

TITLE I—GRANTS FOR CONSTRUCTION AND MODERNIZATION OF HOSPITALS AND OTHER MEDICAL FACILITIES

PART A—EXTENSION OF GRANT PROGRAM

AUTHORIZATION OF APPROPRIATIONS FOR CONSTRUCTION GRANTS

SEC. 101. (a) Section 601 of the Public Health Service Act (42 U.S.C. 219a) is amended—

78 Stat. 448;
82 Stat. 1011.
42 USC 291a.

(1) by striking out “next five” in paragraph (a) and inserting in lieu thereof “next eight”;

(2) (A) by striking out “\$70,000,000” in subparagraph (1) of paragraph (a) and inserting in lieu thereof “\$85,000,000”;

(B) by striking out “\$20,000,000” in subparagraph (2) of such paragraph and inserting in lieu thereof “\$70,000,000”; and

(C) by striking out “\$10,000,000” in subparagraph (3) of such paragraph and inserting in lieu thereof “\$15,000,000”; and

(3) by striking out in paragraph (b) “and \$195,000,000 for the fiscal year ending June 30, 1970.” and inserting in lieu thereof “\$195,000,000 for the fiscal year ending June 30, 1970, \$147,500,000 for the fiscal year ending June 30, 1971, \$152,500,000 for the fiscal year ending June 30, 1972, and \$157,500,000 for the fiscal year ending June 30, 1973; and”.

(b) The amendments made by subsection (a) shall take effect with respect to appropriations made under such section 601 for fiscal years beginning after June 30, 1970.

Effective date.

AUTHORIZATION OF APPROPRIATIONS FOR MODERNIZATION GRANTS

SEC. 102. (a) Effective with respect to appropriations made under section 601 of the Public Health Service Act for fiscal years beginning after June 30, 1970, such section is further amended—

(1) by striking out in paragraph (b) the following: “and for grants for modernization of such facilities and the facilities referred to in paragraph (a)”;

(2) by adding after paragraph (b) the following new paragraph:

“(c) for grants for modernization of the facilities referred to in paragraphs (a) and (b), \$65,000,000 for the fiscal year ending June 30, 1971, \$80,000,000 for the fiscal year ending June 30, 1972, and \$90,000,000 for the fiscal year ending June 30, 1973.”; and

(3) by inserting "AND MODERNIZATION" after "CONSTRUCTION" in the section heading.

STATE ALLOTMENTS

Ante, p. 337.
78 Stat. 448;
82 Stat. 1011.

SEC. 103. (a) Effective with respect to appropriations pursuant to section 601 of the Public Health Service Act for fiscal years beginning after June 30, 1970, section 602(a) of such Act (42 U.S.C. 291b) is amended to read as follows:

"(a) (1) Each State shall be entitled for each fiscal year to an allotment bearing the same ratio to the sums appropriated for such year pursuant to subparagraphs (1), (2), and (3), respectively, of section 601(a), and to an allotment bearing the same ratio to the sums appropriated for such year pursuant to section 601(b), as the product of—

"(A) the population of such State, and

"(B) the square of its allotment percentage,

bears to the sum of the corresponding products for all of the States.

"(2) For each fiscal year, the Secretary shall, in accordance with regulations, make allotments among the States, from the sums appropriated for such year under section 601(c), on the basis of the population, the financial need, and the extent of the need for modernization of the facilities referred to in paragraphs (a) and (b) of section 601, of the respective States."

(b) Effective with respect to allotments from such appropriations, section 602(b) (1) of such Act is amended by—

(1) striking out "\$25,000" and "\$50,000" in subparagraph (A) and inserting in lieu thereof "\$50,000" and "\$100,000", respectively;

(2) striking out "\$50,000" and "\$100,000" in subparagraph (B) and inserting in lieu thereof "\$100,000" and "\$200,000", respectively;

(3) striking out "\$100,000" and "\$200,000" in subparagraph (C) and inserting in lieu thereof "\$200,000" and "\$300,000", respectively; and

(4) striking out "or" at the end of subparagraph (B), inserting "or" at the end of subparagraph (C), and adding after and below subparagraph (C) the following new subparagraph:

"(D) \$200,000 for the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, or Guam and \$300,000 for any other State in the case of an allotment for grants for the modernization of facilities referred to in paragraphs (a) and (b) of section 601."

Allotment study.

(c) The Secretary of Health, Education, and Welfare shall conduct a study of the effects of the formula specified in section 602(a) (1) of the Public Health Service Act for allotment among the States of sums appropriated for construction of health facilities, and shall report to the Congress on May 15, 1972, the result of such study, together with recommendations for such changes, if any, in such formula as he may determine to be desirable, together with his justification for any changes so recommended.

Report to
Congress.

TRANSFER OF ALLOTMENTS

SEC. 104. Effective with respect to allotments from appropriations made pursuant to section 601 of the Public Health Service Act for fiscal years beginning after June 30, 1970, section 602(e) of the Public Health Service Act is amended to read as follows:

"(e) (1) Upon the request of any State that a specified portion of any allotment of such State under subsection (a) for any fiscal year be

added to any other allotment or allotments of such State under such subsection for such year, the Secretary shall promptly (but after application of subsection (b)) adjust the allotments of such State in accordance with such request and shall notify the State agency; except that the aggregate of the portions so transferred from an allotment for a fiscal year pursuant to this paragraph may not exceed the amount specified with respect to such allotment in clause (A), (B), (C), or (D), as the case may be, of subsection (b) (1) which is applicable to such State.

78 Stat. 448.
42 USC 291b.

“(2) In addition to the transfer of portions of allotments under paragraph (1), upon the request of any State that a specified portion of any allotment of such State under subsection (a), other than an allotment for grants for the construction of public or other nonprofit rehabilitation facilities, be added to another allotment of such State under such subsection, other than an allotment for grants for the construction of public or other nonprofit hospitals and public health centers, and upon simultaneous certification to the Secretary by the State agency in such State to the effect that—

“(A) it has afforded a reasonable opportunity to make applications for the portion so specified and there have been no approvable applications for such portion, or

“(B) in the case of a request to transfer a portion of an allotment for grants for the construction of public or other nonprofit hospitals and public health centers, use of such portion as requested by such State agency will better carry out the purposes of this title, the Secretary shall promptly (but after application of subsection (b)) adjust the allotments of such State in accordance with such request and shall notify the State agency.

“(3) In addition to the transfer of portions of allotments under paragraph (1) or (2), upon the request of any State that a specified portion of an allotment of such State under paragraph (2) of subsection (a) be added to an allotment of such State under paragraph (1) of such subsection for grants for the construction of public or other nonprofit hospitals and public health centers, and upon simultaneous certification by the State agency in such State to the effect that the need for new public or other nonprofit hospitals and public health centers is substantially greater than the need for modernization of facilities referred to in paragraph (a) or (b) of section 601, the Secretary shall promptly (but after application of subsection (b) of this section) adjust the allotments of such State in accordance with such request and shall notify the State agency.

“(4) After adjustment of allotments of any State, as provided in paragraph (1), (2), or (3) of this subsection, the allotments as so adjusted shall be deemed to be the State's allotments under this section.”

PART B—OPERATION OF GRANT PROGRAM

PRIORITY OF PROJECTS

SEC. 110. Effective with respect to applications approved under title VI of the Public Health Service Act after June 30, 1970, section 603(a) of such Act (42 U.S.C. 291c) is amended—

42 USC 291-
291c.
78 Stat. 451.

(1) by striking out “rural communities and areas with relatively small financial resources” in clause (1), and inserting in lieu thereof “areas with relatively small financial resources and, at the option of the State, rural communities”;

(2) by striking out “and” at the end of clause (2), and

(3) by adding after clause (3) the following new clauses:

“(4) in the case of projects for construction or modernization of outpatient facilities, to any outpatient facility that will be loca-

ted in, and provide services for residents of, an area determined by the Secretary to be a rural or urban poverty area;

“(5) to projects for facilities which, alone or in conjunction with other facilities, will provide comprehensive health care, including outpatient and preventive care as well as hospitalization;

“(6) to facilities which will provide training in health or allied health professions; and

“(7) to facilities which will provide to a significant extent, for the treatment of alcoholism;”.

AREAWIDE AND STATE HEALTH PLANNING AGENCIES

42 USC 291-
291o,
78 Stat. 453.

SEC. 111. (a) Effective with respect to applications approved under title VI of the Public Health Service Act after June 30, 1970, clause (4) of the first sentence of section 605(b) of such Act (42 U.S.C. 291e) is amended by striking out “State agency and” and inserting in lieu thereof “State agency, opportunity has been provided, prior to such approval and recommendation, for consideration of the project by the public or nonprofit private agency or organization which has developed the comprehensive regional, metropolitan area, or other local area plan or plans referred to in section 314(b) covering the area in which such project is to be located or, if there is no such agency or organization, by the State agency administering or supervising the administration of the State plan approved under section 314(a), and the application is for a project which”.

80 Stat. 1181.
42 USC 246.

Grants.

(b) Section 314(b) of such Act (42 U.S.C. 246) is amended by adding after the first sentence the following new sentence: “No grant may be made under this subsection after June 30, 1970, to any agency or organization to develop or revise health plans for an area unless the Secretary determines that such agency or organization provides means for appropriate representation of the interests of the hospitals, other health care facilities, and practicing physicians serving such area, and the general public.”

PORTION OF ALLOTMENT AVAILABLE FOR STATE PLAN ADMINISTRATION

SEC. 112. Effective with respect to expenditures under a State plan approved under title VI of the Public Health Service Act which are made for administration of such plan during any fiscal year beginning after June 30, 1970—

78 Stat. 454.

(1) the first sentence of subsection (c) (1) of section 606 of such Act (42 U.S.C. 291f) is amended (A) by striking out “2 per centum” and inserting in lieu thereof “4 per centum”, and (B) by striking out “\$50,000” and inserting in lieu thereof “\$100,000”; and

(2) paragraph (2) of subsection (c) of such section 606 is amended by striking out “June 30, 1964” and inserting in lieu thereof “June 30, 1970”.

FEDERAL SHARE

SEC. 113. Effective with respect to projects approved under title VI of the Public Health Service Act after June 30, 1970, the section of such Act herein redesignated as section 645(b) (42 U.S.C. 291o) is amended to read as follows:

Post, p. 344.
“Federal
share.”

“(b) (1) The term ‘Federal share’ with respect to any project means the proportion of the cost of such project to be paid by the Federal Government under this title.

Ante, p. 337.

“(2) With respect to any project in any State for which a grant is made from an allotment from an appropriation under section 601,

the Federal share shall be the amount determined by the State agency designated in accordance with section 604, but not more than 66⅔ per centum or the State's allotment percentage, whichever is the lower, except that, if the State's allotment percentage is lower than 50 per centum, such allotment percentage shall be deemed to be 50 per centum for purposes of this paragraph.

78 Stat. 452.
42 USC 291d.

“(3) Prior to the approval of the first project in a State during any fiscal year the State agency designated in accordance with section 604 shall give the Secretary written notification of the maximum Federal share established pursuant to paragraph (2) for projects in such State to be approved by the Secretary during such fiscal year and the method for determining the actual Federal share to be paid with respect to such projects; and such maximum Federal share and such method of determination for projects in such State approved during such fiscal year shall not be changed after such approval.

“(4) Notwithstanding the provisions of paragraphs (2) and (3) of this subsection, the Federal share shall, at the option of the State agency, be equal to the per centum provided under such paragraphs plus an incentive per centum (which when combined with the per centum provided under such paragraphs shall not exceed 90 per centum) specified by the State agency in the case of (A) projects that will provide services primarily for persons in an area determined by the Secretary to be a rural or urban poverty area, and (B) projects that offer potential for reducing health care costs through shared services among health care facilities, through interfacility cooperation, or through the construction or modernization of free-standing outpatient facilities.”

DEFINITION OF HOSPITAL

SEC. 114. (a) Effective with respect to applications approved under title VI of the Public Health Service Act after June 30, 1970, paragraph (c) of the section of such Act redesignated (by section 201 of this Act) as section 645 is amended—

42 USC 291-
291o.

Post, p. 344.

(1) by inserting after “nurses’ home facilities,” the following: “extended care facilities, facilities related to programs for home health services, self-care units,”; and

(2) by inserting a comma immediately before “operated” and inserting immediately before “but does not include” the following: “and also includes education or training facilities for health professions personnel operated as an integral part of a hospital,”.

STATE ADVISORY COUNCILS

SEC. 115. Effective July 1, 1970, section 604(a)(3) of the Public Health Service Act (42 U.S.C. 291d) is amended—

78 Stat. 452.

(a) by inserting “(A)” after “shall include”, and

(b) by inserting after “rehabilitation services, and” the following: “representatives particularly concerned with education or training of health professions personnel, and (B)”.

CHANGE IN NAME AND CLARIFICATION OF FUNCTIONS OF DIAGNOSTIC OR TREATMENT CENTER

SEC. 116. (a) Sections 601(a)(2) and 602(b)(1)(B) of the Public Health Service Act (42 U.S.C. 291a, 291b) are each amended by striking out “diagnostic or treatment centers” and inserting in lieu thereof “outpatient facilities”.

78 Stat. 452.

(b) Section 604(a)(4)(C) of such Act (42 U.S.C. 291d) is amended by striking out “diagnostic or treatment centers” and inserting in lieu thereof “outpatient facilities” and by striking out “such centers” and inserting in lieu thereof “such facilities”.

(c) Section 604(a)(5) of such Act (42 U.S.C. 291d) is amended by striking out “diagnostic or treatment centers” and inserting in lieu thereof “outpatient facilities”.

(d) Section 609(b) of such Act (42 U.S.C. 291i) is amended by striking out “diagnostic or treatment center” and inserting in lieu thereof “outpatient facility”.

42 USC 291e.

(e) Section 605(e) of such Act (42 U.S.C. 29(e)) is amended by—

(1) striking out “a diagnostic or treatment center” and inserting in lieu thereof “an outpatient facility”, and

(2) inserting before the period at the end thereof “or which provides reasonable assurance that the services of a general hospital will be available to patients of such facility who are in need of hospital care”.

Post, p. 344.

(f) Paragraph (f) of the section of the Public Health Service Act redesignated (by section 201 of this Act) as section 645 (42 U.S.C. 291o) is amended—

(1) by striking out “diagnostic or treatment center” and inserting in lieu thereof “outpatient facility”,

(2) by inserting after “means a facility” the following: “(located in or apart from a hospital)”,

(3) by inserting after “ambulatory patients” the following: “(including ambulatory inpatients)”, and

(4) by striking out the period at the end of paragraph (2) and inserting in lieu thereof “; or” and by adding after paragraph (2) the following new paragraph:

“(3) which offers to patients not requiring hospitalization the services of licensed physicians in various medical specialties, and which provides to its patients a reasonably full-range of diagnostic and treatment services.”

Effective date.

(g) The amendments made by subsection (e) and paragraphs (2) and (3) of subsection (f) of this section shall apply with respect to applications approved under title VI of such Act after June 30, 1970.

42 USC 291-291o.

DEFINITION OF FACILITY FOR LONG-TERM CARE

SEC. 117. Effective with respect to applications approved under title VI of the Public Health Service Act after June 30, 1970, paragraph (h) of the section of such Act redesignated (by section 201 of this Act) as section 645 (42 U.S.C. 291o) is amended by inserting after “means a facility” the following: “(including an extended care facility)”.

GRANTS FOR EQUIPMENT

SEC. 118. Effective with respect to projects approved under title VI of the Public Health Service Act after June 30, 1970, paragraph (i) of the section of such Act redesignated (by section 201 of this Act) as section 645 (42 U.S.C. 291o) is further amended by inserting before the semicolon “and, in any case in which it will help to provide a service not previously provided in the community, equipment of any buildings”.

INCLUSION OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS

SEC. 119. (a) (1) Subparagraphs (A), (B), and (C) of paragraph (1) of subsection (b) of section 602 of the Public Health Service Act (42 U.S.C. 291b) are each amended by inserting "the Trust Territory of the Pacific Islands," after "American Samoa,".

78 Stat. 448.

(2) Paragraph (2) of such subsection is amended by inserting "the Trust Territory of the Pacific Islands," after "American Samoa,".

(b) Paragraph (1) of subsection (c) of such section is amended by inserting "the Trust Territory of the Pacific Islands," after "American Samoa,".

(c) Paragraphs (1) and (2) of subsection (d) of such section are each amended by inserting "the Trust Territory of the Pacific Islands," after "American Samoa,".

(d) The section of such Act redesignated (by section 201 of this Act) as section 645(a) (42 U.S.C. 291o) is amended by inserting "the Trust Territory of the Pacific Islands," after "American Samoa,".

Post, p. 344.

(e) The amendments made by this section shall apply with respect to allotments (and grants therefrom) under part A of title VI of the Public Health Service Act for fiscal years ending after June 30, 1970, and with respect to loan guarantees and loans under part B of such title made after June 30, 1970.

42 USC 291a-291j.

42 USC 291k-291o.

WAIVING OF RIGHT OF RECOVERY

SEC. 120. Section (3)(b) of the Hospital and Medical Facilities Amendments of 1964 (Public Law 88-443) is amended by striking out the period at the end of paragraph (5) and inserting in lieu thereof a semicolon, and by adding after such paragraph the following new paragraph:

78 Stat. 461.
42 USC 291 note.

"(6) the provisions of clause (b) of section 609 of the Public Health Service Act, as amended by this Act, shall apply with respect to any project whether it was approved, and whether the event specified in such clause occurred, before, on, or after the date of enactment of this Act, except that it shall not apply in the case of any project with respect to which recovery under title VI of such Act has been made prior to the enactment of this paragraph."

42 USC 291i.

FINANCIAL STATEMENTS FOR FACILITIES ASSISTED UNDER TITLE VI OF THE PUBLIC HEALTH SERVICE ACT

SEC. 121. Title VI of the Public Health Service Act is amended by adding at the end thereof the following new section:

42 USC 291-291o.

"FINANCIAL STATEMENTS

"SEC. 646. In the case of any facility for which a grant, loan, or loan guarantee has been made under this title, the applicant for such grant, loan, or loan guarantee (or, if appropriate, such other person as the Secretary may prescribe) shall file at least annually with the State agency for the State in which the facility is located a statement which shall be in such form, and contain such information, as the Secretary may require to accurately show—

"(1) the financial operations of the facility, and

"(2) the costs to the facility of providing health services in the facility and the charges made by the facility for providing such services,

during the period with respect to which the statement is filed."

CARRYOVER OF ALLOTMENTS

Ante, p. 337.78 Stat. 449.
42 USC 291b.

SEC. 122. Effective with respect to allotments made from appropriations under section 601 of the Public Health Service Act for fiscal years beginning after June 30, 1970, section 602(d) (1) of such Act is amended (1) by striking out “for the next fiscal year (and for such year only)” and inserting in lieu thereof “for the next two fiscal years (and for such years only)”, and (2) by striking out “purpose for such next fiscal year” and inserting in lieu thereof “purposes for such next two fiscal years”.

AVAILABILITY OF EXTENDED CARE SERVICES TO PATIENTS OF GENERAL HOSPITALS

State plans.

SEC. 123. Section 604(a) of the Public Health Service Act (42 U.S.C. 291d) is amended by striking out “and” at the end of paragraph (11), by striking out the period at the end of paragraph (12) and inserting in lieu thereof “; and”, and by adding after paragraph (12) the following new paragraph.

Exception.

“(13) Effective July 1, 1971, provide that before any project for construction or modernization of any general hospital is approved by the State agency there will be reasonable assurance of adequate provision for extended care services (as determined in accordance with regulations) to patients of such hospital when such services are medically appropriate for them, with such services being provided in facilities which (A) are structurally part of, physically connected with, or in immediate proximity to, such hospital, and (B) either (i) are under the supervision of the professional staff of such hospital or (ii) have organized medical staffs and have in effect transfer agreements with such hospital; except that the Secretary may, at the request of the State agency, waive compliance with clause (A) or (B), or both such clauses, as the case may be, in the case of any project if the State agency has determined that compliance with such clause or clauses in such case would be inadvisable.”

TITLE II—LOAN GUARANTEES AND LOANS FOR MODERNIZATION AND CONSTRUCTION OF HOSPITALS AND OTHER MEDICAL FACILITIES

LOAN GUARANTEES AND LOANS FOR MODERNIZATION AND CONSTRUCTION OF HOSPITALS AND OTHER MEDICAL FACILITIES

78 Stat. 447.
42 USC 291-291o.

42 USC 291j.

SEC. 201. Title VI of the Public Health Service Act is amended by redesignating part B as part D; by redesignating sections 621 through 625 (42 U.S.C. 291k-291o), and all references thereto, as sections 641 through 645, respectively; and by inserting after section 610 (42 U.S.C. 291i) the following new part:

“PART B—LOAN GUARANTEES AND LOANS FOR MODERNIZATION AND CONSTRUCTION OF HOSPITALS AND OTHER MEDICAL FACILITIES

“AUTHORIZATION OF LOAN GUARANTEES AND LOANS

“SEC. 621. (a) (1) In order to assist nonprofit private agencies to carry out needed projects for the modernization or construction of nonprofit private hospitals, facilities for long-term care, outpatient facilities, and rehabilitation facilities, the Secretary, during the period July 1, 1970, through June 30, 1973, may, in accordance with the pro-

visions of this part, guarantee to non-Federal lenders making loans to such agencies for such projects, payment of principal of and interest on loans, made by such lenders, which are approved under this part.

“(2) In order to assist public agencies to carry out needed projects for the modernization or construction of public health centers, and public hospitals, facilities for long-term care, outpatient facilities, and rehabilitation facilities, the Secretary, during the period July 1, 1970, through June 30, 1973, may, in accordance with the provisions of this part, make loans to such agencies which shall be sold and guaranteed in accordance with section 627.

Post, p. 349.

Cost limitations.

“(b)(1) No loan guarantee under this part with respect to any modernization or construction project may apply to so much of the principal amount thereof as, when added to the amount of any grant or loan under part A with respect to such project, exceeds 90 per centum of the cost of such project.

78 Stat. 448.

42 USC 291a.

“(2) No loan to a public agency under this part shall be made in an amount which, when added to the amount of any grant or loan under part A with respect to such project, exceeds 90 per centum of the cost of such project.

“(c) The Secretary, with the consent of the Secretary of Housing and Urban Development, shall obtain from the Department of Housing and Urban Development such assistance with respect to the administration of this part as will promote efficiency and economy thereof.

Administrative assistance.

“ALLOCATION AMONG THE STATES

“SEC. 622. (a) For each fiscal year, the total amount of principal of loans to nonprofit private agencies which may be guaranteed or loans to public agencies which may be directly made under this part shall be allotted by the Secretary among the States, in accordance with regulations, on the basis of each State's relative population, financial need, need for construction of the facilities referred to in section 621 (a), and need for modernization of such facilities.

Allotment provisions.

“(b) Any amount allotted under subsection (a) to a State for a fiscal year ending before July 1, 1973, and remaining unobligated at the end of such year shall remain available to such State, for the purpose for which made, for the next two fiscal years (and for such years only), and any such amount shall be in addition to the amounts allotted to such State for such purpose for each of such next two fiscal years; except that, with the consent of any such State, any such amount remaining unobligated at the end of the first of such next fiscal year may be reallocated (on such basis as the Secretary deems equitable and consistent with the purposes of this title) to other States which have need therefor. Any amounts so reallocated to a State shall be available for the purposes for which made until the close of the second such next two fiscal years and shall be in addition to the amount allotted and available to such State for the same period.

Reallotment provisions.

“(c) Any amount allotted or reallocated to a State under this section for a fiscal year shall not, until the expiration of the period during which it is available for obligation, be considered as available for allotment for a subsequent fiscal year.

Availability, expiration.

“(d) The allotments of any State under subsection (a) for the fiscal year ending June 30, 1971, and the succeeding fiscal year shall also be available to guarantee loans with respect to any project, for modernization or construction of a nonprofit private hospital or other health facility referred to in section 621(a)(1), if the modernization or construction of such facility was not commenced earlier than January 1, 1968, and if the State certifies and the Secretary finds that without

such guaranteed loan such facility could not be completed and begin to operate or could not continue to operate, but with such guaranteed loan would be able to do so: *Provided*, That this subsection shall not apply to more than two projects in any one State.

"APPLICATIONS AND CONDITIONS

"SEC. 623. (a) For each project for which a guarantee of a loan to a nonprofit private agency or a direct loan to a public agency is sought under this part, there shall be submitted to the Secretary, through the State agency designated in accordance with section 604, an application by such private nonprofit agency or by such public agency. If two or more private nonprofit agencies, or two or more public agencies, join in the project, the application may be filed by one or more such agencies. Such application shall (1) set forth all of the descriptions, plans, specifications, assurances, and information which are required by the third sentence of section 605(a) (other than clause (6) thereof) with respect to applications submitted under that section, (2) contain such other information as the Secretary may require to carry out the purposes of this part, and (3) include a certification by the State agency of the total cost of the project and the amount of the loan for which a guarantee is sought under this part, or the amount of the direct loan sought under this part, as the case may be.

"(b) The Secretary may approve such application only if—

"(1) there remains sufficient balance in the allotment determined for such State pursuant to section 622 to cover the amount of the loan for which a guarantee is sought, or the amount of the direct loan sought (as the case may be), in such application,

"(2) he makes each of the findings which are required by clauses (1) through (4) of section 605(b) for the approval of applications for projects thereunder (except that, in the case of the finding required under such clause (4) of entitlement of a project to a priority established under section 603(a), such finding shall be made without regard to the provisions of clauses (1) and (3) of such section),

"(3) he finds that there is compliance with section 605(e),

"(4) he obtains assurances that the applicant will keep such records, and afford such access thereto, and make such reports, in such form and containing such information, as the Secretary may reasonably require, and

"(5) he also determines, in the case of a loan for which a guarantee is sought, that the terms, conditions, maturity, security (if any), and schedule and amounts of repayments with respect to the loan are sufficient to protect the financial interests of the United States and are otherwise reasonable and in accord with regulations, including a determination that the rate of interest does not exceed such per centum per annum on the principal obligation outstanding as the Secretary determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the United States.

"(c) No application under this section shall be disapproved until the Secretary has afforded the State agency an opportunity for a hearing.

"(d) Amendment of an approved application shall be subject to approval in the same manner as an original application.

"(e) (1) In the case of any loan to a nonprofit private agency, the United States shall be entitled to recover from the applicant the

78 Stat. 452.
42 USC 291d.

42 USC 291e.

Ante, p. 339.

Ante, p. 342.

Hearing.

Recovery right.

amount of any payments made pursuant to any guarantee of such loan under this part, unless the Secretary for good cause waives its right of recovery, and, upon making any such payment, the United States shall be subrogated to all of the rights of the recipient of the payments with respect to which the guarantee was made.

“(2) Guarantees of loans to nonprofit private agencies under this part shall be subject to such further terms and conditions as the Secretary determines to be necessary to assure that the purposes of this part will be achieved, and, to the extent permitted by subsection (f), any of such terms and conditions may be modified by the Secretary to the extent he determines it to be consistent with the financial interest of the United States.

Terms and conditions.

“(f) Any guarantee of a loan to a nonprofit private agency made by the Secretary pursuant to this part shall be incontestable in the hands of an applicant on whose behalf such guarantee is made, and as to any person who makes or contracts to make a loan to such applicant in reliance thereon, except for fraud or misrepresentation on the part of such applicant or such other person.

Incontestable guarantee.

Exception.

“PAYMENT OF INTEREST ON GUARANTEED LOAN

“SEC. 624. (a) Subject to the provisions of subsection (b), in the case of a guarantee of any loan to a nonprofit private agency under this part with respect to a hospital or other medical facility, the Secretary shall pay, to the holder of such loan and for and on behalf of such hospital or other medical facility amounts sufficient to reduce by 3 per centum per annum the net effective interest rate otherwise payable on such loan. Each holder of a loan, to a nonprofit private agency, which is guaranteed under this part shall have a contractual right to receive from the United States interest payments required by the preceding sentence.

“(b) Contracts to make the payments provided for in this section shall not carry an aggregate amount greater than such amount as may be provided in appropriations Acts.

“LIMITATION ON AMOUNT OF LOANS GUARANTEED OR DIRECTLY MADE

“SEC. 625. The cumulative total of the principal of the loans outstanding at any time with respect to which guarantees have been issued, or which have been directly made, under this part may not exceed the lesser of—

“(1) such limitations as may be specified in appropriations Acts, or

“(2) in the case of loans covered by allotments for the fiscal year ending June 30, 1971, \$500,000,000; for the fiscal year ending June 30, 1972, \$1,000,000,000; and for the fiscal year ending June 30, 1973, \$1,500,000,000.

“LOAN GUARANTEE AND LOAN FUND

“SEC. 626. (a) (1) There is hereby established in the Treasury a loan guarantee and loan fund (hereinafter in this section referred to as the ‘fund’) which shall be available to the Secretary without fiscal year limitation, in such amounts as may be specified from time to time in appropriations Acts, (i) to enable him to discharge his responsibilities under guarantees issued by him under this part, (ii) for payment of interest on the loans to nonprofit agencies which are guaranteed, (iii) for direct loans to public agencies which are sold and guaranteed, (iv) for payment of interest with respect to such loans, and (v) for

repurchase by him of direct loans to public agencies which have been sold and guaranteed. There are authorized to be appropriated to the fund from time to time such amounts as may be necessary to provide capital required for the fund. To the extent authorized from time to time in appropriation Acts, there shall be deposited in the fund amounts received by the Secretary as interest payments or repayments of principal on loans and any other moneys, property, or assets derived by him from his operations under this part, including any moneys derived from the sale of assets.

“(2) Of the moneys in the fund, there shall be available to the Secretary for the purpose of making of direct loans to public agencies only such sums as shall have been appropriated for such purpose pursuant to section 627 or sums received by the Secretary from the sale of such loans (in accordance with such section) and authorized in appropriations Acts to be used for such purpose.

Notes or other
obligations,
issuance.

“(b) If at any time the moneys in the fund are insufficient to enable the Secretary to discharge his responsibilities under this part—

“(i) to make payments of interest on loans to nonprofit private agencies which he has guaranteed under this part;

“(ii) to otherwise comply with guarantees under this part of loans to nonprofit private agencies;

“(iii) to make payments of interest subsidies with respect to loans to public agencies which he has made, sold, and guaranteed under this part;

“(iv) in the event of default by public agencies to make payments of principal and interest on loans which the Secretary has made, sold, and guaranteed, under this part, to make such payments to the purchaser of such loan;

“(v) to repurchase loans to public agencies which have been sold and guaranteed under this part,

he is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary with the approval of the Secretary of the Treasury, but only in such amounts as may be specified from time to time in appropriations Acts. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under that Act, as amended, are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. Sums borrowed under this subsection shall be deposited in the fund and redemption of such notes and obligations shall be made by the Secretary from such fund.

Interest rates.

40 Stat. 288.
31 USC 744.

Sale.

"PROVISIONS APPLICABLE TO LOANS TO PUBLIC FACILITIES

"SEC. 627. (a)(1) Any loan made by the Secretary to a public agency under this part for the modernization or construction of a public hospital or other health facility shall require such public agency to pay interest thereon at a rate comparable to the current rate of interest prevailing with respect to loans, to nonprofit private agencies, which are guaranteed under this part, for the modernization or construction of similar facilities in the same or similar areas, minus 3 per centum per annum.

Interest rates.

"(2) (A) No loan to a public agency shall be made under this part unless—

"(i) the Secretary is reasonably satisfied that such agency will be able to make payments of principal and interest thereon when due, and

"(ii) such agency provides the Secretary with reasonable assurances that there will be available to such agency such additional funds as may be necessary to complete the project with respect to which such loan is requested.

"(B) Any loan to a public agency shall have such security, have such maturity date, be repayable in such installments, and be subject to such other terms and conditions (including provision for recovery in case of default) as the Secretary determines to be necessary to carry out the purposes of this part while adequately protecting the financial interests of the United States.

"(3) In making loans to public agencies under this part, the Secretary shall give due regard to achieving an equitable geographical distribution of such loans.

Distribution.

"(b) (1) The Secretary shall from time to time, but with due regard to the financial interests of the United States, sell loans referred to in subsection (a)(1) either on the private market or to the Federal National Mortgage Association in accordance with section 302 of the Federal National Mortgage Association Charter Act.

Sale.

"(2) Any loan so sold shall be sold for an amount which is equal (or approximately equal) to the amount of the unpaid principal of such loan as of the time of sale.

68 Stat. 613;
Post, p. 450.
12 USC 1717.

"(c) (1) The Secretary is authorized to enter into an agreement with the purchaser of any loan sold under this part under which the Secretary agrees—

Agreements.

"(A) to guarantee to such purchaser (and any successor in interest to such purchaser) payment of the principal and interest payable under such loan, and

"(B) to pay as an interest subsidy to such purchaser (and any successor in interest of such purchaser) amounts which when added to the amount of interest payable on such loan, are equivalent to a reasonable rate of interest on such loan as determined by the Secretary, after taking into account the range of prevailing interest rates in the private market on similar loans and the risks assumed by the United States.

"(2) Any such agreement—

"(A) may provide that the Secretary shall act as agent of any such purchaser, for the purpose of collecting from the public agency to which such loan was made and paying over to such purchaser, any payments of principal and interest payable by such agency under such loan;

"(B) may provide for the repurchase by the Secretary of any such loan on such terms and conditions as may be specified in the agreement;

“(C) shall provide that, in the event of any default by the public agency to which such loan was made in payment of principal and interest due on such loan, the Secretary shall, upon notification to the purchaser (or to the successor in interest of such purchaser), have the option to close out such loan (and any obligations of the Secretary with respect thereto) by paying to the purchaser (or his successor in interest) the total amount of outstanding principal and interest due thereon at the time of such notification; and

“(D) shall provide that, in the event such loan is closed out as provided in subparagraph (C), or in the event of any other loss incurred by the Secretary by reason of the failure of such public agency to make payments of principal and interest on such loan, the Secretary shall be subrogated to all rights of such purchaser for recovery of such loss from such public agency.

Right of recovery, waiver.

“(d) The Secretary may, for good cause, waive any right of recovery which he has against a public agency by reason of the failure of such agency to make payments of principal and interest on a loan made to such agency under this part.

“(e) After any loan to a public agency under this part has been sold and guaranteed, interest paid on such loan and any interest subsidy paid by the Secretary with respect to such loan which is received by the purchaser thereof (or his successor in interest) shall be included in gross income for the purposes of chapter 1 of the Internal Revenue Code of 1954.

68A Stat. 3,
26 USC 1-1388.
Sales proceeds,
deposit and use.

“(f) Amounts received by the Secretary as proceeds from the sale of loans under this section shall be deposited in the loan fund established by section 626, and shall be available to the Secretary for the making of further loans under this part in accordance with the provisions of subsection (a) (2) of such section.

Appropriation.

“(g) There is authorized to be appropriated to the Secretary, for deposit in the loan fund established by section 626, \$30,000,000 to provide initial capital for the making of direct loans by the Secretary to public agencies for the modernization or construction of facilities referred to in subsection (a) (1).”

AMENDMENT TO FEDERAL NATIONAL MORTGAGE ASSOCIATION CHARTER ACT

68 Stat. 613;
75 Stat. 176;
82 Stat. 537.
12 USC 1717.
Ante, p. 344.

SEC. 202. The first sentence of section 302(b) of the Federal National Mortgage Association Charter Act is amended by inserting after the first semicolon the following: “and to purchase, service, sell, or otherwise deal in any loans made to a public agency under part B of title VI of the Public Health Service Act;”.

TITLE III—GRANTS FOR CONSTRUCTION OR MODERNIZATION OF EMERGENCY ROOMS OF GENERAL HOSPITALS

SEC. 301. Title VI of the Public Health Service Act is further amended by adding after part B (added by section 201 of this Act) the following new part:

"PART C—CONSTRUCTION OR MODERNIZATION OF EMERGENCY ROOMS**"AUTHORIZATION**

"SEC. 631. In order to assist in the provision of adequate emergency room service in various communities of the Nation for treatment of accident victims and handling of other medical emergencies through special project grants for the construction or modernization of emergency rooms of general hospitals, there are authorized to be appropriated \$20,000,000 each for the fiscal year ending June 30, 1971, and the next two fiscal years.

Appropriation.

"ELIGIBILITY FOR GRANTS

"SEC. 632. Funds appropriated pursuant to section 631 shall be available for grants by the Secretary for not to exceed 50 per centum of the cost of construction or modernization of emergency rooms of public or nonprofit general hospitals, including provision or replacement of medical transportation facilities. Such grants shall be made by the Secretary only after consultation with the State agency designated in accordance with section 604(a)(1) of the Public Health Service Act. In order to be eligible for a grant under this part, the project, and the applicant therefor, must meet such criteria as may be prescribed by regulations. Such regulations shall be so designed as to provide aid only with respect to projects for which adequate assistance is not readily available from other Federal, State, local, or other sources, and to assist in providing modern, efficient, and effective emergency room service needed to care for victims of highway, industrial, agricultural, or other accidents and to handle other medical emergencies, and to assist in providing such service in geographical areas which have special need therefor.

Cost limitation.

78 Stat. 452.
42 USC 291d.**"PAYMENTS**

"SEC. 633. Grants under this part shall be paid in advance or by way of reimbursement, in such installments and on such conditions, as in the judgment of the Secretary will best carry out the purposes of this part."

TITLE IV—EVALUATION OF HEALTH PROGRAMS

SEC. 401. (a) Title V of the Public Health Service Act is amended by inserting at the end thereof the following new section:

58 Stat. 709;
82 Stat. 1012.
42 USC 219-
229a.**"EVALUATION OF PROGRAMS**

"SEC. 513. Such portion as the Secretary may determine, but not more than 1 per centum, of any appropriation for grants, contracts, or other payments under any provision of this Act, the Mental Retardation Facilities Construction Act, the Community Mental Health Centers Act, the Act of August 5, 1954 (Public Law 568, Eighty-third Congress), or the Act of August 16, 1957 (Public Law 85-151), for any fiscal year beginning after June 30, 1970, shall be available for evaluation (directly, or by grants or contracts) of any program authorized by this Act or any of such other Acts, and, in the case of allotments from any such appropriation, the amount available for allotment shall be reduced accordingly."

77 Stat. 282.
42 USC 2661
note, 2681 note.
68 Stat. 674;
73 Stat. 267.
42 USC 2001-
2004a.
71 Stat. 370.
42 USC 2005-
2005f.

Appropriations,
effective dates.

(b) (1) Effective with respect to appropriations for fiscal years beginning after June 30, 1970—

81 Stat. 535.

(A) section 304(d) of the Public Health Service Act (42 U.S.C. 242b) is amended by striking out “; except that for any fiscal year ending after June 30, 1968” and all that follows down to but not including the period;

80 Stat. 1190;
81 Stat. 540.

(B) section 309(c) of such Act (42 U.S.C. 242g) is amended by striking out “(1)”, and by striking out “, and (2)” and all that follows down to but not including the period;

81 Stat. 540.

(C) section 314(d) (1) of such Act (42 U.S.C. 246) is amended by striking out “, except that, for any fiscal year ending after June 30, 1968” and all that follows down to but not including the period;

(D) section 314(e) of such Act (42 U.S.C. 246) is amended by striking out the last sentence;

Repeal.
82 Stat. 788.

(E) section 797 of such Act (42 U.S.C. 295h-6) is repealed; and

82 Stat. 1005.

(F) section 901(a) of such Act (42 U.S.C. 299a) is amended by striking out the last sentence.

Repeal.

(2) Effective with respect to appropriations for fiscal years beginning after June 30, 1970, section 262 of the Community Mental Health Centers Act (42 U.S.C. 2688p) is repealed.

82 Stat. 1010.

TITLE V—MARIHUANA

CONGRESSIONAL FINDINGS

SEC. 501. The Congress finds that the use of marihuana is increasing in the United States, especially among the young people thereof, and that there is need for a better understanding of the health consequences of using marihuana. The Congress further finds that, notwithstanding the various studies carried out, and research engaged in, with respect to the use of marihuana, there is a lack of an authoritative source for obtaining information involving the health consequences of using marihuana.

HEALTH-RESEARCH REPORTS

Reports to
Congress.

SEC. 502. The Secretary of Health, Education, and Welfare, after consultation with the Surgeon General and other appropriate individuals, shall transmit a report to the Congress on or before January 31, 1971, and annually thereafter (1) containing current information on the health consequences of using marihuana, and (2) containing such recommendations for legislative and administrative action as he may deem appropriate. A preliminary report shall be transmitted to the Congress by the Secretary concerning current information on the health consequences of using marihuana not later than ninety (90) days after the date of enactment of this title.

SHORT TITLE

Citation of
title.

SEC. 503. This title may be cited as the “Marihuana and Health Reporting Act”.

TITLE VI—AVAILABILITY OF APPROPRIATIONS

SEC. 601. Notwithstanding any other provision of law, unless enacted after the enactment of this Act expressly in limitation of the provisions of this section, funds appropriated for any fiscal year ending prior to July 1, 1973, to carry out any program for which appropriations are authorized by the Public Health Service Act (Public Law 410, Seventy-eighth Congress, as amended) or the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 (Public Law 88-164, as amended) shall remain available for obligation and expenditure until the end of such fiscal year.

58 Stat. 682.
42 USC 201
note.
77 Stat. 282.
42 USC 2661
note.

JOHN W. MCCORMACK

Speaker of the House of Representatives.

JAMES B. ALLEN

Acting President of the Senate pro tempore.

IN THE HOUSE OF REPRESENTATIVES, U.S.,

June 25, 1970.

The House of Representatives having proceeded to reconsider the bill (H. R. 11102) entitled "An Act to amend the Public Health Service Act to revise, extend, and improve the program established by title VI of such Act, and for other purposes", returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

Attest:

W. PAT JENNINGS

Clerk.

I certify that this Act originated in the House of Representatives.

W. PAT JENNINGS

Clerk.

IN THE SENATE OF THE UNITED STATES,

June 30, 1970.

The Senate having proceeded to reconsider the bill (H. R. 11102) entitled "An Act to amend the Public Health Service Act to revise, extend, and improve the program established by title VI of such Act, and for other purposes", returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was

Resolved, That the said bill pass, two-thirds of the Senators present having voted in the affirmative.

Attest:

FRANCIS R. VALEO

Secretary.

Ante, p. 354.

72 Stat. 484.

Promotion or
transfer, basic
compensation.
72 Stat. 484;
76 Stat. 1243.

Longevity step
increases.

82 Stat. 144.

Ante, p. 355.

Compensation
reduction, pro-
hibition.

Supra.

Retirement
compensation,
increase pro-
hibition.

71 Stat. 391;
Post, p. 1136.
D.C. Code
4-521 note.

that if a police private is classed as technician in subclass (b) of salary class 1 in the salary schedule in section 101 of the District of Columbia Police and Firemen's Salary Act of 1958 solely on account of his duties as dog handler, such police private shall not be entitled to the additional compensation authorized by this paragraph.

SEC. 104. Section 303(c) of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4-829(c)) is amended by deleting ", (b), or (c)" and inserting in lieu thereof "or (b)".

SEC. 105. The first sentence of section 304 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4-830) is amended to read as follows: "Any officer or member who is promoted or transferred to a higher salary class or subclass of a higher salary class shall receive basic compensation at the lowest scheduled rate of such higher salary class or subclass which exceeds his existing rate of compensation by not less than one step increase of the next higher step of the salary class or subclass from which he is promoted or transferred."

SEC. 106. Paragraph (3) of section 401(a) of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4-832(a)) is amended to read as follows:

"(3) In the case of the officers or members serving in salary classes other than salary class 1, each longevity step increase shall be equal to one step increase of the salary class or subclass of a salary class in which the officer or member is serving."

SEC. 107. (a) Each officer and member in active service on the effective date of this title to whom section 103 of this title and the amendment made by section 102 of this title apply, who is receiving basic compensation at one of the scheduled service or longevity steps of a salary class or subclass other than subclass (a) or (b) of salary class 1, and whose latest promotion has been subsequent to January 5, 1963, and prior to the effective date of this title shall (1) be placed in the service or longevity step of his salary class or subclass which provides a salary not less than the amount he would have received as a result of sections 102, 103, and 105 of this title had such promotion occurred on or after the effective date of this title, and (2) receive the appropriate scheduled rate of basic compensation for such step in the salary class or subclass in which he is serving.

(b) The rate of basic compensation received by any officer or member under the provisions of section 103 of this title and the amendment made by section 102 of this title shall not be reduced by reason of the enactment of this section.

(c) Any officer or member who receives additional compensation as a result of the enactment of this section shall be credited with any active service he has rendered in the service or longevity step in which he was serving immediately prior to the effective date of this title for subsequent advancement purposes under the provisions of section 303 or section 401, as the case may be, of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4-829, sec. 4-832).

(d) Notwithstanding any other provision of this or any other law, individuals retired from active service prior to the effective date of this title and entitled to receive a pension relief allowance or retirement compensation under the provisions of section 12 of the Policemen and Firemen's Retirement and Disability Act shall not be entitled to receive an increase in their pension relief allowance or retirement compensation by reason of the enactment of this section.

SEC. 108. All retired officers and members of the Metropolitan Police force who at any time prior to October 1, 1956, held the rank of Assistant Superintendent shall be held and considered for the purpose of computing retirement benefits payable on and after the effective date of this title to have retired in the rank of Assistant Chief.

SEC. 109. (a) Retroactive compensation or salary shall be paid by reason of this title only in the case of an individual in the service of the District of Columbia government or of the United States (including service in the Armed Forces of the United States) on the date of enactment of this title, except that such retroactive compensation or salary shall be paid (1) to an officer or member of the Metropolitan Police force, the Fire Department of the District of Columbia, the United States Park Police force, or the Executive Protective Service, who retired during the period beginning on the first pay of the first day period which began on or after July 1, 1969, and ending on the date of enactment of this title for services rendered during such period, and (2) in accordance with the provisions of subchapter VIII of chapter 55 of title 5, United States Code (relating to settlement of accounts of deceased employees), for services rendered during the period beginning on the first day of the first pay period which began on or after July 1, 1969, and ending on the date of enactment of this title by an officer or member who dies during such period.

Retroactive compensation provisions.

80 Stat. 495;
82 Stat. 1212;
5 USC 5581-5584.

(b) For the purposes of this section, service in the Armed Forces of the United States, in the case of an individual relieved from training and service in the Armed Forces of the United States or discharged from hospitalization following such training and service, shall include the period provided by law for the mandatory restoration of such individual to a position in or under the Federal Government or the municipal government of the District of Columbia.

Military service.

SEC. 110. (a) Paragraph 3 of section 102 of the Act of November 13, 1966 (D.C. Code, sec. 4-823d-1(3)), is amended by inserting after "5" the following: "6, or".

80 Stat. 1592.

(b) The amendment made by this section shall be effective only with respect to pay periods beginning on or after the effective date of this title.

Effective date.

SEC. 111. For the purpose of determining the amount of insurance for which an individual is eligible under the provisions of chapter 87 of title 5, United States Code (relating to Government employees group life insurance), all changes in rates of compensation or salary which result from the enactment of this Act shall be held and considered to be effective as of the date of enactment of this title.

Group life insurance.

80 Stat. 592;
81 Stat. 219,
646.
5 USC 8701-8716.

SEC. 112. This title and the amendments made by this title shall take effect on the first day of the first pay period beginning on or after July 1, 1969.

Effective date.

TITLE II—MISCELLANEOUS PROVISIONS RELATING TO CERTAIN POLICE MATTERS

SEC. 201. (a) The uniform of officers and members of the United States Park Police force, the Executive Protective Service, the Capitol Police, and the Metropolitan Police force of the District of Columbia shall bear a distinctive patch, pin, or other emblem depicting the flag of the United States or the colors thereof.

Police uniforms, U.S. flag emblem.

(b) The Secretary of the Interior in the case of the United States Park Police force, the Secretary of the Treasury in the case of the Executive Protective Service, the Capitol Police Board in the case of the Capitol Police, and the Commissioner of the District of Columbia in the case of the Metropolitan Police force shall prescribe such regulations as may be necessary to carry out the purposes of this section.

Regulations.

(c) This section shall take effect one hundred and eighty days after the date of enactment of this title.

Effective date.

equivalent of not less than sixty graduate semester hours in academic, vocational, or professional courses beyond a master's degree, representing a definite educational program satisfactory to the Board, except that in the case of a shop teacher in the vocational education program the sixty semester hours need not be graduate semester hours. Graduate credit hours beyond thirty which were earned prior to obtaining a master's degree may be applied in computing such sixty credit hours."

69 Stat. 524.

(3) Section 3 (D.C. Code, sec. 31-1512) is amended by—

(A) striking out "For" and inserting in lieu thereof "(a) Except as provided in subsection (b), for";

(B) inserting immediately after "position" each time it appears "or salary class"; and

(C) by inserting at the end thereof the following new subsection:

Permanent status
and tenure.

"(b) The Board of Education may place in a permanent status any fully qualified employee in salary class 15 having three or more years of satisfactory service, including service in an educational system or institution of recognized standing outside the District of Columbia, as determined by the Board, at any time beginning one year after the commencement of the probationary period of such employee. Any employee appointed to permanent status under this subsection shall be considered an employee of the Board on permanent tenure."

80 Stat. 1598.

(4) Section 4 (D.C. Code, sec. 31-1521) is amended to read as follows:

"SEC. 4. Any employee of the Board of Education in group A of salary class 15 who possesses a bachelor's degree plus fifteen credit hours shall be transferred in accordance with section 10 (a) and (b) to group A-1 of salary class 15."

Post, p. 363.
Change of
status, compen-
sation.
69 Stat. 525;
80 Stat. 1598.

(5) Section 5 (D.C. Code, sec. 31-1522) is amended by adding at the end thereof the following new subsection:

"(f) Whenever a teacher or school officer is changed to a lower salary class or to a lower level in the same salary class as in the case of school principals in the public school system, the Superintendent of Schools is authorized to fix the rate of compensation at a rate provided for in the salary class or level to which the employee is changed which does not exceed his existing rate of compensation, except that if his existing rate falls between two service steps provided in such lower salary class or level, he shall receive the higher of such rates; if he is receiving a rate of basic compensation in excess of the maximum rate provided in such lower salary class or level in which he is to be placed, he will retain his existing rate of compensation and receive one-half of any future increases granted his new salary class or level until such time as his rate of basic compensation is no longer in excess of the maximum rate provided in such lower salary class or level. This subsection shall not apply if such reduction to a lower salary class or level is (1) for personal cause, (2) at the request of such teacher or school officer, (3) as a condition of a previous temporary promotion to a higher grade, or (4) because of a reduction in force brought about by lack of funds or curtailment of work."

76 Stat. 1233;
78 Stat. 885.

(6) Section 6(a) (1) (D.C. Code, sec. 31-1531(a) (1)) is amended to read as follows:

"(1) On July 1 of each year, following the effective date of the District of Columbia Teachers' Salary Act Amendments of 1970, each permanent employee in salary class 15 who is on service step 13 and has completed 15 years of creditable service shall be assigned to longevity step Y. Each permanent employee in salary class 15 who is in longevity step X, on such effective date, shall be assigned to longevity step Y. In determining years of creditable

Extra-duty
activity, compen-
sation.
80 Stat. 1602.

(10) (A) Section 13(d)(1) (D.C. Code, sec. 31-1542(d)(1)) is amended by—

(1) striking out “a classroom teacher” and inserting in lieu thereof “any employee”;

(2) striking out “teaching load assigned for a regular day school teacher at his particular school level” and inserting in lieu thereof “work assignment”;

(3) striking out “a teacher” and inserting in lieu thereof “such employee”; and

(4) striking out “\$750” and inserting in lieu thereof “\$1,000”.

(B) Section 13(d)(2) (D.C. Code, sec. 31-1542(d)(2)) is amended by—

(1) striking out “classroom teachers” and inserting in lieu thereof “employees”;

(2) striking out “monthly”;

(3) inserting after “extra duty activity” the following: “in the same manner as regular pay”; and

(4) striking out “a classroom teacher” and inserting in lieu thereof “such an employee”.

Salary payments,
election by em-
ployee.
76 Stat. 1235.

(11) Section 14 (D.C. Code, sec. 31-1543) is amended to read as follows:

“SEC. 14. On July 1, 1970, each employee assigned to salary class 15 shall be classified as a teacher for payroll purposes and his annual salary shall be paid in twenty or twenty-four semimonthly installments, at the discretion of such employee (and under such rules and regulations as the Board of Education may prescribe), in accordance with existing law. All other employees covered by the provisions of this Act shall have their annual salaries paid in twenty-four semimonthly installments in accordance with existing law. Annual salaries for employees paid in twenty-four semimonthly installments means calendar year for purposes of this section.”

SEC. 303. The increase provided in this title for the position of Superintendent of Schools under salary class 1 of the salary schedule shall be effective only with respect to individuals employed in that position on or after the date of the enactment of this title.

SEC. 304. (a) The third paragraph under the paragraph beginning with the side heading “FOR ALLOWANCE TO PRINCIPALS:” under the center heading “PUBLIC SCHOOLS.” in the first section of the Act of May 26, 1908, entitled “An Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and nine, and for other purposes” (D.C. Code, sec. 31-609) is amended by striking out “: *Provided*, That the salaries of other teachers shall begin when they enter upon their duties.” and inserting in lieu thereof “. However, effective July 1, 1970, the salaries of employees in salary class 15 and such other employees who were paid on a ten-month basis immediately prior to the effective date of the District of Columbia Teachers’ Salary Act Amendments of 1970, whose services commence with the opening of school and who shall perform their duties, shall begin on the first day of September and shall be paid in twenty semimonthly installments, except that employees in salary class 15 may, under such rules and regulations as the Board of Education may prescribe, make an election to be paid in twenty-four semimonthly installments. The first payment shall be made on the first day of October, or as near that date as practicable; and the second payment shall be made fifteen days thereafter or

35 Stat. 291.

as near that date as practicable. Subsequent payments shall be on the first and sixteenth days of the month or as near those dates as practicable. The salaries of other employees in salary class 15 shall begin when they enter upon their duties."

(b) The fourth paragraph under the paragraph beginning with the side heading "FOR ALLOWANCE TO PRINCIPALS:" under the center heading "PUBLIC SCHOOLS." in the first section of such Act of May 26, 1908 (D.C. Code, sec. 31-630), is amended to read as follows:

35 Stat. 291.

"Effective July 1, 1970, the following rules for division of time and computation of pay for services rendered are established: Compensation of all employees in salary class 15 and such other employees who were paid on a ten-month basis immediately prior to the effective date of the District of Columbia Teachers' Salary Act amendments of 1970 shall be paid in twenty semimonthly installments, except that employees in salary class 15 may, under such rules and regulations as the Board of Education may prescribe, make an election to be paid in twenty-four semimonthly installments. In making payments for a fractional part of a month, one-fifteenth of an installment shall be the daily rate of pay. For the purpose of computing such compensation and for computing time for services rendered during a fractional part of a semimonthly period in connection with the compensation of such employees, each and every semimonthly period shall be held to consist of fifteen days, without regard to the actual number of days in any semimonthly period thus excluding the 31st day of any calendar months from the computation and treating February as if it actually had thirty days. Any person entering the service of the schools during a thirty-one-day month and serving until the end thereof shall be entitled to pay for that month from the date of entry to the 30th day of such month, both days inclusive; and any person entering such service during the month of February and serving until the end thereof shall be entitled to one month's pay, less as many days thereof as there were days elapsed prior to the date of entry. For one day's unauthorized absence on the 31st day of any calendar month one day's pay shall be forfeited."

SEC. 305. (a) Retroactive compensation or salary shall be paid by reason of this title only in the case of an individual in the service of the Board of Education of the District of Columbia (including service in the Armed Forces of the United States) on the date of enactment of this title, except that such retroactive compensation or salary shall be paid (1) to any employee covered in this title who, as of June 29, 1970, is in the service of the Board of Education, (2) to any employee covered in this title who retired during the period beginning on the first day of the first pay period which began on or after September 1, 1969, and ending on the date of enactment of this title, for services rendered during such period, and (3) in accordance with the provisions of subchapter VIII of chapter 55 of title 5, United States Code (relating to settlement of accounts of deceased employees), for services rendered during the period beginning on the first day of the first pay period which began on or after September 1, 1969, and ending on the date of enactment of this Act, by any such employee who dies during such period.

Retroactive compensation provisions.

80 Stat. 495;
82 Stat. 1212.
5 USC 5581-5584.

(b) For purposes of this section, service in the Armed Forces of the United States in the case of an individual relieved from training and service in the Armed Forces of the United States or discharged from

Military service.

hospitalization following such training and service, shall include the period provided by law for the mandatory restoration of such individual to a position in or under the municipal government of the District of Columbia.

Effective date.

SEC. 306. The provisions of this title shall take effect on the first day of the first pay period which begins on or after September 1, 1969.

TITLE IV—MISCELLANEOUS REVENUE PROVISIONS

82 Stat. 612.

SEC. 401. Section 3 of title VI of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, sec. 47-1567b(a)) is amended to read as follows:

"SEC. 3. IMPOSITION OF TAX.—In the case of a taxable year beginning after December 31, 1969, there is hereby imposed on the taxable income of every resident a tax determined in accordance with the following table:

"If the taxable income is:	The tax is:
Not over \$1,000-----	2% of the taxable income.
Over \$1,000 but not over \$2,000-----	\$20, plus 3% of excess over \$1,000.
Over \$2,000 but not over \$3,000-----	\$50, plus 4% of excess over \$2,000.
Over \$3,000 but not over \$5,000-----	\$90, plus 5% of excess over \$3,000.
Over \$5,000 but not over \$8,000-----	\$190, plus 6% of excess over \$5,000.
Over \$8,000 but not over \$12,000-----	\$370, plus 7% of excess over \$8,000.
Over \$12,000 but not over \$17,000-----	\$650, plus 8% of excess over \$12,000.
Over \$17,000 but not over \$25,000-----	\$1,050, plus 9% of excess over \$17,000.
Over \$25,000-----	\$1,770, plus 10% of excess over \$25,000."

Appropriation.

SEC. 402. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, up to \$8,000,000 for use in defraying the cost of the pay increases provided for by this Act for the period commencing July 1, 1969, and ending December 31, 1969. Such sum authorized to be appropriated pursuant to this section shall be in addition to any other sums authorized under any other law, and in addition to the increase in revenue raised as a result of the amendment to section 3 of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, sec. 47-1567(a)) made by section 401 of this Act.

TITLE V—PAY RATE FOR THE COMMANDING GENERAL OF THE MILITIA OF THE DISTRICT OF COLUMBIA

25 Stat. 773.

SEC. 501. (a) Section 7 of the Act entitled "An Act to provide for the organization of the militia of the District of Columbia, and for other purposes", approved March 1, 1889 (D.C. Code, sec. 39-201), is amended (1) by inserting "(a)" immediately after "Sec. 7.", and (2) by adding at the end thereof the following new subsections:

"(b) Except as provided in subsection (c), any person serving as the commanding general of the militia of the District of Columbia shall be considered to be an employee of the Department of Defense, and of the United States, within the meaning of section 2105 of title 5, United States Code.

80 Stat. 409;
82 Stat. 757.

"(c) Any officer of the Armed Forces of the United States who, while serving on active duty, is detailed to serve as commanding general of the militia of the District of Columbia shall, while so detailed, be entitled to receive only the pay and allowances to which he is entitled as an officer of the Armed Forces."

(b) The paragraph under the center heading "NATIONAL GUARD" in the first section of the District of Columbia Appropriation Act, 1961 (74 Stat. 25), is amended by striking out "at not to exceed \$13,300 per annum".

(c) The amendment made by this section shall take effect on the first day of the first pay period beginning on or after the date of enactment of this title.

Approved June 30, 1970.

Effective date.

Public Law 91-298

AN ACT

To continue until the close of June 30, 1972, the existing suspension of duties on certain forms of copper.

June 30, 1970
[H. R. 17241]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That items 911.10 (relating to copper waste and scrap), 911.11 (relating to articles of copper), 911.13 (relating to copper bearing ores and materials), 911.14 (relating to cement copper and copper precipitates), 911.15 (relating to black copper, blister copper, and anode copper), and 911.16 (relating to other unwrought copper) of the Tariff Schedules of the United States (19 U.S.C. 1202) are each amended by striking out "6/30/70" and inserting in lieu thereof "6/30/72".

Copper.
Duty suspension,
extension.

80 Stat. 218;
82 Stat. 1211.

SEC. 2. The amendments made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after June 30, 1970.

Effective date.

Approved June 30, 1970.

Public Law 91-299

AN ACT

To amend the provisions of title III of the Federal Civil Defense Act of 1950, as amended.

June 30, 1970
[H. R. 16731]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 307 of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2297), is further amended by striking out the date "June 30, 1970" and inserting in lieu thereof the date "June 30, 1974".

Civil defense
emergency powers,
extension.

64 Stat. 1254;
80 Stat. 235.

Approved June 30, 1970.

Public Law 91-300

JOINT RESOLUTION

To extend the effectiveness of the Defense Production Act of 1950 to July 30, 1970.

June 30, 1970
[H. J. Res. 1259]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 717(a) of the Defense Production Act of 1950 is amended by striking out "June 30, 1970" in the first sentence and inserting in lieu thereof "July 30, 1970".

65 Stat. 144;
82 Stat. 279;
Post, p. 796.
50 USC app.
2166.

Approved June 30, 1970.

Public Law 91-301

June 30, 1970
[H. R. 17802]

AN ACT

To increase the public debt limit set forth in section 21 of the Second Liberty Bond Act.

Public debt
limit.
Increase.
83 Stat. 7.

Temporary
increase.

Effective date.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 21 of the Second Liberty Bond Act (31 U.S.C. 757b) is amended by striking out "\$365,000,000,000" and inserting in lieu thereof "\$380,000,000,000".

SEC. 2. During the period ending on June 30, 1971, the public debt limit set forth in the first sentence of section 21 of the Second Liberty Bond Act shall be temporarily increased by \$15,000,000,000.

SEC. 3. This Act shall take effect on July 1, 1970.

Approved June 30, 1970.

Public Law 91-302

July 2, 1970
[H. R. 16298]

AN ACT

To amend section 703(b) of title 10, United States Code, to extend the authority to grant a special thirty-day leave for members of the uniformed services who voluntarily extend their tours of duty in hostile fire areas.

80 Stat. 1163;
82 Stat. 170.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 703(b) of title 10, United States Code, is amended by striking out "June 30, 1970" and inserting in lieu thereof "June 30, 1972".

Approved July 2, 1970.

Public Law 91-303

July 2, 1970
[H. R. 16516]

AN ACT

To authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

National Aero-
nautics and Space
Administration
Authorization
Act, 1971.
Research and
development.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated to the National Aeronautics and Space Administration:

(a) For "Research and development," for the following programs:

- (1) Apollo, \$994,500,000;
- (2) Space flight operations, \$565,200,000;
- (3) Advanced missions, \$1,500,000;
- (4) Physics and astronomy, \$116,000,000;
- (5) Lunar and planetary exploration, \$144,900,000;
- (6) Bioscience, \$12,900,000;
- (7) Space applications, \$167,000,000;
- (8) Launch vehicle procurement, \$124,900,000;
- (9) Space vehicle systems, \$30,000,000;
- (10) Electronics systems, \$23,900,000;
- (11) Human factor systems, \$18,300,000;
- (12) Basic research, \$18,000,000;
- (13) Space power and electric propulsion systems, \$30,900,000;

- (14) Nuclear rockets, \$38,000,000;
- (15) Chemical propulsion, \$20,300,000;
- (16) Aeronautical vehicles, \$87,100,000;
- (17) Tracking and data acquisition, \$295,200,000;
- (18) Technology utilization, \$4,500,000;

(b) For "Construction of facilities," including land acquisitions, as follows:

Construction of facilities.

- (1) Ames Research Center, Moffett Field, California, \$1,525,000;
- (2) Goddard Space Flight Center, Greenbelt, Maryland, \$1,928,000;
- (3) Jet Propulsion Laboratory, Pasadena, California, \$1,950,000;
- (4) John F. Kennedy Space Center, NASA, Kennedy Space Center, Florida, \$575,000;
- (5) Manned Spacecraft Center, Houston, Texas, \$900,000;
- (6) Marshall Space Flight Center, Huntsville, Alabama, \$525,000;
- (7) Nuclear Rocket Development Station, Nevada, \$3,500,000;
- (8) Various locations, \$18,575,000;
- (9) Facility planning and design not otherwise provided for, \$5,000,000.

(c) For "Research and program management," \$683,300,000, of which not to exceed \$506,108,000 shall be available for personnel and related costs.

Research and program management.

(d) Appropriations for "Research and development" may be used (1) for any items of a capital nature (other than acquisition of land) which may be required for the performance of research and development contracts, and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to insure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" pursuant to this Act may be used for construction of any major facility, the estimated cost of which, including collateral equipment, exceeds \$250,000, unless the Administrator or his designee has notified the Speaker of the House of Representatives and the President of the Senate and the Committee on Science and Astronautics of the House of Representatives and the Committee on Aeronautical and Space Sciences of the Senate of the nature, location, and estimated cost of such facility.

Research and development.

Notice to Speaker of the House, President of the Senate, and congressional committees.

(e) When so specified in an appropriation Act, (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities, and support services contracts may be entered into under the "Research and program management" appropriation for periods not in excess of twelve months beginning at any time during the fiscal year.

Scientific
consultations.

(f) Appropriations made pursuant to subsection 1(c) may be used, but not to exceed \$35,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator and his determination shall be final and conclusive upon the accounting officers of the Government.

Funds, limita-
tion and
restriction.

(g) No part of the funds appropriated pursuant to subsection 1(c) for maintenance, repairs, alterations, and minor construction shall be used for the construction of any new facility the estimated cost of which, including collateral equipment, exceeds \$100,000.

Grants, pro-
hibition.

(h) No part of the funds appropriated pursuant to subsection (a) of this section may be used for grants to any nonprofit institution of higher learning unless the Administrator or his designee determines at the time of the grant that recruiting personnel of any of the Armed Forces of the United States are not being barred from the premises or property of such institution except that this subsection shall not apply if the Administrator or his designee determines that the grant is a continuation or renewal of a previous grant to such institution which is likely to make a significant contribution to the aeronautical and space activities of the United States. The Secretary of Defense shall furnish to the Administrator or his designee within sixty days after the date of enactment of this Act and each January 30 and June 30 thereafter the names of any nonprofit institutions of higher learning which the Secretary of Defense determines on the date of each such report are barring such recruiting personnel from premises or property of any such institution.

Report to
Administrator.

Experts and
consultants,
compensation,
limitation.

(i) No funds appropriated pursuant to this section in excess of \$500,000 shall be used for the payment of services, per diem, travel, and other expenses of experts and consultants.

SEC. 2. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1), (2), (3), (4), (5), (6), (7) and (8) of subsection 1(b) may, in the discretion of the Administrator of the National Aeronautics and Space Administration, be varied upward 5 per centum to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed the total of the amounts specified in such paragraphs.

Transfer of
funds.

SEC. 3. Not to exceed one-half of 1 per centum of the funds appropriated pursuant to subsection 1(a) hereof may be transferred to the "Construction of facilities" appropriation, and, when so transferred, together with \$10,000,000 of the funds appropriated pursuant to subsection 1(b) hereof (other than funds appropriated pursuant to para-

graph (9) of such subsection) shall be available for expenditure to construct, expand, or modify laboratories and other installations at any location (including locations specified in subsection 1(b)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering development, and (2) he determines that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless (A) a period of thirty days has passed after the Administrator or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Astronautics of the House of Representatives and to the Committee on Aeronautical and Space Sciences of the Senate a written report containing a full and complete statement concerning (1) the nature of such construction, expansion, or modification, (2) the cost thereof, including the cost of any real estate action pertaining thereto, and (3) the reason why such construction, expansion, or modification is necessary in the national interest, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

Report to Speaker of the House, President of the Senate, and congressional committees.

SEC. 4. (a) Notwithstanding any other provision of this Act—

Funds, restrictions.

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Astronautics or the Senate Committee on Aeronautical and Space Sciences,

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by sections 1(a) and 1(c), and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee,

unless (A) a period of thirty days has passed after the receipt by the Speaker of the House of Representatives and the President of the Senate and each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

Notice to Speaker of the House, President of the Senate, and congressional committees.

(b) Nothing in this section shall be construed to authorize the expenditure of amounts for personnel and related costs pursuant to section 1(c) to exceed amounts authorized for such costs, except that a transfer in the manner prescribed by this section of funds not to exceed 1 per centum of such amounts authorized may be made whenever the Administrator determines that such transfer is necessary for the safety of any mission.

Excess cost restriction, exception.

SEC. 5. It is the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

Research funds, geographical distribution.

Campus dis-
rupters, denial of
payment.

72 Stat. 426.
42 USC 2451
note.

SEC. 6. (a) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has been convicted by any court of record of any crime which was committed after the date of enactment of this Act and which involved the use of (or assistance to others in the use of) force, disruption, or the seizure of property under control of any institution of higher education to prevent officials or students in such institution from engaging in their duties or pursuing their studies, and that such crime was of a serious nature and contributed to a substantial disruption of the administration of the institution with respect to which such crime was committed, then the institution which such individual attends, or is employed by, shall deny for a period of two years any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to this Act. If an institution denies an individual assistance under the authority of the preceding sentence of this subsection, then any institution which such individual subsequently attends shall deny for the remainder of the two-year period any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to this Act.

(b) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has willfully refused to obey a lawful regulation or order of such institution after the date of enactment of this Act, and that such refusal was of a serious nature and contributed to a substantial disruption of the administration of such institution, then such institution shall deny, for a period of two years, any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to this Act.

(c) (1) Nothing in this Act shall be construed to prohibit any institution of higher education from refusing to award, continue, or extend any financial assistance under any such Act to any individual because of any misconduct which in its judgment bears adversely on his fitness for such assistance.

(2) Nothing in this section shall be construed as limiting or prejudicing the rights and prerogatives of any institution of higher education to institute and carry out an independent disciplinary proceeding pursuant to existing authority, practice, and law.

(3) Nothing in this section shall be construed to limit the freedom of any student to verbal expression of individual views or opinions.

SEC. 7. Section 6 of the NASA Authorization Act, 1970 (83 Stat. 196), is amended to read as follows:

"Sec. 6. (a) As used in this section—

"(1) The term 'former employee' means any former officer or employee of the National Aeronautics and Space Administration, including consultants or part-time employees, whose salary rate at any time during the three-year period immediately preceding the termination of his last employment with the National Aeronautics and Space Administration was equal to or greater than the minimum salary rate at such time for positions in grade GS-13.

"(2) The term 'aerospace contractor' means any individual, firm, corporation, partnership, association, or other legal entity, which provides services and materials to or for the National Aeronautics and Space Administration in connection with any aerospace system under

Freedom of
speech.

Definitions.
42 USC 2462.

a contract directly with the National Aeronautics and Space Administration.

“(3) The term ‘services and materials’ means either services or materials or services and materials which are provided as a part of or in connection with any aerospace system.

“(4) The term ‘aerospace system’ includes, but is not limited to, any rocket, launch vehicle, rocket engine, propellant, spacecraft, command module, service module, landing module, tracking device, communications device, or any part or component thereof, which is used in either manned or unmanned spaceflight operations.

“(5) The term ‘contracts awarded’ means contracts awarded by negotiation and includes the net amount of modifications to, and the exercise of options under, such contracts. It excludes all transactions amounting to less than \$10,000 each.

“(6) The term ‘fiscal year’ means a year beginning on 1 July and ending on 30 June of the next succeeding year.

“(b) Under regulations to be prescribed by the Administrator:

“(1) Any former employee who during any fiscal year,

Former NASA
employees, report
requirements.

“(A) was employed by or served as a consultant or otherwise to an aerospace contractor for any period of time,

“(B) represented any aerospace contractor at any hearing, trial, appeal, or other action in which the United States was a party and which involved services and materials provided or to be provided to the National Aeronautics and Space Administration by such contractor, or

“(C) represented any such contractor in any transaction with the National Aeronautics and Space Administration involving services or materials provided or to be provided by such contractor to the National Aeronautics and Space Administration,

shall file with the Administrator, in such form and manner as the Administrator may prescribe, not later than November 15 of the next succeeding fiscal year, a report containing the following information:

“(1) His name and address.

“(2) The name and address of the aerospace contractor by whom he was employed or whom he served as a consultant or otherwise.

“(3) The title of the position held by him with the aerospace contractor.

“(4) A brief description of his duties and the work performed by him for the aerospace contractor.

“(5) His gross salary rate while employed by the National Aeronautics and Space Administration.

“(6) A brief description of his duties and the work performed by him while employed by the National Aeronautics and Space Administration during the three-year period immediately preceding his termination of employment.

“(7) The date of the termination of his employment with the National Aeronautics and Space Administration, and the date on which his employment, as an employee, consultant or otherwise, with the aerospace contractor began, and if no longer employed by such aerospace contractor, the date on which his employment with such aerospace contractor terminated.

“(8) Such other pertinent information as the Administrator may require.

“(2) Any employee of the National Aeronautics and Space Administration, including consultants or part-time employees, who was previously employed by or served as a consultant or otherwise to an aerospace contractor in any fiscal year, and whose salary rate in the National Aeronautics and Space Administration is equal to or greater than the minimum salary rate for positions in grade GS-13 shall file

Former consultants to aerospace contractors, report requirements.

with the Administrator, in such form and manner and at such times as the Administrator may prescribe, a report containing the following information:

“(A) His name and address.

“(B) The title of his position with the National Aeronautics and Space Administration.

“(C) A brief description of his duties with the National Aeronautics and Space Administration.

“(D) The name and address of the aerospace contractor by whom he was employed or whom he served as a consultant or otherwise.

“(E) The title of his position with such aerospace contractor.

“(F) A brief description of his duties and the work performed by him for the aerospace contractor.

“(G) The date on which his employment as a consultant or otherwise with such contractor terminated and the date on which his employment as a consultant or otherwise with the National Aeronautics and Space Administration began thereafter.

“(H) Such other pertinent information as the Administrator may require.

Report re-
quirements, ex-
ceptions.

“(c) (1) No former employee of the National Aeronautics and Space Administration shall be required to file a report under this section for any fiscal year in which he was employed by or served as a consultant or otherwise to an aerospace contractor if the total amount of contracts awarded by the National Aeronautics and Space Administration to such contractor during such year was less than \$10,000,000; and no employee of the National Aeronautics and Space Administration shall be required to file a report under this section for any fiscal year in which he was employed by or served as a consultant or otherwise to an aerospace contractor if the total amount of contracts awarded to such contractor by the National Aeronautics and Space Administration during such year was less than \$10,000,000.

“(2) No former National Aeronautics and Space Administration employee shall be required to file a report under this section for any fiscal year on account of employment with the National Aeronautics and Space Administration if such employment was terminated three years or more prior to the beginning of such fiscal year; and no employee of the National Aeronautics and Space Administration shall be required to file a report under this section for any fiscal year on account of employment with or services performed for an aerospace contractor if such employment was terminated or such services were performed three years or more prior to the beginning of such fiscal year.

“(3) No former employee shall be required to file a report under this section for any fiscal year during which he was employed by or served as a consultant or otherwise to an aerospace contractor at a salary rate of less than \$15,000 per year; and no employee of the National Aeronautics and Space Administration, including consultants or part-time employees, shall be required to file a report under this section for any fiscal year during which he was employed by or served as a consultant or otherwise to an aerospace contractor at a salary rate of less than \$15,000 per year.

Report to
President of the
Senate and
Speaker of the
House.

“(d) The Administrator shall, not later than December 31 of each year, file with the President of the Senate and the Speaker of the House of Representatives a report containing a list of the names of persons who have filed reports with him for the preceding fiscal year pursuant to subsections (b) (1) and (b) (2) of this section. The Administrator shall include after each name so much information as he deems appropriate, and shall list the names of such persons under the aerospace contractor for whom they worked or for whom they performed services.

“(e) Any former employee of the National Aeronautics and Space Administration whose employment with or services for an aerospace contractor terminated during any fiscal year shall be required to file a report pursuant to subsection (b) (1) of this section for such year if he would otherwise be required to file under such subsection; and any person whose employment with or services for the National Aeronautics and Space Administration terminated during any fiscal year shall be required to file a report pursuant to subsection (b) (2) of this section for such year if he would otherwise be required to file under such subsection.

“(f) The Administrator shall maintain a file containing the information filed with him pursuant to subsections (b) (1) and (b) (2) of this section and such file shall be open for public inspection at all times during the regular workday.

“(g) Any person who fails to comply with the filing requirements of this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by not more than six months in prison or a fine of not more than \$1,000, or both.

“(h) No person shall be required to file a report pursuant to this section for any year prior to the fiscal year 1971.

“SEC. 8. This Act may be cited as the “National Aeronautics and Space Administration Authorization Act, 1971”.

Approved July 2, 1970.

Recordkeeping.
Availability of
information.

Penalty.

Filing date,
restriction.

Short title.

Public Law 91-304

AN ACT

To amend the Public Works and Economic Development Act of 1965 to extend the authorizations for titles I through IV through fiscal year 1971.

July 6, 1970
[H. R. 15712]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 105 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3135) is amended by striking out “June 30, 1970” and inserting in lieu thereof “June 30, 1971”.

(b) Subsection (c) of section 201 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141) is amended by striking out “June 30, 1970” and inserting in lieu thereof “June 30, 1971”.

(c) Section 302 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3152) is amended by striking out “for the fiscal year ending June 30, 1970” and inserting in lieu thereof “per fiscal year for the fiscal years ending June 30, 1970, and June 30, 1971”.

(d) Subsection (g) of section 403 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3171) is amended by striking out “June 30, 1970” and inserting in lieu thereof “June 30, 1971”.

SEC. 2. Notwithstanding section 402 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3162), no area designated as a redevelopment area for the purposes of such Act shall have such designation terminated or modified in accordance with such section after May 1, 1970, and before June 1, 1971, unless the local governing body of the county qualified under existing criteria for de-designation specifically requests de-designation action.

Approved July 6, 1970.

Public Works
and Economic
Development
Act of 1965,
amendments.
79 Stat. 554;
83 Stat. 219.

Redevelopment
area, designa-
tion, termination.

Public Law 91-305

July 6, 1970
[H. R. 17399]

AN ACT

Making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes.

Second Supplemental Appropriations Act, 1970.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated out of any money in the Treasury not otherwise appropriated, to supply supplemental appropriations (this Act may be cited as the "Second Supplemental Appropriations Act, 1970") for the fiscal year ending June 30, 1970, and for other purposes, namely:

TITLE I

CHAPTER I

DEPARTMENT OF AGRICULTURE

EXTENSION SERVICE

COOPERATIVE EXTENSION WORK, PAYMENTS, AND EXPENSES

For an additional amount for "Cooperative extension work, payments and expenses" for "Retirement and employees' compensation costs for extension agents", not to exceed \$425,000 to be derived by transfer from the appropriation for "Payments to States and Puerto Rico", fiscal year 1970.

FOOD AND NUTRITION SERVICE

FOOD STAMP PROGRAM

For necessary expenses of the Food Stamp Program pursuant to the Food Stamp Act of 1964, as amended, for the period July 1, 1970, to October 31, 1970, \$300,000,000, to be charged to the amount appropriated under this head in H.R. 17923, when enacted.

78 Stat. 703.
7 USC 2011
note.

CHAPTER II

DEPARTMENT OF DEFENSE—MILITARY

RETIRED MILITARY PERSONNEL

RETIRED PAY, DEFENSE

For an additional amount for "Retired pay, Defense," \$99,000,000.

CHAPTER III

DISTRICT OF COLUMBIA

FEDERAL FUNDS

FEDERAL PAYMENT TO DISTRICT OF COLUMBIA

For an additional amount for "Federal payment to the District of Columbia", to be paid to the general fund of the District of Columbia, \$3,997,000.

LOANS TO THE DISTRICT OF COLUMBIA FOR CAPITAL OUTLAY

For an additional amount for "Loans to the District of Columbia for capital outlay", \$1,293,000, to remain available until expended and to be advanced to the general fund upon request of the Commissioner.

DISTRICT OF COLUMBIA FUNDS

GENERAL OPERATING EXPENSES

For an additional amount for "General operating expenses", \$129,675.

PUBLIC SAFETY

For an additional amount for "Public safety", including purchase of sixty passenger motor vehicles for police-type use which may exceed the general purchase price limitation for the current fiscal year by not in excess of \$400 per vehicle, \$3,966,485.

The limitation on the expenditure of funds by the Chief of Police for prevention and detection of crime during the current fiscal year shall be \$100,000.

PARKS AND RECREATION

For an additional amount for "Parks and recreation", \$171,750.

SETTLEMENT OF CLAIMS AND SUITS

For payment of property damage claims in excess of \$500 and of personal injury claims in excess of \$1,000, approved by the Commissioner in accordance with the provisions of the Act of February 11, 1929, as amended (45 Stat. 1160; 46 Stat. 500; 65 Stat. 131), \$20,000, payable from the general fund.

D. C. Code
1-902 to 1-906.

CAPITAL OUTLAY

For an additional amount for "Capital outlay", to remain available until expended, \$8,048,000: *Provided*, That \$318,000 shall be available for construction services by the Director of General Services or by contract for architectural engineering services, as may be determined by the Commissioner.

DIVISION OF EXPENSES

The sums appropriated herein for the District of Columbia shall be paid out of the general fund of the District of Columbia, except as otherwise specifically provided.

CHAPTER IV

FOREIGN OPERATIONS

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTION

INVESTMENT IN INTER-AMERICAN DEVELOPMENT BANK

For an additional amount for subscription to the Inter-American Development Bank, to remain available until expended, \$205,880,000, for the second of two installments of the United States share in the authorized increase in callable capital stock of the Bank.

CHAPTER V

INDEPENDENT OFFICES

CIVIL SERVICE COMMISSION

FEDERAL LABOR RELATIONS COUNCIL

SALARIES AND EXPENSES

The limitation heretofore provided on the rate of compensation for the public members of the Federal Service Impasses Panel is increased to a rate of not to exceed the per diem rate equivalent to the rate for grade GS-18.

Ante, p. 198-1.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For an additional amount for "Payment to civil service retirement and disability fund", as authorized by 5 U.S.C. 8348, \$157,816,600, to be credited to the civil service retirement and disability fund.

80 Stat. 584,
83 Stat. 137.

COMMISSION ON POPULATION GROWTH AND THE AMERICAN FUTURE

SALARIES AND EXPENSES

For expenses necessary for the Commission on Population Growth and the American Future, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, \$965,000, to remain available until expended.

80 Stat. 416.

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

SITES AND EXPENSES, PUBLIC BUILDINGS PROJECTS

For an additional amount for "Sites and expenses, public buildings projects", \$371,000, to remain available until expended.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$7,000,000.

VETERANS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for "Compensation and pensions", \$273,045,000, to remain available until expended.

READJUSTMENT BENEFITS

For an additional amount for "Readjustment benefits", \$327,500,000, to remain available until expended.

MEDICAL CARE

For an additional amount for "Medical care", \$113,500,000.

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF
ENVIRONMENTAL QUALITY

SALARIES AND EXPENSES

For expenses necessary for the Council on Environmental Quality and the Office of Environmental Quality, in carrying out their functions under the National Environmental Policy Act of 1969 (Public Law 91-190) and the Environmental Quality Improvement Act of 1970 (Public Law 91-224), including hire of passenger vehicles, and partial support of the Cabinet Committee on the Environment and the Citizen's Advisory Committee on Environmental Quality, established by Executive Order 11472 of May 29, 1969, as amended by Executive Order 11514 of March 5, 1970, \$350,000.

83 Stat. 852.
42 USC 4321
note.
Ante, p. 114.

16 USC 17k
note.

FUNDS APPROPRIATED TO THE PRESIDENT

DISASTER RELIEF

For an additional amount for "Disaster Relief", \$75,000,000, to remain available until expended: *Provided*, That not to exceed 3 per centum of the foregoing amount shall be available for administrative expenses.

DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT

RENEWAL AND HOUSING ASSISTANCE

LOW RENT PUBLIC HOUSING ANNUAL CONTRIBUTIONS

For an additional amount for "Low-rent public housing annual contributions", fiscal year 1969, \$13,616,000.

COLLEGE HOUSING

The limitation on total payments that may be required in any fiscal year by all contracts for annual grants with educational institutions entered into pursuant to Section 401 of the Housing Act of 1950, as amended (82 Stat. 604), is increased by \$5,000,000.

83 Stat. 390;
Post, p. 463.
12 USC 1749.

MORTGAGE CREDIT

FEDERAL HOUSING ADMINISTRATION

HOMEOWNERSHIP AND RENTAL HOUSING ASSISTANCE

The limitation on total payments that may be required in any fiscal year by all contracts entered into under section 235 of the National Housing Act, as amended (82 Stat. 477), is increased by \$35,000,000, and the limitation on total payments under those entered into under section 236 of such Act (82 Stat. 498), is increased by \$35,000,000.

83 Stat. 53.
12 USC 1715z.

83 Stat. 53.
12 USC 1715z-1.

CHAPTER VI

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For an additional amount for "Management of lands and resources," \$23,790,000.

BUREAU OF INDIAN AFFAIRS

RESOURCES MANAGEMENT

For an additional amount for "Resources management," \$700,000.

BUREAU OF OUTDOOR RECREATION

LAND AND WATER CONSERVATION

For an additional amount for "Land and Water Conservation," to remain available until expended, \$7,100,000, to be derived from the Land and Water Conservation Fund, and to be available to the National Park Service for property acquisition authorized by the act of September 13, 1962 (Public Law 87-657), as amended.

76 Stat. 538;
Ante, p. 90.
16 USC 459c-
459c-7.

OFFICE OF TERRITORIES

ADMINISTRATION OF TERRITORIES

For an additional amount for "Administration of Territories," \$275,000, to remain available until expended.

GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, investigations, and research", \$225,000.

NATIONAL PARK SERVICE

MANAGEMENT AND PROTECTION

For an additional amount for "Management and Protection," \$775,000.

RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST PROTECTION AND UTILIZATION

For an additional amount for "Forest protection and utilization," for "Forest land management", \$21,172,000, including \$172,000 to remain available until expended.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

SALARIES AND EXPENSES

In addition to amounts heretofore appropriated under this heading there are appropriated amounts equal to the total amount of gifts, bequests, and devises of money, and other property received by each Endowment, during the current and preceding fiscal years, under the provisions of section 10(a) (2) of the National Foundation on the Arts and Humanities Act of 1965, as amended, but not to exceed a total of \$2,000,000, to remain available until expended.

82 Stat. 186.
20 USC 959.

CHAPTER VII

DEPARTMENT OF LABOR

MANPOWER ADMINISTRATION

MANPOWER DEVELOPMENT AND TRAINING ACTIVITIES

For an additional amount for "Manpower development and training activities", to carry out the provisions of section 102 of the Manpower Development and Training Act of 1962, as amended, \$50,000,000 to remain available until September 30, 1970: *Provided*, That this appropriation shall not be available for the purposes of sections 106(d) and 309(b) of said Act.

76 Stat. 24;
79 Stat. 75.
42 USC 2572.

82 Stat. 1352,
1354.
42 USC 2573,
2619.

BUREAU OF EMPLOYMENT SECURITY

UNEMPLOYMENT COMPENSATION FOR FEDERAL EMPLOYEES AND EX-SERVICEMEN

For an additional amount for "Unemployment compensation for Federal employees and ex-servicemen", \$50,000,000.

TRADE ADJUSTMENT ACTIVITIES

For an additional amount for "Trade Adjustment Activities", \$2,330,000, together with such amount as may be necessary to be charged to the subsequent year appropriation for these expenses for any period subsequent to March 31 of the current year.

LIMITATION ON GRANTS TO STATES FOR UNEMPLOYMENT COMPENSATION AND EMPLOYMENT SERVICE ADMINISTRATION

For an additional amount for "Limitation on grants to States for unemployment compensation and employment service administration", \$10,000,000, to be expended from the employment security administration account in the Unemployment Trust fund.

WAGE AND LABOR STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$37,000: *Provided*, That not to exceed \$43,000 may be transferred from the amounts herein and heretofore appropriated for "Salaries and expenses" for the current fiscal year to the fund created by section 44 of the Longshoremen's and Harbor Workers' Compensation Act, as amended.

44 Stat. 1444;
70 Stat. 656.
33 USC 944.

OFFICE OF THE SECRETARY

FEDERAL CONTRACT COMPLIANCE AND CIVIL RIGHTS PROGRAM

For an additional amount for "Federal contract compliance and civil rights program, salaries and expenses", \$107,000.

DEPARTMENT OF HEALTH, EDUCATION, AND
WELFARE

SOCIAL AND REHABILITATION SERVICE

GRANTS TO STATES FOR PUBLIC ASSISTANCE

For an additional amount for "Grants to States for public assistance," \$146,753,000.

SPECIAL INSTITUTIONS

HOWARD UNIVERSITY

CONSTRUCTION

For an additional amount for "Construction", \$7,700,000, to remain available until expended.

CHAPTER VIII

LEGISLATIVE BRANCH

SENATE

CONTINGENT EXPENSES OF THE SENATE

INQUIRIES AND INVESTIGATIONS

For an additional amount for "Inquiries and Investigations", fiscal year 1970, \$345,000, to be derived by transfer from the appropriation, "Salaries, Officers and Employees", fiscal year 1970.

HOUSE OF REPRESENTATIVES

SALARIES, MILEAGE FOR THE MEMBERS, AND EXPENSE ALLOWANCE
OF THE SPEAKER

COMPENSATION OF MEMBERS

For an additional amount for "Compensation of members", \$47,000.

SALARIES, OFFICERS AND EMPLOYEES

COMMITTEE ON APPROPRIATIONS

For an additional amount for "Committee on Appropriations", \$35,555.

CONTINGENT EXPENSES OF THE HOUSE

MISCELLANEOUS ITEMS

For an additional amount for "Miscellaneous items", \$50,000.

SPECIAL AND SELECT COMMITTEES

For an additional amount for "Special and select committees", \$100,000, to remain available until expended under the provisions of House Resolution 710, Ninety-first Congress.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$499,000.

CHAPTER IX

PUBLIC WORKS

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

COLORADO RIVER BASIN PROJECT

For an additional amount for "Colorado River Basin Project", to remain available until expended, \$6,563,000, to be derived by transfer from the appropriation for "Construction and rehabilitation".

CHAPTER X

DEPARTMENT OF STATE

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for "Contributions to international organizations", \$1,600,000.

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES AND GENERAL ADMINISTRATION

FEES AND EXPENSES OF WITNESSES

For an additional amount for "Fees and expenses of witnesses", \$500,000.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses, Immigration and Naturalization Service", \$892,000.

FEDERAL PRISON SYSTEM

Support of United States Prisoners

For an additional amount for "Support of United States prisoners", \$850,000.

DEPARTMENT OF COMMERCE

BUREAU OF THE CENSUS

NINETEENTH DECENNIAL CENSUS

For an additional amount for the "Nineteenth decennial census", \$11,000,000, to remain available until December 31, 1972.

OFFICE OF FIELD SERVICES

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$105,000.

MARITIME ADMINISTRATION

STATE MARINE SCHOOLS

For an additional amount for "State Marine Schools", for maintenance and repair of vessels loaned by the United States for use in connection with such State marine schools, \$145,000.

THE JUDICIARY

CUSTOMS COURT

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$18,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES, UNITED STATES MAGISTRATES

For "Salaries and expenses, United States magistrates", \$550,000.

FEES AND EXPENSES OF COURT-APPOINTED COUNSEL

For an additional amount for "Fees and expenses of court-appointed counsel", \$1,150,000.

For an additional amount for "Fees and expenses of court-appointed counsel", \$300,000, fiscal year 1969.

FEES OF JURORS AND COMMISSIONERS

For an additional amount for "Fees of jurors and commissioners", \$500,000.

TRAVEL AND MISCELLANEOUS EXPENSES

For an additional amount for "Travel and miscellaneous expenses", \$500,000.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

For an additional amount for "Administrative Office of the United States Courts", \$15,000.

RELATED AGENCIES

DEPARTMENT OF HEALTH, EDUCATION, AND
WELFARE

OFFICE OF EDUCATION

CIVIL RIGHTS EDUCATION

For an additional amount for "Civil Rights Education", including not to exceed \$250,000 for salaries and expenses, \$5,000,000.

CHAPTER XI

DEPARTMENT OF TRANSPORTATION

COAST GUARD

RETIRED PAY

For an additional amount for "Retired pay", \$1,000,000.

RELATED AGENCY

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

FEDERAL CONTRIBUTION

For an additional amount for "Federal contribution", to enable the Department of Transportation to pay the Washington Metropolitan Area Transit Authority an additional contribution for the rail rapid transit system, as authorized by the National Capital Transportation Act of 1969, (Public Law 91-143), \$82,939,000, to remain available until expended.

83 Stat. 320.
D. C. Code
1-1441 note.

CHAPTER XII

TREASURY DEPARTMENT

BUREAU OF ACCOUNTS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$1,300,000.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For an additional amount for "Administering the public debt", \$3,600,000.

POST OFFICE DEPARTMENT

(Out of Postal Fund)

TRANSPORTATION

For an additional amount for "Transportation", \$10,600,000.

RELATED AGENCIES

TAX COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$67,000.

CHAPTER XIII

CLAIMS AND JUDGMENTS

For payment of claims settled and determined by departments and agencies in accord with law and judgments rendered against the United States by the United States Court of Claims and United States district courts, as set forth in House Document Numbered 91-315, Ninety-first Congress, and Senate Document Numbered 91-86, Ninety-first Congress, \$23,478,461, together with such amounts as may be necessary to pay interest (as and when specified in such judgments or provided by law) and such additional sums due to increases in rates of exchange as may be necessary to pay claims in foreign currency: *Provided*, That no judgment herein appropriated for shall be paid until it shall become final and conclusive against the United States by failure of the parties to appeal or otherwise: *Provided further*, That unless otherwise specifically required by law or by judgment, payment of interest wherever appropriated for herein shall not continue for more than thirty days after the date of approval of the Act.

TITLE II

INCREASED PAY COSTS

For additional amounts for appropriations for the fiscal year 1970, for increased pay costs authorized by or pursuant to law, as follows:

LEGISLATIVE BRANCH

SENATE

“Compensation of the Vice President and Senators”, \$10,835;
“Salaries, officers and employees”, \$3,634,674;
“Office of the Legislative Counsel of the Senate”, \$39,120;
Contingent expenses of the Senate:
 “Senate policy committees”, \$47,120;
 “Automobiles and maintenance”, \$4,140;
 “Inquiries and investigations”, \$662,515; including \$23,695 for the Committee on Appropriations;
 “Folding documents”, \$4,660;
 “Miscellaneous items”, \$92,810;

HOUSE OF REPRESENTATIVES

“Office of the Parliamentarian”, \$10,865;
“Compilation of precedents of House of Representatives”, \$1,330;
“Office of the Chaplain”, \$1,805;
“Office of the Clerk”, \$100,000;
“Office of the Sergeant at Arms”, \$250,000;
“Office of the Doorkeeper”, \$120,000;
“Office of the Postmaster”, \$62,900;
“Committee employees”, \$700,000;

HOUSE OF REPRESENTATIVES—Continued

Special and minority employees:

"House Democratic steering committee", \$1,310;

"House Republican conference", \$1,310;

"Majority leader", \$8,135;

"Minority leader", \$7,265;

"Majority whip", \$5,525;

"Minority whip", \$5,525;

"Official reporters of debates", \$32,605;

"Official reporters to committees", \$32,370;

"Committee on Appropriations", \$89,445;

"Office of the legislative counsel", \$23,400;

"Members' clerk hire", \$850,000;

Contingent expenses of the House:

"Government contributions", \$760,000, and in addition such amount as may be necessary may be transferred from the appropriation for "miscellaneous items";

"Speaker's automobile", \$1,500;

"Majority leader's automobile", \$1,500;

"Minority leader's automobile", \$1,500;

Joint items:

Contingent expenses of the Senate:

"Joint Economic Committee", \$43,475;

"Joint Committee on Atomic Energy", \$32,460;

"Joint Committee on Printing", \$15,175;

Contingent expenses of the House:

"Joint Committee on Internal Revenue Taxation", \$10,065;

"Joint Committee on Defense Production", \$10,850;

ARCHITECT OF THE CAPITOL

Office of the Architect of the Capitol: "Salaries", \$56,000.

Capitol buildings and grounds:

"Capitol buildings", \$55,500;

"Capitol grounds", \$28,200;

"Senate office buildings", \$146,300;

"Senate garage", \$3,400;

"House office buildings", \$120,000;

"Capitol power plant", \$20,800;

Library buildings and grounds: "Structural and mechanical care", \$10,000.

BOTANIC GARDEN

"Salaries and expenses", \$24,000;

LIBRARY OF CONGRESS

"Salaries and expenses", \$1,313,500;

Copyright Office: "Salaries and expenses", \$274,000;

Legislative Reference Service: "Salaries and expenses", \$414,000;

Distribution of catalog cards: "Salaries and expenses", \$159,000, and in addition the reserve fund of \$200,000 under this head, fiscal year 1970, may be used for increased pay costs;

Books for the blind and physically handicapped: "Salaries and expenses", \$33,000;

Organizing and microfilming the papers of the Presidents: "Salaries and expenses", \$13,200;

"Collection and distribution of library materials (special foreign currency program)", \$14,000;

GOVERNMENT PRINTING OFFICE

Office of Superintendent of Documents: "Salaries and expenses", \$395,400, and in addition the reserve fund of \$200,000 under this head, fiscal year 1970, may be used for pay costs;

GENERAL ACCOUNTING OFFICE

"Salaries and expenses", \$5,142,000;

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

"Salaries", \$194,000;

"Care of the building and grounds", \$21,700;

COURT OF CUSTOMS AND PATENT APPEALS

"Salaries and expenses", \$22,000;

CUSTOMS COURT

"Salaries and expenses", \$128,500;

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

"Salaries of supporting personnel", \$4,370,000;

"Administrative Office of the United States Courts", \$190,000, of which \$20,000 shall be derived by transfer from the appropriation for

"Expenses of referees";

"Expenses of referees", \$608,000;

EXECUTIVE OFFICE OF THE PRESIDENT

The White House Office: "Salaries and expenses", \$310,000;

"Operating expenses, Executive Mansion", \$48,000;

BUREAU OF THE BUDGET

"Salaries and expenses", \$491,000;

COUNCIL OF ECONOMIC ADVISERS

"Salaries and expenses", \$50,000;

NATIONAL AERONAUTICS AND SPACE COUNCIL

"Salaries and expenses", \$49,000;

OFFICE OF EMERGENCY PREPAREDNESS

"Salaries and expenses", \$290,000;

SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

"Salaries and expenses", \$51,000;

FUNDS APPROPRIATED TO THE PRESIDENT

PEACE CORPS

“Salaries and expenses”: (Increase of \$1,651,000 in the limitation on administrative expenses) ;

FOREIGN ASSISTANCE: ECONOMIC ASSISTANCE

“Administrative expenses”, \$3,200,000, to be derived by transfer from appropriations for “Economic assistance”, fiscal year 1970;

“Administrative and other expenses”: \$200,000, to be derived by transfer from appropriations for “Economic assistance”, fiscal year 1970;

DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

“Salaries and expenses”, for “Research”, \$8,381,000, and for “Plant and animal disease and pest control”, \$5,119,000;

COOPERATIVE STATE RESEARCH SERVICE

“Payments and expenses”, \$130,000;

EXTENSION SERVICE

“Cooperative extension work, payments and expenses”, for “Federal Extension Service”, \$250,000;

FARMER COOPERATIVE SERVICE

“Salaries and expenses”, \$131,000;

SOIL CONSERVATION SERVICE

“Conservation operations”, \$9,450,000;

“River basin surveys and investigations”, \$652,000, to remain available until expended;

“Watershed planning”, \$491,000, to remain available until expended;

“Watershed works of improvement”, \$2,159,000, to remain available until expended;

“Flood prevention”, \$815,000, to remain available until expended;

“Great plains conservation program”, \$342,000, to remain available until expended;

“Resource conservation and development”, \$573,000, to remain available until expended;

ECONOMIC RESEARCH SERVICE

“Salaries and expenses”, \$1,142,000;

STATISTICAL REPORTING SERVICE

“Salaries and expenses”, \$1,116,000;

CONSUMER AND MARKETING SERVICE

“Consumer protective, marketing, and regulatory programs”, \$5,250,000;

FOREIGN AGRICULTURAL SERVICE

"Salaries and expenses", \$600,000;

COMMODITY EXCHANGE AUTHORITY

"Salaries and expenses", \$170,000;

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

"Expenses, Agricultural Stabilization and Conservation Service", \$7,899,000, of which \$600,000 shall be derived by transfer from the appropriation for "Conservation reserve program", fiscal year 1970, and \$1,299,000 from the Commodity Credit Corporation Fund:

OFFICE OF THE INSPECTOR GENERAL

"Salaries and expenses", \$1,022,000;

PACKERS AND STOCKYARDS ADMINISTRATION

"Salaries and expenses", \$154,000;

OFFICE OF THE GENERAL COUNSEL

"Salaries and expenses", \$427,000;

OFFICE OF INFORMATION

"Salaries and expenses", \$150,000;

NATIONAL AGRICULTURAL LIBRARY

"Salaries and expenses", \$175,000;

OFFICE OF MANAGEMENT SERVICES

"Salaries and expenses", \$237,000;

GENERAL ADMINISTRATION

"Salaries and expenses", \$425,000;

RURAL ELECTRIFICATION ADMINISTRATION

"Salaries and expenses", \$1,075,000;

FARMERS HOME ADMINISTRATION

"Salaries and expenses", \$5,200,000;

FOREST SERVICE

"Forest protection and utilization", \$10,266,000;

FEDERAL CROP INSURANCE CORPORATION

"Administrative and operating expenses", \$691,000, which may be paid from premium income;

DEPARTMENT OF COMMERCE

GENERAL ADMINISTRATION

“Salaries and expenses”, \$604,000;

OFFICE OF BUSINESS ECONOMICS

“Salaries and expenses”, \$238,000;

BUREAU OF THE CENSUS

“Salaries and expenses”, \$1,141,000;

“Nineteenth decennial census”, \$6,722,000, to remain available until December 31, 1972;

“1967 economic censuses”, \$282,000, to remain available until December 31, 1970;

ECONOMIC DEVELOPMENT ADMINISTRATION

“Operations and administration”, \$1,121,000;

BUSINESS AND DEFENSE SERVICES ADMINISTRATION

“Salaries and expenses”, \$505,000;

INTERNATIONAL ACTIVITIES

“Salaries and expenses”, \$835,000;

“Export control”, \$446,000;

OFFICE OF FIELD SERVICES

“Salaries and expenses”, \$389,000;

MINORITY BUSINESS ENTERPRISE

“Salaries and expenses”, \$94,000;

FOREIGN DIRECT INVESTMENT CONTROL

“Salaries and expenses”, \$100,000;

ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

“Salaries and expenses”, \$8,040,000;

“Research and development”, \$1,239,000, to remain available until expended;

“Satellite operations”, \$421,000, to remain available until expended;

PATENT OFFICE

“Salaries and expenses”, \$3,135,000;

NATIONAL BUREAU OF STANDARDS

“Research and technical services”, \$2,187,000;

MARITIME ADMINISTRATION

“Salaries and expenses”, for administrative expenses, \$746,000;

“Maritime training”, \$204,000;

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

“Military personnel, Army”, \$538,000,000;
“Military personnel, Navy”, \$360,000,000;
“Military personnel, Marine Corps”, \$123,300,000;
“Military personnel, Air Force”, \$502,500,000;
“Reserve personnel, Army”, \$22,900,000;
“Reserve personnel, Navy”, \$6,000,000;
“Reserve personnel, Marine Corps”, \$4,000,000;
“National Guard personnel, Army”, \$33,500,000;
“National Guard personnel, Air Force”, \$10,000,000;

RETIRED MILITARY PERSONNEL

“Retired pay, Defense”, \$25,000,000;

OPERATION AND MAINTENANCE

“Operation and maintenance, Army”, \$196,480,000;
“Operation and maintenance, Navy”, \$157,800,000;
“Operation and maintenance, Marine Corps”, \$7,000,000;
“Operation and maintenance, Air Force”, \$84,200,000;
“Operation and maintenance, Defense agencies”, \$70,400,000;
“Operation and maintenance, Army National Guard”, \$13,800,000;
“Operation and maintenance, Air National Guard”, \$12,250,000;
“Court of Military Appeals”, \$70,000;

CIVIL DEFENSE

“Operation and maintenance”, \$850,000;

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

“Operation and maintenance, general”, \$6,905,000;
“General expenses”, \$2,000,000;

RYUKYU ISLANDS, ARMY

“Administration”, \$200,000;

U.S. SOLDIERS' HOME

“Operation and maintenance”, \$296,000;

THE PANAMA CANAL

CANAL ZONE GOVERNMENT

“Operating expenses”, \$963,000;

PANAMA CANAL COMPANY

“Limitation on general and administrative expenses”, (Increase of \$605,000 in the limitation on general and administrative expenses);

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

CONSUMER PROTECTION AND ENVIRONMENTAL HEALTH SERVICE

"Food and drug control", \$2,294,000, to be derived by transfer from the appropriation for "Health services research and development", fiscal year 1970;

"Air pollution control", \$1,062,000, to be derived by transfer from the appropriation for "Comprehensive health planning and services", fiscal year 1970;

"Environmental control", \$757,000, to be derived by transfer from the appropriation for "Regional medical programs", fiscal year 1970;

"Office of the Administrator, salaries and expenses", \$354,000, to be derived by transfer from the appropriation for "National Institute of Allergy and Infectious Diseases", fiscal year 1970;

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

"Mental health", \$358,000, to be derived by transfer from the appropriation for "National Institute of Allergy and Infectious Diseases", fiscal year 1970;

"Saint Elizabeths Hospital", \$2,519,000, to be derived by transfer from the appropriation for "National Institute of Neurological Diseases and Stroke", fiscal year 1970;

"Communicable diseases", \$2,446,000, to be derived by transfer from the appropriation for "Maternal and child health and welfare", fiscal year 1970;

"Hospital construction", \$208,000, to be derived by transfer from the appropriation for "National Institute of Arthritis and Metabolic Diseases", fiscal year 1970;

"Patient care and special health services", \$5,241,000, to be derived by transfer from the appropriation for "National Institute of Arthritis and Metabolic Diseases", fiscal year 1970;

"National health statistics", \$329,000, to be derived by transfer from the appropriation for "National Institute of Arthritis and Metabolic Diseases", fiscal year 1970;

"Indian health services", \$4,464,000, to be derived by transfer from the appropriation for "National Institute of General Medical Sciences", fiscal year 1970;

"Office of the Administrator, salaries and expenses", \$691,000, to be derived by transfer from the appropriation for "National Institute of Neurological Diseases and Stroke", fiscal year 1970;

NATIONAL INSTITUTES OF HEALTH

"Office of the Director, Salaries and expenses", \$218,000, to be derived by transfer from the appropriation for "National Institute of General Medical Sciences", fiscal year 1970;

OFFICE OF EDUCATION

"School assistance in federally affected areas", \$14,000, to be derived by transfer from the appropriation for "Research and training, Office of Education", fiscal year 1970;

"Libraries and community services", \$300,000, to be derived by transfer from the appropriation for "Research and training, Office of Education", fiscal year 1970;

"Salaries and expenses", \$2,528,000, to be derived by transfer from the appropriation for "Research and training, Office of Education", fiscal year 1970;

SOCIAL AND REHABILITATION SERVICE

"Salaries and expenses", \$2,496,000, to be derived by transfer from the appropriation for "National Institute of Allergy and Infectious Diseases", fiscal year 1970;

"Assistance to refugees in the United States", \$90,000, to be derived by transfer from the appropriation for "National Institute of Neurological Diseases and Stroke", fiscal year 1970;

SOCIAL SECURITY ADMINISTRATION

"Limitation on salaries and expenses (trust fund)" (Increase of \$21,276,000 in the limitation on "Salaries and expenses");

SPECIAL INSTITUTIONS

"Model Secondary School for the Deaf, salaries and expenses", \$12,000, to be derived by transfer from the appropriation for "National Institute of Neurological Diseases and Stroke", fiscal year 1970;

"Gallaudet College, salaries and expenses", \$162,000, to be derived by transfer from the appropriation for "National Institute of Neurological Diseases and Stroke", fiscal year 1970;

"Howard University, salaries and expenses", \$664,000, to be derived by transfer from the appropriation for "Comprehensive health planning and services", fiscal year 1970;

"Freedmen's Hospital", \$766,000, to be derived by transfer from the appropriation for "comprehensive health planning and services", fiscal year 1970;

DEPARTMENTAL MANAGEMENT

"Office of the Secretary, salaries and expenses", \$451,000, to be derived by transfer from the appropriation for "Comprehensive health planning and services", fiscal year 1970;

"Office for Civil Rights, salaries and expenses", \$496,000, to be derived by transfer from the appropriation for "Comprehensive health planning and services", fiscal year 1970;

"Office of Community and Field Services, salaries and expenses", \$607,000, to be derived by transfer from the appropriation for "Comprehensive health planning and services", fiscal year 1970;

"Office of the Comptroller, salaries and expenses", \$1,018,000, to be derived by transfer from the appropriation for "Comprehensive health planning and services", fiscal year 1970;

"Office of the Administrator, salaries and expenses", \$476,000, to be derived by transfer from the appropriation for "Comprehensive health planning and services", fiscal year 1970;

"Surplus property utilization", \$107,000, to be derived by transfer from the appropriation for "Comprehensive health planning and services", fiscal year 1970;

"Office of the General Counsel, salaries and expenses", \$337,000, to be derived by transfer from the appropriation for "Comprehensive health planning and services", fiscal year 1970;

DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT

RENEWAL AND HOUSING ASSISTANCE

“Salaries and expenses”, \$2,508,000;

METROPOLITAN DEVELOPMENT

“Salaries and expenses”, \$480,700;

MODEL CITIES AND GOVERNMENTAL RELATIONS

“Salaries and expenses”, \$27,600, together with not to exceed \$400,900, to be derived by transfer from the appropriation for “Model cities programs” fiscal year 1970;

FEDERAL INSURANCE ADMINISTRATION

“Flood insurance”, \$28,500;

FAIR HOUSING AND EQUAL OPPORTUNITY

“Fair housing and equal opportunity”, \$391,400;

DEPARTMENTAL MANAGEMENT

“General administration”, \$559,500;

“Regional management and services”, \$655,000;

“Limitation on administrative expenses, college housing loans”
(Increase of \$75,000 in the limitation on administrative expenses);

“Limitation on administrative expenses, public facility loans”
(Increase of \$55,000 in the limitation on administrative expenses);

“Limitation on administrative expenses, revolving fund (liquidating programs)” (Increase of \$6,700 in the limitation on administrative expenses);

“Limitation on administrative and nonadministrative expenses, Federal housing administration” (Increase of \$450,000 in the limitation on administrative expenses and increase of \$5,175,000 in the limitation on nonadministrative expenses);

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

“Management of lands and resources”, \$3,498,000;

BUREAU OF INDIAN AFFAIRS

“Education and welfare services”, \$9,799,000;

“Resources management”, \$4,378,000;

“General administrative expenses”, \$500,000;

BUREAU OF OUTDOOR RECREATION

“Salaries and expenses”, \$200,000;

GEOLOGICAL SURVEY

“Surveys, investigations, and research”, \$3,310,000;

BUREAU OF MINES

“Conservation and development of mineral resources”, \$3,164,000;
“Health and safety”, \$1,120,000;
“General administrative expenses”, \$152,000;

OFFICE OF OIL AND GAS

“Salaries and expenses”, \$91,000;

BUREAU OF COMMERCIAL FISHERIES

“Management and investigations of resources”, \$936,000;
“Federal aid for commercial fisheries research and development”, \$13,000;
“Anadromous and Great Lakes fisheries conservation”, \$11,000;
“General administrative expenses”, \$131,000;
“Administration of Pribilof Islands”, \$120,000, to be derived from the Pribilof Islands fund;
“Limitation on administrative expenses, fisheries loan fund” (Increase of \$25,000 in the limitation on administrative expenses);

BUREAU OF SPORT FISHERIES AND WILDLIFE

“Management and investigations of resources”, \$3,363,000;
“General administrative expenses”, \$176,000;
“Anadromous and Great Lakes fisheries conservation”, \$17,000;

NATIONAL PARK SERVICE

“Management and protection”, \$3,681,000;
“Maintenance and rehabilitation of physical facilities”, \$1,346,000;
“General administrative expenses”, \$263,000;
“Preservation of historic properties”, \$40,000;

BUREAU OF RECLAMATION

“General investigations”, \$900,000;
“Operation and maintenance”, \$1,870,000;
“General administrative expenses”, \$970,000;

BONNEVILLE POWER ADMINISTRATION

“Operation and maintenance”, \$800,000;

SOUTHWESTERN POWER ADMINISTRATION

“Operation and maintenance”, \$155,000;

OFFICE OF THE SOLICITOR

“Salaries and expenses”, \$374,000;

OFFICE OF THE SECRETARY

“Salaries and expenses”, \$702,000;

OFFICE OF WATER RESOURCES RESEARCH

“Salaries and expenses”, \$52,000;

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES AND GENERAL ADMINISTRATION

"Salaries and expenses, general administration", \$634,000;
"Salaries and expenses, general legal activities", \$2,264,000;
"Salaries and expenses, Antitrust Division", \$769,000;
"Salaries and expenses, United States attorneys and marshals",
\$3,824,000;
"Salaries and expenses, Community Relations Service", \$230,000;

FEDERAL BUREAU OF INVESTIGATION

"Salaries and expenses", \$17,455,000;

IMMIGRATION AND NATURALIZATION SERVICE

"Salaries and expenses", \$7,452,000;

FEDERAL PRISON SYSTEM

"Salaries and expenses, Bureau of Prisons", \$5,109,000;

FEDERAL PRISON INDUSTRIES, INCORPORATED

LIMITATION ON ADMINISTRATIVE AND VOCATIONAL TRAINING EXPENSES,
FEDERAL PRISON INDUSTRIES, INCORPORATED

In addition to the amount heretofore made available under this heading for administrative expenses, \$55,000 shall be available for such expenses during the current fiscal year.

BUREAU OF NARCOTICS AND DANGEROUS DRUGS

"Salaries and expenses", \$1,530,000;

DEPARTMENT OF LABOR

MANPOWER ADMINISTRATION

"Manpower development and training activities", \$145,000, of which \$100,000 shall be derived by transfer from the appropriation for "Office of Manpower Administrator, salaries and expenses", fiscal year 1970;

"Bureau of Apprenticeship and Training, salaries and expenses", \$343,000;

"Bureau of Employment Security, salaries and expenses", \$1,408,000, to be expended from the Employment Security Administration account in the Unemployment Trust Fund;

LABOR-MANAGEMENT RELATIONS

"Labor-Management Services Administration, salaries and expenses", \$805,000;

WAGE AND LABOR STANDARDS

"Wage and Labor Standards Administration, salaries and expenses", \$713,000;

"Wage and Hour Division, salaries and expenses", \$1,440,000;

BUREAU OF LABOR STATISTICS

"Salaries and expenses", \$1,693,000;

BUREAU OF INTERNATIONAL LABOR AFFAIRS

"Salaries and expenses", \$130,000;

OFFICE OF THE SOLICITOR

"Salaries and expenses", \$438,000; and, in addition, \$13,000 to be derived from the Employment Security Administration account, Unemployment Trust Fund;

OFFICE OF THE SECRETARY

"Salaries and expenses", \$515,000; and, in addition, \$36,000 to be derived from the Employment Security Administration account, Unemployment Trust Fund;

OFFICE OF FEDERAL CONTRACT COMPLIANCE AND CIVIL RIGHTS
PROGRAM

"Salaries and expenses", \$56,000; and, in addition, \$53,000 to be derived from the Employment Security Administration account, Unemployment Trust Fund;

POST OFFICE DEPARTMENT

(OUT OF THE POSTAL FUND)

"Administration and regional operation"; \$10,715,000;

"Research, development, and engineering", \$898,000; to remain available until expended;

"Operations", \$261,956,000;

"Supplies and services", \$215,000;

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

"Salaries and expenses," \$13,400,000;

"Acquisition, operation, and maintenance of buildings abroad," \$177,000, to remain available until expended;

INTERNATIONAL ORGANIZATIONS AND CONFERENCE

"Missions to international organizations," \$340,000;

INTERNATIONAL COMMISSIONS

International Boundary and Water Commission, United States and Mexico:

"Salaries and expenses," \$81,000;

"Operation and maintenance," \$175,000;

"American sections, international commissions," \$42,000;

"International fisheries commissions," \$56,000;

EDUCATIONAL EXCHANGE

“Mutual educational and cultural exchange activities,” \$700,000;

OTHER

“Migration and refugee assistance,” \$60,000;

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

“Salaries and expenses”, \$720,000;

COAST GUARD

“Operating expenses”, \$21,675,000;

“Reserve training”, \$1,000,000;

FEDERAL AVIATION ADMINISTRATION

“Operations”, \$58,597,000;

“Operation and maintenance, National Capital airports”, \$400,000;

FEDERAL HIGHWAY ADMINISTRATION

“Office of the Administrator, salaries and expenses”, \$132,000 (together with an increase of \$941,000 in the amount to be transferred from the appropriation for “Federal-aid Highways trust fund”);

“Traffic and highway safety”, \$600,000;

“Motor carrier safety”, \$173,000;

“Bureau of Public Roads, limitation on general expenses” (Increase of \$3,081,000 in the limitation on administrative expenses to be paid from the appropriation for the “Federal-aid highways trust fund”);

FEDERAL RAILROAD ADMINISTRATION

“Office of the Administrator, salaries and expenses”, \$85,000;

“Bureau of Railroad Safety”, \$270,000;

URBAN MASS TRANSPORTATION ADMINISTRATION

“Salaries and expenses”, \$100,000;

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

“Limitation on administrative expenses” (Increase of \$52,000 in the limitation on administrative expenses);

NATIONAL TRANSPORTATION SAFETY BOARD

“Salaries and expenses”, \$350,000;

TREASURY DEPARTMENT

OFFICE OF THE SECRETARY

“Salaries and expenses”, \$628,000;

BUREAU OF ACCOUNTS

“Salaries and expenses”, \$400,000;

BUREAU OF CUSTOMS

"Salaries and expenses", \$8,830,000;

BUREAU OF THE MINT

"Salaries and expenses", \$500,000;

BUREAU OF THE PUBLIC DEBT

"Administering the public debt", \$1,444,000;

INTERNAL REVENUE SERVICE

"Salaries and expenses", \$1,846,000;

"Revenue accounting and processing", \$11,920,000;

"Compliance", \$46,291,000;

OFFICE OF THE TREASURER

"Salaries and expenses", \$523,000;

UNITED STATES SECRET SERVICE

"Salaries and expenses", \$1,940,000: *Provided*, That \$200,000 of this appropriation shall be available only upon enactment into law of H.R. 17138, Ninety-first Congress, or similar legislation;

Ante, p. 354.

ATOMIC ENERGY COMMISSION

"Operating expenses", \$5,000,000;

GENERAL SERVICES ADMINISTRATION

"Operating expenses, Public Buildings Service", \$7,222,000;

"Operating expenses, Federal Supply Service", \$4,431,000;

"Operating expenses, National Archives and Records Service", \$1,635,000;

"Operating expenses, Transportation and Communications Service", \$528,000;

"Operating expenses, Property Management and Disposal Service", \$796,000;

"Salaries and expenses, Office of Administrator", \$71,000;

NATIONAL AERONAUTICS AND SPACE
ADMINISTRATION

"Research and program management", \$38,000,000;

VETERANS ADMINISTRATION

"Medical and prosthetic research", \$2,983,000;

"Medical administration and miscellaneous operating expenses", \$955,000;

"General operating expenses", \$15,835,000;

OTHER INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

"Salaries and expenses", \$77,000;

CIVIL AERONAUTICS BOARD

“Salaries and expenses”, \$900,000;

CIVIL SERVICE COMMISSION

“Salaries and expenses”, \$2,354,000;

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

“Salaries and expenses”, \$900,000;

EXPORT-IMPORT BANK OF THE UNITED STATES

“Limitation on administrative expenses” (Increase of \$400,000 in the limitation on administrative expenses);

FARM CREDIT ADMINISTRATION

“Limitation on administrative expenses” (Increase of \$215,000 in the limitation on administrative expenses);

FEDERAL COMMUNICATIONS COMMISSION

“Salaries and expenses”, \$1,700,000;

FEDERAL FIELD COMMITTEE FOR DEVELOPMENT
PLANNING IN ALASKA

“Salaries and expenses”, \$21,000;

FEDERAL HOME LOAN BANK BOARD

“Limitation on administrative and nonadministrative expenses, Federal Home Loan Bank Board” (Increase of \$412,000 in the limitation on administrative expenses, and increase of \$325,000 in the limitation on nonadministrative expenses);

“Limitation on administrative expenses, Federal Savings and Loan Insurance Corporation” (Increase of \$24,000 in the limitation on administrative expenses);

FEDERAL MARITIME COMMISSION

“Salaries and expenses”, \$228,000;

FEDERAL MEDIATION AND CONCILIATION SERVICE

“Salaries and expenses”, \$615,000;

FEDERAL POWER COMMISSION

“Salaries and expenses”, \$1,300,000;

FEDERAL RADIATION COUNCIL

“Salaries and expenses”, \$8,000;

FEDERAL TRADE COMMISSION

“Salaries and expenses”, \$1,000,000;

FOREIGN CLAIMS SETTLEMENT COMMISSION

“Salaries and expenses”, \$56,000;

HISTORICAL AND MEMORIAL COMMISSIONS

American Revolution Bicentennial Commission:

“Salaries and expenses”, \$10,000;

INTER-AGENCY COMMITTEE ON MEXICAN-AMERICAN AFFAIRS

“Salaries and expenses”, \$27,000;

INTERGOVERNMENTAL AGENCIES

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

“Salaries and expenses”, \$45,000;

APPALACHIAN REGIONAL COMMISSION

“Salaries and expenses”, \$42,000, to be derived by transfer from the appropriation for “Appalachian regional development programs”;

INTERSTATE COMMERCE COMMISSION

“Salaries and expenses”, \$1,900,000;

NATIONAL CAPITAL PLANNING COMMISSION

“Salaries and expenses”, \$25,000;

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

“Salaries and expenses”, \$120,000;

NATIONAL LABOR RELATIONS BOARD

“Salaries and expenses”, \$1,642,000;

NATIONAL MEDIATION BOARD

“Salaries and expenses”, \$127,000;

PRESIDENT’S COMMITTEE ON CONSUMER INTERESTS

“Salaries and expenses”, \$10,000;

RAILROAD RETIREMENT BOARD

“Limitation on salaries and expenses” (Increase of \$990,000 in the limitation on “Salaries and expenses”);

RENEGOTIATION BOARD

“Salaries and expenses”, \$110,000;

SECURITIES AND EXCHANGE COMMISSION

“Salaries and expenses”, \$1,000,000;

SMALL BUSINESS ADMINISTRATION

"Salaries and expenses", \$3,971,000, of which \$3,163,000 shall be derived by transfer from the "Business loan and investment fund", from the "Disaster loan fund", and from the "Lease guarantees revolving fund";

SMITHSONIAN INSTITUTION

"Salaries and expenses", \$1,331,000;

"Salaries and expenses, National Gallery of Art," \$191,000;

SUBVERSIVE ACTIVITIES CONTROL BOARD

"Salaries and expenses", \$57,000;

TARIFF COMMISSION

"Salaries and expenses", \$239,000;

TAX COURT OF THE UNITED STATES

"Salaries and expenses", \$140,000;

UNITED STATES INFORMATION AGENCY

"Salaries and expenses", \$6,883,000;

"Special international exhibitions", \$183,000 to remain available until expended;

DISTRICT OF COLUMBIA

(OUT OF DISTRICT OF COLUMBIA FUNDS)

"General operating expenses", \$2,229,000;

"Public safety", \$2,324,000;

"Education", \$966,000;

"Parks and recreation", \$899,000;

"Health and welfare", \$4,624,000;

"Highways and traffic", \$600,000;

"Sanitary engineering", \$1,905,000.

DIVISION OF EXPENSES

The sums appropriated in this title for the District of Columbia shall be paid as follows: \$12,191,000 from the general fund; \$535,000 from the highway fund (regular); \$14,000 from the highway fund (parking); \$468,000 from the water fund; and \$339,000 from the sanitary sewage works fund.

TITLE III

INCREASED PAY COSTS—FEDERAL EMPLOYEES
SALARY ACT OF 1970

SEC. 301. For costs in the fiscal year 1970 of pay increases granted by or pursuant to the Federal Employees Salary Act of 1970 and the Act of December 16, 1967 (81 Stat. 649), for any branch of the Federal Government or the municipal government of the District of Columbia, to be available immediately, such amounts as may be necessary, to be determined as hereinafter provided in this title, but no appropriation, fund, limitation, or authorization may be increased

Ante, p. 195.

37 USC 203 and
notes.

pursuant to the provisions of this title in an amount in excess of the cost to such appropriation, fund, limitation, or authorization of increased compensation pursuant to such statutes.

Funds, transfer.

Ante, p. 195.
37 USC 203 and
notes.

Additional
amounts, cer-
tification.

SEC. 302. Any officer having administrative control of an appropriation, fund, limitation, or authorization properly chargeable with the costs in the fiscal year 1970 of pay increases granted by or pursuant to the Federal Employees Salary Act of 1970 and the Act of December 16, 1967 (81 Stat. 649), is authorized to transfer thereto, from the unobligated balance of any other appropriation, fund, or authorization under his administrative control and expiring for obligation on June 30, 1970, such amounts as may be necessary for meeting such costs.

SEC. 303. Whenever any officer referred to in section 304 of this title shall determine that he has exhausted the possibilities of meeting the cost of pay increases through the use of transfers as authorized by said section, he shall certify the additional amount required to meet such costs for each appropriation, fund, limitation, or authorization under his administrative control, and the amounts so certified shall be added to the pertinent appropriation, fund, limitation, or authorization for the fiscal year 1970: *Provided*, That any transfer under the authority of section 302 or any certification made under the authority of this section by an officer in or under the executive branch of the Federal Government shall be valid only when approved by the Director of the Bureau of the Budget.

Administrative
officers.

SEC. 304. For the purposes of the transfers and certifications authorized by sections 302 and 303 of this title, the following officers shall be deemed to have administrative control of appropriations, funds, limitations, or authorizations available within their respective organizational units—

- (a) For the legislative branch:
 - The Clerk of the House;
 - The Secretary of the Senate;
 - The Librarian of Congress;
 - The Architect of the Capitol;
 - The Public Printer;
 - The Comptroller General of the United States;
 - The Chief Judge of the United States Tax Court;
 - The chairman of any commission in or under the legislative branch.
- (b) For the Judiciary:
 - The Administrative Officer of the United States Courts.
- (c) For the executive branch:
 - The head of each department, agency, or corporation in or under the executive branch.
- (d) For the municipal government of the District of Columbia:
 - The Commissioner of the District of Columbia.

SEC. 305. Obligations or expenditures incurred for costs in the fiscal year 1970 of pay increases granted by or pursuant to the Federal Employees Salary Act of 1970 and the Act of December 16, 1967 (81 Stat. 649), shall not be regarded or reported as violations of section 3679 of the Revised Statutes, as amended (31 U.S.C. 665).

SEC. 306. (a) Amounts made available by this title shall be derived from the same source as the appropriation, fund, limitation, or authorization to which such amounts are added.

(b) Appropriations made by, and transfers made pursuant to, this title shall be recorded on the books of the Government as of June 30, 1970: *Provided*, That no appropriation made by this title shall be warranted, and no transfer authorized by this title shall be made, after August 15, 1970.

(c) A complete report of the appropriations and transfers made by or pursuant to this title shall be made, not later than September 15, 1970, by the officers described in section 304, to the Director of the Bureau of the Budget, who shall compile and transmit to the Congress a consolidated report not later than October 15, 1970.

Report to Bureau
of the Budget and
Congress.

TITLE IV

LIMITATION ON FISCAL YEAR 1970 BUDGET OUTLAYS

SEC. 401. (a) Notwithstanding the provisions of title IV of the Second Supplemental Appropriations Act, 1969, expenditures and net lending (budget outlays) of the Federal Government during the fiscal year ending June 30, 1970, shall not exceed \$197,885,000,000: *Provided*, That whenever action, or inaction, by the Congress on requests for appropriations and other budgetary proposals varies from the President's recommendations with respect to the fiscal year 1970, as reflected in the Budget for 1971 (H. Doc. 91-240, part 1), the Director of the Bureau of the Budget shall report to the President and to the Congress his estimate of the effect of such action or inaction on budget outlays, and the limitation set forth herein shall be correspondingly adjusted: *Provided further*, That the Director of the Bureau of the Budget shall report to the President and to the Congress his estimate of the effect on budget outlays of other actions by the Congress (whether initiated by the President or the Congress) and the limitation set forth herein shall be correspondingly adjusted: *Provided further*, That in the event the President shall estimate and determine that total budget outlays cannot be held within the overall limitation provided herein, he may, after notification in writing to the Congress stating his reasons therefor, adjust the amount by not more than one-half of 1 percent thereof.

83 Stat. 82.

Reports to
President and
Congress.

Presidential
notifications to
Congress.

(b) (1) In the event the President shall estimate and determine that budget outlays during the fiscal year 1970 for the following items (the expenditures for which arise under appropriations or other authority not requiring annual action by the Congress) appearing on page 49 of the Budget for 1971, namely:

- (i) items designated "Social security, medicare, and other social insurance trust funds";
- (ii) the item "National service life insurance (trust fund)";
- (iii) the item "Interest"; and
- (iv) the item "Farm price supports (Commodity Credit Corporation)";

will exceed the estimates included for such items in the Budget for 1971, the President may, after notification in writing to the Congress stating his reasons therefor, adjust accordingly the amount of the overall limitation provided in subsection (a).

(2) In the event the President shall estimate and determine that receipts (credited against budget outlays) during the fiscal year 1970 derived from:

- (i) sales of financial assets of programs administered by the Farmers Home Administration, Export-Import Bank, agencies of the Department of Housing and Urban Development, and the Veterans' Administration; and

- (ii) leases of lands on the Outer Continental Shelf;

will be less than the estimates included for such items in the Budget for 1971, the President may, after notification in writing to the Congress stating his reasons therefor, adjust accordingly the amount of the overall limitation provided in subsection (a).

(3) The aggregate amount of the adjustments made pursuant to paragraphs (1) and (2) of this subsection shall not exceed \$1,000,000,000.

Reports to
President and
Congress.

(c) The Director of the Bureau of the Budget shall make a preliminary report (by July 31, 1970) and a final report (by December 31, 1970) to the President and the Congress on the operation of this section.

TITLE V

LIMITATION ON FISCAL YEAR 1971 BUDGET OUTLAYS

SEC. 501. (a) Expenditures and net lending (budget outlays) of the Federal Government during the fiscal year ending June 30, 1971, shall not exceed \$200,771,000,000: *Provided*, That whenever action, or inaction, by the Congress on requests for appropriations and other budgetary proposals varies from the President's recommendations reflected in the Budget for 1971 (H. Doc. 91-240, part 1), the Director of the Bureau of the Budget shall report to the President and to the Congress his estimate of the effect of such action or inaction on budget outlays, and the limitation set forth herein shall be correspondingly adjusted: *Provided further*, That the Director of the Bureau of the Budget shall report to the President and to the Congress his estimate of the effect on budget outlays of other actions by the Congress (whether initiated by the President or the Congress) and the limitation set forth herein shall be correspondingly adjusted, and reports, so far as practicable, shall indicate whether such other actions were initiated by the President or by the Congress.

Reports to
President and
Congress.

(b) (1) In the event the President shall estimate and determine that budget outlays during the fiscal year 1971 for the following items (the expenditures for which arise under appropriations or other authority not requiring annual action by the Congress) appearing on page 49 of the Budget for 1971, namely:

- (i) items designated "Social security, medicare, and other social insurance trust funds";
- (ii) the item "National service life insurance (trust fund)";
- (iii) the item "Interest"; and
- (iv) the item "Farm price supports (Commodity Credit Corporation)"

Presidential
notifications to
Congress.

will exceed the estimates included for such items in the Budget for 1971, the President may, after notification in writing to the Congress stating his reasons therefor, adjust accordingly the amount of the overall limitation provided in subsection (a).

(2) In the event the President shall estimate and determine that receipts (credited against budget outlays) during the fiscal year 1971 derived from:

- (i) sales of financial assets of programs administered by the Farmers Home Administration, Export-Import Bank, agencies of the Department of Housing and Urban Development, and the Veterans' Administration; and
- (ii) leases of lands on the Outer Continental Shelf;

will be less than the estimates included for such items in the Budget for 1971, the President may, after notification in writing to the Congress stating his reasons therefor, adjust accordingly the amount of the overall limitation provided in subsection (a).

(3) The aggregate amount of the adjustments made pursuant to paragraphs (1) and (2) of this subsection shall not exceed \$4,500,000,000.

Reports to
Congress.

(c) The Director of the Bureau of the Budget shall report periodically to the President and to the Congress on the operation of this sec-

tion. Such reports shall be made at the end of each calendar month during the second session of the Ninety-first Congress and at the end of each calendar quarter thereafter.

TITLE VI

GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided therein. Fiscal year limitation.

SEC. 602. Except where specifically increased or decreased elsewhere in this Act, the restrictions contained within appropriations, or provisions affecting appropriations or other funds, available during the fiscal year 1970, limiting the amounts which may be expended for personal services, or for purposes involving personal services, or amounts which may be transferred between appropriations or authorizations available for or involving such services, are hereby increased to the extent necessary to meet increased pay costs authorized by or pursuant to law. Personal service expenditures, increase.

SEC. 603. None of the funds contained in this Act available to the Inter-American Bank shall be used directly or indirectly as grants or loans to officers or members of the staff of the Inter-American Bank.

SEC. 604. Funds appropriated, or otherwise made available, by this Act for the fiscal year 1970, shall remain available for obligation until July 1, 1970, or for five days after the date of approval of this Act, whichever is later, unless a longer period is specifically provided: *Provided*, That all obligations incurred in anticipation of such appropriations and authority for the fiscal year 1970 as well as those for longer periods as set forth herein are hereby ratified and confirmed if in accordance with the terms hereof.

Approved July 6, 1970.

Public Law 91-306

AN ACT

To continue until the close of June 30, 1973, the existing suspension of duties on manganese ore (including ferruginous ore) and related products, and for other purposes.

July 6, 1970
[H. R. 14720]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) item 911.07 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by striking out "6/30/70" and inserting in lieu thereof "6/30/73".

Manganese ore.
Duty suspension.
81 Stat. 119.

(b) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption, after June 30, 1970.

SEC. 2. (a) (1) Section 1006 of the Social Security Amendments of 1969 is amended by—

(A) inserting "(1)" immediately after "paid to any individual";

(B) striking out "(1)" and inserting in lieu thereof "(A)";

OASDI and railroad retirement benefit increase.
83 Stat. 741.
42 USC 415 note.

50 Stat. 307.
45 USC 228a-
228a-2.
49 Stat. 967.
45 USC 215-228
notes.

OASDI and
railroad retirement
recipients, public
assistance.
83 Stat. 742.
42 USC 415
note.

(C) striking out “(2)” and inserting in lieu thereof “(B)” ; and
(D) by inserting immediately before the period at the end thereof the following: “; or (2) as annuity or pension under the Railroad Retirement Act of 1937 or the Railroad Retirement Act of 1935, if such amount is paid in a lump-sum to carry out any retroactive increase in annuities or pensions payable under the Railroad Retirement Act of 1937 or the Railroad Retirement Act of 1935 brought about by reason of the enactment (after May 30, 1970 and prior to December 31, 1970) of any Act which increases, retroactively, the amount of such annuities or pensions”.

(2) The heading to such section 1006 is amended by inserting immediately before the period at the end thereof the following: “AND OF RAILROAD RETIREMENT BENEFIT INCREASE”.

(b) (1) Section 1007 of the Social Security Amendments of 1969 is amended by—

(A) striking out “July 1970” and inserting in lieu thereof “November 1970” ;

(B) inserting “(1)” immediately after “also receives in such month” ;

(C) inserting immediately before the period at the end thereof the following: “, or (2) a monthly payment of annuity or pension under the Railroad Retirement Act of 1937 or the Railroad Retirement Act of 1935 which is increased as a result of the enactment (after May 30, 1970, and before December 31, 1970) of any Act which provides general increases in the amount of the annuities or pensions payable under the Railroad Retirement Act of 1937 or the Railroad Retirement Act of 1935, the sum of the aid or assistance received by him for such month, plus the monthly amount of such annuity or pension received by him in such month (not including any part of such annuity or pension which is disregarded under section 1006), shall (except as otherwise provided in the succeeding sentence) exceed the sum of the aid or assistance which would have been received by him for such month under such plan as in effect for March 1970, plus the monthly annuity or pension which would have been received by him in such month without regard to the provisions of the Act enacted by such enactment, by an amount equal to \$4 or (if less) to such increase in his monthly annuity or pension under the Railroad Retirement Act of 1937 or the Railroad Retirement Act of 1935 (whether such excess is brought about by disregarding a portion of such annuity or pension or otherwise)” ; and

(D) by adding at the end thereof the following new sentence: “If, in the case of any individual, the provisions of both clauses (1) and (2) of the preceding sentence are applicable to him with respect to any month, any increase in the annuity or pension (referred to in clause (2) of the preceding sentence) of such individual for such month shall, for purposes of such sentence, be treated as an additional increase in the amount of his monthly insurance benefit under title II of the Social Security Act for such month in lieu of an increase for such month in his annuity or pension (as so referred to).”.

(2) The heading to such section 1007 is amended by inserting “AND RAILROAD RETIREMENT RECIPIENTS” immediately after “RECIPIENTS”.

Approved July 6, 1970 .

42 USC 401-
429.

Public Law 91-307

AN ACT

July 7, 1970
[S. 743]

To authorize the Secretary of the Interior to construct, operate, and maintain the Touchet division, Walla Walla project, Oregon-Washington, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) for purposes of supplying irrigation water initially for approximately ten thousand acres of land, providing municipal and industrial water, flood control, the enhancement of fish and wildlife resources, and the enhancement of recreation opportunities, the Secretary of the Interior (hereinafter referred to as the Secretary) is authorized to construct, operate, and maintain the Touchet division of the Walla Walla project, Oregon-Washington, in accordance with the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto). The principal works of the division (hereinafter referred to as the project) shall consist of the Dayton Dam and Reservoir, fish passage facilities, a diversion dam, and associated drainage facilities.

Walla Walla
project, Oreg.-
Wash.

43 USC 371 and
note.

(b) The Secretary is authorized to construct the Dayton Dam and Reservoir to the physical limitations of the site and to recognize the cost of providing such additional capacity as a deferred obligation to be paid, in accordance with section 2 of this Act, at such time as the additional storage capacity is contracted for: *Provided*, That until such additional storage capacity is contracted for, operation and maintenance costs attributable to the excess capacity shall be funded and added to the construction costs allocated to deferred capacity.

Dayton Dam and
Reservoir, con-
struction.

(c) In order to assure a realization of the fish and wildlife enhancement benefits contemplated by this Act, the Secretary shall adopt appropriate measures to insure the maintenance of a streamflow between Dayton Dam and the mouth of the Walla Walla River that is not less than thirty cubic feet per second unless he determines that a water shortage or other emergencies exist or that lesser flows would be adequate for the maintenance of fish life.

Fish and wild-
life conservation
benefits.

SEC. 2. Irrigation repayment contracts shall provide for repayment of the obligation assumed thereunder with respect to any contract unit over a period of not more than fifty years, exclusive of any development period authorized by law. Construction costs allocated to irrigation beyond the ability of the irrigators to repay shall be charged to and returned to the reclamation fund in accordance with the provisions of section 2 of the Act of June 14, 1966 (80 Stat. 200), as amended by section 6 of the Act of September 7, 1966 (80 Stat. 707).

Irrigation repay-
ment contracts.

SEC. 3. The conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the Touchet division shall be in accordance with the provisions of the Federal Water Project Recreation Act (79 Stat. 213). All costs allocated to the enhancement of anadromous fish species shall be nonreimbursable.

16 USC 835j-
835m.

16 USC 460l-12
note.

SEC. 4. The interest rate used for purposes of computing interest during construction and, where appropriate, interest on the unpaid balance of the reimbursable obligations assumed by non-Federal entities shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction is initiated, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for redemption from fifteen years from the date of issue, adjusted to the nearest one-eighth of 1 per centum.

Interest rate,
determination by
Secretary.

Water supply
provision.

63 Stat. 1051.
7 USC 1421 note.

62 Stat. 1251.
7 USC 1301.

Appropriations.

SEC. 5. For a period of ten years from the date of enactment of this Act, no water from the project authorized by this Act shall be delivered to any water user for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949, or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301(b)(10) of the Agricultural Adjustment Act of 1938, as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

SEC. 6. (a) There are hereby authorized to be appropriated to the United States Fish and Wildlife Service, for transfer to the Bureau of Reclamation, such sums as may be required to cover separable and joint construction costs of the Touchet division, Walla Walla project, allocable to the enhancement of anadromous fish as determined by cost allocation studies comparable to those set forth in House Document Numbered 155, Eighty-ninth Congress, second session.

(b) There are authorized to be appropriated to the Bureau of Reclamation for construction of the works involved in the Touchet division \$22,774,000 (January 1969 prices), less the amounts authorized by subsection (a) of this section.

(c) The total sums authorized to be appropriated by subsection (a) and subsection (b) of this section shall be plus or minus such amounts, if any, as may be required by reason of changes in the cost of construction work of the types involved therein as shown by engineering cost indexes, and, in addition thereto, such sums as may be required to operate and maintain such division: *Provided*, That funds appropriated pursuant to the authority contained in subsection (b) of this section shall be expended only if the amount thereof is increased in any given fiscal year by a proportionate amount appropriated pursuant to subsection (a) of this section.

Approved July 7, 1970.

Public Law 91-308

AN ACT

July 7, 1970
[S. 2315]

To amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes.

Land and Water
Conservation Fund
Act of 1965, amend-
ment.

16 USC 4601-5
note.
Annual fees.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection 1(d) of the Act of July 15, 1968 (Public Law 90-401, 82 Stat. 354), is amended by deleting "March 31, 1970." and inserting in lieu thereof "December 31, 1971."

SEC. 2. Section 2(a)(i) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 4601-5(a)(i)) is amended by deleting "not more than \$7" and inserting in lieu thereof "not more than \$10".

82 Stat. 355.

SEC. 3. Section 8 of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended (16 U.S.C. 4601-10a), is amended by deleting "of fiscal years 1969 and 1970" and inserting "fiscal year".

Fees, survey
report.

SEC. 4. On or before February 1, 1971, the Secretary of the Interior shall complete a survey as to the policy to be implemented with regard to entrance and user fees and report his findings to the Senate and House Committees on Interior and Insular Affairs.

Approved July 7, 1970.

Public Law 91-309

AN ACT

To suspend for a temporary period the import duty on L-Dopa.

July 7, 1970
[H. R. 8512]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subpart B of part 1 of the appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting immediately after item 907.30 the following new item :

L-Dopa.
Duty suspension.
77A Stat. 431.

“ 907.45	L-Dopa, however provided for in schedule 4.....	Free	No change	The 2-year period beginning day after enactment of this item.	”.
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Approved July 7, 1970.

Public Law 91-310

AN ACT

To provide for the differentiation between private and public ownership of lands in the administration of the acreage limitation provisions of Federal reclamation law, and for other purposes.

July 7, 1970
[S. 2062]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof and supplemental thereto) which limit the acreage of irrigable land which may receive irrigation benefits from, through, or by means of Federal reclamation works, shall not be applicable to lands owned by States, political subdivisions, and agencies thereof, so long as such lands are farmed, primarily in the direct furtherance of a non-revenue-producing public function, as determined by the Secretary of the Interior; and to the extent that such lands continue to qualify for the exempted status afforded by this section they shall not be deemed to be excess lands for any purposes whatsoever under said reclamation laws.

Federal reclamation laws.
Acreage limitation provisions, clarification.
43 USC 371 and note.

SEC. 2. Irrigable lands owned by States, political subdivisions, and agencies thereof which do not fall within the provisions of section 1 may receive water from a Federal reclamation project, division, or unit if a valid recordable contract for the sale of such lands within ten years of the date of said contract has been executed under terms and conditions satisfactory to the Secretary of the Interior but without limitation upon selling price.

Land sales by recordable contracts.

The purchasers of lands sold under the provisions of this section, or the heirs and devisees of such purchasers, if otherwise eligible under reclamation law to receive project water for the lands purchased, shall not be disqualified for delivery of water by reason of the amount of the purchase price paid for said lands.

SEC. 3. Lessees of irrigable lands owned by States, political subdivisions, and agencies thereof which are held to be subject to the acreage limitation provisions of Federal reclamation law and for which recordable contracts to sell have not been made may receive project water for a period not to exceed twenty-five years from the date of approval of this Act subject to the same acreage limitation provisions of Federal reclamation law as private landowners.

State leased lands.

Approved July 7, 1970.

Public Law 91-311

AN ACT

July 8, 1970
[H. R. 4246]

To discontinue the annual report to Congress as to the administrative settlement of personal property claims of military personnel and civilian employees.

Repeal.

79 Stat. 790.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(e) of the Military Personnel and Civilian Employees' Claims Act of 1964, as amended (31 U.S.C. 241(e)), is repealed.

Approved July 8, 1970.

Public Law 91-312

AN ACT

July 8, 1970
[H. R. 4247]

To amend section 2734 of title 10, United States Code, to authorize the Secretary concerned to make partial payments on certain claims which are certified to Congress and to provide equivalent authority for administrative settlement and payment of claims under section 2733 of title 10 and section 715 of title 32, United States Code.

Military claims.
Administration
and settlement.
70A Stat. 155.

Certification to
Congress.

82 Stat. 877.

Report to
Congress.

74 Stat. 878.

Report to
Congress.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsections (d) and (e) of section 2734 of title 10, United States Code, are amended to read as follows:

"(d) If the Secretary concerned considers that a claim in excess of \$15,000 is meritorious and would otherwise be covered by this section, he may pay the claimant \$15,000 and certify the excess to Congress as a legal claim for payment from appropriations made by Congress therefor, together with a brief statement of the claim, the amount claimed, the amounts allowed, and the amount paid.

"(e) Except as provided in subsection (d), no claim may be paid under this section unless the amount tendered is accepted by the claimant in full satisfaction."

SEC. 2. (a) Subsection (a) of section 2733 of title 10, United States Code, is amended by striking "\$5,000" and inserting "\$15,000".

(b) Subsection (d) of section 2733 of title 10, United States Code, is amended to read as follows:

"(d) If the Secretary concerned considers that a claim in excess of \$15,000 is meritorious and would otherwise be covered by this section, he may pay the claimant \$15,000 and report the excess to Congress for its consideration."

SEC. 3. (a) Subsection (a) of section 715 of title 32, United States Code, is amended by striking "\$5,000" and inserting "\$15,000".

(b) Subsection (d) of section 715 of title 32, United States Code, is amended to read as follows:

"(d) If the Secretary of the military department concerned considers that a claim in excess of \$15,000 is meritorious and would otherwise be covered by this section, he may pay the claimant \$15,000 and report the excess to Congress for its consideration."

Approved July 8, 1970.

Public Law 91-313

AN ACT

To amend section 213 of the Immigration and Nationality Act, and for other purposes.

July 10, 1970
[H. R. 14118]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 213 of the Immigration and Nationality Act (66 Stat. 188; 8 U.S.C. 1183) be amended to read as follows:

Immigration and
Nationality Act,
amendments.

“ADMISSION OF CERTAIN ALIENS ON GIVING BOND

“SEC. 213. An alien excludable under paragraph (7) or (15) of section 212(a) may, if otherwise admissible, be admitted in the discretion of the Attorney General upon the giving of a suitable and proper bond or undertaking approved by the Attorney General, in such amount and containing such conditions as he may prescribe, to the United States, and to all States, territories, counties, towns, municipalities, and districts thereof holding the United States and all States, territories, counties, towns, municipalities, and districts thereof harmless against such alien becoming a public charge. Such bond or undertaking shall terminate upon the permanent departure from the United States, the naturalization, or the death of such alien, and any sums or other security held to secure performance thereof, except to the extent forfeited for violation of the terms thereof, shall be returned to the person by whom furnished, or to his legal representatives. Suit may be brought thereon in the name and by the proper law officers of the United States for the use of the United States, or of any State, territory, district, county, town, or municipality in which such alien becomes a public charge.”

8 USC 1182.

Termination.

SEC. 2. The Immigration and Nationality Act (66 Stat. 163; 8 U.S.C. 1101), as amended, is further amended by adding at the end of title II the following additional section:

“DEPOSIT OF AND INTEREST ON CASH RECEIVED TO SECURE IMMIGRATION BONDS

“SEC. 293. (a) Cash received by the Attorney General as security on an immigration bond shall be deposited in the Treasury of the United States in trust for the obligor on the bond, and shall bear interest payable at a rate determined by the Secretary of the Treasury, except that in no case shall the interest rate exceed 3 per centum per annum. Such interest shall accrue from date of deposit occurring after April 27, 1966, to and including date of withdrawal or date of breach of the immigration bond, whichever occurs first: *Provided*, That cash received by the Attorney General as security on an immigration bond, and deposited by him in the postal savings system prior to discontinuance of the system, shall accrue interest as provided in this section from the date such cash ceased to accrue interest under the system. Appropriations to the Treasury Department for interest on uninvested funds shall be available for payment of said interest.

Interest rate.

“(b) The interest accruing on cash received by the Attorney General as security on an immigration bond shall be subject to the same disposition as prescribed for the principal cash, except that interest accruing to the date of breach of the immigration bond shall be paid to the obligor on the bond.”

Accruals.

66 Stat. 163.
8 USC 1101
note.

SEC. 3. (a) The table of contents of the Immigration and Nationality Act, is amended by changing the citation to section 213 to read as follows:

"Sec. 213. Admission of certain aliens on giving bond."

(b) The table of contents of the Immigration and Nationality Act, is further amended by adding after the reference to

"Sec. 292. Right to Counsel."

the following:

"Sec. 293. Deposit of and interest on cash received to secure immigration bonds."

Approved July 10, 1970.

Public Law 91-314

AN ACT

July 10, 1970
[H. R. 12941]

To authorize the release of four million one hundred eighty thousand pounds of cadmium from the national stockpile and the supplemental stockpile.

Cadmium.
Disposal.

60 Stat. 596.

7 USC 1704.

Bids.

Exemptions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately four million one hundred eighty thousand pounds of cadmium now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98-98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456, as amended by 73 Stat. 607). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided*, That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Approved July 10, 1970.

Public Law 91-315

AN ACT

To consent to the amendment of the Pacific Marine Fisheries Compact.

July 10, 1970
[H. R. 13407]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of the Congress is hereby given to the amendments to articles I, II, IV, and X of the Pacific Marine Fisheries Compact, as amended.

SEC. 2. Article I of the Pacific Marine Fisheries Compact, as amended, would read substantially as follows:

Pacific Marine
Fisheries Compact,
amendment.
Consent of
Congress.
61 Stat. 419;
76 Stat. 763.

“ARTICLE I

“The purposes of this compact are and shall be to promote the better utilization of fisheries, marine, shell and anadromous, which are of mutual concern, and to develop a joint program of protection and prevention of physical waste of such fisheries in all of those areas of the Pacific Ocean and adjacent waters over which the compacting States jointly or separately now have or may hereafter acquire jurisdiction.

“Nothing herein contained shall be construed so as to authorize the compacting States or any of them to limit the production of fish or fish products for the purpose of establishing or fixing the prices thereof or creating and perpetuating a monopoly.”

SEC. 3. Article II of the Pacific Marine Fisheries Compact, as amended, would substantially read as follows:

“ARTICLE II

“This agreement shall become operative immediately as to those States executing it whenever two or more of the compacting States have executed it in the form that is in accordance with the laws of the executing States and the Congress has given its consent.”

SEC. 4. Article IV of the Pacific Marine Fisheries Compact, as amended, would read substantially as follows:

“ARTICLE IV

“The duty of the said commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances and conditions as may be disclosed for bringing about the conservation and the prevention of the depletion and physical waste of the fisheries, marine, shell and anadromous, in all of those areas of the Pacific Ocean over which the States signatory to this compact jointly or separately now have or may hereafter acquire jurisdiction. The commission shall have power to recommend the coordination of the exercise of the police powers of the several States within their respective jurisdictions and said conservation zones to promote the preservation of those fisheries and their protection against over-fishing, waste, depletion, or any abuse whatsoever and to assure a continuing yield from the fisheries resources of the signatory parties hereto.

“To that end the commission shall draft and, after consultation with the advisory committee hereinafter authorized, recommend to the Governors and legislative branches of the various signatory States hereto legislation dealing with the conservation of the marine, shell and anadromous fisheries in all of those areas of the Pacific Ocean over which the signatory States jointly or separately now have or may hereafter acquire jurisdiction. The commission shall, more than one month prior to any regular meeting of the legislative branch in any State signatory hereto, present to the Governor of such State its

recommendations relating to enactments by the legislative branch of that State in furthering the intents and purposes of this compact.

"The commission shall consult with and advise the pertinent administrative agencies in the signatory States with regard to problems connected with the fisheries and recommend the adoption of such regulations as it deems advisable and which lie within the jurisdiction of such agencies.

"The commission shall have power to recommend to the States signatory hereto the stocking of the waters of such States with marine, shell, or anadromous fish and fish eggs or joint stocking by some or all of such States, and, when two or more of the said States shall jointly stock waters, the commission shall act as the coordinating agency for such stocking."

SEC. 5. Article X of the Pacific Marine Fisheries Compact, as amended, would read substantially as follows:

"ARTICLE X

"The States agree to make available annual funds for the support of the Commission on the following basis:

"Eighty percent (80%) of the annual budget shall be shared equally by those member States having as a boundary the Pacific Ocean; and five percent (5%) of the annual budget shall be contributed by any other member State; the balance of the annual budget shall be shared by those member States, having as a boundary the Pacific Ocean, in proportion to the primary market value of the products of their commercial fisheries on the basis of the latest five-year catch records.

"The annual contribution of each member State shall be figured to the nearest one hundred dollars.

"This amended article shall become effective upon its enactment by the States of Alaska, California, Idaho, Oregon, and Washington and upon ratification by Congress by virtue of the authority vested in it under Article I, section 10, of the Constitution of the United States."

SEC. 6. The right to alter, amend, or repeal this Act is expressly reserved.

Approved July 10, 1970.

Public Law 91-316

AN ACT

July 10, 1970
[S. 4012]

To extend the Clean Air Act, as amended, and the Solid Waste Disposal Act, as amended, for a period of sixty days.

Clean Air Act;
Solid Waste Dis-
posal Act, amend-
ments.

83 Stat. 283;
81 Stat. 506.
42 USC 1857b-1,
1857f.
Post, p. 1229.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That pending extensions by Act of Congress of the Clean Air Act and Solid Waste Disposal Act, the authorizations contained in sections 104(c) and 309 of the Clean Air Act, as amended, for the fiscal year ending June 30, 1970, and the authorization contained in section 210 of the Solid Waste Disposal Act, as amended, for the fiscal year ending June 30, 1970, shall remain available through August 31, 1970, notwithstanding any provisions of those sections.

Approved July 10, 1970.

Public Law 91-317

AN ACT

To authorize the release of forty million two hundred thousand pounds of cobalt from the national stockpile and the supplemental stockpile.

July 10, 1970
[H. R. 15021]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately forty million two hundred thousand pounds of cobalt now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98-98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456, as amended by 73 Stat. 607). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided*, That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

Cobalt.
Disposal.

60 Stat. 596.

7 USC 1704.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise provided by law. All bids may be rejected when it is in the public interest to do so.

Bids.

(b) The material covered by this Act may be disposed of without advertising for bids if—

Exemptions.

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) Sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Approved July 10, 1970.

Public Law 91-318

AN ACT

To authorize the disposal of bismuth from the national stockpile and the supplemental stockpile.

July 10, 1970
[H. R. 15831]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately three hundred thousand pounds of bismuth now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98-98h) and the supplementary stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456), as amended (73 Stat. 607). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided*, That the time and method of

Bismuth.
Disposal.

60 Stat. 596.

7 USC 1704.

disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

Bids.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

Exemptions.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Approved July 10, 1970.

Public Law 91-319

AN ACT

July 10, 1970
[H. R. 15832]

To authorize the disposal of castor oil from the national stockpile.

Castor oil,
Disposal.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately eighteen million five hundred thousand pounds of castor oil now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98-98h). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided*, That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

60 Stat. 596.

Bids.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

Exemptions.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Approved July 10, 1970.

Public Law 91-320

AN ACT

To authorize the disposal of acid grade fluorspar from the national stockpile and the supplemental stockpile.

July 10, 1970
[H. R. 15833]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately two hundred twelve thousand six hundred thirty-seven short dry tons of acid grade fluorspar now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98-98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456), as amended (73 Stat. 607). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided*, That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

Acid grade
fluorspar.
Disposal.

60 Stat. 596.

7 USC 1704.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

Bids.

(b) The material covered by this Act may be disposed of without advertising for bids if—

Exemptions.

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Approved July 10, 1970.

Public Law 91-321

AN ACT

To authorize the disposal of magnesium from the national stockpile.

July 10, 1970
[H. R. 15835]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately twelve thousand short tons of magnesium now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98-98h). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided*, That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

Magnesium.
Disposal.

60 Stat. 596.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in

Bids.

subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

Exemptions.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Approved July 10, 1970.

Public Law 91-322

AN ACT

July 10, 1970
[H. R. 15836]

To authorize the disposal of type A, chemical grade manganese ore from the national stockpile and the supplemental stockpile.

Type A, chemical grade manganese ore.
Disposal.

60 Stat. 596.

7 USC 1704.

Bids.

Exemptions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately one hundred eleven thousand, nine hundred short dry tons of type A, chemical grade manganese ore now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98-98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456), as amended (73 Stat. 607). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided*, That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Approved July 10, 1970.

Public Law 91-323

AN ACT

To authorize the disposal of type B, chemical grade manganese ore from the national stockpile and the supplemental stockpile.

July 10, 1970
[H. R. 15837]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately sixty-five thousand eight hundred short dry tons of type B, chemical grade manganese ore now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98-98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456), as amended (73 Stat. 607). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided*, That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

Type B, chemical grade manganese ore.
Disposal.

60 Stat. 596.

7 USC 1704.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

Bids.

(b) The material covered by this Act may be disposed of without advertising for bids if—

Exemptions.

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Approved July 10, 1970.

Public Law 91-324

AN ACT

To authorize the disposal of shellac from the national stockpile.

July 10, 1970
[H. R. 15838]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately four million three hundred thousand pounds of shellac now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98-98h). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided*, That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

Shellac.
Disposal.

60 Stat. 596.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided

Bids.

in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

Exemptions.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Approved July 10, 1970.

Public Law 91-325

AN ACT

July 10, 1970
[H. R. 15839]

To authorize the disposal of tungsten from the national stockpile and the supplemental stockpile.

Tungsten.
Disposal.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately one hundred million pounds (W content) of tungsten now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98-98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456), as amended (73 Stat. 607). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided*, That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

60 Stat. 596.

7 USC 1704.

Bids.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

Exemptions.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Approved July 10, 1970.

Public Law 91-326

AN ACT

To authorize the disposal of Surinam-type metallurgical grade bauxite from the national stockpile and the supplemental stockpile.

July 10, 1970
[H. R. 15998]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately two million six hundred thousand long dry tons of Surinam-type metallurgical grade bauxite now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456, as amended by 73 Stat. 607). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided*, That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

Surinam-type
metallurgical
grade bauxite.
Disposal.

60 Stat. 596.

7 USC 1704.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

Bids.

(b) The material covered by this Act may be disposed of without advertising for bids if—

Exemptions.

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Approved July 10, 1970.

Public Law 91-327

AN ACT

To authorize the disposal of natural Ceylon amorphous lump graphite from the national stockpile and the supplemental stockpile.

July 10, 1970
[H. R. 16289]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately three hundred and eighty-six short tons of natural Ceylon amorphous lump graphite now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456, as amended by 73 Stat. 607). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided*, That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable

Natural Ceylon
amorphous lump
graphite.
Disposal.

60 Stat. 596.

7 USC 1704.

loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

Bids.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

Exemptions.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Approved July 10, 1970.

Public Law 91-328

AN ACT

July 10, 1970
[H. R. 16290]

To authorize the disposal of refractory grade chromite from the national stockpile and the supplemental stockpile.

Refractory grade
chromite ore.
Disposal.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately eight hundred and twenty-six thousand nine hundred short dry tons of refractory grade chromite ore now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98-98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456, as amended by 73 Stat. 607). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided*, That the time and method of disposition shall be fixed with due to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

60 Stat. 596.

7 USC 1704.

Bids.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

Exemptions.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Approved July 10, 1970.

Public Law 91-329

AN ACT

To authorize the disposal of chrysotile asbestos from the national stockpile and the supplemental stockpile.

July 10, 1970
[H. R. 16291]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately two thousand eight hundred and forty-four tons of nonstockpile grade chrysotile asbestos now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98-98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456, as amended by 73 Stat. 607). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided*, That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

Chrysotile
asbestos.
Disposal.

60 Stat. 596.

7 USC 1704.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

Bids.

(b) The material covered by this Act may be disposed of without advertising for bids if—

Exemptions.

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Approved July 10, 1970.

Public Law 91-330

AN ACT

To authorize the disposal of corundum from the national stockpile.

July 10, 1970
[H. R. 16292]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately one thousand nine hundred and fifty-two short tons of nonstockpile grade corundum now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98-98h). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided*, That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

Corundum.
Disposal.

60 Stat. 596.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in

Bids.

subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

Exemptions.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Approved July 10, 1970.

Public Law 91-331

AN ACT

July 10, 1970
[H. R. 16295]

To authorize the disposal of natural battery grade manganese ore from the national stockpile and the supplemental stockpile.

Natural battery
grade manganese
ore.

Disposal.

60 Stat. 596.

7 USC 1704.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately one hundred and seventy-three thousand eight hundred short dry tons of natural battery grade manganese ore now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98-98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456, as amended by 73 Stat. 607). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided*, That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

Bids.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

Exemptions.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Approved July 10, 1970.

Public Law 91-332

JOINT RESOLUTION

Authorizing the Secretary of the Interior to provide for the commemoration of the one hundredth anniversary of the establishment of Yellowstone National Park, and for other purposes.

July 10, 1970
[H. J. Res. 546]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is directed to request the President to issue a proclamation designating the year 1972 as "National Parks Centennial Year", in recognition of the establishment on March 1, 1872, of the world's first national park, Yellowstone, which advanced a new concept of land use in setting aside an outstanding natural area in perpetuity for the benefit and enjoyment of the people.

National Parks
Centennial Year,
1972.
Proclamation.

SEC. 2. (a) There is hereby established a National Parks Centennial Commission (hereinafter referred to as "the Commission") to be composed of the following members:

Commission,
establishment.

(1) four Members of the Senate to be appointed by the President of the Senate;

(2) four Members of the House of Representatives to be appointed by the Speaker of the House of Representatives;

(3) the Secretary of the Interior or his representative; and

(4) six persons to be appointed by the President from among persons not officers or employees of the Federal Government and who, in the judgment of the President, have outstanding knowledge and experience in the fields of natural and historical resource preservation and public recreation.

(b) The President shall designate one of the members appointed by him as Chairman of the Commission.

(c) The members of the Commission shall receive no compensation for their services as such, but members from the legislative branch shall be allowed necessary travel expenses as authorized by law for official travel, members of the executive branch shall be allowed necessary travel expenses in accordance with section 5702 of title 5, United States Code, and members appointed by the President shall be allowed necessary travel expenses as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 5703). Staff of the Commission shall be allowed necessary travel expenses in accordance with section 5702 of title 5, United States Code.

Members, travel
expenses.

80 Stat. 498;
83 Stat. 190.

(d) Any vacancy in the Commission shall not affect its powers or functions, but shall be filled in the same manner as the original appointment.

SEC. 3. The functions of the Commission shall be (1) to prepare, and execute, in cooperation with Federal, State, local, nongovernmental agencies and organizations, and appropriate international organizations, a suitable plan for commemoration of the one hundredth anniversary of the beginning of the worldwide national park movement by the establishment of Yellowstone National Park in 1872; (2) to coordinate the activities of such agencies and organizations undertaken pursuant to such plan; and (3) to provide, in cooperation with such agencies and organizations, host services for a world conference

Functions.

on National Parks in 1972, and to assist in representing the United States in the activities of such conference.

Personnel.

63 Stat. 954;
80 Stat. 443.
5 USC 5101
et seq.
Powers.

SEC. 4. The Commission may employ such personnel as may be necessary to carry out its functions, with or without regard to the provisions of the civil service laws or the Classification Act of 1949, as amended, in its discretion.

SEC. 5. (a) The Commission is authorized to accept donations of money, property, or personal services; to cooperate with public and private associations, and educational institutions; and to request advice and assistance from appropriate Federal departments or agencies in carrying out its functions. Such Federal departments and agencies are authorized to furnish the Commission such advice and assistance with or without reimbursement. To the extent it finds necessary, the Commission may, without regard to the laws and procedures applicable to Federal departments and agencies, make contracts, procure supplies, property, and services (including printing and publishing), and may exercise the powers needed to carry out its functions efficiently and in the public interest.

**Executive
Director.**

(b) The Director of the National Park Service or his designee shall be the Executive Director of the Commission. Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel, and procurement) shall be provided the Commission by the Department of the Interior, for which payment shall be made in advance, or by reimbursement, from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Secretary of the Interior: *Provided*, That the regulations of the Department of the Interior for the collection of indebtedness of personnel resulting from erroneous payments (5 U.S.C. 5514) shall apply to the collection of erroneous payments made to or on behalf of a Commission employee, and regulations of said Secretary for the administrative control of funds (31 U.S.C. 665(g)) shall apply to appropriations of the Commission.

80 Stat. 477.

**Reports to
Congress.**

**Commission,
termination.**

(c) Beginning with the end of the calendar year in which the Commission is first established, the Commission shall submit annual reports of its activities and plans to the Congress. The Commission shall submit a final report of its activities, including an accounting of funds received and expended, to the Congress, not later than December 31, 1973, and shall cease to exist upon submission of said report.

**Books, relics,
etc., disposition.**

(d) Upon termination of the Commission and after consultation with the Archivist of the United States and the Secretary of the Smithsonian Institution, the Secretary of the Interior may deposit all books, manuscripts, miscellaneous printed matter, memorabilia, relics, and other similar materials of the Commission relating to the National Parks Centennial in Federal, State, or local libraries or museums or make other disposition of such materials. Other property acquired by the Commission remaining upon its termination may be used by the Secretary of the Interior for purposes of the national park system or may be disposed of as excess or surplus property. The net revenues, after payment of Commission expenses, derived from Commission activities shall be deposited in the Treasury of the United States.

Appropriation.

SEC. 6. There are authorized to be appropriated such sums, but not more than \$250,000, as may be necessary to carry out the provisions of this Act: *Provided*, That no part of such appropriations shall be available for obligation by the Commission until and unless at least \$300,000 in donations have been actually collected by the Commission from non-Federal sources.

Approved July 10, 1970.

Public Law 91-333

AN ACT

To authorize the disposal of molybdenum from the national stockpile.

July 10, 1970
[H. R. 16297]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately three million five hundred thousand pounds of molybdenum now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided*, That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

Molybdenum.
Disposal.

60 Stat. 596.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

Bids.

(b) The material covered by this Act may be disposed of without advertising for bids if—

Exemptions.

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Approved July 10, 1970.

Public Law 91-334

JOINT RESOLUTION

Authorizing the President's Commission on Campus Unrest to compel the attendance and testimony of witnesses and the production of evidence, and for other purposes.

July 10, 1970
[H. J. Res. 1284]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) for the purposes of this joint resolution, the term "Commission" means the Commission created by the President by Executive Order 11536, dated June 13, 1970.

President's
Commission on
Campus Unrest.
Subpoena au-
thority.

35 F.R. 9911.

(b) The Commission, or any member of the Commission when so authorized by the Commission, shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation by the Commission. The Commission, or any member of the Commission

or any agent or agency designated by the Commission for such purpose, may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place within the United States at any designated place of hearing.

(c) In case of contumacy or refusal to obey a subpoena issued to any person under subsection (b), any court of the United States within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Commission shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission, its member, agent, or agency, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

Service of
process.

(d) Process and papers of the Commission, its members, agent, or agency, may be served either upon the witness in person or by registered mail or by telegraph or by leaving a copy thereof at the residence or principal office or place of business of the person required to be served. The verified return by the individual so serving the same, setting forth the manner of such service, shall be proof of the same, and the return post office receipt or telegraph receipt therefor when registered and mailed or telegraphed as aforesaid shall be proof of service of the same. Witnesses summoned before the Commission, its members, agent, or agency, shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

Immunity of
witness.

(e) (1) Whenever a witness refuses, on the basis of his privilege against self-incrimination, to testify or provide other information in a proceeding before the Commission, and the person presiding over the proceeding communicates to the witness an order issued pursuant to paragraph (2) of this subsection, the witness may not refuse to comply with the order on the basis of his privilege against self-incrimination; but no testimony or other information compelled under the order (or any information directly or indirectly derived from such testimony or other information) may be used against the witness in any criminal case, except a prosecution for perjury, giving a false statement, or otherwise failing to comply with the order. The term "other information" includes any book, paper, document, record, recording, or other material.

"Other infor-
mation".

Order to testify.

(2) The Commission may, with the approval of the Attorney General, issue an order requiring an individual who has been or may be called to testify or to provide other information to give any testimony or provide other information which he refuses to give or provide on the basis of his privilege against self-incrimination: *Provided*, That the Commission may issue such an order only if in its judgment (i) the testimony or other information from such individual may be necessary to the public interest, and (ii) such individual has refused or is likely to refuse to testify or provide other information on the basis of his privilege against self-incrimination.

(f) All process of any court to which application may be made

under this joint resolution may be served in the judicial district wherein the person required to be served resides or may be found.

Sec. 2. The Commission shall have power to appoint and fix the compensation of such personnel as it deems advisable without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and such personnel may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but no individual shall receive compensation at a rate in excess of the maximum rate authorized by the General Schedule. In addition, the Commission may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not in excess of the daily equivalent of GS-18. The Commission is also authorized to enter into contracts with Federal or State agencies, private firms, institutions, and individuals for the conduct of research for surveys, the preparation of reports, and other activities necessary for the discharge of its duties.

Approved July 10, 1970.

Personnel.

80 Stat. 378.

5 USC 5101,
5331.
Ante, p. 198-1.

80 Stat. 416.

Contract
authority.

Public Law 91-335

AN ACT

To provide for the disposition of certain funds awarded to the Tlingit and Haida Indians of Alaska by a judgment entered by the Court of Claims against the United States.

July 13, 1970
[H. R. 12858]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the unexpended funds and interest thereon on deposit in the Treasury of the United States to the credit of and otherwise invested by the Secretary of the Interior for the account of the Tlingit and Haida Indians of Alaska which were appropriated by the Act of July 9, 1968 (82 Stat. 307), to pay the judgment of the Court of Claims in the case entitled The Tlingit and Haida Indians of Alaska, et al. versus The United States, numbered 47900, after payment of attorney fees and expenses, may be advanced, expended, invested or used for any purpose and in any manner authorized by the Central Council of the Tlingit and Haida Indians of Alaska and approved by the Secretary of the Interior. Any of such funds that may be distributed under the provisions of this Act shall not be subject to Federal or State income taxes.

Tlingit and
Haida Indians,
Judgment funds.

Approved July 13, 1970.

Public Law 91-336

JOINT RESOLUTION

To change the name of Pleasant Valley Canal, California, to "Coalinga Canal".

July 16, 1970
[H. J. Res. 224]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the name of Pleasant Valley Canal, California, be changed to "Coalinga Canal". Any law, regulation, document, or record of the United States in which such canal is designated or referred to shall be held to refer to such canal as "Coalinga Canal".

Approved July 16, 1970.

Coalinga Canal,
Calif.
Designation.

Public Law 91-337

AN ACT

July 16, 1970
[H. R. 17868]

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1971, and for other purposes.

District of
Columbia Appro-
priation Act,
1971.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending June 30, 1971, and for other purposes, namely:

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For payment to the following funds of the District of Columbia for the fiscal year ending June 30, 1971: \$105,000,000 to the general fund; \$2,506,000 to the water fund; and \$1,432,000 to the sanitary sewage works fund, as authorized by the District of Columbia Revenue Act of 1947, as amended (D.C. Code, Sec. 47-2501(a); 82 Stat. 612), and the Act of May 18, 1954 (D.C. Code, Sec. 43-1541 and 1611).

83 Stat. 180.
D.C. Code
47-2501a.
68 Stat. 102,
108.

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided:

GENERAL OPERATING EXPENSES

General operating expenses, \$48,894,700, of which \$574,800 shall be payable from the highway fund (including \$59,000 from the motor vehicle parking account), \$85,800 from the water fund, and \$63,800 from the sanitary sewage works fund: *Provided*, That the certificates of the Commissioner (for \$2,500) and of the Chairman of the City Council (for \$2,500) shall be sufficient voucher for expenditures from this appropriation for such purposes, exclusive of ceremony expenses, as they may respectively deem necessary: *Provided further*, That, for the purpose of assessing and reassessing real property in the District of Columbia, \$5,000 of the appropriation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not in excess of \$100 per diem: *Provided further*, That not to exceed \$7,500 of this appropriation shall be available for test borings and soil investigations: *Provided further*, That \$1,160,000 of this appropriation (to remain available until expended) shall be available solely for District of Columbia employees' disability compensation: *Provided further*, That not to exceed \$60,000 of this appropriation shall be available for settlement of property damage claims not in excess of \$500 each and personal injury claims not in excess of \$1,000 each: *Provided further*, That not to exceed \$50,000 of any appropriations available to the District of Columbia may be used to match financial contributions from the Department of Defense to the District of Columbia Office of Civil Defense for the purchase of civil defense equipment and supplies approved by the Department of Defense, when authorized by the Commissioner.

80 Stat. 416.

PUBLIC SAFETY

Public safety, including employment of consulting physicians, diagnosticians, and therapists at rates to be fixed by the Commissioner; cash gratuities of not to exceed \$75 to each released prisoner; purchase of one hundred and twenty-five passenger motor vehicles for replacement only (including one hundred and twenty for police-type use and five for fire-type use without regard to the general purchase price limitation for the current fiscal year but not in excess of \$400 per vehicle for police-type and \$600 per vehicle for fire-type use above such limitation); \$143,991,000, of which \$5,004,600 shall be payable from the highway fund (including \$112,000 from the motor vehicle parking account): *Provided*, That the Police Department and Fire Department are each authorized to replace not to exceed five passenger carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths the cost of the replacement: *Provided further*, That \$868,300 of this appropriation shall be transferred to the judiciary and disbursed by the Administrative Office of the United States Courts for expenses of the Legal Aid Agency of the District of Columbia.

EDUCATION

Education, including, provision of insurance, maintenance, and acceptance of not to exceed thirty passenger motor vehicles on a loan basis for exclusive use in the driver education program, the development of national defense education programs, not to exceed \$4,000,000 for payment to the Teachers' Retirement and Annuity Fund, and matching of Federal grants under the National Defense Education Act of September 2, 1958 (72 Stat. 1580), as amended, \$146,353,000, of which \$125,100 shall be payable from the highway fund: *Provided*, That certificates of the following officials shall each be sufficient voucher for expenditures from this appropriation for such purposes as they may respectively deem necessary within the amounts specified: Superintendent of Schools, \$1,000; President of the Federal City College, \$1,000; and President of the Washington Technical Institute, \$1,000.

20 USC 401
note.

Section 5533(c) of title 5, United States Code, shall not apply to compensation received by teachers of the public schools of the District of Columbia for employment in a civilian office during the period July 1, 1970, to August 31, 1970.

81 Stat. 637.

RECREATION

Recreation, \$11,016,600.

HUMAN RESOURCES

Human resources, including reimbursement for services rendered to the District of Columbia by Freedmen's Hospital; and care and treatment of indigent patients in institutions, including those under sectarian control, under contracts to be made by the Director of Public Health; \$157,164,900: *Provided*, That the inpatient rate and outpatient rate under such contracts, with the exception of Children's Hospital, and for services rendered by Freedmen's Hospital shall not exceed \$38 per diem and the outpatient rate shall not exceed \$6 per visit; the inpatient rate and outpatient rate for Children's Hospital shall not exceed \$40 per diem and \$6.75 per visit; and the inpatient rate (excluding the proportionate share for repairs and construction) for services

79 Stat. 343;
81 Stat. 908.
42 USC 1396-
1396g.

59 Stat. 282.
D.C. Code
32-321.

74 Stat. 21.

rendered by Saint Elizabeths Hospital for patient care shall be \$18.52 per diem: *Provided further*, That total reimbursements to Saint Elizabeths Hospital, including funds from Title XIX of the Social Security Act, shall not exceed the amount for the fiscal year 1970: *Provided further*, That the hospital rates specified herein shall not apply, beginning July 1, 1969, to services provided to patients who are eligible for such services under the District of Columbia plan for medical assistance under Title XIX of the Social Security Act: *Provided further*, That this appropriation shall be available for the furnishing of medical assistance to individuals sixty-five years of age or older who are residing in the District of Columbia without regard to the requirement of one-year residence contained in the District of Columbia Appropriation Act, 1946, under the heading "Operating Expenses, Gallinger Municipal Hospital", and this appropriation shall also be available to render assistance to such individuals who are temporarily absent from the District of Columbia: *Provided further*, That the authorization included under the heading "Department of Public Health", in the District of Columbia Appropriation Act, 1961, for compensation of convalescent patients as an aid to their rehabilitation is hereby extended to the Department of Vocational Rehabilitation: *Provided further*, That this appropriation shall be available for the treatment, in any institution, under the jurisdiction of the Commissioner and located either within or without the District of Columbia, of individuals found by a court to be chronic alcoholics.

HIGHWAYS AND TRAFFIC

Highways and traffic, including \$153,700 for traffic safety education without reference to any other law; \$600 for membership in the American Association of Motor Vehicle Administrators and \$1,200 for membership in the Vehicle Equipment Safety Commission; rental of three passenger-carrying vehicles for use by the Commissioner, Deputy Commissioner, and Chairman of the City Council; and purchase of thirty-six passenger motor vehicles, of which twenty-four shall be for replacement only; \$19,679,000, of which \$13,280,800 shall be payable from the highway fund (including \$692,500 from the motor vehicle parking account): *Provided*, That this appropriation shall not be available for the purchase of driver-training vehicles: *Provided further*, That this appropriation shall not be available for payment of premium pay to any employee assigned as a chauffeur for the Commissioner, the Deputy Commissioner, or the Chairman of the City Council which exceeds in the aggregate 25 percent of the annual rate of basic pay applicable to such employee.

SANITARY ENGINEERING

Sanitary engineering, including the purchase of eight passenger motor vehicles for replacement only, \$36,069,000, of which \$10,078,000 shall be payable from the water fund, \$7,455,600 from the sanitary sewage works fund, and \$15,500 from the metropolitan area sanitary sewage works fund.

SETTLEMENT OF CLAIMS AND SUITS

For payment of property damage claims in excess of \$500 and of personal injury claims in excess of \$1,000, approved by the Commissioner in accordance with the provisions of the Act of February 11, 1929, as amended (45 Stat. 1160; 46 Stat. 500; 65 Stat. 131), \$3,000.

D.C. Code 1-902
to 1-906.

REPAYMENT OF LOANS AND INTEREST

For reimbursement to the United States of funds loaned in compliance with sections 108, 217, and 402 of the Act of May 18, 1954 (68 Stat. 103, 109, and 110), as amended; section 9 of the Act of September 7, 1957 (71 Stat. 619), as amended; section 1 of the Act of June 6, 1958 (72 Stat. 183), as amended; and section 4 of the Act of June 12, 1960 (74 Stat. 211), including interest as required thereby, \$15,563,000, of which \$4,905,100 shall be payable from the highway fund, \$1,452,100 from the water fund, and \$554,700 from the sanitary sewage works fund.

D.C. Code 43-1540, 43-1616, 7-133.
D.C. Code 2-1727.
D.C. Code 9-220.
D.C. Code 43-1623.

CAPITAL OUTLAY

For reimbursement to the United States of funds loaned in compliance with section 4 of the Act of May 29, 1930 (46 Stat. 482), as amended, the Act of August 7, 1946 (60 Stat. 896), as amended, the Act of May 14, 1948 (62 Stat. 235), and payments under the Act of July 2, 1954 (68 Stat. 443); construction projects as authorized by the Acts of April 22, 1904 (33 Stat. 244), February 16, 1942 (56 Stat. 91), May 18, 1954 (68 Stat. 105, 110), June 6, 1958 (72 Stat. 183), and August 20, 1958 (72 Stat. 686); including acquisition of sites; preparation of plans and specifications; conducting preliminary surveys; erection of structures, including building improvement and alteration and treatment of grounds; to remain available until expended, \$57,384,000, of which \$500,000 shall be payable from the highway fund, and \$775,000 from the water fund: *Provided*, That \$15,966,000 of this appropriation shall not be available for expenditure until July 1, 1971: *Provided further*, That \$4,206,600 shall be available for construction services by the Director of General Services or by contract for architectural engineering services, as may be determined by the Commissioner, and the funds for the use of the Director of General Services shall be advanced to the appropriation account, "Construction services, Department of General Services": *Provided further*, Notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968 (Public Law 90-495, approved August 23, 1968), for which funds are provided by this paragraph, shall expire on June 30, 1972, except authorizations for projects as to which funds have been obligated in whole or in part prior to such date. Upon expiration of any such project authorization the funds provided herein for such project shall lapse: *Provided further*, Notwithstanding any other provision of law, any authorization for a capital outlay project, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968 (Public Law 90-495, approved August 23, 1968), for which funds have heretofore been appropriated shall expire two years from the date of the Act making such appropriation unless prior to the expiration of such period funds for such project were or will have been obligated in whole or in part. Upon expiration of any such project authorization the funds appropriated therefor shall lapse.

72 Stat. 15.
40 USC 129a-130a.
D.C. Code 43-1510.
D.C. Code 40-801, 43-1604, 7-133, 9-220, 40-804.

82 Stat. 827.
D.C. Code 7-135 note.

GENERAL PROVISIONS

SEC. 1. Except as otherwise provided herein, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official and the vouchers as approved shall be paid by checks issued by the designated disbursing official without countersignature.

Vouchers.

Maximum amount.

SEC. 2. Whenever in this Act an amount is specified within an appropriation for particular purposes or object of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount which may be expended for said purpose or object rather than an amount set apart exclusively therefor.

Automobile allowances.

SEC. 3. Appropriations in this Act shall be available, when authorized or approved by the Commissioner, for allowances for privately owned automobiles used for the performance of official duties at 10 cents per mile but not to exceed \$35 a month for each automobile, unless otherwise therein specifically provided, except that one hundred and sixty-three (fifty for investigators in the Department of Public Welfare and eighteen for venereal disease investigators in the Department of Public Health) such allowances at not more than \$550 each per annum may be authorized or approved by the Commissioner.

Travel expenses.

SEC. 4. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Commissioner: *Provided*, That the total expenditures for this purpose shall not exceed \$150,000.

Experts and consultants.
80 Stat. 416.

SEC. 5. Appropriations in this Act shall be available for services as authorized by 5 U.S.C. 3109.

Advancement of funds.

SEC. 6. The disbursing officials designated by the Commissioner are authorized to advance to such officials as may be approved by the Commissioner such amounts and for such purposes as he may determine.

Taxicabs, restrictions.

SEC. 7. Appropriations in this Act shall not be used for or in connection with the preparation, issuance, publication, or enforcement of any regulation or order of the Public Service Commission requiring the installation of meters in taxicabs, or for or in connection with the licensing of any vehicle to be operated as a taxicab except for operation in accordance with such system of uniform zones and rates and regulations applicable thereto as shall have been prescribed by the Public Service Commission.

SEC. 8. Appropriations in this Act shall not be available for the payment of rates for electric current for street lighting in excess of 2 cents per kilowatt-hour for current consumed.

Vehicle use.

31 USC 638a.

SEC. 9. All passenger motor vehicles (including watercraft) owned by the District of Columbia shall be operated and utilized in conformity with section 16 of the Act of August 2, 1946 (60 Stat. 810), and shall be under the direction and control of the Commissioner, who may from time to time alter or change the assignment for use thereof or direct the alteration of interchangeable use of any of the same by officers and employees of the District, except as otherwise provided in this Act. "Official purposes" as used in the section 16 shall not apply to the Commissioner, the Deputy Commissioner, and the Chairman of the City Council of the District of Columbia or in cases of officers and employees the character of whose duties make such transportation necessary, but only as to such latter cases when approved by the Commissioner.

Snow and ice control.

SEC. 10. Appropriations contained in this Act for highways and traffic and sanitary engineering shall be available for snow and ice control work when ordered by the Commissioner in writing.

Rental of quarters.

SEC. 11. Appropriations in this Act shall be available, when authorized by the Commissioner, for the rental of quarters without reference to section 6 of the District of Columbia Appropriation Act, 1945.

58 Stat. 532.
D.C. Code 1-243.

SEC. 12. Appropriations in this Act shall be available for the furnishing of uniforms when authorized by the Commissioner.

Uniforms.
Judgment payments.

SEC. 13. There are hereby appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments which have been entered

against the government of the District of Columbia, including refunds authorized by section 10 of the Act approved April 23, 1924 (43 Stat. 108): *Provided*, That nothing contained in this section shall be construed as modifying or affecting the provisions of paragraph 3, subsection (c) of section 11 of title XII of the District of Columbia Income and Franchise Tax Act of 1947, as amended.

SEC. 14. Except as otherwise provided herein, limitations and legislative provisions contained in the District of Columbia Appropriation Act, 1961, shall be applicable during the current fiscal year: *Provided*, That the limitation for "Construction Services, Department of General Services" shall, during the current fiscal year, be 10 per centum of appropriations for all construction projects: *Provided further*, That the limitation on expenditure of funds by the Chief of Police for prevention and detection of crime during the current fiscal year shall be \$100,000: *Provided further*, That during the current fiscal year, the limitation with respect to a central heating system, under the heading "Department of Sanitary Engineering", shall not be applicable.

SEC. 15. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of subsection (b) of section 5 of the District of Columbia Public Assistance Act of 1962 and for the non-Federal share of funds necessary to qualify for Federal assistance under the Act of July 31, 1968 (Public Law 90-445).

SEC. 16. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

This Act may be cited as the "District of Columbia Appropriation Act, 1971".

Approved July 16, 1970.

D.C. Code 47-1910.

70 Stat. 78.
D.C. Code 47-1586j.

74 Stat. 17.

76 Stat. 915.
D.C. Code 3-204.

82 Stat. 462.
42 USC 3801 note.

Short title.

Public Law 91-338

AN ACT

To extend until July 3, 1974, the existing authority of the Administrator of Veterans' Affairs to maintain offices in the Republic of the Philippines.

July 16, 1970
[H. R. 16739]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection 230(b) of title 38, United States Code, is amended by striking out "June 30, 1970" and inserting in lieu thereof "July 3, 1974".

72 Stat. 1116;
73 Stat. 224.

Approved July 16, 1970.

Public Law 91-339

AN ACT

To amend the Federal Youth Corrections Act (18 U.S.C. 5005 et seq.) to permit examiners to conduct interviews with youth offenders.

July 17, 1970
[S. 3564]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5014 of title 18, United States Code, is amended by inserting "or an examiner designated by the Division," after the words "of the Division".

SEC. 2. Section 5020 of title 18, United States Code, is amended by deleting the words "or a member thereof" and inserting in lieu thereof "a member thereof, or an examiner designated by the Division".

Approved July 17, 1970.

Federal Youth
Corrections Act,
amendment.
64 Stat. 1087.

Public Law 91-340

JOINT RESOLUTION

July 17, 1970
[H. J. Res. 746]

To amend the joint resolution authorizing appropriations for the payment by the United States of its share of the expenses of the Pan American Institute of Geography and History.

Pan American
Institute of Geog-
raphy and History.
Appropriation
increase.
80 Stat. 893.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Resolution 42, Seventy-fourth Congress, approved August 2, 1935 (22 U.S.C. 273), is amended as follows:

(1) In paragraph (1)—

(A) strike out “\$90,300” and insert in lieu thereof “\$200,000”;
and

(B) strike out “and” at the end thereof.

(2) Strike out the period at the end of paragraph (2) and insert in lieu thereof “; and” and immediately after paragraph (2) add the following new paragraph:

“(3) the sum of \$386,050 for payment by the United States of its assessed annual contributions for the period beginning July 1, 1964, and extending through the fiscal year expiring June 30, 1969.”

Approved July 17, 1970.

Public Law 91-341

AN ACT

July 18, 1970
[S. 1455]

To amend section 8c(2) (A) of the Agricultural Adjustment Act to provide for marketing orders for apples produced in Colorado, Utah, New Mexico, Illinois, and Ohio.

Apples.
Marketing orders.

68 Stat. 906;
75 Stat. 304.
7 USC 608c.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (A) of the first sentence of section 8c(2) of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 and subsequent legislation, is amended by striking out “and Connecticut” and inserting in lieu thereof “Connecticut, Colorado, Utah, New Mexico, Illinois, and Ohio”.

Approved July 18, 1970.

Public Law 91-342

AN ACT

July 18, 1970
[S. 3592]

To amend the Federal Meat Inspection Act, as amended, to clarify the provisions relating to custom slaughtering operations.

Federal Meat
Inspection Act,
amendment.

81 Stat. 591.
21 USC 623.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Meat Inspection Act (34 Stat. 1260, as amended by the Wholesome Meat Act, 81 Stat. 584), is hereby amended by deleting the proviso from paragraph (a) of section 23 of the Act, and the colon preceding said proviso, and substituting therefor the following: “; nor to the custom preparation by any person, firm, or corporation of carcasses, parts thereof, meat or meat food products, derived from the slaughter by any person of cattle, sheep, swine, or goats of his own raising, or from game animals, delivered by the owner thereof for such custom preparation, and transportation in commerce of such custom prepared articles, exclusively for use in the household of such owner, by him and

members of his household and his nonpaying guests and employees: *Provided*, That in cases where such person, firm, or corporation engages in such custom operations at an establishment at which inspection under this title is maintained, the Secretary may exempt from such inspection at such establishment any animals slaughtered or any meat or meat food products otherwise prepared on such custom basis: *Provided further*, That custom operations at any establishment shall be exempt from inspection requirements as provided by this section only if the establishment complies with regulations which the Secretary is hereby authorized to promulgate to assure that any carcasses, parts thereof, meat or meat food products wherever handled on a custom basis, or any containers or packages containing such articles, are separated at all times from carcasses, parts thereof, meat or meat food products prepared for sale, and that all such articles prepared on a custom basis, or any containers or packages containing such articles, are plainly marked 'Not for Sale' immediately after being prepared and kept so identified until delivered to the owner and that the establishment conducting the custom operation is maintained and operated in a sanitary manner."

Approved July 18, 1970.

Public Law 91-343

AN ACT

To amend section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended, to authorize the Secretary of Agriculture to furnish financial assistance in carrying out plans for works of improvement for land conservation and utilization, and for other purposes.

July 18, 1970
[S. 3598]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 32(e) of title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1011), as amended, is amended by adding at the end thereof the following: "In providing assistance for carrying out plans developed under this title, the Secretary shall be authorized to bear such proportionate share of the costs of installing any works of improvement applicable to public water-based fish and wildlife or recreational development as is determined by him to be equitable in consideration of national needs and assistance authorized for similar purposes under other Federal programs: *Provided*, That all engineering and other technical assistance costs relating to such development may be borne by the Secretary: *Provided further*, That when a State or other public agency or local nonprofit organization participating in a plan developed under this title agrees to operate and maintain any reservoir or other area included in a plan for public water-based fish and wildlife or recreational development, the Secretary shall be authorized to bear not to exceed one-half of the costs of (a) the land, easements, or rights-of-way acquired or to be acquired by the State or other public agency or local nonprofit organization for such reservoir or other area, and (b) minimum basic facilities needed for public health and safety, access to, and use of such reservoir or other area for such purposes: *Provided further*, That in no event shall the Secretary share any portion of the cost of installing more than one such work of improvement for each seventy-five thousand acres in any project; and that any such public water-based fish and wildlife or recreational develop-

Land conserva-
tion.
Development
projects, financial
assistance.
76 Stat. 607;
80 Stat. 1478.

16 USC 460L-4
note.

ment shall be consistent with any existing comprehensive statewide outdoor recreation plan found adequate for purposes of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897); and that such cost-sharing assistance for any such development shall be authorized only if the Secretary determines that it cannot be provided under other existing authority."

Approved July 18, 1970.

Public Law 91-344

JOINT RESOLUTION

July 20, 1970
[S. J. Res. 201]

To extend the reporting date of the National Commission on Consumer Finance.

Consumer Credit
Protection Act,
amendment.
15 USC 1601
note.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 404(b) of the Consumer Credit Protection Act (82 Stat. 165) is amended by striking out "January 1, 1971" and inserting "July 1, 1972" in lieu thereof.

Approved July 20, 1970.

Public Law 91-345

AN ACT

July 20, 1970
[S. 1519]

To establish a National Commission on Libraries and Information Science, and for other purposes.

National Com-
mission on
Libraries and In-
formation Science
Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Commission on Libraries and Information Science Act".

STATEMENT OF POLICY

SEC. 2. The Congress hereby affirms that library and information services adequate to meet the needs of the people of the United States are essential to achieve national goals and to utilize most effectively the Nation's educational resources and that the Federal Government will cooperate with State and local governments and public and private agencies in assuring optimum provision of such services.

COMMISSION ESTABLISHED

SEC. 3. (a) There is hereby established as an independent agency within the executive branch, a National Commission on Libraries and Information Science (hereinafter referred to as the "Commission").

(b) The Department of Health, Education, and Welfare shall provide the Commission with necessary administrative services (including those related to budgeting, accounting, financial reporting, personnel, and procurement) for which payment shall be made in advance, or by reimbursement, from funds of the Commission and such amounts as may be agreed upon by the Commission and the Secretary of Health, Education, and Welfare.

CONTRIBUTIONS

SEC. 4. The Commission shall have authority to accept in the name of the United States grants, gifts, or bequests of money for immediate disbursement in furtherance of the functions of the Commission. Such grants, gifts, or bequests, after acceptance by the Commission, shall be paid by the donor or his representative to the Treasurer of the United States whose receipts shall be their acquittance. The Treasurer of the United States shall enter them in a special account to the credit of the Commission for the purposes in each case specified.

FUNCTIONS

SEC. 5. (a) The Commission shall have the primary responsibility for developing or recommending overall plans for, and advising the appropriate governments and agencies on, the policy set forth in section 2. In carrying out that responsibility, the Commission shall—

(1) advise the President and the Congress on the implementation of national policy by such statements, presentations, and reports as it deems appropriate;

Advice to
President and
Congress.

(2) conduct studies, surveys, and analyses of the library and informational needs of the Nation, including the special library and informational needs of rural areas and of economically, socially, or culturally deprived persons, and the means by which these needs may be met through information centers, through the libraries of elementary and secondary schools and institutions of higher education, and through public, research, special, and other types of libraries;

Studies, sur-
veys, etc.

(3) appraise the adequacies and deficiencies of current library and information resources and services and evaluate the effectiveness of current library and information science programs;

(4) develop overall plans for meeting national library and informational needs and for the coordination of activities at the Federal, State, and local levels, taking into consideration all of the library and informational resources of the Nation to meet those needs;

(5) be authorized to advise Federal, State, local, and private agencies regarding library and information sciences;

(6) promote research and development activities which will extend and improve the Nation's library and information-handling capability as essential links in the national communications networks;

(7) submit to the President and the Congress (not later than January 31 of each year) a report on its activities during the preceding fiscal year; and

Report to
President and
Congress.

(8) make and publish such additional reports as it deems to be necessary, including, but not limited to, reports of consultants, transcripts of testimony, summary reports, and reports of other Commission findings, studies, and recommendations.

(b) The Commission is authorized to contract with Federal agencies and other public and private agencies to carry out any of its functions under subsection (a) and to publish and disseminate such reports, findings, studies, and records as it deems appropriate.

Contract
authority.

(c) The Commission is further authorized to conduct such hearings at such times and places as it deems appropriate for carrying out the purposes of this Act.

Hearings.

(d) The heads of all Federal agencies are, to the extent not prohibited by law, directed to cooperate with the Commission in carrying out the purposes of this Act.

MEMBERSHIP

Appointments
by President.

SEC. 6. (a) The Commission shall be composed of the Librarian of Congress and fourteen members appointed by the President, by and with the advice and consent of the Senate. Five members of the Commission shall be professional librarians or information specialists, and the remainder shall be persons having special competence or interest in the needs of our society for library and information services, at least one of whom shall be knowledgeable with respect to the technological aspects of library and information services and sciences. One of the members of the Commission shall be designated by the President as Chairman of the Commission. The terms of office of the appointive members of the Commission shall be five years, except that (1) the terms of office of the members first appointed shall commence on the date of enactment of this Act and shall expire two at the end of one year, three at the end of two years, three at the end of three years, three at the end of four years, and three at the end of five years, as designated by the President at the time of appointment, and (2) a member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term.

Terms of office.

Compensation,
travel expenses.

(b) Members of the Commission who are not in the regular full-time employ of the United States shall, while attending meetings or conferences of the Commission or otherwise engaged in the business of the Commission, be entitled to receive compensation at a rate fixed by the Chairman, but not exceeding the rate specified at the time of such service for grade GS-18 in section 5332 of title 5, United States Code, including traveltime, and while so serving on the business of the Commission away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

Ante, p. 198-1.

80 Stat. 499;
83 Stat. 190.

Professional
and technical
personnel, ap-
pointment,
80 Stat. 378.

(c) (1) The Commission is authorized to appoint, without regard to the provisions of title 5, United States Code, covering appointments in the competitive service, such professional and technical personnel as may be necessary to enable it to carry out its function under this Act.

(2) The Commission may procure, without regard to the civil service or classification laws, temporary and intermittent services of such personnel as is necessary to the extent authorized by section 3109 of title 5, United States Code, but at rates not to exceed the rate specified at the time of such service for grade GS-18 in section 5332 of title 5, United States Code, including traveltime, and while so serving on the business of the Commission away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

AUTHORIZATION OF APPROPRIATIONS

SEC. 7. There are hereby authorized to be appropriated \$500,000 for the fiscal year ending June 30, 1970, and \$750,000 for the fiscal year ending June 30, 1971, and for each succeeding year, for the purpose of carrying out the provisions of this Act.

Approved July 20, 1970.

Public Law 91-346

AN ACT

To amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes.

July 20, 1970
[S. 3215]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The National Foundation on the Arts and the Humanities Amendments of 1970".

The National
Foundation on the
Arts and the
Humanities
Amendments of
1970.

AMENDMENT WITH RESPECT TO THE DECLARATION OF PURPOSE

SEC. 2. Clause (2) of section 2 of the National Foundation on the Arts and Humanities Act of 1965 is amended by inserting before the semicolon at the end thereof the following: "in order to achieve a better understanding of the past, a better analysis of the present, and a better view of the future".

79 Stat. 845.
20 USC 951.

ADDITION TO DEFINITION OF HUMANITIES

SEC. 3. Subsection (a) of section 3 of the National Foundation on the Arts and Humanities Act of 1965 is amended by inserting "comparative religion; ethics;" after "archeology;", and by inserting before the period at the end thereof the following: "with particular attention to the relevance of the humanities to the current conditions of national life".

82 Stat. 187.
20 USC 952.

ASSISTANCE RELATING TO THE DISTRIBUTION OF WORKS OF ART AND WORK
IN RESIDENCE BY ARTISTS

SEC. 4. Clause (3) of subsection (c) of section 5 of the National Foundation on the Arts and the Humanities Act of 1965 is amended by inserting after "enable them" the following: "to achieve wider distribution of their works, to work in residence at an educational or cultural institution, or".

20 USC 954.

CONSOLIDATION OF LAWS RELATING TO THE NATIONAL COUNCIL ON
THE ARTS

SEC. 5. (a) (1) Subsection (b) of section 5 of the National Foundation on the Arts and the Humanities Act of 1965 is amended to read as follows:

"(b) (1) The Endowment shall be headed by a chairman, to be known as the Chairman of the National Endowment for the Arts, who shall be appointed by the President, by and with the advice and consent of the Senate.

Chairman,
appointment.

"(2) The term of office of the Chairman shall be four years and the Chairman shall be eligible for reappointment. The provisions of this subsection shall apply to any person appointed to fill a vacancy in the office of Chairman. Upon expiration of his term of office the Chairman shall serve until his successor shall have been appointed and shall have qualified."

(2) Such section 5 is further amended by striking out subsection (d) and by redesignating subsections (e), (f), (g), (h), (i), (j), (k), and (l), and all references thereto, as subsections (d), (e), (f), (g), (h), (i), (j), and (k), respectively.

(3) Clause (2) of subsection (a) of section 10 of such Act is amended by striking out all that follows "sections 5(c) and 7(c)" and inserting in lieu thereof a semicolon.

82 Stat. 186.
20 USC 959.

82 Stat. 187.
20 USC 960.

79 Stat. 849.
20 USC 955.

- (4) Section 11(a) of such Act is amended by striking out “and the functions transferred by section 6(a) of this Act,”.
- (b) Section 6 of such Act is amended to read as follows:

“NATIONAL COUNCIL ON THE ARTS

“SEC. 6. (a) There shall be, within the National Endowment for the Arts, a National Council on the Arts (hereinafter in this section referred to as the ‘Council’).

“(b) The Council shall be composed of the Chairman of the National Endowment for the Arts, who shall be Chairman of the Council, and twenty-six other members appointed by the President who shall be selected—

“(1) from among private citizens of the United States who are widely recognized for their broad knowledge of, or expertise in, or for their profound interest in, the arts;

“(2) so as to include practicing artists, civic cultural leaders, members of the museum profession, and others who are professionally engaged in the arts; and

“(3) so as collectively to provide an appropriate distribution of membership among the major art fields.

The President is requested, in the making of such appointments, to give consideration to such recommendations as may, from time to time, be submitted to him by leading national organizations in these fields.

“(c) Each member shall hold office for a term of six years, and the terms of office shall be staggered. No member shall be eligible for reappointment during the two-year period following the expiration of his term. Any member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed.

“(d) The Council shall meet at the call of the Chairman but not less often than twice during each calendar year. Fourteen members of the Council shall constitute a quorum.

“(e) Members shall receive compensation at a rate to be fixed by the Chairman but not to exceed the per diem equivalent of the rate authorized for grade GS-18 by section 5332 of title 5 of the United States Code and be allowed travel expenses including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently.

“(f) The Council shall (1) advise the Chairman with respect to policies, programs, and procedures for carrying out his functions, duties, or responsibilities under this Act, and (2) review applications for financial assistance under this Act and make recommendations thereon to the Chairman. The Chairman shall not approve or disapprove any such application until he has received the recommendation of the Council on such application, unless the Council fails to make a recommendation thereon within a reasonable time. In the case of an application involving \$10,000, or less, the Chairman may approve or disapprove such request if such action is taken pursuant to the terms of a delegation of authority from the Council to the Chairman, and provided that each such action by the Chairman shall be reviewed by the Council.”

(c) Subsection (e) of section 8 of such Act is amended to read as follows:

“(e) Members shall receive compensation at a rate to be fixed by the Chairman but not to exceed the per diem equivalent of the rate authorized for grade GS-18 by section 5332 of title 5 of the United

Ante, p. 198-1.

80 Stat. 499;
83 Stat. 190.

79 Stat. 851.
20 USC 957.

States Code and be allowed travel expenses including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently.”

Ante, p. 198-1.
80 Stat. 499;
83 Stat. 190.

(d) (1) The National Council on the Arts established under section 6 of the National Foundation on the Arts and the Humanities Act of 1965, as amended by subsection (b), shall, for any purpose determined to be necessary by the Chairman of the National Endowment for the Arts, be deemed to be a continuation of the National Council on the Arts established under the National Arts and Cultural Development Act of 1964, Public Law 88-579, without interruption.

Ante, p. 444.

(2) Members appointed to the National Council on the Arts pursuant to section 5 of the National Arts and Cultural Development Act of 1964 shall be deemed to have been appointed as members of the National Council on the Arts established under section 6 of the National Foundation on the Arts and the Humanities Act of 1965, with such terms of office as may be remaining under the prior appointment on the effective date of the amendments made by subsection (b).

78 Stat. 905.
20 USC 781
note.

20 USC 784.

(3) (A) The amendments made by subsections (a) and (b) shall be effective after June 30, 1970.

Effective dates.

(B) Effective July 1, 1970, the National Arts and Cultural Development Act of 1964, Public Law 88-579, is repealed.

Repeal.

TECHNICAL AMENDMENT RELATING TO THE DISTRICT OF COLUMBIA

SEC. 6. Clause (A) of paragraph (2) of subsection (g) of section 5 of the National Foundation on the Arts and the Humanities Act of 1965 is amended by inserting after “Recreation Board” a comma and the following: “or any successor designated for the purpose of this Act by the Commissioner of the District of Columbia.”

Ante, p. 443.

ALLOTMENTS OF FUNDS TO STATES

SEC. 7. Paragraph (3) of subsection (g) of section 5 of the National Foundation on the Arts and the Humanities Act of 1965 is amended to read as follows:

“(3) From the sums appropriated to carry out the purposes of this subsection for any fiscal year, not less than \$65,000 shall be allotted to each State. That part of such sums as may remain after such allotment shall be allotted among the States in equal amounts, except that for the purposes of this sentence the term ‘State’ shall not include Guam and American Samoa. If the sums appropriated for any fiscal year to carry out the purposes of this subsection are insufficient to satisfy allotments under the first sentence of this paragraph, such sums shall be allotted among the States in equal amounts.”

“State.”

AMENDMENTS WITH RESPECT TO THE NATIONAL ENDOWMENT FOR THE HUMANITIES

SEC. 8. (a) Clause (2) of subsection (b) of section 7 of the National Foundation on the Arts and the Humanities Act of 1965 is amended by adding at the end thereof the following: “Upon expiration of his term of office the Chairman shall serve until his successor shall have been appointed and shall have qualified.”

79 Stat. 850.
20 USC 956.

(b) Clause (2) of subsection (c) of such section is amended to read as follows:

“(2) initiate and support research and programs to strengthen the research and teaching potential of the United States in the

humanities by making arrangements (including contracts, grants, loans, and other forms of assistance) with individuals or groups to support such activities.”

79 Stat. 850.
20 USC 956.

(c) Clause (5) of subsection (c) of such section is amended by inserting after “groups,” the following: “education in, and”.

INCLUSION OF THE ARCHIVIST OF THE UNITED STATES AS A MEMBER OF THE FEDERAL COUNCIL ON THE ARTS AND THE HUMANITIES

20 USC 958.

SEC. 9. Subsection (b) of section 9 of the National Foundation on the Arts and the Humanities Act of 1965 is amended by inserting after “the Chairman of the Commission of Fine Arts” a comma and the following: “the Archivist of the United States”.

METHOD OF MAKING PAYMENTS

82 Stat. 186.
20 USC 959.

SEC. 10. The first sentence of subsection (a) of section 10 of the National Foundation on the Arts and the Humanities Act of 1965 is amended by redesignating clauses (6) and (7), and all references thereto, as clauses (7) and (8) and by inserting after clause (5) the following new clause:

“(6) to make advance, progress, and other payments without regard to the provisions of section 3648 of the Revised Statutes (31 U.S.C. 529).”

TECHNICAL AMENDMENT

SEC. 11. Subsection (a) of section 10 of the National Foundation on the Arts and Humanities Act of 1965 is amended—

- (1) in clause (3) by inserting “to” before “appoint”;
- (2) in clause (4) by inserting “to” before “utilize”;
- (3) in clause (5) by inserting “to” before “accept”;
- (4) in clause (7) by inserting “to” before “rent”;
- (5) in clause (8) by inserting “to” before “make”.

AUTHORIZATIONS OF APPROPRIATIONS

20 USC 960.

SEC. 12. (a) Subsection (a) of section 11 of the National Foundation on the Arts and the Humanities Act of 1965 is amended by—

(1) striking out “and \$6,500,000 for the fiscal year ending June 30, 1970” in the first sentence of such section and inserting in lieu thereof the following: “\$6,500,000 for the fiscal year ending June 30, 1970, \$12,875,000 for the fiscal year ending June 30, 1971, \$21,000,000 for the fiscal year ending June 30, 1972, and \$28,625,000 for the fiscal year ending June 30, 1973”;

(2) striking out “and \$9,000,000 for the fiscal year ending June 30, 1970” in the first sentence of such section and inserting in lieu thereof the following: “\$9,000,000 for the fiscal year ending June 30, 1970, \$17,000,000 for the fiscal year ending June 30, 1971, \$26,500,000 for the fiscal year ending June 30, 1972, and \$35,500,000 for the fiscal year ending June 30, 1973”; and

(3) striking out “and \$2,500,000 for the fiscal year ending June 30, 1970” in the second sentence of such section and inserting in lieu thereof the following: “\$2,500,000 for the fiscal year ending June 30, 1970, \$4,125,000 for the fiscal year ending June 30, 1971, \$5,500,000 for the fiscal year ending June 30, 1972, and \$6,875,000 for the fiscal year ending June 30, 1973”.

(b) The first sentence of subsection (b) of section 11 of such Act is amended by inserting immediately before the period at the end thereof a comma and the following: "and the amount so appropriated for the fiscal year ending June 30, 1971, shall not exceed \$6,000,000, the amount so appropriated for the fiscal year ending June 30, 1972, shall not exceed \$7,000,000, and the amount so appropriated for the fiscal year ending June 30, 1973, shall not exceed \$9,000,000".

Approved July 20, 1970.

82 Stat. 187.
20 USC 960.

Public Law 91-347

AN ACT

To provide for the conveyance of certain real property of the Federal Government to the Board of Public Instruction, Okaloosa County, Florida.

July 22, 1970
[H. R. 7618]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to section 3 of this Act, the Secretary of the Air Force shall donate, grant, and convey to the Board of Public Instruction for the County of Okaloosa, Florida, all right, title, and interest of the United States in and to the real property described in section 2 of this Act for use as permanent sites for Okaloosa County public schools.

Florida.
Okaloosa
County Board of
Public Instruc-
tion.
Land convey-
ance.

SEC. 2. The real property referred to in the first section of this Act is more particularly described as follows:

The west 15 acres, of that part lying north of Bayou Poquito subdivision, of Government lot 2, section 31, township 1 south, range 24 west; also

The north half of lot 14, and the north half of lot 13 east of highway, and the south 842 feet of lot 11 east of highway; also

Beginning at the southwest corner of section 18—

thence east a distance of 130 feet to a point of beginning;

thence east along the said section line a distance of 1,840 feet to a monument;

thence north a distance of 700 feet to a point on the south line of Tennessee Avenue;

thence west along the south boundary of Tennessee Avenue a distance of 919 feet;

thence northwesterly along a line 275 feet to a point on the north boundary of Tennessee Avenue;

thence north along the west boundary of Fern Dell Avenue a distance of 700 feet to a point on the south line of Georgia Avenue a distance of 785 feet;

thence south a distance of 1,450 feet to the point of beginning containing 40 acres, more or less; also

Beginning at the northeast corner of the southeast quarter section 26, township 1 south, range 24 west, proceed north 88 degrees 40 minutes west 1,150 feet to a concrete monument;

thence south 0 degrees 58 minutes west 1,817.10 feet to a concrete monument on the north right-of-way line of State Road Numbered S-85-A;

thence north 64 degrees 50 minutes east along said right-of-way line 1,280.90 feet to a concrete monument;

thence north 0 degrees 58 minutes east 1,245.45 feet to the point of beginning, containing 40 acres, more or less.

SEC. 3. The conveyance provided for by the first section of this Act shall be subject to the following conditions:

Conditions.

(1) The real property so conveyed shall be used as permanent sites for Okaloosa County public schools, and if such property is not used for such purpose, all right, title, and interest in and to such real property shall revert to the United States, which shall have the right of immediate entry thereon.

(2) The plans for any new construction on the real property so conveyed shall be coordinated with and approved by the Secretary of the Air Force prior to the start of construction to assure noninterference with Government activities on Eglin Air Force Base.

(3) The United States shall not be liable to the Board of Public Instruction for the County of Okaloosa, Florida, for any damages to or diminution in value of the real property subject to the conveyance as the result of any Government activities at Eglin Air Force Base.

(4) The Secretary of the Air Force may prescribe such other conditions, terms, and stipulations as he considers necessary to protect the interest of the United States.

Approved July 22, 1970.

Public Law 91-348

AN ACT

July 23, 1970
[S. 3978]

To extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1971.

Wheat.

76 Stat. 621;
79 Stat. 258.
7 USC 1336.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 336 of the Agricultural Adjustment Act of 1938, as amended, is amended by adding at the end thereof the following: "Notwithstanding any other provision hereof the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1971, may be conducted not later than the earlier of the following: (1) thirty days after adjournment sine die of the second session of the Ninety-first Congress; or (2) October 15, 1970."

Approved July 23, 1970.

Public Law 91-349

AN ACT

July 23, 1970
[H. R. 11766]

To amend title II of the Marine Resources and Engineering Development Act of 1966.

Marine Resources and Engineering Development Act of 1966, amendment,
82 Stat. 704.
33 USC 1122.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 203(b)(1) of the National Sea Grant College and Program Act of 1966 is amended by inserting after "for the fiscal year ending June 30, 1970, not to exceed the sum of \$15,000,000," the following: "for the fiscal year ending June 30, 1971, not to exceed the sum of \$20,000,000, for the fiscal year ending June 30, 1972, not to exceed the sum of \$25,000,000, and for the fiscal year ending June 30, 1973, not to exceed the sum of \$30,000,000,".

Approved July 23, 1970.

Public Law 91-350

AN ACT

July 23, 1970
[S. 980]

To provide courts of the United States with jurisdiction over contract claims against nonappropriated fund activities of the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1346(a)(2) of title 28, United States Code, is amended by adding at the end thereof the following new sentence: "For the purpose of this paragraph, an express or implied contract with the Army and Air Force Exchange Service, Navy Exchanges, Marine Corps Exchanges, Coast Guard Exchanges, or Exchange Councils of the National Aeronautics and Space Administration shall be considered an express or implied contract with the United States."

U.S. Courts.
Contract claims,
jurisdiction.
62 Stat. 933.

(b) The first full paragraph of section 1491 of title 28, United States Code, is amended by adding at the end thereof the following new sentence: "For the purpose of this paragraph, an express or implied contract with the Army and Air Force Exchange Service, Navy Exchanges, Marine Corps Exchanges, Coast Guard Exchanges, or Exchange Councils of the National Aeronautics and Space Administration shall be considered an express or implied contract with the United States."

68 Stat. 1241.

(c) Section 1302 of the Supplemental Appropriation Act, 1957 (70 Stat. 694; 31 U.S.C. 724(a)), is amended by adding immediately before the period at the end thereof the following new proviso: "*Provided further*, That any judgment or compromise settlement against the United States arising out of an express or implied contract entered into by the Army and Air Force Exchange Service, Navy Exchanges, Marine Corps Exchanges, Coast Guard Exchanges, or Exchange Councils of the National Aeronautics and Space Administration, shall be paid in accordance with this section and sections 2414, 2517, and 2518 of title 28, United States Code, and such instrumentality shall reimburse the United States for a judgment or compromise settlement paid by the United States."

31 USC 724a.

75 Stat. 415;
62 Stat. 979.

SEC. 2. (a) In addition to granting jurisdiction over suits brought after the date of enactment of this Act, the provisions of this Act shall also apply to claims and civil actions dismissed before or pending on the date of enactment of this Act if the claim or civil action is based upon a transaction, omission, or breach that occurred not more than six years prior to the date of enactment of this Act.

Retroactive
applicability.

(b) The provisions of subsection (a) of this section shall apply notwithstanding a determination or judgment made prior to the date of enactment of this Act that the United States district courts or the United States Court of Claims did not have jurisdiction to entertain a suit on an express or implied contract with a nonappropriated fund instrumentality of the United States described in section 1 of this Act.

Approved July 23, 1970.

Public Law 91-351

July 24, 1970
[S. 3685]

AN ACT

To increase the availability of mortgage credit for the financing of urgently needed housing, and for other purposes.

Emergency
Home Finance Act
of 1970.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Home Finance Act of 1970".

TITLE I—REDUCTION OF INTEREST CHARGES FOR MEMBERS OF THE FEDERAL HOME LOAN BANK SYSTEM

Appropriation.

SEC. 101. (a) There is authorized to be appropriated not to exceed \$250,000,000, without fiscal year limitation, to be used by the Federal Home Loan Bank Board for disbursement to Federal home loan banks for the purpose of adjusting the effective interest charged by such banks on short-term and long-term borrowing to promote an orderly flow of funds into residential construction. The disbursement of sums appropriated hereunder shall be made under such terms and conditions as may be prescribed by the Board to assure that such sums are used to assist in the provision of housing for low- and middle-income families, and that such families share fully in the benefits resulting from the disbursement of such sums. No member of a Federal home loan bank shall use funds the interest charges on which have been adjusted pursuant to the provisions of this section to make any loan, if—

(1) the effective rate of interest on such loan exceeds the effective rate of interest on such funds payable by such member by a percentile amount which is in excess of such amount as the Board determines to be appropriate in furtherance of the purposes of this section; or

(2) the principal obligation of any such loan which is secured by a mortgage on a residential structure exceeds the dollar limitations on the maximum mortgage amount, in effect on the date the mortgage was originated, which would be applicable if the mortgage was insured by the Secretary of Housing and Urban Development under section 203(b) or 207 of the National Housing Act.

(b) Not more than 20 per centum of the sums appropriated pursuant to subsection (a) shall be disbursed in any one Federal home loan bank district.

52 Stat. 10, 16;
83 Stat. 383.
12 USC 1709,
1713.

TITLE II—AUTHORITY FOR THE FEDERAL NATIONAL MORTGAGE ASSOCIATION TO PROVIDE A SECONDARY MARKET FOR CONVENTIONAL MORTGAGES

SEC. 201. (a) Section 302(b) of the National Housing Act is amended—

(1) by inserting "(1)" immediately following "(b)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) For the purposes set forth in section 301(a), and with the approval of the Secretary of Housing and Urban Development, the corporation is authorized, pursuant to commitments or otherwise, to purchase, service, sell, lend on the security of, or otherwise deal in mortgages which are not insured or guaranteed as provided in paragraph (1) (such mortgages referred to hereinafter as 'conventional mortgages'). No such purchase of a conventional mortgage shall be

68 Stat. 613;
83 Stat. 385.
12 USC 1717.

made if the outstanding principal balance of the mortgage at the time of purchase exceeds 75 per centum of the value of the property securing the mortgage, unless (A) the seller retains a participation of not less than 10 per centum in the mortgage; (B) for such period and under such circumstances as the corporation may require, the seller agrees to repurchase or replace the mortgage upon demand of the corporation in the event that the mortgage is in default; or (C) that portion of the unpaid principal balance of the mortgage which is in excess of such 75 per centum is guaranteed or insured by a qualified private insurer as determined by the corporation. The corporation shall not issue a commitment to purchase a conventional mortgage prior to the date the mortgage is originated, if such mortgage is eligible for purchase under the preceding sentence only by reason of compliance with the requirements of clause (A) of such sentence. The corporation may purchase a conventional mortgage which was originated more than one year prior to the purchase date only if the seller is currently engaged in mortgage lending or investing activities and if, as a result thereof, the cumulative aggregate of the principal balances of all conventional mortgages purchased by the corporation which were originated more than one year prior to the date of purchase does not exceed 10 per centum of the cumulative aggregate of the principal balances of all conventional mortgages purchased by the corporation. The corporation shall establish limitations governing the maximum principal obligation of conventional mortgages purchased by it which are comparable to the limitations which would be applicable if the mortgage were insured by the Secretary of Housing and Urban Development under section 203(b) or 207 of the National Housing Act."

(b) Section 5202 of the Revised Statutes (12 U.S.C. 82) is amended by adding at the end thereof the following:

"Eleventh. Liabilities incurred in connection with sales of mortgages, or participations therein, to the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation."

52 Stat. 10, 16;
83 Stat. 383.
12 USC 1709,
1713.

TITLE III—FEDERAL HOME LOAN MORTGAGE CORPORATION

SHORT TITLE

SEC. 301. This title may be cited as the "Federal Home Loan Mortgage Corporation Act".

Citation of title.

DEFINITIONS

SEC. 302. As used in this title—

(a) The term "Board of Directors" means the Board of Directors of the Corporation.

(b) The term "Corporation" means the Federal Home Loan Mortgage Corporation created by this title.

(c) The term "law" includes any law of the United States or of any State (including any rule of law or of equity).

(d) The term "mortgage" includes such classes of liens as are commonly given or are legally effective to secure advances on, or the unpaid purchase price of, real estate under the laws of the State in which the real estate is located, together with the credit instruments, if any, secured thereby, and includes interests in mortgages.

(e) The term "organization" means any corporation, partnership, association, business trust, or business entity.

(f) The term "prescribe" means to prescribe by regulations or otherwise.

(g) The term "property" includes any property, whether real, personal, mixed, or otherwise, including without limitation on the generality of the foregoing choses in action and mortgages, and includes any interest in any of the foregoing.

(h) The term "residential mortgage" means a mortgage which (1) is a mortgage on real estate, in fee simple or under a leasehold having such term as may be prescribed by the Corporation, upon which there is located a structure or structures designed in whole or in part for residential use, or which comprises or includes one or more condominium units or dwelling units (as defined by the Corporation) and (2) has such characteristics and meets such requirements as to amount, term, repayment provisions, number of families, status as a first lien on such real estate, and otherwise, as may be prescribed by the Corporation.

(i) The term "conventional mortgage" means a mortgage other than a mortgage as to which the Corporation has the benefit of any guaranty, insurance or other obligation by the United States or a State or an agency or instrumentality of either.

(j) The term "security" has the meaning ascribed to it by section 2 of the Securities Act of 1933.

48 Stat. 74, 905.
15 USC 77b.

(k) The term "State", whether used as a noun or otherwise, includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

ESTABLISHMENT OF THE CORPORATION

Federal Home
Loan Mortgage
Corporation.

SEC. 303. (a) There is created the Federal Home Loan Mortgage Corporation, which shall be a body corporate and shall be under the direction of a Board of Directors composed of the members of the Federal Home Loan Bank Board, who shall serve as such without additional compensation. The Chairman of the Federal Home Loan Bank Board shall be the Chairman of the Board of Directors. The principal office of the Corporation shall be in the District of Columbia or at such other place as the Corporation may from time to time prescribe. The Corporation shall be a member of each Federal home loan bank and, except as otherwise provided by the Federal Home Loan Bank Board, shall have all the benefits, powers, and privileges, and in the exercise thereof shall be subject to all liabilities, conditions, and limitations (except those relating to Federal home loan bank stock and subscriptions thereto and those under provisions of the Federal Home Loan Bank Act preceding section 9) which are provided by the terms of such Act or other Federal statute for members of any such bank.

47 Stat. 725;
49 Stat. 294.
12 USC 1421-
1428a.
Powers.

(b) The Corporation shall have power (1) to adopt, alter, and use a corporate seal; (2) to have succession until dissolved by Act of Congress; (3) to make and enforce such bylaws, rules, and regulations as may be necessary or appropriate to carry out the purposes or provisions of this title; (4) to make and perform contracts, agreements, and commitments; (5) to prescribe and impose fees and charges for services by the Corporation; (6) to settle, adjust, and compromise, and with or without consideration or benefit to the Corporation to release or waive in whole or in part, in advance or otherwise, any claim, demand, or right of, by, or against the Corporation; (7) to sue and be sued, complain and defend, in any State, Federal, or other court; (8) to acquire, take, hold, and own, and to deal with and dispose of any property; and (9) to determine its necessary expenditures and the manner in which the same shall be incurred, allowed, and paid, and appoint, employ, and fix and provide for the compensation and benefits of officers, employees, attorneys, and agents, all without regard to any other law except as may be provided by the Corporation or by laws hereafter

enacted by the Congress expressly in limitation of this sentence. Nothing in this title or any other law shall be construed to prevent the appointment, employment, and provision for compensation and benefits, as an officer, employee, attorney, or agent of the Corporation, of any officer, employee, attorney, or agent of any department, establishment, or corporate or other instrumentality of the Government, including any Federal home loan bank or member thereof. The Corporation, with the consent of any such department, establishment, or instrumentality, including any field services thereof, may utilize and act through any such department, establishment, or instrumentality and may avail itself of the use of information, services, facilities, and personnel thereof, and may pay compensation therefor, and all of the foregoing are hereby authorized to provide the same to the Corporation as it may request.

(c) Funds of the Corporation may be invested in such investments as the Board of Directors may prescribe. Any Federal Reserve bank or Federal home loan bank, or any bank as to which at the time of its designation by the Corporation there is outstanding a designation by the Secretary of the Treasury as a general or other depository of public money, may be designated by the Corporation as a depository or custodian or as a fiscal or other agent of the Corporation, and is hereby authorized to act as such depository, custodian, or agent. When designated for that purpose by the Secretary of the Treasury, the Corporation shall be a depository of public money, under such regulations as may be prescribed by the Secretary of the Treasury, and may also be employed as fiscal or other agent of the United States, and it shall perform all such reasonable duties as such depository or agent as may be required of it.

Funds, investment.

(d) The Corporation, including its franchise, activities, capital, reserves, surplus, and income, shall be exempt from all taxation now or hereafter imposed by the United States, by any territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority, except that any real property of the Corporation shall be subject to State, territorial, county, municipal, or local taxation to the same extent according to its value as other real property is taxed. The provisions of this subsection shall be applicable without regard to any other law, including without limitation on the generality of the foregoing section 3301 of the Internal Revenue Code of 1954, except laws hereafter enacted by Congress expressly in limitation of this subsection.

Corporation, tax exempt status.

68A Stat. 439;
77 Stat. 51.
26 USC 3301.

(e) Notwithstanding section 1349 of title 28 of the United States Code or any other provision of law, (1) the Corporation shall be deemed to be an agency included in sections 1345 and 1442 of such title 28; (2) all civil actions to which the Corporation is a party shall be deemed to arise under the laws of the United States, and the district courts of the United States shall have original jurisdiction of all such actions, without regard to amount or value; and (3) any civil or other action, case or controversy in a court of a State, or in any court other than a district court of the United States, to which the Corporation is a party may at any time before the trial thereof be removed by the Corporation, without the giving of any bond or security, to the district court of the United States for the district and division embracing the place where the same is pending, or, if there is no such district court, to the district court of the United States for the district in which the principal office of the Corporation is located, by following any procedure for removal of causes in effect at the time of such removal. No attachment or execution shall be issued against the Corporation or any of its property before final judgment in any State, Federal, or other court.

62 Stat. 934.

CAPITAL STOCK

Transfer.

SEC. 304. (a) The capital stock of the Corporation shall consist of nonvoting common stock which shall be issued only to Federal home loan banks and shall have such par value and such other characteristics as the Corporation prescribes. Stock of the Corporation shall be evidenced in such manner and shall be transferable only to such extent, to such transferees, and in such manner, as the Corporation prescribes.

(b) The Federal home loan banks shall from time to time subscribe, at such price not less than par as the Corporation shall from time to time fix, for such amounts of common stock as the Corporation prescribes, and such banks shall pay therefor at such time or times and in such amount or amounts as may from time to time be fixed by call of the Corporation. The amount of the payments for which such banks may be obligated under such subscriptions shall not exceed a cumulative total of \$100,000,000.

(c) Subscriptions of the respective Federal home loan banks to such stock shall be allocated by the Corporation.

Publication in
Federal Register.

(d) The Corporation may retire at any time all or any part of the stock of the Corporation, or may call for retirement all or any part of the stock of the Corporation by (1) publishing a notice of the call in the Federal Register or providing such notice in such other manner as the Corporation may determine to be appropriate, and (2) depositing with the Treasurer of the United States, for the purpose of such retirement, funds sufficient to effect such retirement. No call for the retirement of any stock shall be made, and no stock shall be retired without call, if immediately after such action, the total of the stock not called for retirement and of the reserves and surplus of the Corporation would be less than \$100,000,000. The retirement of stock shall be at the par value thereof, or at the price at which such stock was issued if such price is greater than par value. No declaration of any dividend on stock of the Corporation shall be effective with respect to stock which at the time of such declaration is the subject of an outstanding retirement call the effective date of which has arrived.

MORTGAGE OPERATIONS

SEC. 305. (a) (1) The Corporation is authorized to purchase, and make commitments to purchase, residential mortgages from any Federal home loan bank, the Federal Savings and Loan Insurance Corporation, any member of a Federal home loan bank, or any other financial institution the deposits or accounts of which are insured by an agency of the United States, and to hold and deal with, and sell or otherwise dispose of, pursuant to commitments or otherwise, any such mortgage or interest therein. The operations of the Corporation under this section shall be confined so far as practicable to residential mortgages which are deemed by the Corporation to be of such quality, type, and class as to meet generally the purchase standards imposed by private institutional mortgage investors.

(2) No conventional mortgage shall be purchased under this section if the outstanding principal balance of the mortgage at the time of purchase exceeds 75 per centum of the value of the property securing the mortgage, unless (A) the seller retains a participation of not less than 10 per centum in the mortgage; (B) for such period and under such circumstances as the Corporation may require, the seller agrees to repurchase or replace the mortgage upon demand of the Corporation in the event that the mortgage is in default; or (C) that portion of the unpaid principal balance of the mortgage which is in excess of such 75 per centum is guaranteed or insured by a qualified private insurer as determined by the Corporation. The Corporation shall not issue a com-

mitment to purchase a conventional mortgage prior to the date the mortgage is originated, if such mortgage is eligible for purchase under the preceding sentence only by reason of compliance with the requirements of clause (A) of such sentence. The Corporation may purchase a conventional mortgage which was originated more than one year prior to the purchase date only if the seller is currently engaged in mortgage lending or investing activities and if, as a result thereof, the cumulative aggregate of the principal balances of all conventional mortgages purchased by the Corporation which were originated more than one year prior to the date of purchase does not exceed 10 per centum of the cumulative aggregate of the principal balances of all conventional mortgages purchased by the Corporation. The Corporation shall establish limitations governing the maximum principal obligation of conventional mortgages purchased by it which are comparable to the limitations which would be applicable if the mortgage were insured by the Secretary of Housing and Urban Development under section 203(b) or 207 of the National Housing Act.

(3) The sale or other disposition by the Corporation of a mortgage under this section may be with or without recourse, and shall be upon such terms and conditions relating to resale, repurchase, guaranty, substitution, replacement, or otherwise as the Corporation may prescribe.

(b) Notwithstanding any other law, authority to enter into and to perform and carry out any transactions or matter referred to in this section is conferred on any Federal home loan bank, the Federal Savings and Loan Insurance Corporation, any Federal savings and loan association, any Federal home loan bank member, and any other financial institution the deposits or accounts of which are insured by an agency of the United States to the extent that Congress has the power to confer such authority.

OBLIGATIONS AND SECURITIES

SEC. 306. (a) The Corporation is authorized, upon such terms and conditions as it may prescribe, to borrow, to give security, to pay interest or other return, and to issue notes, debentures, bonds, or other obligations, or other securities, including without limitation mortgage-backed securities guaranteed by the Government National Mortgage Association in the manner provided in section 306(g) of the National Housing Act. Any obligation or security of the Corporation shall be valid and binding notwithstanding that a person or persons purporting to have executed or attested the same may have died, become under disability, or ceased to hold office or employment before the issuance thereof.

(b) The Corporation may, by regulation or by writing executed by the Corporation, establish prohibitions or restrictions upon the creation of indebtedness or obligations of the Corporation or of liens or charges upon property of the Corporation, including after-acquired property, and create liens and charges, which may be floating liens or charges, upon all or any part or parts of the property of the Corporation, including after-acquired property. Such prohibitions, restrictions, liens, and charges shall have such effect, including without limitation on the generality of the foregoing such rank and priority, as may be provided by regulations of the Corporation or by writings executed by the Corporation, and shall create causes of action which may be enforced by action in the United States District Court for the District of Columbia or in the United States district court for any judicial district in which any of the property affected is located. Process in any such action may run to and be served in any judicial

52 Stat. 10, 16;
83 Stat. 383.
12 USC 1709,
1713.

82 Stat. 542.
12 USC 1721.

district or any place subject to the jurisdiction of the United States.

(c) The Federal home loan banks shall, to such extent as the Board of Directors may prescribe, guarantee the faithful and timely performance by the Corporation of any obligation or undertaking of the Corporation on or with respect to any security (which term as used in this sentence shall not include the capital stock referred to in section 304 of this title).

Ante, p. 454.

(d) The provisions of this section and of any restriction, prohibition, lien, or charge referred to in subsection (b) shall be fully effective notwithstanding any other law, including without limitation on the generality of the foregoing any law of or relating to sovereign immunity or priority.

MISCELLANEOUS PROVISIONS

Corporation,
rights and remedies,
legal immunity.

SEC. 307. (a) All rights and remedies of the Corporation, including without limitation on the generality of the foregoing any rights and remedies of the Corporation on, under, or with respect to any mortgage or any obligation secured thereby, shall be immune from impairment, limitation, or restriction by or under (1) any law (except laws enacted by the Congress expressly in limitation of this sentence) which becomes effective after the acquisition by the Corporation of the subject or property on, under, or with respect to which such right or remedy arises or exists or would so arise or exist in the absence of such law, or (2) any administrative or other action which becomes effective after such acquisition. The Corporation shall be entitled to all immunities and priorities, including without limitation on the generality of the foregoing all immunities and priorities under any such law or action, to which it would be entitled if it were the United States or if it were an unincorporated agency of the United States.

GAO audit.

(b) The financial transactions of the Corporation shall be subject to audit by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions under such rules and regulations as may be prescribed by the Comptroller General of the United States. The representatives of the General Accounting Office shall have access to all books, accounts, financial records, reports, files and all other papers, things, or property belonging to or in use by the Corporation and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositaries, fiscal agents, and custodians. A report on each such audit shall be made by the Comptroller General to the Congress. The Corporation shall reimburse the General Accounting Office for the full cost of any such audit as billed therefor by the Comptroller General.

Report to Congress.

PENAL PROVISIONS

SEC. 308. (a) Except as expressly authorized by statute of the United States, no individual or organization (except the Corporation) shall use the term "Federal Home Loan Mortgage Corporation", or any combination of words including the words "Federal", and "Home Loan", and "Mortgage", as a name or part thereof under which any individual or organization does any business, but this sentence shall not make unlawful the use of any name under which business is being done on the date of the enactment of this Act. No individual or organization shall use or display (1) any sign, device, or insigne prescribed or approved by the Corporation for use or display by the Corporation or by members of the Federal home loan banks, (2) any copy, reproduction, or colorable imitation of any such sign, device, or insigne, or (3) any sign, device, or insigne reasonably calculated to convey the impression that it is a sign, device, or insigne used by the Corporation

or prescribed or approved by the Corporation, contrary to regulations of the Corporation prohibiting, or limiting or restricting, such use or display by such individual or organization. An organization violating this subsection shall for each violation be punished by a fine of not more than \$10,000. An officer or member of an organization participating or knowingly acquiescing in any violation of this subsection shall be punished by a fine of not more than \$5,000 or imprisonment for not more than one year, or both. An individual violating this subsection shall for each violation be punished as set forth in the sentence next preceding this sentence.

(b) The provisions of sections 215, 607, 658, 1011, and 1014 of title 18 of the United States Code are extended to apply to and with respect to the Corporation, and for the purposes of such section 658 the term "any property mortgaged or pledged", as used therein, shall without limitation on its generality include any property subject to mortgage, pledge, or lien acquired by the Corporation by assignment or otherwise.

62 Stat. 694-752;
76 Stat. 1125;
65 Stat. 718.

(c) The term "bank examiner or assistant examiner", as used in section 655 of such title 18, shall include any examiner or assistant examiner who is an officer or employee of the Corporation and any person who makes or participates in the making of any examination of or for the Corporation.

(d) The term "bank", as used in subsection (f) of section 2113 of such title 18, shall be deemed to include the Corporation, and any building used in whole or in part by the Corporation shall be deemed to be used in whole or in part as a bank, within the meaning of such section 2113.

64 Stat. 395.

(e) The terms "agency" and "agencies" shall be deemed to include the Corporation wherever used with reference to an agency or agencies of the United States in sections 201, 202, 203, 205, 207, 208, 209, 286, 287, 371, 506, 595, 602, 641, 654, 701, 872, 1001, 1002, 1016, 1017, 1361, 1505, and 2073 of such title 18. Any officer or employee of the Corporation shall be deemed to be a person mentioned in section 602 of such title 18 within the meaning of sections 603 and 606 of such title.

76 Stat. 1119;
62 Stat. 698-795;
65 Stat. 720;
76 Stat. 551.
65 Stat. 718.

(f) The terms "obligation or other security" and "obligations or other securities", wherever used (with or without the words "of the United States") in sections 471 to 476, both inclusive, and section 492 of such title 18, are extended to include any obligation or other security of or issued by the Corporation. Any reference in sections 474, 494, 495, and 642 of such title 18 to the United States Code, except in a territorial sense, or to the Secretary of the Treasury is hereby extended to include the Corporation. Section 477 of such title 18 is extended to apply with respect to section 476 of such title as extended by the first sentence of this subsection (f), and for this purpose the term "United States" as used in such section 476 shall include the Corporation.

62 Stat. 705;
65 Stat. 122.

TERRITORIAL APPLICABILITY

SEC. 309. Notwithstanding any other law, this title shall be applicable to the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

CONSTRUCTION AND SEPARABILITY

SEC. 310. Except as otherwise provided in this title, or as otherwise provided by the Corporation or by laws hereafter enacted by the Congress expressly in limitation of provisions of this title, the powers and functions of the Corporation and of the Board of Directors shall be exercisable, and the provisions of this title shall be applicable and effective, without regard to any other law. Notwithstanding any other evidences of the intention of Congress, it is hereby declared to be the

controlling intent of Congress that if any provision of this title, or the application thereof to any person or circumstances, is held invalid, the remainder of this title, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

TITLE IV—GOVERNMENT NATIONAL MORTGAGE ASSOCIATION SPECIAL ASSISTANCE FUNDS

75 Stat. 175;
82 Stat. 544.
12 USC 1720.

SEC. 401. (a) Section 305 (c) of the National Housing Act is amended by striking out “by \$500,000,000 on July 1, 1969” and inserting in lieu thereof “by \$2,000,000,000 on July 1, 1969”.

80 Stat. 738;
83 Stat. 379.

(b) Section 305 (g) of such Act is amended—

(1) by striking out “\$2,500,000,000” and inserting in lieu thereof “\$1,750,000,000”;

(2) by striking out “at par”; and

(3) by striking out in the first sentence all that follows the word “exceed” and inserting in lieu thereof “the dollar limitation on maximum principal obligation that would be applicable to such mortgage if insured under section 235 (i) of the National Housing Act.”

82 Stat. 477;
83 Stat. 385.
12 USC 1715z.
Ante, p. 450.

SEC. 402. The second sentence of section 302 (b) (1) of the National Housing Act (as redesignated by section 201 of this Act) is amended by inserting after “(1)” the following: “is insured under section 236 or”.

TITLE V—FUNDS FOR FINANCING MIDDLE-INCOME HOUSING

FINDINGS AND PURPOSE

SEC. 501. The Congress finds that—

(1) periodic episodes of monetary stringency and high interest rates make it extremely difficult for families of middle income to obtain mortgage credit at rates which they can afford to pay;

(2) periods of monetary stringency and high interest rates are directly related to the Government's monetary and fiscal policies;

(3) a disproportionate share of the burden of sustaining these anti-inflationary policies of the Government falls on families of middle income who are buyers or prospective buyers of homes; and

(4) the Government has a responsibility to lessen the disproportionate burden which such families bear as a result of such policies.

It is the purpose of this title to provide, during periods of high mortgage interest rates, a source of mortgage credit for such families which is within their financial means.

MORTGAGE CREDIT FOR MIDDLE-INCOME FAMILIES

Interest sub-
sidy payments.
12 USC 1707-
1715z-7.

SEC. 502. Title II of the National Housing Act is amended by adding a new section 243 as follows:

“HOMEOWNERSHIP FOR MIDDLE-INCOME FAMILIES

“SEC. 243. (a) Whenever he determines such action to be necessary in furtherance of the purposes set forth in section 501 of the Emergency Home Finance Act of 1970, the Secretary is authorized to make, and to contract to make, periodic assistance payments on behalf of families of middle income. The assistance shall be accomplished through interest subsidy payments to the Federal National Mortgage

Association or the Federal Home Loan Mortgage Corporation (hereinafter referred to as 'the investor') with respect to mortgages meeting the special requirements specified in this section and made after the date of enactment of the Emergency Home Finance Act of 1970.

"(b) To qualify for assistance payments a middle-income family shall be a mortgagor under a mortgage which is (1) insured under subsection (j) of this section, (2) guaranteed under chapter 37 of title 38, United States Code, or (3) a conventional mortgage meeting the requirements of subsection (j)(3) of this section. In addition to the foregoing requirement, the Secretary may require that the mortgagor have an income, at the time of acquisition of the property, of not more than the median income for the area in which the property is located, as determined by the Secretary, with appropriate adjustments for smaller and larger families.

72 Stat. 1203;
80 Stat. 26;
82 Stat. 116.
38 USC 1801-
1827.

"(c) The interest subsidy payments authorized by this section shall cease when (1) the mortgagor no longer occupies the property which secures the mortgage, (2) the mortgages are no longer held by the investor, or (3) the rate of interest paid by the mortgagor reaches the rate of interest specified on the mortgage.

"(d) (1) Interest subsidy payments shall be on mortgages on which the mortgagor makes monthly payments towards principal and interest equal to an amount which would be required if the mortgage bore an effective interest rate of 7 per centum per annum including any discounts or charges in the nature of points or otherwise (but not including premiums, if any, for mortgage insurance) or such higher rate (not to exceed the rate specified in the mortgage), which the mortgagor could pay by applying at least 20 per centum of his income towards homeownership expenses. As used in this subsection, the term 'monthly homeownership expense' includes the monthly payment for principal, interest, mortgage insurance premium, insurance, and taxes due under the mortgage.

"(2) In addition to the mortgages eligible for assistance under paragraph (1) of this subsection, the Secretary is authorized to make periodic assistance payments on behalf of cooperative members of middle income. Such assistance payments shall be accomplished through interest subsidy payments to the investor with respect to mortgages insured (subsequent to the effective date of this section) under section 213 which are executed by cooperatives, the membership in which is limited to middle-income families. For purposes of this paragraph—

64 Stat. 54;
79 Stat. 468;
83 Stat. 383.
12 USC 1715e.

"(1) the term 'mortgagor', when used in subsection (b) in the case of a mortgage covering a cooperative housing project, means a member of the cooperative;

"(2) the term 'acquisition of the property', when used in subsection (b), means the family's application for a dwelling unit; and

"(3) in the case of a cooperative mortgagor, subsection (c) shall not apply and the interest subsidy payments shall cease when the mortgage is no longer held by the investor or the cooperative fails to limit membership to families whose incomes at the time of their application for a dwelling unit meets such requirements as are laid down by the Secretary pursuant to subsection (b).

"(e) The interest subsidy payments shall be in an amount equal to the difference, as determined by the Secretary, between the total amount of interest per calendar quarter received by the investor on mortgages assisted under this section and purchased by it and the total amount of interest which the investor would have received if the yield on such mortgages was equal to the sum of (1) the average costs (expressed as an annual percentage rate) to it of all borrowed funds outstanding in

the immediately preceding calendar quarter, and (2) such per centum per annum as will provide for administrative and other expenses of the investor and a reasonable economic return, as determined by the Secretary to be necessary and appropriate taking into account the purpose of this section to provide additional mortgage credit at reasonable rates of interest to middle-income families.

“(f) Procedures shall be adopted by the Secretary for recertifications of the mortgagor’s income at intervals of two years (or at shorter intervals where the Secretary deems it desirable) for the purpose of adjusting the amount of the mortgagor’s payments pursuant to subsection (d).

“(g) The Secretary shall prescribe such regulations as he deems necessary to assure that the sales price of, or other consideration paid in connection with, the purchase by a homeowner of the property with respect to which assistance payments are to be made is not increased above the appraised value on which the maximum mortgage which the Secretary will insure is computed.

Appropriation.

“(h) (1) There are authorized to be appropriated such sums as may be necessary to enable the Secretary to make interest subsidy payments under contracts entered into under this section. The aggregate amount of contracts to make such payments shall not exceed amounts approved in appropriation Acts, and payments pursuant to such contracts shall not exceed \$105,000,000 during the first year of such contracts prior to July 1, 1971, which amount shall be increased by an additional \$105,000,000 during the first year of an additional number of such contracts on July 1 of each of the years 1971 and 1972.

Termination date.

“(2) No interest subsidy payments under this section shall be made after June 30, 1973, except pursuant to contracts entered into on or before such date.

“(i) In determining the income of any family for the purposes of this section, income from all sources of each member of the family in the household shall be included, except that the Secretary shall exclude income earned by any minor person.

Mortgage insurance, authorization.

“(j) (1) The Secretary is authorized, upon application by the mortgagee, to insure a mortgage executed by a mortgagor who meets the eligibility requirements for assistance payments prescribed by the Secretary under subsection (b). Commitments for the insurance of such mortgages may be issued by the Secretary prior to the date of their execution or disbursement thereon, upon such terms and conditions as the Secretary may prescribe.

73 Stat. 659;
83 Stat. 384.
12 USC 1715l.
75 Stat. 160;
83 Stat. 380, 384.
12 USC 1715y.

“(2) To be eligible for insurance under this subsection, a mortgage shall meet the requirements of section 221 (d) (2) or 234(c), except as such requirements are modified by this subsection: *Provided, however*, That in the discretion of the Secretary 25 per centum of the authority conferred by this section and subject to all the terms thereof may be used for mortgages on existing housing.

“(3) A mortgage to be insured under this section shall—

“(i) involve a single-family dwelling which has been approved by the Secretary prior to the beginning of construction, or a one-family unit in a condominium project (together with an undivided interest in the common areas and facilities serving the project) which is released from a multifamily project, the construction of which has been completed within two years prior to the filing of the application for assistance payments with respect to such family unit and the unit shall have had no previous occupant other than the mortgagor;

“(ii) involve a single-family dwelling whose appraised value, as determined by the Secretary, is not in excess of \$20,000 (which

amount may be increased by not more than 50 per centum in any geographical area where the Secretary authorizes an increase on the basis of a finding that the cost level so requires).

“(iii) be executed by a mortgagor who shall have paid in cash or its equivalent on account of the property (A) 3 per centum of the first \$15,000 of the appraised value of the property, (B) 10 per centum of such value in excess of \$15,000 but not in excess of \$25,000, and (C) 20 per centum of such value in excess of \$25,000.”

CONFORMING AMENDMENTS

SEC. 503. Section 238 of the National Housing Act is amended by—

82 Stat. 487.
12 USC 1715z-3.

(1) striking out “section 235(i), 235(j) (4), or 237” each place it appears in subsection (a) and inserting in lieu thereof “section 235(i), 235(j) (4), 237, or 243”; and

(2) striking out “235, 236, and 237” each place it appears in subsection (b) and inserting in lieu thereof “235, 236, 237, and 243”.

AMENDMENT TO THE FEDERAL NATIONAL MORTGAGE ASSOCIATION CHARTER ACT

SEC. 504. Section 304(a) (1) of the National Housing Act is amended by adding at the end thereof the following: “Nothing in this title shall prohibit the corporation from purchasing, and making commitments to purchase, any mortgage with respect to which the Secretary of Housing and Urban Development has entered into a contract with the corporation to make interest subsidy payments under section 502 of the Emergency Home Finance Act of 1970.”

68 Stat. 615;
75 Stat. 176.
12 USC 1719.

Ante, p. 458.

TITLE VI—FLEXIBLE INTEREST RATE AUTHORITY

SEC. 601. Section 3(a) of the Act entitled “An Act to amend chapter 37 of title 38 of the United States Code with respect to the veterans’ home loan program, to amend the National Housing Act with respect to interest rates on insured mortgages, and for other purposes”, approved May 7, 1968, is amended by striking out “October 1, 1970” and inserting in lieu thereof “January 1, 1972”.

38 USC 1801-
1827.

82 Stat. 113;
83 Stat. 394.
12 USC 1709-1.

TITLE VII—MISCELLANEOUS

SETTLEMENT COSTS IN THE FINANCING OF FEDERAL HOUSING ADMINISTRATION AND VETERANS’ ADMINISTRATION ASSISTED HOUSING

SEC. 701. (a) With respect to housing built, rehabilitated, or sold with assistance provided under the National Housing Act or under chapter 37 of title 38, United States Code, the Secretary of Housing and Urban Development and the Administrator of Veterans’ Affairs are respectively authorized and directed to prescribe standards governing the amounts of settlement costs allowable in connection with the financing of such housing in any such area. Such standards shall—

48 Stat. 1246.
12 USC 1701
and note.

(1) be established after consultation between the Secretary and the Administrator;

(2) be consistent in any area for housing assisted under the National Housing Act and housing assisted under chapter 37 of title 38, United States Code; and

(3) be based on the Secretary’s and the Administrator’s estimates of the reasonable charge for necessary services involved in settlements for particular classes of mortgages and loans.

Settlement costs study, recommendations to Congress.

(b) The Secretary and the Administrator shall undertake a joint study and make recommendations to the Congress not later than one year after the date of enactment of this Act with respect to legislative and administrative actions which should be taken to reduce mortgage settlement costs and to standardize these costs for all geographic areas.

EMERGENCY RELIEF FROM INTEREST RATE CONFLICT BETWEEN FEDERAL LAW AND STATE LAW

42 USC 1450-1469c.
42 USC 1430.

SEC. 702. Notwithstanding any other law, from the date of enactment of this title until July 1, 1972, loans to local public agencies under title I of the Housing Act of 1949 and to local public housing agencies under the United States Housing Act of 1937 may, when determined by the Secretary of Housing and Urban Development to be necessary because of interest rate limitations of State laws, bear interest at a rate less than the applicable going Federal rate but not less than 6 per centum per annum.

TREASURY BORROWING AUTHORITY FOR NEW COMMUNITIES PROGRAM

82 Stat. 515.
42 USC 3906.

SEC. 703. Section 407(a) of the Housing and Urban Development Act of 1968 is amended by adding at the end thereof the following: "The Secretary may issue obligations to the Secretary of the Treasury in an amount outstanding at any one time sufficient to enable the Secretary to carry out his functions with respect to the guarantees authorized by this title. The obligations issued under this subsection shall have such maturities and bear such rate or rates of interest as shall be determined by the Secretary of the Treasury. The Secretary of the Treasury is authorized and directed to purchase any obligations of the Secretary issued under this subsection, and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as now or hereafter in force, and the purposes for which securities may be issued under such Act are extended to include purchases of the Secretary's obligations hereunder."

40 Stat. 288.
31 USC 774.

REAL ESTATE LOANS BY NATIONAL BANKS

78 Stat. 807;
82 Stat. 609.

SEC. 704. Section 24 of the Federal Reserve Act (12 U.S.C. 371) is amended—

(1) by striking out "80 per centum" and "twenty-five years" in clause (3) of the third sentence of the first paragraph and inserting in lieu thereof "90 per centum" and "thirty years", respectively; and

(2) by striking out "thirty-six months", each place it appears in the first sentence of the third paragraph, and inserting in lieu thereof "sixty months".

EXTENSION OF TIME FOR CONTINUANCE OF CERTAIN ACTIVITIES

82 Stat. 8.

SEC. 705. Section 408(c)(2) of the National Housing Act (12 U.S.C. 1730a(c)(2)) is amended by striking "two" and inserting in lieu thereof "five".

STATE-WIDE LENDING FOR FEDERAL SAVINGS AND LOAN ASSOCIATIONS

76 Stat. 778;
78 Stat. 805.
12 USC 1464.

SEC. 706. Section 5(c) of the Home Owners' Loan Act of 1933 is amended (1) by adding after "their home office" in the first sentence

the following: “or within the State in which such home office is located”; and (2) by substituting the word “section” for the word “proviso” used in the last clause of the second proviso.

RESERVES OF INSURED INSTITUTIONS

SEC. 707. Section 403(b) of the National Housing Act (12 U.S.C. 1726(b)) is amended by inserting after “*Provided, That*” the second place the term appears the following: “the Corporation may extend the twenty-year limitation hereinabove prescribed by not more than ten years in the case of any insured institution if it determines such action to be necessary to meet mortgage needs: *Provided further, That*”.

48 Stat. 1258;
49 Stat. 298;
78 Stat. 804.

SAVINGS AND LOAN ASSOCIATIONS AS PENSION TRUSTEES

SEC. 708. Section 5(c) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(c)) is amended by inserting before the next to the last paragraph a new paragraph as follows:

48 Stat. 132;
82 Stat. 543.

“Any such association is authorized to act as trustee of any trust created or organized in the United States and forming part of a stock bonus, pension, or profit-sharing plan which qualifies or qualified for specific tax treatment under section 401(d) of the Internal Revenue Code of 1954, if the funds of such trust are invested only in savings accounts or deposits in such association or in obligations or securities issued by such association. All funds held in such fiduciary capacity by any such association may be commingled for appropriate purposes of investment, but individual records shall be kept by the fiduciary for each participant and shall show in proper detail all transactions engaged in under the authority of this paragraph.”

76 Stat. 812.
26 USC 401.

MAXIMUM LOAN ON SINGLE-FAMILY DWELLING

SEC. 709. Section 5(c) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(c)) is amended by striking out “\$40,000” in the first proviso and inserting in lieu thereof “\$45,000”.

78 Stat. 804.

COLLEGE HOUSING GRANT AUTHORIZATION

SEC. 710. Section 401(f)(2) of the Housing Act of 1950 is amended by striking out all that follows “increased by” and inserting in lieu thereof “\$6,300,000 on July 1, 1970”.

83 Stat. 390.
12 USC 1749.

NATIONAL HOUSING PARTNERSHIPS

SEC. 711. Title IX of the Housing and Urban Development Act of 1968 is amended by adding after section 911 the following new section:

82 Stat. 547.
42 USC 3931-
3940.

“STATE REGULATION

“SEC. 912. Nothing contained in this title shall preclude a State or other local jurisdiction from imposing, in accordance with the laws of such State or other local jurisdiction, any valid nondiscriminatory tax, obligation, or regulation on the partnership as a taxable and or legal entity, but no limited partner of the partnership not otherwise subject to taxation or regulation by or judicial process of a State or other local

jurisdiction shall be subject to taxation or regulation by or subject to or denied access to judicial process of such State or other local jurisdiction, or be so subject or denied access to any greater extent, because of activities of the corporation or partnership within such State or other local jurisdiction."

Approved July 24, 1970.

Public Law 91-352

AN ACT

July 24, 1970
[S. 3430]

To amend the Peace Corps Act to authorize additional appropriations, and for other purposes.

Peace Corps
Act, amendment.
83 Stat. 166.

Regulation
authority.
75 Stat. 612.

Readjustment
allowance.
77 Stat. 359;
79 Stat. 549.

80 Stat. 495.
Dependents,
benefits.
80 Stat. 765.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(b) of the Peace Corps Act (22 U.S.C. 2502(b)), which authorizes appropriations to carry out the purposes of that Act, is amended by striking out "1970" and "\$98,450,000" and inserting in lieu thereof "1971" and "\$98,800,000", respectively.

SEC. 2. Section 4(c) of such Act (22 U.S.C. 2503(c)) is amended by adding at the end thereof the following new paragraph:

"(4) The Director of the Peace Corps may prescribe such regulations as may be necessary to assure that no individual performing service for the Peace Corps under any authority contained in this Act shall engage in any activity determined by the Director to be detrimental to the best interests of the United States."

SEC. 3. (a) Section 5(c) of such Act (22 U.S.C. 2504(c)), which relates to a readjustment allowance for volunteers, is amended—

(1) by inserting immediately before the period at the end of the first sentence thereof the following: "; except that, in the cases of volunteers who have one or more minor children at the time of their entering a period of pre-enrollment training, one parent shall be entitled to receive a readjustment allowance at a rate not to exceed \$125 for each month of satisfactory service as determined by the President"; and

(2) by striking out "the Act of August 3, 1950, chapter 518, section 1 (5 U.S.C. 61f)" and inserting in lieu thereof "section 5582(b) of title 5, United States Code".

(b) Section 5 of such Act (5 U.S.C. 2504), which relates to Peace Corps volunteers, is amended by adding at the end thereof the following new subsections:

"(m) The minor children of a volunteer living with the volunteer may receive—

"(1) such living, travel, education, and leave allowances, such housing, transportation, subsistence, and essential special items of clothing as the President may determine;

"(2) such health care, including health care following the volunteer's service for illness or injury incurred during such service, and health and accident insurance, as the President may determine and upon such terms as he may determine, including health care in any facility referred to in subsection (e) of this section, subject to such conditions as the President may prescribe and subject to reimbursement of appropriations as provided in such subsection (e);

"(3) such orientation, language, and other training necessary to accomplish the purposes of this Act as the President may determine; and

"(4) the benefits of subsection (1) of this section on the same basis as volunteers.

“(n) The costs of packing and unpacking, transporting to and from a place of storage, and storing the furniture and household and personal effects of a volunteer who has one or more minor children at the time of his entering a period of pre-enrollment training may be paid from the date of his departure from his place of residence to enter training until no later than three months after termination of his service.”

SEC. 4. Clause (3) of section 6 of such Act (22 U.S.C. 2505), which relates to Peace Corps volunteer leaders, is amended by striking out “, and a married volunteer’s child if born during the volunteer’s service.”

75 Stat. 615;
79 Stat. 549.

SEC. 5. Paragraph (3) of section 7(a) of such Act (22 U.S.C. 2506(a)), which relates to Peace Corps employees, is amended to read as follows:

Employees.

“(3) The President may specify what additional allowance authorized by section 5941 of title 5, United States Code, and which of the allowances and differentials authorized by sections 5923 through 5925 of such title 5, may be granted to any person employed, appointed, or assigned under this subsection and may determine the rates thereof not to exceed the rates otherwise granted to employees under the sections of title 5, United States Code, referred to in this paragraph.”

80 Stat. 512.

SEC. 6. (a) Subsection (a) of section 13 of such Act (22 U.S.C. 2512), which relates to experts and consultants, is amended—

Experts and
consultants,
compensation.

(1) by striking out “section 15 of the Act of August 2, 1946, as amended (5 U.S.C. 55a)” and inserting in lieu thereof “section 3109 of title 5, United States Code”; and

(2) by striking out “\$75 per diem” and inserting in lieu thereof “the per diem equivalent of the highest rate payable under section 5332 of title 5, United States Code”.

Ante, p. 198-1.
78 Stat. 490.

(b) Subsection (b) of such section 13 is amended by striking out “section 13 of the Civil Service Retirement Act, as amended (5 U.S.C. 2263)” and “section 201 of the Dual Compensation Act” and inserting in lieu thereof “sections 3323(b) and 8344 of title 5, United States Code” and “section 5532 of title 5, United States Code”, respectively.

SEC. 7. Subsection (b) of section 14 of such Act (22 U.S.C. 2513), which relates to detailing personnel to foreign governments and international organizations, is amended by striking out “section 1765 of the Revised Statutes (5 U.S.C. 70)” and inserting in lieu thereof “section 5536 of title 5, United States Code”.

SEC. 8. Subsection (g) of section 25 of such Act (22 U.S.C. 2522) is amended by striking out “and 6(2)” and inserting in lieu thereof “, 5(m), and 6(2)”.

SEC. 9. (a) Clause (3) of subsection (a) of section 301 of such Act (22 U.S.C. 2501a), which relates to encouragement of voluntary service programs, is amended by striking out all that follows “and participation in,” and inserting in lieu thereof “international voluntary service programs and activities.”

83 Stat. 166.

(b) Paragraph (2) of subsection (b) of such section 301 is amended to read as follows:

International
voluntary pro-
grams, contribu-
tions.
83 Stat. 167.

“(2) Not more than \$300,000 may be used in fiscal year 1971 to carry out the provisions of clause (3) of subsection (a) of this section. Such funds may be contributed to educational institutions, private voluntary organizations, international organizations, and foreign governments or agencies thereof, to pay a fair and proportionate share of the costs of encouraging the development of, and participation in, international voluntary programs and activities.”

Approved July 24, 1970.

Public Law 91-353

July 24, 1970
[S. 1520]

AN ACT

To exempt from the antitrust laws certain combinations and arrangements necessary for the survival of failing newspapers.

Newspaper
Preservation Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Newspaper Preservation Act".

DECLARATION OF POLICY

SEC. 2. In the public interest of maintaining a newspaper press editorially and reportorially independent and competitive in all parts of the United States, it is hereby declared to be the public policy of the United States to preserve the publication of newspapers in any city, community, or metropolitan area where a joint operating arrangement has been heretofore entered into because of economic distress or is hereafter effected in accordance with the provisions of this Act.

DEFINITIONS

SEC. 3. As used in this Act—

(1) The term "antitrust law" means the Federal Trade Commission Act and each statute defined by section 4 thereof (15 U.S.C. 44) as "Antitrust Acts" and all amendments to such Act and such statutes and any other Acts in *pari materia*.

(2) The term "joint newspaper operating arrangement" means any contract, agreement, joint venture (whether or not incorporated), or other arrangement entered into by two or more newspaper owners for the publication of two or more newspaper publications, pursuant to which joint or common production facilities are established or operated and joint or unified action is taken or agreed to be taken with respect to any one or more of the following: printing; time, method, and field of publication; allocation of production facilities; distribution; advertising solicitation; circulation solicitation; business department; establishment of advertising rates; establishment of circulation rates and revenue distribution: *Provided*, That there is no merger, combination, or amalgamation of editorial or reportorial staffs, and that editorial policies be independently determined.

(3) The term "newspaper owner" mean any person who owns or controls directly, or indirectly through separate or subsidiary corporations, one or more newspaper publications.

(4) The term "newspaper publication" means a publication produced on newsprint paper which is published in one or more issues weekly (including as one publication any daily newspaper and any Sunday newspaper published by the same owner in the same city, community, or metropolitan area), and in which a substantial portion of the content is devoted to the dissemination of news and editorial opinion.

(5) The term "failing newspaper" means a newspaper publication which, regardless of its ownership or affiliations, is in probable danger of financial failure.

(6) The term "person" means any individual, and any partnership, corporation, association, or other legal entity existing under or authorized by the law of the United States, any State or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any foreign country.

38 Stat. 717.
15 USC 58.
52 Stat. 111.

ANTITRUST EXEMPTION

SEC. 4. (a) It shall not be unlawful under any antitrust law for any person to perform, enforce, renew, or amend any joint newspaper operating arrangement entered into prior to the effective date of this Act, if at the time at which such arrangement was first entered into, regardless of ownership or affiliations, not more than one of the newspaper publications involved in the performance of such arrangement was likely to remain or become a financially sound publication: *Provided*, That the terms of a renewal or amendment to a joint operating arrangement must be filed with the Department of Justice and that the amendment does not add a newspaper publication or newspaper publications to such arrangement.

(b) It shall be unlawful for any person to enter into, perform, or enforce a joint operating arrangement, not already in effect, except with the prior written consent of the Attorney General of the United States. Prior to granting such approval, the Attorney General shall determine that not more than one of the newspaper publications involved in the arrangement is a publication other than a failing newspaper, and that approval of such arrangement would effectuate the policy and purpose of this Act.

(c) Nothing contained in the Act shall be construed to exempt from any antitrust law any predatory pricing, any predatory practice, or any other conduct in the otherwise lawful operations of a joint newspaper operating arrangement which would be unlawful under any antitrust law if engaged in by a single entity. Except as provided in this Act, no joint newspaper operating arrangement or any party thereto shall be exempt from any antitrust law.

PREVIOUS TRANSACTIONS

SEC. 5. (a) Notwithstanding any final judgment rendered in any action brought by the United States under which a joint operating arrangement has been held to be unlawful under any antitrust law, any party to such final judgment may reinstitute said joint newspaper operating arrangement to the extent permissible under section 4(a) hereof.

(b) The provisions of section 4 shall apply to the determination of any civil or criminal action pending in any district court of the United State on the date of enactment of this Act in which it is alleged that any such joint operating agreement is unlawful under any antitrust law.

SEPARABILITY PROVISION

SEC. 6. If any provision of this Act is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the validity of the remainder of this Act, and the applicability of such provision to any other person or circumstance, shall not be affected thereby.

Approved July 24, 1970.

Public Law 91-354

JOINT RESOLUTION

July 24, 1970
[S. J. Res. 88]

To create a commission to study the bankruptcy laws of the United States.

Whereas the number of bankruptcies in the United States has increased more than 1,000 per centum annually in the last twenty years; and

Whereas more than one-fourth of the referees in bankruptcy have problems arising in their administration of the existing Bankruptcy Act and have made suggestions for substantial improvement in that Act; and

Whereas the technical aspects of the Bankruptcy Act are interwoven with the rapid expansion of credit which has reached proportions far beyond anything previously experienced by the citizens of the United States; and

Whereas there appears to be little experience or understanding by the Federal Government and the commercial community of the Nation in evaluating the need to update the technical aspects of the Bankruptcy Act and the financial policies pursued by the Federal Government and the commercial community: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is hereby established a commission to be known as the Commission on the Bankruptcy Laws of the United States (hereinafter referred to as the "Commission").

(b) The Commission shall study, analyze, evaluate, and recommend changes to the Act entitled "An Act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898 (30 Stat. 544), as amended (title 11, United States Code), in order for such Act to reflect and adequately meet the demands of present technical, financial, and commercial activities. The Commission's study, analysis, and evaluation shall include a consideration of the basic philosophy of bankruptcy, the causes of bankruptcy, the possible alternatives to the present system of bankruptcy administration, the applicability of advanced management techniques to achieve economies in the administration of the Act, and all other matters which the Commission shall deem relevant.

(c) The Commission shall submit a comprehensive report of its activities, including its recommendations, to the President, the Chief Justice of the United States, and the Congress within two years after the date of enactment of the joint resolution. Upon the filing of such report, the Commission shall cease to exist.

SEC. 2. (a) The Commission shall be composed of the following members appointed as follows:

(1) three members appointed by the President of the United States, one of whom shall be designated as Chairman by the President;

(2) two Members of the Senate, one from each of the two major political parties, appointed by the President of the Senate;

(3) two Members of the House of Representatives, one from each of the two major political parties, appointed by the Speaker of the House of Representatives; and

(4) two appointed by the Chief Justice of the United States.

(b) Five members of the Commission shall constitute a quorum.

(c) A vacancy in the Commission shall not affect its powers. Any vacancy shall be filled in the manner in which the original appointment was made.

Commission on
the Bankruptcy
Laws of the U.S.
Establishment.

Report to
President, Chief
Justice, and
Congress.

Termination.

Membership,
appointment.

(d) Referees in bankruptcy and any other employees of the Federal Government who are members of the Commission shall serve without additional compensation. Each member from private life shall receive \$100 per diem for each day (including traveltime) during which he is engaged in the actual performance of his duties as a member of the Commission. All members of the Commission shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

Compensation;
travel expenses.

SEC. 3. The Commission shall have the power to appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this joint resolution. Such appointments shall be without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and such compensation shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

Personnel.

80 Stat. 378.

5 USC 5101,
5331.
Ante, p. 198-1.
Powers and
authority.

SEC. 4. To carry out the purposes of this joint resolution, the Commission shall have the authority, within the limits of available appropriations—

(1) to obtain any research or other assistance it deems necessary;

(2) to prescribe such rules and regulations as it deems necessary governing the manner of its operations and its organization and personnel;

(3) to enter into contracts or other arrangements, or modifications thereof, and such contracts or other arrangements or modifications thereof may be entered into without legal consideration, without performance or other bonds, and without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5);

(4) to make advance, progress, and other payments which it deems necessary without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529);

(5) to accept and utilize the services of voluntary and uncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code; and

83 Stat. 190.

(6) to acquire by lease, loan, gift, bequest, or devise, and to hold and dispose of by sale, lease, or loan, real or personal property of all kinds necessary for or resulting from the exercise of authority under this joint resolution.

SEC. 5. Any office, department, agency, or instrumentality of the executive or judicial branches of the United States Government shall furnish to the Commission, upon a reimbursable basis, such advice, information, and records as the Commission may require for the performance of its duties.

SEC. 6. There are authorized to be appropriated out of the Salaries and Expenses Fund created pursuant to section 40c(4) of the Bankruptcy Act (11 U.S.C. 68c(4)) to the Commission such sums, but not more than \$600,000, as may be necessary to carry out the provisions of this joint resolution.

Appropriation,
limitation.

73 Stat. 259.
11 USC 68.

Approved July 24, 1970.

Public Law 91-355

AN ACT

July 24, 1970
[H. R. 7517]

To amend the Canal Zone Code to provide cost-of-living adjustments in cash relief payments to certain former employees of the Canal Zone Government, and for other purposes.

Canal Zone
Government.
Benefits to cer-
tain former
employees.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 181 of title 2 of the Canal Zone Code (76A Stat. 20) is amended—

(1) by redesignating subsection (c) of such section as subsection (e) thereof; and

(2) by inserting immediately following subsection (b) of such section the following new subsections (c) and (d):

“(c) Each cash relief payment made pursuant to this section shall be increased on the same effective date and by the same per centum, adjusted to the nearest dollar, as civil service retirement annuities are increased under the cost-of-living adjustment provisions of section 8340(b) of title 5, United States Code.

81 Stat. 215;
83 Stat. 139.

“Such increase shall apply only to cash relief payments made after the date of enactment of this Act as increased by annuity increases made after such date of enactment under section 8340(b) of title 5, United States Code.

“(d) The Governor of the Canal Zone may pay cash relief to the widow of any former employee of the Canal Zone Government who, until the time of his death, receives or has received cash relief under subsection (a) of this section or under the Act of July 8, 1937. The term ‘widow’ as used in this section includes only the following:

50 Stat. 478.
48 USC 1372
note.

“Widow.”

“(1) a woman legally married to such employee at the time of his termination for disability and at his death.

“(2) a woman who, although not legally married to such former employee at the time of his termination, had resided continuously with him for at least five years immediately preceding the employee's termination under such circumstances as would at common law make the relationship a valid marriage and who continued to reside with him until his death.

“(3) a woman who has not remarried or assumed a common-law relationship with any other person.

Limitation.

Cash relief granted to such widows shall not at any time exceed 50 per centum of the rate at which cash relief, inclusive of any additional payment under subsection (b) of this section, would be payable to the former employee were he then alive.”

SEC. 2. The increase in cash relief payments authorized by section 181(c) of title 2, Canal Zone Code, as added by this Act, shall apply only to cash relief payments made after the date of enactment of this Act and shall be based only on annuity increases under section 8340(b) of title 5, United States Code, that are made after the date of enactment of this Act. The cash relief payments authorized by section 181(d) of title 2, Canal Zone Code, as added by this Act, shall be payable to eligible individuals as determined by the Governor on the first day of each month following the month in which this Act is enacted.

81 Stat. 215;
83 Stat. 139.

Approved July 24, 1970.

Public Law 91-356

AN ACT

To authorize appropriations for activities of the National Science Foundation, and for other purposes.

July 24, 1970
[H. R. 16595]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated to the National Science Foundation for the fiscal year ending June 30, 1971, to enable it to carry out its powers and duties under the National Science Foundation Act of 1950, as amended, and under title IX of the National Defense Education Act of 1958, out of any money in the Treasury not otherwise appropriated, \$537,730,000.

National
Science Founda-
tion Authorization
Act of 1971.

64 Stat. 149,
42 USC 1861
note.
72 Stat. 1601,
42 USC 1876-
1879.

SEC. 2. Appropriations made pursuant to authority provided in section 1 shall remain available for obligation, for expenditure, or for obligation and expenditure, for such period or periods as may be specified in Acts making such appropriations.

SEC. 3. Appropriations made pursuant to this Act may be used, but not to exceed \$2,500, for official reception and representation expenses upon the approval or authority of the Director of the National Science Foundation, and his determination shall be final and conclusive upon the accounting officers of the Government.

SEC. 4. In addition to such sums as are authorized by section 1 hereof, not to exceed \$2,000,000 is authorized to be appropriated for expenses of the National Science Foundation incurred outside the United States to be paid for in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States.

Foreign
expenses.

SEC. 5. (a) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has been convicted by any court of record of any crime which was committed after the date of enactment of this Act and which involved the use of (or assistance to others in the use of) force, disruption, or the seizure of property under control of any institution of higher education to prevent officials or students in such institution from engaging in their duties or pursuing their studies, and that such crime was of a serious nature and contributed to a substantial disruption of the administration of the institution with respect to which such crime was committed, then the institution which such individual attends, or is employed by, shall deny for a period of two years any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (c). If an institution denies an individual assistance under the authority of the preceding sentence of this subsection, then any institution which such individual subsequently attends shall deny for the remainder of the two-year period any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (c).

Educational
institutions.
Financial as-
sistance, denial
to convicted dis-
ruptors.

(b) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has willfully refused to obey a lawful regulation or order of such institution after the date of enactment of this Act, and that such refusal was of a serious nature and contributed to a substantial disruption of the administration of such institution, then such institution shall deny, for a period of two years, any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (c).

Refusal to obey
regulations,
denial of pay-
ments.

(c) The programs referred to in subsections (a) and (b) are as follows:

(1) The programs authorized by the National Science Foundation Act of 1950; and

(2) The programs authorized under title IX of the National Defense Education Act of 1958 relating to establishing the Science Information Service.

(d) (1) Nothing in this Act, or any Act amended by this Act, shall be construed to prohibit any institution of higher education from refusing to award, continue, or extend any financial assistance under any such Act to any individual because of any misconduct which in its judgment bears adversely on his fitness for such assistance.

(2) Nothing in this section shall be construed as limiting or prejudicing the rights and prerogatives of any institution of higher education to institute and carry out an independent, disciplinary proceeding pursuant to existing authority, practice, and law.

(3) Nothing in this section shall be construed to limit the freedom of any student to verbal expression of individual views or opinions.

SEC. 6. This Act may be cited as the "National Science Foundation Authorization Act of 1971".

Approved July 24, 1970.

64 Stat. 149.
42 USC 1861
note.
72 Stat. 1601.
42 USC 1876-
1879.

Independent
disciplinary
proceeding.

Short title.

Public Law 91-357

AN ACT

July 29, 1970
[H. R. 12758]

To authorize the Secretary of the Interior to establish a volunteers in the park program, and for other purposes.

Volunteers in
the Parks Act of
1969.

5 USC 101-8913.

Incidental
expenses.

Federal
employee status.

28 USC 2671-
2680 and notes.

5 USC 8101-
8150.

80 Stat. 532.

Appropriation,
limitation.

Short title.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior (hereinafter referred to as the Secretary) is authorized to recruit, train, and accept without regard to the civil service classification laws, rules, or regulations the services of individuals without compensation as volunteers for or in aid of interpretive functions, or other visitor services or activities in and related to areas administered by the Secretary through the National Park Service.

SEC. 2. The Secretary is authorized to provide for incidental expenses, such as transportation, uniforms, lodging, and subsistence.

SEC. 3. (a) Except as otherwise provided in this section, a volunteer shall not be deemed a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

(b) For the purpose of the tort claim provisions of title 28 of the United States Code, a volunteer under this Act shall be considered a Federal employee.

(c) For the purposes of subchapter I of chapter 81 of title 5 of the United States Code, relating to compensation to Federal employees for work injuries, volunteers under this Act shall be deemed civil employees of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code, and the provisions of that subchapter shall apply.

SEC. 4. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not more than \$100,000 shall be appropriated in any one year.

SEC. 5. This Act may be cited as the "Volunteers in the Parks Act of 1969."

Approved July 29, 1970.

Public Law 91-358

AN ACT

To reorganize the courts of the District of Columbia, to revise the procedures for handling juveniles in the District of Columbia, to codify title 23 of the District of Columbia Code, and for other purposes.

July 29, 1970
[S. 2601]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "District of Columbia Court Reform and Criminal Procedure Act of 1970".

District of
Columbia Court
Reform and Crim-
inal Procedure
Act of 1970.

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TITLE I—REORGANIZATION OF DISTRICT OF COLUMBIA COURTS

SHORT TITLE

SEC. 101. This title may be cited as the “District of Columbia Court Reorganization Act of 1970”. Citation of title.

PART A—REVISION OF TITLE 11 OF THE DISTRICT OF COLUMBIA CODE

REVISION OF TITLE 11

SEC. 111. Title 11 of the District of Columbia Code is amended to read as follows: 77 Stat. 478.
D.C. Code 11-101 to 11-2314.

“TITLE 11.—ORGANIZATION AND JURISDICTION OF THE COURTS

“Chap.	Sec.
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“Chapter 1.—GENERAL PROVISIONS

“Sec.
“11-101. Judicial power.
“11-102. Status of District of Columbia Court of Appeals.

“§ 11-101. Judicial power

“The judicial power in the District of Columbia is vested in the following courts:

“(1) The following Federal Courts established pursuant to article III of the Constitution:

“(A) The Supreme Court of the United States.

“(B) The United States Court of Appeals for the District of Columbia Circuit.

“(C) The United States District Court for the District of Columbia.

“(2) The following District of Columbia courts established pursuant to article I of the Constitution:

“(A) The District of Columbia Court of Appeals.

“(B) The Superior Court of the District of Columbia.

“§ 11-102. Status of District of Columbia Court of Appeals

“The highest court of the District of Columbia is the District of Columbia Court of Appeals. Final judgments and decrees of the District of Columbia Court of Appeals are reviewable by the Supreme Court of the United States in accordance with section 1257 of title 28, United States Code.

Post, p. 590.

"Chapter 3.—UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

"Sec.

"11-301. Jurisdiction of appeals from the District of Columbia Court of Appeals.

"§ 11-301. Jurisdiction of appeals from the District of Columbia Court of Appeals

"In addition to its jurisdiction as a United States court of appeals and any other jurisdiction conferred on it by law, the United States Court of Appeals for the District of Columbia Circuit has jurisdiction of appeals from judgments of the District of Columbia Court of Appeals—

"(1) with respect to violations of criminal laws of the United States which are not applicable exclusively to the District of Columbia if a petition for the allowance of an appeal from that judgment is filed within ten days after its entry; or

"(2) entered before the effective date of the District of Columbia Court Reorganization Act of 1970 in any other case if a petition for the allowance of an appeal from that judgment is filed within ten days after its entry.

"Chapter 5.—UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

"SUBCHAPTER I.—JURISDICTION

"Sec.

"11-501. Civil jurisdiction.

"11-502. Criminal jurisdiction.

"11-503. Removal of cases from the Superior Court of the District of Columbia.

"SUBCHAPTER II.—AUDITOR

"11-521. Appointment of Auditor.

"SUBCHAPTER I.—JURISDICTION

"§ 11-501. Civil jurisdiction

"In addition to its jurisdiction as a United States district court and any other jurisdiction conferred on it by law, the United States District Court for the District of Columbia has jurisdiction of the following:

"(1) Any civil action or other matter begun in the court before the effective date of the District of Columbia Court Reorganization Act of 1970 other than any matter over which the Superior Court of the District of Columbia takes jurisdiction under section 11-921(a)(4)(G) or 11-921(a)(5)(B).

"(2) During the eighteen-month period beginning on such effective date, any civil action or other matter which is brought under—

"(A) chapter 3 of title 21 (relating to gifts to minors);

"(B) chapter 5 of title 21 (relating to hospitalization of the mentally ill);

"(C) chapter 7 of title 21 (relating to property of the mentally ill);

"(D) chapter 11 of title 21 (relating to commitment and maintenance of substantially retarded persons);

"(E) chapter 13 of title 21 (relating to appointment of committees for alcoholics and addicts); or

"(F) chapter 15 of title 21 (relating to appointment of conservators).

"(3) During the thirty-month period beginning on such effective date, any civil action or other matter—

79 Stat. 744.

D.C. Code 21-301 to 21-311.

D.C. Code 21-501 to 21-591.

D.C. Code 21-701 to 21-706.

D.C. Code 21-1101 to 21-1123.

D.C. Code 21-1301 to 21-1304.

D.C. Code 21-1501 to 21-1507.

“(A) which is brought under chapter 29 of title 16 (relating to partition and assignment of dower);

“(B) which would have been within the jurisdiction of the Orphans Court of Washington County, District of Columbia, before June 21, 1870;

“(C) relating to the execution or validity of wills devising real property within the District of Columbia, and of wills and testaments properly presented for probate in the United States District Court for the District of Columbia, and the admission to probate and recording of those wills;

“(D) relating to the proof of wills of either personal or real property and the revocation of probate of wills for cause;

“(E) involving the granting and revocation for cause of letters testamentary, letters of administration, letters ad colligendum and letters of guardianship, and the appointment of successors to persons whose letters have been revoked.

“(F) involving the hearing, examination, and issuance of decrees upon accounts, claims, and demands existing between executors or administrators and legatees or persons entitled to a distributive share of an intestate estate, or between wards and their guardians;

“(G) involving the enforcement of the rendition of inventories and accounts by executors, administrators, collectors, guardians, and trustees required to account to the court,

“(H) involving the enforcement of distribution of estates by executors and administrators and the payment or delivery by guardians of money or property belonging to their wards; or

“(I) otherwise within the probate jurisdiction of the court on the day before such effective date.

“(4) Any civil action (other than a matter over which the Superior Court of the District of Columbia has jurisdiction under paragraph (3) or (4) of section 11-921(a)) begun in the court during the thirty-month period beginning on such effective date wherein the amount in controversy exceeds \$50,000.

“§ 11-502. Criminal jurisdiction

“In addition to its jurisdiction as a United States district court and any other jurisdiction conferred on it by law, the United States District Court for the District of Columbia has jurisdiction of the following:

“(1) Any criminal case begun in the court by the return of an indictment or the filing of an information before the effective date of the District of Columbia Court Reorganization Act of 1970.

“(2) Any criminal case which is begun in the court by the return of an indictment or the filing of an information during the eighteen-month period beginning on such effective date and which—

“(A) involves a violation of any one of the following sections of the Act entitled ‘An Act to establish a code of law for the District of Columbia’, approved March 3, 1901:

“(i) section 809 (D.C. Code, sec. 22-201) (relating to abortion),

“(ii) section 803 (D.C. Code, sec. 22-501) (relating to assault with intent to kill, rob, rape, or poison),

“(iii) section 823(a) (D.C. Code, sec. 22-1801(a)) (relating to burglary in the first degree),

“(iv) section 812 (D.C. Code, sec. 22-2101) (relating to kidnaping),

“(v) sections 798 through 802 (D.C. Code, secs. 22-2401 through 22-2405) (relating to murder and manslaughter),

77 Stat. 596.
D.C. Code 16-
2901 to 16-2925.

67 Stat. 93.

31 Stat. 1321.

81 Stat. 736.

47 Stat. 858.

54 Stat. 347;
31 Stat. 1321;
76 Stat. 46.

Post, p. 600.

31 Stat. 1322.

“(vi) section 808 (D.C. Code, sec. 22-2801) (relating to rape),

“(vii) section 810 (D.C. Code, sec. 22-2901) (relating to robbery); or

“(B) involves any other offense under any law applicable exclusively to the District of Columbia which offense is joined in such information or indictment with any of the offenses listed in subparagraph (A).

“(3) Any offense under any law applicable exclusively to the District of Columbia which offense is joined in the same information or indictment with any Federal offense.

“§ 11-503. Removal of cases from the Superior Court of the District of Columbia

“A civil action or criminal prosecution in the Superior Court of the District of Columbia is removable to the United States District Court for the District of Columbia in accordance with chapter 89 of title 28, United States Code.

Post, p. 591.

“SUBCHAPTER II.—AUDITOR

“§ 11-521. Appointment of Auditor

“For so long as the business of the court may require, the United States District Court for the District of Columbia may appoint an Auditor for the court.

“Chapter 7.—DISTRICT OF COLUMBIA COURT OF APPEALS

“SUBCHAPTER I.—CONTINUATION AND ORGANIZATION

“Sec.

“11-701. Continuation of court; court of record; seal.

“11-702. Composition.

“11-703. Judges; service; compensation.

“11-704. Oath of judges.

“11-705. Assignment of judges; divisions; hearings.

“11-706. Absence, disability, or disqualification of judges; vacancies; quorum.

“11-707. Assignment of judges to and from Superior Court.

“11-708. Clerks and secretaries for judges.

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“SUBCHAPTER II.—JURISDICTION

“11-721. Orders and judgments of the Superior Court.

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“SUBCHAPTER III.—MISCELLANEOUS PROVISIONS

“11-741. Contempt powers.

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“11-743. Rules of court.

“SUBCHAPTER I.—CONTINUATION AND ORGANIZATION

“§ 11-701. Continuation of court; court of record; seal

“(a) The District of Columbia Court of Appeals (hereafter in this subchapter referred to as the ‘court’) shall continue as a court of record in the District of Columbia.

“(b) The court shall have a seal.

“§ 11-702. Composition

“The court shall consist of a chief judge and eight associate judges.

“§ 11-703. Judges; service; compensation

“(a) The chief judge and the judges of the court shall serve in accordance with chapter 15 of this title.

“(b) Judges of the court shall be compensated at 90 per centum of the rate prescribed by law for judges of the United States courts of appeals. The chief judge, during his service in that position, shall receive an additional \$500 per annum.

“§ 11-704. Oath of judges

“Each judge, when appointed, shall take the oath prescribed for judges of courts of the United States.

“§ 11-705. Assignment of judges; divisions; hearings

“(a) Judges of the court shall sit on the court and its divisions in such order and at such times as the court directs.

“(b) Cases and controversies shall be heard and determined by divisions of the court unless a hearing or rehearing before the court in banc is ordered. Each division of the court shall consist of three judges.

“(c) A hearing before the court in banc may be ordered by a majority of the judges of the court in regular active service. The court in banc for a hearing shall consist of the judges of the court in regular active service.

“(d) A rehearing before the court in banc may be ordered by a majority of the judges of the court in regular active service. The court in banc for a rehearing shall consist of the judges of the court in regular active service, except that a retired judge may sit as a judge of the court in banc in the rehearing of a case or controversy if he sat on the court or a division of the court at the original hearing thereof.

“§ 11-706. Absence, disability, or disqualification of judges; vacancies; quorum

“(a) When the chief judge of the court is absent or disabled, his duties shall devolve upon and be performed by such associate judge as the chief judge may designate in writing. In the event that the chief judge is (1) disqualified or suspended, or (2) unable or fails to make such a designation, his duties shall devolve upon and be performed by the associate judges of the court according to the seniority of their original commissions.

“(b) A chief judge whose term as chief judge has expired shall continue to serve until redesignated or until his successor has been designated. When there is a vacancy in the position of chief judge, the position shall be filled temporarily as provided in subsection (a).

“(c) Two judges shall constitute a quorum of a division of the court, and six judges shall constitute a quorum of the court sitting in banc.

“§ 11-707. Assignment of judges to and from Superior Court

“(a) The chief judge of the District of Columbia Court of Appeals may designate and assign temporarily one or more judges of the Superior Court of the District of Columbia to serve on the District of Columbia Court of Appeals or a division thereof whenever the business of the District of Columbia Court of Appeals so requires. Such designations or assignments shall be in conformity with the rules or orders of the District of Columbia Court of Appeals.

“(b) Upon presentation of a certificate of necessity by the chief judge of the Superior Court of the District of Columbia, the chief judge of the District of Columbia Court of Appeals may designate

and assign temporarily one or more judges of the District of Columbia Court of Appeals to serve as a judge of the Superior Court of the District of Columbia.

“§ 11-708. Clerks and secretaries for judges

“Each judge may appoint and remove a personal secretary. The chief judge may appoint and remove two personal law clerks, and each associate judge may appoint and remove a personal law clerk. In addition, the chief judge may appoint and remove not more than three law clerks for the court. The law clerks appointed for the court shall serve as directed by the chief judge.

“§ 11-709. Reports

“Each judge shall submit to the chief judge such reports and data as the chief judge may request. Each judge shall submit a monthly written report to the chief judge and the Commission on Judicial Disabilities and Tenure which shall be in a form prescribed by the chief judge after consultation with the Commission and which shall set forth the following:

- “(1) The number of days’ attendance in court of the judge during the month covered.
- “(2) The division of the court which he attended.
- “(3) The number of hours per day of his attendance.
- “(4) The number and type of matters disposed of by the judge during the month covered.
- “(5) Such other data as the chief judge may require.

“SUBCHAPTER II.—JURISDICTION

“§ 11-721. Orders and judgments of the Superior Court

“(a) The District of Columbia Court of Appeals has jurisdiction of appeals from—

“(1) all final orders and judgments of the Superior Court of the District of Columbia;

“(2) interlocutory orders of the Superior Court of the District of Columbia—

“(A) granting, continuing, modifying, refusing, or dissolving or refusing to dissolve or modify injunctions;

“(B) appointing receivers, guardians, or conservators or refusing to wind up receiverships, guardianships, or the administration of conservators or to take steps to accomplish the purposes thereof; or

“(C) changing or affecting the possession of property; and

“(3) orders or rulings of the Superior Court of the District of Columbia appealed by the United States or the District of Columbia pursuant to section 23-104 or 23-111(d) (2).

“(b) Except as provided in subsection (c) of this section, a party aggrieved by an order or judgment specified in subsection (a) of this section, may appeal therefrom as of right to the District of Columbia Court of Appeals.

“(c) Review of judgments of the Small Claims and Conciliation Branch of the Superior Court of the District of Columbia and of judgments in the Criminal Division of that court where the penalty imposed is a fine of less than \$50 for an offense punishable by imprisonment of one year or less, or by fine of not more than \$1,000, or both, shall be by application for the allowance of an appeal, filed in the District of Columbia Court of Appeals.

“(d) When a judge of the Superior Court of the District of Columbia in making in a civil case (other than a case in which a child, as defined in section 16-2301, is alleged to be delinquent, neglected, or in need of supervision) a ruling or order not otherwise appealable under this section, shall be of the opinion that the ruling or order involves a controlling question of law as to which there is substantial ground for a difference of opinion and that an immediate appeal from the ruling or order may materially advance the ultimate termination of the litigation or case, he shall so state in writing in the ruling or order. The District of Columbia Court of Appeals may thereupon, in its discretion, permit an appeal to be taken from that ruling or order, if application is made to it within ten days after the issuance or entry of the ruling or order. An application for an appeal under this subsection shall not stay proceedings in the Superior Court of the District of Columbia unless the judge of that court who made such ruling or order or the District of Columbia Court of Appeals or a judge thereof shall so order.

Post, p. 523.

“(e) On the hearing of any appeal in any case, the District of Columbia Court of Appeals shall give judgment after an examination of the record without regard to errors or defects which do not affect the substantial rights of the parties.

“§ 11-722. Administrative orders and decisions

“The District of Columbia Court of Appeals has jurisdiction (1) except as provided in clause (2), to review orders and decisions of the Commissioner of the District of Columbia, the District of Columbia Council, any agency of the District of Columbia (including the Board of Zoning Adjustment of the District of Columbia and the Zoning Commission of the District of Columbia), and the District of Columbia Redevelopment Land Agency, in accordance with the District of Columbia Administrative Procedure Act (D.C. Code, secs. 1-1501—1-1510); and (2) to review orders and decisions of the Public Service Commission of the District of Columbia in accordance with section 8 of the Act of March 4, 1913 (D.C. Code, chapters 1 through 10, title 43).

82 Stat. 1203;
Post, p. 582.

37 Stat. 974.

“SUBCHAPTER III.—MISCELLANEOUS PROVISIONS

“§ 11-741. Contempt powers

“In addition to the powers conferred by section 402 of title 18, United States Code, the District of Columbia Court of Appeals, or a judge thereof, may punish for disobedience of an order or for contempt committed in the presence of the court.

62 Stat. 701.

“§ 11-742. Oaths, affirmations, and acknowledgments

“Each judge of the District of Columbia Court of Appeals and each employee of the court authorized by the chief judge may administer oaths and affirmations and take acknowledgments.

“§ 11-743. Rules of court

“The District of Columbia Court of Appeals shall conduct its business according to the Federal Rules of Appellate Procedure unless the court prescribes or adopts modifications of those Rules.

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"Chapter 9.—SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

"SUBCHAPTER I.—CONTINUATION AND ORGANIZATION

"Sec.

"11-901. Continuation of courts; court of record; seal.

"11-902. Organization of the court.

"11-903. Composition.

"11-904. Judges; service; compensation.

"11-905. Oath of judges.

"11-906. Administration by chief judge; discharge of duties.

"11-907. Absence, disability, or disqualification of chief judge.

"11-908. Designation and assignment of judges.

"11-909. Meetings and reports.

"11-910. Clerks and secretaries for judges.

"SUBCHAPTER II.—JURISDICTION

"11-921. Civil jurisdiction.

"11-922. Transfer of civil actions to Superior Court.

"11-923. Criminal jurisdiction; commitment.

"SUBCHAPTER III.—MISCELLANEOUS PROVISIONS

"11-941. Issuance of warrants; record.

"11-942. Subpenas.

"11-943. Process.

"11-944. Contempt power.

"11-945. Oaths, affirmations, and acknowledgments.

"11-946. Rules of court.

"SUBCHAPTER I.—CONTINUATION AND ORGANIZATION

"§ 11-901. Continuation of courts; court of record; seal

"The District of Columbia Court of General Sessions, the Juvenile Court of the District of Columbia, and the District of Columbia Tax Court are consolidated in a single court to be known as the Superior Court of the District of Columbia (hereafter in this title referred to as the 'Superior Court'). The Superior Court shall be a court of record in the District of Columbia and shall have a single seal.

"§ 11-902. Organization of the court

"The Superior Court shall consist of the following divisions: Civil Division, Criminal Division, Family Division, Probate Division, and Tax Division. The divisions of the Superior Court may be divided into such branches as the Superior Court may by rule prescribe.

"§ 11-903. Composition

"The Superior Court shall consist of a chief judge and forty-three associate judges (seven of whom shall not be appointed until twelve months after the effective date of the District of Columbia Court Reorganization Act of 1970).

"§ 11-904. Judges; service; compensation

"(a) The chief judge and the judges of the Superior Court shall serve as provided in chapter 15 of this title.

"(b) Judges of the Superior Court shall be compensated at 90 per centum of the rate prescribed by law for judges of United States district courts. The chief judge, during his service in that position, shall receive an additional \$500 per annum.

"§ 11-905. Oath of judges

"Each judge of the Superior Court, when appointed shall take the oath prescribed for judges of courts of the United States.

“§ 11-906. Administration by chief judge; discharge of duties

“(a) The chief judge shall administer and superintend the business of the Superior Court, as provided in chapter 17 of this title. He shall give his attention to the discharge of the duties especially pertaining to his office and to the performance of such additional judicial work as he is able to perform.

Post, p. 508.

“(b) He shall, insofar as is consistent with this title, arrange and divide the business of the Superior Court and fix the time of sessions of the various divisions and branches of the Superior Court.

“§ 11-907. Absence, disability, or disqualification of chief judge

“(a) When the chief judge of the court is absent or disabled, his duties shall devolve upon and be performed by such associate judge as the chief judge may designate in writing. In the event that the chief judge is (1) disqualified or suspended, or (2) unable or fails to make such a designation, his duties shall devolve upon and be performed by the associate judges of the court according to the seniority of their original commissions.

“(b) A chief judge whose term as chief judge has expired shall continue to serve until redesignated or until his successor has been designated. When there is a vacancy in the position of chief judge, the position shall be filled temporarily as provided in subsection (a).

“§ 11-908. Designation and assignment of judges

“(a) The chief judge may designate the number of judges to serve in any division and branch of the Superior Court and may assign and reassign any judge to sit in any division or branch. When making assignments to the Family Division and Tax Division, the chief judge shall consider the qualifications and interest of the judges. Each associate judge shall attend and serve in the division and branch to which he is assigned.

“(b) When the business of the Superior Court requires, the chief judge may certify to the chief judge of the District of Columbia Court of Appeals the need for temporary assignment of an additional judge or judges as provided in section 11-707.

“(c) Upon presentation of a certificate of necessity by the chief judge of the Superior Court, the chief judge of the United States Court of Appeals for the District of Columbia Circuit may designate and assign temporarily a judge or judges as provided in subsection (c) of section 292 of title 28, United States Code.

Post, p. 591.

“§ 11-909. Meetings and reports

“(a) The judges of the Superior Court shall meet upon the call of the chief judge, but not less than once each month, to consider matters relating to the business and operations of the court. The court may by rule require additional meetings.

“(b) Each associate judge shall submit to the chief judge such reports and data as the chief judge may request. Each judge shall submit a monthly written report to the chief judge and the Commission on Judicial Disabilities and Tenure which shall be in a form prescribed by the chief judge after consultation with the Commission and which shall set forth the duties performed by the reporting judge as follows:

“(1) The number of days' attendance in court of the judge during the month covered.

“(2) The division and branch (if any) of the court which he attended.

“(3) The number of hours per day of his attendance.

“(4) The number and type of matters disposed of by the judge during the month covered.

“(5) Such other data as the chief judge may require.

“§ 11-910. Clerks and secretaries for judges

“Each judge of the Superior Court may appoint and remove a personal law clerk and a personal secretary.

“SUBCHAPTER II.—JURISDICTION**“§ 11-921. Civil jurisdiction**

“(a) Except as provided in subsection (b), the Superior Court has jurisdiction of any civil action or other matter (at law or in equity) brought in the District of Columbia. Such jurisdiction shall vest in the court as follows:

“(1) Beginning on the effective date of the District of Columbia Court Reorganization Act of 1970, the court has jurisdiction of any civil action or other matter begun before such effective date in the District of Columbia Court of General Sessions, the Juvenile Court of the District of Columbia, or the District of Columbia Tax Court.

“(2) Beginning on such effective date, the court has jurisdiction of any civil action or other matter, at law or in equity, which is begun in the Superior Court on or after such effective date and in which the amount in controversy does not exceed \$50,000.

“(3) Beginning on such effective date, the court has jurisdiction (regardless of the amount in controversy) of any civil action or other matter, at law or in equity, which—

“(A) is brought under—

“(i) subchapter I of chapter 11 of title 16 (relating to ejectment);

“(ii) subchapter II or III of chapter 13 of title 16 (relating to the condemnation of land on behalf of the District of Columbia);

“(iii) chapter 19 of title 16 (relating to writs of habeas corpus directed to persons other than Federal officers and employees);

“(iv) chapter 25 of title 16 (relating to change of name);

“(v) chapter 33 of title 16 (relating to quieting title to real property);

“(vi) subchapter II of chapter 35 of title 16 (relating to writ of quo warranto);

“(vii) chapter 37 of title 16 (relating to replevin of personal property);

“(viii) the Hospital Treatment for Drug Addicts Act for the District of Columbia (D.C. Code, secs. 24-601 through 24-611) (relating to commitment of narcotics users); or

“(ix) section 2 of the Act of August 3, 1968 (D.C. Code, sec. 1-804(b)) (relating to contractors bonds).

“(B) involves an appeal from or petition for review of any assessment of tax (or civil penalty thereon) made by the District of Columbia; or

“(C) is brought under chapter 23 of title 16.

“(4) Immediately following the expiration of the eighteen-month period beginning on such effective date, the court has jurisdiction (regardless of the amount in controversy) of any civil action or other matter, at law or in equity, brought under—

“(A) chapter 3 of title 21 (relating to gifts to minors);

“(B) chapter 5 of title 21 (relating to hospitalization of the mentally ill);

“(C) chapter 7 of title 21 (relating to property of the mentally ill);

“(D) chapter 11 of title 21 (relating to commitment and maintenance of substantially retarded persons);

77 Stat. 564.
D.C. Code 16-1101.

Post, p. 558.
D.C. Code 16-1311, 16-1331.

Post, p. 560.
D.C. Code 16-1901.

D.C. Code 16-2501.

D.C. Code 16-3301.

Post, p. 562.

Post, p. 564.
D.C. Code 16-3701.

70 Stat. 609.

82 Stat. 628.

Post, p. 522.

79 Stat. 744.
D.C. Code 21-301.

D.C. Code 21-501.

D.C. Code 21-701.

D.C. Code 21-1101.

“(E) chapter 13 of title 21 (relating to appointment of committees for alcoholics and addicts);

“(F) chapter 15 of title 21 (relating to appointment of conservators); or

“(G) chapter 3, 7, 11, 13, or 15 of title 21 in the United States District Court for the District of Columbia and not completed in that court before the expiration of such eighteen-month period.

“(5) Immediately following the expiration of the thirty-month period beginning on such effective date, the court has jurisdiction (regardless of the amount in controversy)—

“(A) of any matter (at law or in equity)—

“(i) brought under chapter 29 of title 16 (relating to partition of property and assignment of dower);

“(ii) which would have been within the jurisdiction of the Orphans Court of Washington County, District of Columbia, before June 21, 1870;

“(iii) relating to the execution or validity of wills devising real property within the District of Columbia, and of wills and testaments properly presented for probate in the court, and the admission to probate and recording of those wills;

“(iv) relating to the proof of wills of either personal or real property and the revocation of probate of wills for cause;

“(v) involving the granting and revocation for cause of letters testamentary, letters of administration, letters ad colligendum and letters of guardianship, and the appointment of successors to persons whose letters have been revoked;

“(vi) involving the hearing, examination, and issuance of decrees upon accounts, claims, and demands existing between executors or administrators and legatees or persons entitled to a distributive share of an intestate estate, or between wards and their guardians;

“(vii) involving the enforcement of the rendition of inventories and accounts by executors, administrators, collectors, guardians, and trustees required to account to the court;

“(viii) involving the enforcement of distribution of estates by executors and administrators and the payment or delivery by guardians of money or property belonging to their wards; or

“(ix) otherwise within the probate jurisdiction of the United States District Court for the District of Columbia on the day before such effective date; and

“(B) any matter (at law or in equity) described in subparagraph (A) which was begun in the United States District Court for the District of Columbia and not completed in that court before the expiration of such thirty-month period.

“(6) Immediately following the expiration of the thirty-month period beginning on such effective date, the court has jurisdiction (regardless of the amount in controversy) of any civil action or other matter, at law or in equity, brought in the District of Columbia.

“(b) The Superior Court does not have jurisdiction over any civil action or other matter (1) over which exclusive jurisdiction is vested in a Federal court in the District of Columbia, or (2) over which jurisdiction is vested in the United States District Court for the District of Columbia under section 11-501 (relating to civil actions or other matters begun in such court before the expiration of the thirty-month period beginning on the effective date of the District of Columbia Court Reorganization Act of 1970).

79 Stat. 773.
D.C. Code 21-1301.
D.C. Code 21-1501.

D.C. Code 21-301 to 21-1301.

Post, p. 561.

Ante, p. 476.

“§ 11-922. Transfer of civil actions to Superior Court

“(a) In a civil action begun in the United States District Court for the District of Columbia before the effective date of the District of Columbia Court Reorganization Act of 1970 (other than an action for equitable relief), where it appears to the satisfaction of the court at or subsequent to any pretrial hearing but before trial thereof that the action will not justify a judgment in excess of \$10,000 and does not otherwise invoke the jurisdiction of the court, the court may certify the action to the Superior Court for trial.

“(b) In a civil action begun in the United States District Court for the District of Columbia during the thirty-month period beginning on the effective date of the District of Columbia Court Reorganization Act of 1970, the court may certify the action to the Superior Court if it appears to the satisfaction of the United States District Court at or subsequent to any pretrial hearing, but before the trial thereof, that—

“(1) the action will not justify a judgment in excess of \$50,000; and

“(2) the action does not otherwise invoke the jurisdiction of the court.

“(c) When an action is transferred under this section, the pleadings in the action, together with a copy of the docket entries and copies of any orders entered therein, and the deposit for costs, shall be sent to the Superior Court. The Superior Court shall thereafter treat the case as though it had been filed originally in that court, except that the jurisdiction of the court shall extend to the amount claimed in the action even though it exceeds the applicable jurisdictional limitation.

“§ 11-923. Criminal jurisdiction; commitment

“(a) The Superior Court has jurisdiction over all criminal cases pending in the District of Columbia Court of General Sessions before the effective date of the District of Columbia Court Reorganization Act of 1970.

“(b) (1) Except as provided in paragraph (2), the Superior Court has jurisdiction of any criminal case under any law applicable exclusively to the District of Columbia.

“(2) The Superior Court shall not have jurisdiction of any criminal case under any law applicable exclusively to the District of Columbia begun in the United States District Court for the District of Columbia under section 11-502(2) by the return of an indictment or the filing of an information during the eighteen-month period beginning on such effective date.

“(c) (1) With respect to any criminal case over which the Superior Court has jurisdiction, that court may make preliminary examinations and commit offenders, either for trial or for further examination, and may release or detain offenders in accordance with chapter 13 of title 23.

“(2) With respect to any criminal case over which the United States District Court for the District of Columbia has jurisdiction, the Superior Court (A) may make preliminary examinations and commit offenders, either for trial or for further examination, but only during the eighteen-month period beginning on the effective date of the District of Columbia Court Reorganization Act of 1970, and (B) may release or detain offenders in accordance with chapter 13 of title 23.

Ante, p. 477.

Post, p. 639.

“SUBCHAPTER III.—MISCELLANEOUS PROVISIONS**“§ 11-941. Issuance of warrants; record**

“Subject to title 23, judges of the Superior Court may, at any time, including Sundays and legal holidays, on complaint or application under oath or actual view, issue warrants for arrest, search or seizure, or electronic surveillance in connection with crimes and offenses committed within the District of Columbia, or for administrative inspections in connection with laws relating to the public health, safety, and welfare. Each proceeding respecting a warrant shall be recorded as prescribed by the court. Warrants shall be issued free of charge.

Post, p. 604.**“§ 11-942. Subpenas**

“(a) The Superior Court may compel the attendance of witnesses by attachment. At the request of any party, subpoenas for attendance at a hearing or trial in the Superior Court shall be issued by the clerk of court. A subpoena may be served at any place within the District of Columbia, or at any place without the District of Columbia that is within twenty-five miles of the place of the hearing or trial specified in the subpoena. The form, issuance, and manner of service of the subpoena shall be as prescribed by the rule of the court.

“(b) A subpoena in a criminal case in which a felony is charged may be served at any place within the United States upon order of a judge of the court.

“§ 11-943. Process

“(a) All process other than a subpoena may be served at any place within the District of Columbia, and, when authorized by statute or by the Federal Rules of Civil Procedure, at any place without the District of Columbia.

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“(b) Service upon a third-party defendant, upon a person whose joinder is needed for just adjudication, and upon persons required to respond to any order of commitment for civil contempt may be served at all places outside the District of Columbia that are not more than one hundred miles from the place of hearing or trial specified.

“(c) The form, issuance, and manner of service of process shall be prescribed by rule of the court.

“§ 11-944. Contempt power

“In addition to the powers conferred by section 402 of title 18, United States Code, the Superior Court, or a judge thereof, may punish for disobedience of an order or for contempt committed in the presence of the court.

62 Stat. 701.

“§ 11-945. Oaths, affirmations, and acknowledgments

“Each judge and each employee of the Superior Court authorized by the chief judge may administer oaths and affirmations and take acknowledgments.

“§ 11-946. Rules of court

“The Superior Court shall conduct its business according to the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure (except as otherwise provided in title 23) unless it prescribes or adopts rules which modify those Rules. Rules which modify the Federal Rules shall be submitted for the approval of the District of Columbia Court of Appeals, and they shall not take effect until

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approved by that court. The Superior Court may adopt and enforce other rules as it may deem necessary without the approval of the District of Columbia Court of Appeals if such rules do not modify the Federal Rules. The Superior Court may appoint a committee of lawyers to advise it in the performance of its duties under this section.

"Chapter 11.—FAMILY DIVISION OF THE SUPERIOR COURT

"Sec.

"11-1101. Exclusive jurisdiction.

"§ 11-1101. Exclusive jurisdiction

Ante, p. 482.

"The Family Division of the Superior Court shall be assigned, in accordance with chapter 9, exclusive jurisdiction of—

"(1) actions for divorce from the bond of marriage and legal separation from bed and board, including proceedings incidental thereto for alimony, pendente lite and permanent, and for support and custody of minor children;

"(2) applications for revocation of divorce from bed and board;

"(3) actions to enforce support of any person as required by law;

"(4) actions seeking custody of minor children, including petitions for writs of habeas corpus;

"(5) actions to declare marriages void;

"(6) actions to declare marriages valid;

"(7) actions for annulments of marriage;

"(8) determinations and adjudications of property rights, both real and personal, in any action referred to in this subsection, irrespective of any jurisdictional limitation imposed on the Superior Court;

"(9) proceedings in adoption;

71 Stat. 285.

"(10) proceedings under the Act of July 10, 1957 (D.C. Code, secs. 30-301 to 30-324);

"(11) proceedings to determine paternity of any child born out of wedlock;

Post, p. 546.

"(12) civil proceedings for protection involving intrafamily offenses, instituted pursuant to chapter 10 of title 16;

Post, p. 523.

"(13) proceedings in which a child, as defined in section 16-2301, is alleged to be delinquent, neglected, or in need of supervision;

79 Stat. 750;

Post, p. 567.

"(14) proceedings under chapter 5 of title 21 relating to the commitment of the mentally ill;

D.C. Code 21-501.

"(15) proceedings under chapter 11 of title 21 relating to the commitment of the substantially retarded; and

D.C. Code 21-1101.

"(16) proceedings under Interstate Compact on Juveniles (described in title VII of the District of Columbia Court Reform and Criminal Procedure Act of 1970).

Post, p. 657.

"Chapter 12.—TAX DIVISION OF THE SUPERIOR COURT

"Sec.

"11-1201. Exclusive jurisdiction.

"11-1202. Abolition of other remedies.

"11-1203. Rules and regulations.

"§ 11-1201. Exclusive jurisdiction

"The Tax Division of the Superior Court shall be assigned exclusive jurisdiction of—

"(1) all appeals from and petitions for review of assessments of tax (and civil penalties thereon) made by the District of Columbia; and

“(2) all proceedings brought by the District of Columbia for the imposition of criminal penalties pursuant to the provisions of the statutes relating to taxes levied by or in behalf of the District of Columbia.

“§ 11-1202. Abolition of other remedies

“Notwithstanding any other provision of law, the jurisdiction of the Tax Division of the Superior Court to review the validity and amount of all assessments of tax made by the District of Columbia is exclusive. Effective on and after the effective date of the District of Columbia Court Reorganization Act of 1970, any common-law remedy with respect to assessments of tax in the District of Columbia and any equitable action to enjoin such assessments available in a court other than the former District of Columbia Tax Court is abolished. Actions properly filed before the effective date of that Act are not affected by this section and the court in which any such action has been filed may retain jurisdiction until its disposition.

“§ 11-1203. Rules and regulations

“The Superior Court may make such rules and regulations for conducting business in the Tax Division, consistent with the statutes applicable to such business and with the Superior Court’s general rules of practice and procedure, as it may deem necessary and proper. Rules and regulations for the Tax Division shall, insofar as possible, assure the prompt disposition of matters before the Tax Division to the end that the taxing statutes of the District of Columbia shall be fairly and efficiently enforced.

“Chapter 13.—SMALL CLAIMS AND CONCILIATION BRANCH OF THE SUPERIOR COURT

“SUBCHAPTER I.—CONTINUATION AND SESSIONS

“Sec.

“11-1301. Continuation of Branch.

“11-1302. Sessions.

“SUBCHAPTER II.—JURISDICTION AND PROCEDURES

“11-1321. Exclusive jurisdiction of small claims.

“11-1322. Arbitration and conciliation.

“11-1323. Certification of cases by Superior Court judges: recertification; certification by Branch.

“SUBCHAPTER I.—CONTINUATION AND SESSIONS

“§ 11-1301. Continuation of Branch

“The Small Claims and Conciliation Branch shall continue as a branch of the Civil Division in the Superior Court.

“§ 11-1302. Sessions

“The Small Claims and Conciliation Branch, with a judge in attendance, shall be open for the transaction of business on every day of the year except Saturday afternoons, Sundays, and legal holidays, and shall hold at least one evening session during each week.

“SUBCHAPTER II.—JURISDICTION AND PROCEDURES

“§ 11-1321. Exclusive jurisdiction of small claims

“The Small Claims and Conciliation Branch has exclusive jurisdiction of any action within the jurisdiction of the Superior Court which is only for the recovery of money, if the amount in controversy does not exceed \$750, exclusive of interest, attorney fees, protest fees, and costs. An action which affects an interest in real property may not

be brought in the Branch. If a counterclaim, cross claim, or any other claim or any defense, affecting an interest in real property, is made in an action brought in the Branch, the action shall be certified to the Civil Division.

“§ 11-1322. Arbitration and conciliation

“In order to effect the speedy settlement of controversies, and with the consent of the parties thereto, the Small Claims and Conciliation Branch may settle cases, irrespective of the amount involved, by the methods of arbitration and conciliation. A judge sitting in the Branch may act as a referee or arbitrator, either alone or in conjunction with other persons, as provided by rule of the court. A judge, officer, or employee of the Superior Court may not accept any fee or compensation in addition to his salary for services performed pursuant to this section.

“§ 11-1323. Certification of cases by Superior Court judges; recertification; certification by Branch

“(a) When the interests of justice seem to require and all parties consent thereto, a judge of the Superior Court may certify a case to the Small Claims and Conciliation Branch for conciliation or to obtain a complete or partial agreed statement of facts or stipulation, which will simplify and expedite the ultimate trial of the case. With the consent of all parties, the trial of the case may be completed in the Branch. In the absence of consent, the case shall be recertified to another judge of the Civil Division for trial.

“(b) When the interests of justice seem to require, the Branch may certify to the Civil Division any action brought in the Branch under section 11-1321.

“Chapter 15.—JUDGES OF THE DISTRICT OF COLUMBIA COURTS

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**"SUBCHAPTER I.—APPOINTMENT; QUALIFICATIONS;
SERVICE OF JUDGES**

"§ 11-1501. Appointment and qualifications of judges

"(a) The President of the United States shall nominate, and by and with the advice and consent of the Senate, shall appoint all judges of the District of Columbia courts. He shall have power to fill all vacancies that may occur in those courts during a recess of the Senate, by granting commissions which shall expire at the end of the next session of the Senate.

"(b) A person may not be appointed a judge of a District of Columbia court unless he—

"(1) is a citizen of the United States;

"(2) (A) is a member of the bar of the District of Columbia, and (B) (i) has been a member of such bar for a period of at least five years, or (ii) in the case of a professor of law in a law school in the District of Columbia or of an attorney employed in the District of Columbia by the United States or the District of Columbia, has been eligible for membership in the bar of the District of Columbia for at least five years prior to his appointment;

"(3) has been actively engaged, for at least five of the ten years immediately prior to his appointment, as an attorney in the practice of law in the District of Columbia, as a judge of a District of Columbia court, as a professor of law in a law school in the District of Columbia, or as an attorney employed in the District of Columbia by the United States or the District of Columbia; and

"(4) is a bona fide resident of the area consisting of the District of Columbia, Montgomery and Prince George's Counties in Maryland, Arlington and Fairfax Counties and the city of Alexandria in Virginia and has maintained an actual place of abode in such area for at least five years prior to his appointment.

During his term of service and for one year after the termination thereof, no member of the District of Columbia Commission on Judicial Disabilities and Tenure shall be eligible for nomination or appointment to a District of Columbia court.

"§ 11-1502. Tenure

"Subject to mandatory retirement at age 70 and to the provisions of subchapters II and III of this chapter, a judge of a District of Columbia court appointed on or after the date of enactment of the District of Columbia Court Reorganization Act of 1970 shall serve for a term of fifteen years, and upon completion of such term, such judge shall continue to serve until his successor is appointed and qualifies.

"§ 11-1503. Designation of Chief Judge

"(a) The chief judge of a District of Columbia court shall be designated by the President of the United States from among the judges of the court in regular active service, and shall serve for a term of four years or until his successor is designated. He shall be eligible for redesignation. A judge may relinquish his position as chief judge, after giving notice to the President.

"(b) If a chief judge is not redesignated, or relinquishes the office of chief judge, he shall continue as an associate judge.

"§ 11-1504. Service of retired judges

"A judge, retired for reasons other than disability may perform, upon designation of a chief judge, those judicial duties which he is willing and able to undertake.

“§ 11-1505. Vacations

“(a) Each judge of the District of Columbia courts shall be entitled to an annual vacation of not more than 30 calendar days. Such vacation shall be taken at such time or times as prescribed by the chief judge of the District of Columbia Court of Appeals for judges of that court and by the chief judge of the Superior Court for judges of that court. Time spent by a judge as a member of any conference, committee, or commission established by law shall not be deducted from his vacation period.

“(b) In determining when a judge shall take a vacation, and the length thereof, the chief judge exercising authority under this section shall be mindful of the necessity of retaining sufficient judicial manpower in the court under his supervision to permit at all times the prompt and effective disposition of the business of such court.

“SUBCHAPTER II.—THE DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE**“§ 11-1521. Establishment of Commission**

“There shall be a District of Columbia Commission on Judicial Disabilities and Tenure (hereafter in this subchapter referred to as the ‘Commission’). The Commission shall have power to suspend, retire, or remove a judge of a District of Columbia court, as provided in this subchapter.

“§ 11-1522. Membership

“(a) The Commission shall consist of five members appointed as follows:

“(1) The President of the United States shall appoint three members of the Commission. Of the members appointed by the President—

“(A) at least one member must be a member of the District of Columbia bar who has been actively engaged in the practice of law in the District of Columbia for at least five of the ten years immediately before his appointment; and

“(B) at least two members must be residents of the District of Columbia.

“(2) the Commissioner of the District of Columbia shall appoint one member of the Commission. The member appointed by the Commissioner must be a resident of the District of Columbia and not an attorney.

“(3) The chief judge of the United States District Court for the District of Columbia shall appoint one member of the Commission. The member appointed by the chief judge shall be an active or retired Federal judge serving in the District of Columbia.

The President shall designate as Chairman of the Commission one of his appointees who is a member of the District of Columbia bar who has been actively engaged in the practice of law in the District of Columbia for at least five of the ten years before the member’s appointment.

“(b) There shall be three alternate members of the Commission, who shall serve as members pursuant to rules adopted by the Commission. The alternate members shall be appointed as follows:

“(1) The President shall appoint one alternate member, who shall be a resident of the District of Columbia and a member of the bar of the District of Columbia who has been actively engaged in the practice of law in the District of Columbia for at least five of the ten years immediately before his appointment.

“(2) The Commissioner shall appoint one alternate member who shall be a resident of the District of Columbia and not an attorney.

“(3) The chief judge of the United States District Court for the District of Columbia shall appoint one alternate member who shall be an active or retired Federal judge serving in the District of Columbia.

“(c) No member or alternate member of the Commission shall be a member, officer, or employee of the legislative branch or of an executive or military department of the United States Government (listed in section 101 or 102 of title 5, United States Code); and no member or alternate member (other than a member or alternate member appointed by the chief judge of the United States District Court for the District of Columbia) shall be an officer or employee of the judicial branch of the United States Government. No member or alternate member of the Commission shall be an officer or employee of the District of Columbia government (including its judicial branch).

80 Stat. 378,
948.

“§ 11-1523. Terms of office; vacancy; continuation of service by a member

“(a) (1) Except as provided in paragraph (2), the term of office of members and alternate members of the Commission shall be six years.

“(2) Of the members and alternate members first appointed to the Commission—

“(A) one member and alternate member appointed by the President shall be appointed for a term of six years, one member appointed by the President shall be appointed for a term of four years, and one such member shall be appointed for a term of two years, as designated by the President at the time of appointment;

“(B) the member and alternate member appointed by the chief judge of the United States District Court for the District of Columbia shall be appointed for a term of four years; and

“(C) the member and alternate member appointed by the Commissioner of the District of Columbia shall be appointed for a term of two years.

“(b) A member or alternate member appointed to fill a vacancy occurring before the expiration of the term of his predecessor shall serve only for the remainder of that term. Any vacancy on the Commission shall be filled in the same manner as the original appointment was made.

“(c) If approved by the Commission, a member may serve after the expiration of his term for purposes of participating until conclusion in a matter, relating to the suspension, retirement, or removal of a judge, begun before the expiration of his term. A member's successor may be appointed without regard to the member's continuation in service, but his successor may not participate in the matter for which the member's continuation in service was approved.

“§ 11-1524. Compensation

“Any member or alternate member who is an active or retired Federal judge or an officer or employee of the United States shall serve without compensation. Other members or alternate members shall receive the daily equivalent of the rate provided for GS-18 of the General Schedule when actually engaged in service for the Commission.

Ante, p. 198-1.

“§ 11-1525. Operations; personnel; administrative services

“(a) The Commission may make such rules and regulations for its operations as it may deem necessary, and such rules and regulations shall be effective on the date specified by the Commission. The District of Columbia Administrative Procedure Act, (D.C. Code, secs.

82 Stat. 1203.

1-1501 to 1510) shall be applicable to the Commission only as provided by this subsection. For the purposes of the publication of rules and regulations, judicial notice, and the filing and compilation of rules, sections 5, 7, and 8 of that Act (D.C. Code, secs. 1-1504, 1-1506, and 1-1507), insofar as consistent with this subchapter, shall be applicable to the Commission; and for purposes of those sections, the Commission shall be deemed an independent agency as defined in section 3(5) of that Act (D.C. Code, sec. 1-1502). Nothing contained herein shall be construed to require prior public notice and hearings on the subject of rules adopted by the Commission.

80 Stat. 416.

Ante, p. 198-1.

“(b) The Commission is authorized, without regard to the provisions governing appointment and classification of District of Columbia employees, to appoint and fix the compensation of, or to contract for, such officers, assistants, reporters, counsel, and other persons as may be necessary for the performance of its duties. It is authorized to obtain the services of medical and other experts in accordance with the provisions of section 3109 of title 5, United States Code, but at rates not to exceed the daily equivalent of the rate provided for GS-18 of the General Schedule.

“(c) The District of Columbia is authorized to detail, on a reimbursable basis, any of its personnel to assist in carrying out the duties of the Commission.

“(d) Financial and administrative services (including those related to budgeting and accounting, financial reporting, personnel, and procurement) shall be provided to the Commission by the District of Columbia, for which payment shall be made in advance, or by reimbursement, from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the District of Columbia government. Regulations of the District of Columbia for the administrative control of funds shall apply to funds appropriated to the Commission.

“§ 11-1526. Removal; involuntary retirement; proceedings

“(a) (1) A judge of a District of Columbia court shall be removed from office upon the filing in the District of Columbia Court of Appeals by the Commission of an order of removal certifying the entry, in any court within the United States, of a final judgment of conviction of a crime which is punishable as a felony under Federal law or which would be a felony in the District of Columbia.

“(2) A judge of a District of Columbia court shall also be removed from office upon affirmance of an appeal from an order of removal filed in the District of Columbia Court of Appeals by the Commission (or upon expiration of the time within which such an appeal may be taken) after a determination by the Commission of—

“(A) willful misconduct in office,

“(B) willful and persistent failure to perform judicial duties,

or

“(C) any other conduct which is prejudicial to the administration of justice or which brings the judicial office into disrepute.

“(b) A judge of a District of Columbia court shall be involuntarily retired from office when (1) the Commission determines that the judge suffers from a mental or physical disability (including habitual intemperance) which is or is likely to become permanent and which prevents, or seriously interferes with, the proper performance of his judicial duties, and (2) the Commission files in the District of Columbia Court of Appeals an order of involuntary retirement and the order is affirmed on appeal or the time within which an appeal may be taken from the order has expired.

“(c) (1) A judge of a District of Columbia court shall be suspended, without salary—

“(A) upon—

“(i) proof of his conviction of a crime referred to in subsection (a) (1) which has not become final, or

“(ii) the filing of an order of removal under subsection (a) (2) which has not become final; and

“(B) upon the filing by the Commission of an order of suspension in the District of Columbia Court of Appeals.

Suspension under this paragraph shall continue until termination of all appeals. If the conviction is reversed or the order of removal is set aside, the judge shall be reinstated and shall recover his salary and all rights and privileges of his office.

“(2) A judge of a District of Columbia court shall be suspended from all judicial duties, with such retirement salary as he may be entitled to pursuant to subchapter III of this chapter, upon the filing by the Commission of an order of involuntary retirement under subsection (b) in the District of Columbia Court of Appeals. Suspension shall continue until termination of all appeals. If the order of involuntary retirement is set aside, the judge shall be reinstated and shall recover his judicial salary less any retirement salary received and shall be entitled to all the rights and privileges of his office.

“(3) A judge of a District of Columbia court shall be suspended from all or part of his judicial duties, with salary, if the Commission, upon the concurrence of three members, (A) orders a hearing for the removal or retirement of the judge pursuant to this subchapter and determines that his suspension is in the interest of the administration of justice, and (B) files an order of suspension in the District of Columbia Court of Appeals. The suspension shall terminate as specified in the order (which may be modified, as appropriate, by the Commission) but in no event later than the termination of all appeals.

“§ 11-1527. Procedures

“(a) (1) On its own initiative, or upon complaint or report of any person, formal or informal, the Commission may undertake an investigation of the conduct or health of any judge. After such investigation as it deems adequate, the Commission may terminate the investigation or it may order a hearing concerning the health or conduct of the judge. No order affecting the tenure of a judge based on grounds for removal set forth in section 11-1526(a) (2) or 11-1530(b) (3) shall be made except after a hearing as provided by this subchapter. Nothing in this subchapter shall preclude any informal contacts with the judge, or the chief judge of his court, by the Commission, whether before or after a hearing is ordered, to discuss any matter related to its investigation.

“(2) A judge whose conduct or health is to be the subject of a hearing by the Commission shall be given notice of such hearing and of the nature of the matters under inquiry not less than thirty days before the date on which the hearing is to be held. He shall be admitted to such hearing and to every subsequent hearing regarding his conduct or health. He may be represented by counsel, offer evidence in his own behalf, and confront and cross-examine witnesses against him.

“(3) Within ninety days after the adjournment of hearings, the Commission shall make findings of fact and a determination regarding the conduct or health of a judge who was the subject of the hearing. The concurrence of at least four members shall be required for a determination of grounds for removal or retirement. Upon a deter-

mination of grounds for removal or retirement, the Commission shall file an appropriate order pursuant to subsection (a) or (b) of section 11-1526. On or before the date the order is filed, the Commission shall notify the judge, the chief judge of his court, and the President of the United States.

“(b) The Commission shall keep a record of any hearing on the conduct or health of a judge and one copy of such record shall be provided to the judge at the expense of the Commission.

“(c) (1) In the conduct of investigations and hearings under this section the Commission may administer oaths, order and otherwise provide for the inspection of books and records, and issue subpoenas for attendance of witnesses and the production of papers, books, accounts, documents, and testimony relevant to any such investigation or hearing. It may order a judge whose health is in issue to submit to a medical examination by a duly licensed physician designated by the Commission.

“(2) Whenever a witness before the Commission refuses, on the basis of his privilege against self-incrimination, to testify or produce books, papers, documents, records, recordings, or other materials, and the Commission determines that the testimony or production of evidence is necessary to the conduct of its proceedings, it may order the witness to testify or produce the evidence. The Commission may issue the order no earlier than ten days after the day on which it served the Attorney General with notice of its intention to issue the order. The witness may not refuse to comply with the order on the basis of his privilege against self-incrimination, but no testimony or other information compelled under the order (or any information directly or indirectly derived from the testimony or production of evidence) may be used against the witness in any criminal case, nor may it be used as a basis for subjecting the witness to any penalty or forfeiture contrary to constitutional right or privilege. No witness shall be exempt under this subsection from prosecution for perjury committed while giving testimony or producing evidence under compulsion as provided in this subsection.

“(3) If any person refuses to attend, testify, or produce any writing or things required by a subpoena issued by the Commission, the Commission may petition the United States district court for the district in which the person may be found for an order compelling him to attend and testify or produce the writings or things required by subpoena. The court shall order the person to appear before it at a specified time and place and then and there shall consider why he has not attended, testified, or produced writings or things as required. A copy of the order shall be served upon him. If it appears to the court that the subpoena was regularly issued, the court shall order the person to appear before the Commission at the time or place fixed in the order and to testify or produce the required writings or things. Failure to obey the order shall be punishable as contempt of court.

“(4) In pending investigations or proceedings before it, the Commission may order the deposition of any person to be taken in such form and subject to such limitation as may be prescribed in the order. The Commission may file in the Superior Court a petition, stating generally, without identifying the judge, the nature of the pending matter, the name and residence of the person whose testimony is desired, and directions, if any, of the Commission requesting an order requiring the person to appear and testify before a designated officer. Upon the filing of the petition the Superior Court may order the person to appear and testify. A subpoena for such deposition shall be issued by the clerk of the Superior Court and the deposition shall be taken and returned in the manner prescribed by law for civil actions.

“(d) It shall be the duty of the United States marshals upon the request of the Commission to serve process and to execute all lawful orders of the Commission.

“(e) Each witness, other than an officer or employee of the United States or the District of Columbia, shall receive for his attendance the same fees, and all witnesses shall receive the allowances, prescribed by section 15-714 for witnesses in civil cases. The amount shall be paid by the Commission from funds appropriated to it.

Post, p. 554.

“§ 11-1528. Privilege; confidentiality

“(a) The filing of papers with and the giving of testimony before the Commission shall be privileged. Unless otherwise authorized by the judge whose conduct or health is the subject of the proceedings under this subchapter, the hearings before the Commission, the record thereof, and all papers filed in connection with such hearings shall be confidential. But on prosecution of a witness for perjury or on review of a decision of the Commission, the record of hearings before the Commission and all papers filed in connection therewith shall be disclosed to the extent required for the prosecution or review.

“(b) If the Commission determines that no grounds for removal or involuntary retirement exist it shall notify the judge and inquire whether he desires the Commission to make available to the public information pertaining to the nature of its investigation, its hearings, findings, determinations, or any other fact related to its proceedings regarding his health or conduct. Upon receipt of such request in writing from the judge, the Commission shall make such information available to the public.

“§ 11-1529. Judicial review

“(a) A judge aggrieved by an order of removal or retirement filed by the Commission pursuant to subsection (a) or (b) of section 11-1526 may seek judicial review thereof by filing notice of appeal with the Chief Justice of the United States. Notice of appeal shall be filed within 30 days of the filing of the order of the Commission in the District of Columbia Court of Appeals.

“(b) Upon receipt of notice of appeal from an order of the Commission, the Chief Justice shall convene a special court consisting of three Federal judges designated from among active or retired judges of the United States Court of Appeals for the District of Columbia Circuit and the United States District Court for the District of Columbia.

“(c) The special court shall review the order of the Commission appealed from and, to the extent necessary to decision and when presented, shall decide all relevant questions of law and interpret constitutional and statutory provisions. Within 90 days after oral argument or submission on the briefs if oral argument is waived, the special court shall affirm or reverse the order of the Commission or remand the matter to the Commission for further proceedings.

“(d) The special court shall hold unlawful and set aside a Commission order or determination found to be—

“(1) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

“(2) contrary to constitutional right, power, privilege, or immunity;

“(3) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right;

“(4) without observance of procedure required by law; or

“(5) unsupported by substantial evidence.

In making the foregoing determinations, the special court shall review

the whole record or those parts of it cited by the judge or the Commission, and shall take due account of the rule of prejudicial error.

28 USC app.

"(e) As appropriate and to the extent consistent with this chapter, the Federal Rules of Appellate Procedure governing appeals in civil cases shall apply to appeals taken under this section.

"(f) Decisions of the special court shall be final and conclusive.

"§ 11-1530. Financial statements

"(a) Pursuant to such rules as the Commission shall promulgate, each judge of the District of Columbia courts shall, within one year following the date of enactment of the District of Columbia Court Reorganization Act of 1970 and at least annually thereafter, file with the Commission the following reports of his personal financial interests:

"(1) A report of his income and his spouse's income for the period covered by the report, the sources thereof, and the amount and nature of the income received from each such source.

"(2) The name and address of each private foundation or eleemosynary institution, and of each business or professional corporation, firm, or enterprise in which he was an officer, director, proprietor, or partner during such period;

"(3) The identity of each liability of \$5,000 or more owed by him or by him and his spouse jointly at any time during such period.

"(4) The source and value of all gifts in the aggregate amount or value of \$50 or more from any single source received by him during such period, except gifts from his spouse or any of his children or parents.

"(5) The identity of each trust in which he held a beneficial interest having a value of \$10,000 or more at any time during such period, and in the case of any trust in which he held any beneficial interest during such period, the identity, if known, of each interest in real or personal property in which the trust held a beneficial interest having a value of \$10,000 or more at any time during such period. If he cannot obtain the identity of the trust interest, he shall request the trustee to report that information to the Commission in such manner as the Commission shall by rule prescribe.

"(6) The identity of each interest in real or personal property having a value of \$10,000 or more which he owned at any time during such period.

"(7) The amount or value and source of each honorarium of \$300 or more received by him during such period.

"(8) The source and amount of all money, other than that received from the United States Government, received in the form of an expense account or as reimbursement for expenditures during such period.

"(b)(1) Except as provided in paragraph (2) of this subsection, the content of any report filed under this section shall not be open to inspection by anyone other than (A) the person filing the report, (B) authorized members, alternate members, or staff of the Commission to determine if this section has been complied with or in connection with duties of the Commission under this subchapter, or (C) a special court convened under section 11-1529 to review a removal order of the Commission.

"(2) Reports filed pursuant to paragraphs (2) and (7) of subsection (a) shall be made available for public inspection and copy-

ing promptly after filing and during the period they are kept by the Commission, and shall be kept by the Commission for not less than three years.

“(3) The intentional failure by a judge of a District of Columbia court to file a report required by this section, or the filing of a fraudulent report, shall constitute willful misconduct in office and shall be grounds for removal from office under section 11-1526(a) (2).

“SUBCHAPTER III.—RETIREMENT

“§ 11-1561. Definitions

“For purposes of this subchapter—

“(1) The term ‘judge’ means any judge of the District of Columbia Court of Appeals or the Superior Court or any person with judicial service as described in paragraph (2) of this section.

“(2) The term ‘judicial service’ means service as a judge in the District of Columbia Court of Appeals, the Superior Court, or the former Juvenile Court of the District of Columbia, District of Columbia Tax Court, police court, municipal court, Municipal Court of Appeals, or District of Columbia Court of General Sessions.

“(3) The terms ‘retire’ and ‘retirement’ include retirement, resignation, or failure to be recommissioned or reappointed upon the expiration of a commission.

“(4) The term ‘fund’ means the District of Columbia Judicial Retirement and Survivors Annuity Fund as provided in section 11-1570.

“(5) The term ‘widow’ means a surviving wife of a judge who has either (A) been married to the judge for at least two years preceding his death or (B) is the mother of issue by the marriage and has not remarried.

“(6) The term ‘widower’ means a surviving husband of a judge who has either (A) been married to the judge for at least two years preceding her death or (B) is the father of issue by the marriage and has not remarried.

“(7) The term ‘Commissioner’ means the Commissioner of the District of Columbia.

“(8) The term ‘child’ means—

“(A) an unmarried child under eighteen years of age, including (i) an adopted child, and (ii) a stepchild or recognized natural child who lived with the judge in a regular parent-child relationship;

“(B) such unmarried child regardless of age who is incapable of self-support because of mental or physical disability incurred before age eighteen; or

“(C) such unmarried child between eighteen and twenty-two years of age who is a student regularly pursuing a full-time course of study or training in residence in a high school, trade school, technical or vocational institute, junior college, college, university or comparable recognized educational institution. For the purpose of this paragraph, a child whose twenty-second birthday occurs before July 1 or after August 31 of a calendar year, and while he is regularly pursuing such a course of study or training, is deemed to have become twenty-two years of age on the first day of July after that birthday. A child who is a student is deemed not to have ceased to be a student during an interim between school years if the interim is not more than five months and if he shows

to the satisfaction of the Commissioner that he has a bona fide intention of continuing to pursue a course of study or training in the same or different school during the school semester (or other period into which the school year is divided) immediately after the interim.

“(9) The term ‘lump-sum credit for retirement’ means the unrefunded amount consisting of—

“(A) retirement deductions made from the basic salary of a judge;

“(B) amounts deposited covering earlier judicial and non-judicial service; and

“(C) interest on the deductions and deposits at 4 per centum a year to December 31, 1947, and 3 per centum a year thereafter compounded annually to December 31, 1956, or, in the case of a judge separated or transferred to a position not within the purview of this section before he has completed five years of service, to the date of the separation or transfer; but the term ‘lump-sum credit for retirement’ does not include interest—

“(i) if the service covered thereby aggregates one year or less; or

“(ii) for the fractional part of a month in the total service.

“(10) The term ‘lump-sum credit for survivor annuity’ means the unrefunded amount consisting of—

“(A) survivor annuity deductions made from the salary of a judge;

“(B) amounts deposited for survivor annuity covering earlier judicial and nonjudicial service; and

“(C) interest on the deductions and deposits at 4 per centum a year to December 31, 1947, and 3 per centum a year thereafter compounded annually to December 31, 1956, or, in the case of a judge separated or transferred to a position not within the purview of this section before he has completed five years of service, to the date of the separation or transfer; but the term ‘lump-sum credit for survivor annuity’ does not include interest—

“(i) if the service covered thereby aggregates one year or less; or

“(ii) for the fractional part of a month in the total service.

“§ 11-1562. Eligibility for retirement

“(a) A judge is eligible for retirement under this subchapter when he has completed ten years of judicial service, whether continuous or not, or upon mandatory retirement as provided in section 11-1502.

“(b) The retirement salary of a judge who retires shall commence as follows:

“(1) With twenty or more years of judicial service, at age fifty.

“(2) With less than twenty years of judicial service, at age sixty, unless he elects to receive a reduced salary beginning at age fifty-five or at the date of retirement if subsequent to that age.

“(c) A judge with five years or more of judicial service, including civilian service performed by the judge which is creditable under section 8332 of title 5, United States Code, may voluntarily retire for a mental or physical disability which is or is likely to become permanent and which prevents, or seriously interferes with, the proper performance of judicial duties. Such disability shall be established by furnishing to the Commissioner a certificate of disability signed by a duly licensed physician, approved by the Surgeon General of the United States, and containing such information and conclusions as the Commissioner by regulation may require consistent with this subsection.

“(d) Eligibility for retirement salary of a judge involuntarily retired for disability under section 11-1526(b) shall not be conditioned upon prior service.

“§ 11-1563. Withholding of retirement payments; lump-sum credit

“(a) There shall be deducted and withheld from the basic salary of each judge appointed after October 31, 1964, and each judge appointed before November 1, 1964, who has elected to come within the provisions of this subchapter an amount equal to $3\frac{1}{2}$ per centum of his basic salary. Amounts so deducted and withheld shall be deposited in the fund in accordance with procedures established by the Commissioner. Each judge subject to this section shall be deemed to consent and agree to such deductions from basic salary, and payment less such deductions shall constitute a full and complete discharge and acquittance of all claims and demands whatsoever for all regular service during the period covered by such payment, except the right to the benefits to which he shall be entitled under this subsection, notwithstanding any law, rule, or regulation affecting the judge's salary.

“(b) If he has not previously so deposited, each judge subject to this section shall deposit in the fund, with interest at 4 per centum per annum to December 31, 1947, and 3 per centum per annum thereafter, compounded on December 31 of each year, a sum equal to $3\frac{1}{2}$ per centum of his basic salary received for judicial service performed by him as a judge prior to the date he became subject to the District of Columbia Judges Retirement Act of 1964. Each judge may elect to make such deposits in installments during the continuance of his judicial service in such amounts as may be determined in each instance by the Commissioner. Notwithstanding the failure of any judge to make such deposits, credit shall be allowed for the service rendered but the retirement pay for such judge shall be reduced by 10 per centum of such deposit remaining unpaid unless the judge shall elect to eliminate the service involved for purposes of retirement salary computation, except as provided in section 11-1564(d).

78 Stat. 1055.

“(c) If any judge who is subject to this section is removed, resigns, or fails to be recommissioned or reappointed, he is entitled to be paid his lump-sum credit for retirement if application for payment is filed with the Commissioner at least thirty-one days before the commencing date of any retirement salary for which he is eligible. The receipt of the lump-sum credit for retirement by the judge voids all retirement salary rights under this subchapter, until he is reemployed in judicial service subject to this subchapter.

“(d) If a judge who has not elected to bring himself within the survivor annuity provisions of this subchapter dies while in regular active service, the lump-sum credit for retirement shall be paid, upon the establishment of a valid claim therefor, to the person or persons surviving him in the order of precedence established in section 11-1569(b). Such payments shall be a bar to recovery by any other person.

“§ 11-1564. Computation of retirement salary; election to credit other service

“(a) The retirement salary of a judge who retires pursuant to section 11-1562 (a) and (b) shall be paid annually in equal monthly installments during the remainder of his life and shall bear the same ratio to his basic salary immediately prior to the date of his retirement as the total of his aggregate years of service bears to the period of thirty years. A judge who elects to receive a reduced retirement salary pursuant to section 11-1562(b) (2) shall have his retirement salary reduced by one-twelfth of 1 per centum for each month or fraction of a month he is under the age of sixty at the time of the commencement

of his reduced retirement salary. In no event shall the retirement salary (including the amount provided by subsection (c) of this section) of a judge exceed 80 per centum of his basic salary immediately prior to the date of his retirement.

“(b) The retirement salary of a judge retired for disability pursuant to section 11-1526(b) or section 11-1562 (c) or (d) shall be paid annually in equal monthly installments during the remainder of his life and shall be computed as provided in subsection (a). If a judge is retired for disability, his retirement salary shall not be reduced because of his age at the time of retirement. In no event shall the retirement salary of a judge retired for disability be less than 50 per centum or exceed 80 per centum of his basic salary immediately prior to the date of his retirement.

“(c) In computing the retirement salary of a judge retiring under section 11-1562, the judge shall be entitled, if he so elects during the continuance of his judicial service or at the time of his retirement, to receive, in addition to the amount provided for in subsection (a) of this section, an amount (payable annually in equal monthly installments during the remainder of his life) based on military and civilian service performed by the judge which is creditable under section 8332 of title 5, United States Code, computed in accordance with section 8339 (a), (b), (c), (d), (g), and (h) of that title, as applicable, subject to the provisions of section 8334 (c) and (d) of that title and the provisions of subsection (d) of this section; except that average pay for the purpose of the computation shall be deemed to be the basic salary of the judge immediately prior to the date of his retirement under section 11-1562.

“(d) (1) The crediting of service with respect to any judge under subsection (c) of this section shall be made on the standard basis of a deposit in the sum equal to $3\frac{1}{2}$ per centum of his basic salary, pay, or compensation for civilian service creditable under section 8332 of title 5, United States Code, with interest as provided in paragraph (2) of this subsection.

“(2) Interest on deposits under this subsection is computed from the midpoint of each service period included in the computation to the date of deposit or the commencing date of the retirement salary of the judge, whichever date is the earlier. Interest is computed at the rate of 4 per centum a year to December 31, 1947, and 3 per centum a year thereafter, compounded annually. Interest may not be charged for a period of separation from the service which began before October 31, 1956.

“(3) Deposit under this subsection may not be required for—

“(A) service before August 1, 1920;

“(B) military service; or

“(C) service for the Panama Railroad Company before January 1, 1924.

“(4) If a judge elects to be credited with service under subsection (c) of this section, his lump-sum credit, or any remaining balance thereof, in the Civil Service Retirement and Disability Fund or in the retirement fund of any other retirement system for civilian employees of the Government of the United States or the District of Columbia, shall be transferred to the District of Columbia Judicial Retirement and Survivors Annuity Fund. The judge shall be deemed to consent to the transfer. The transfer shall be a complete discharge and acquittance of all claims and demands against the retirement system from which the funds were transferred on account of the service so credited.

“(5) A judge whose lump-sum credit is transferred to the fund under paragraph (4) of this subsection is not required to make deposits in addition to the amount transferred for periods of service for which

80 Stat. 567;

81 Stat. 214;

83 Stat. 831.

83 Stat. 137.

full contributions were made to the retirement system from which the transfer was made.

“(6) In the case of a judge whose lump-sum credit has been transferred to the fund under paragraph (4) of this subsection and who has not elected a survivor annuity under section 11-1566, or prior corresponding provision of law, the Commissioner shall refund to the judge any amount which the Commissioner determines to be in excess of the amount of the deposit required by this subsection. In the case of a judge whose lump-sum credit has been transferred to the fund under paragraph (4) of this subsection and who, prior to the effective date of this section, had elected a survivor annuity and made deposits to the fund for survivor annuity purposes, the Commissioner shall refund to the judge any amount which the Commissioner determines in excess of the amount of the deposit required by section 11-1567.

“(7) If any civilian service performed by the judge which is creditable under section 8332 of title 5, United States Code, is not covered by the amount of the lump-sum credit transferred under paragraph (4) of this subsection, the judge may make deposit, on the standard basis prescribed by paragraph (1) of this subsection, with interest as provided in paragraph (2) of this subsection, in accordance with and subject to the applicable provisions of section 8334 (c) and (d) of that title, of the amount or amounts necessary for him to receive full credit for that service for the purposes of subsection (c) of this section. The deposit may be made, as the judge may elect, in installments, during the continuance of his judicial service, in such amounts as the Commissioner may determine in each instance, or in a lump sum prior to or at the time of his retirement under section 11-1562. A judge electing to make installment deposits shall not be given full credit for the service until the total required deposit is made.

80 Stat. 567;
81 Stat. 214;
83 Stat. 831.

83 Stat. 137.

“(8) For the purpose of survivor annuity, deposits authorized by this subsection also may be made by the survivor of a judge.

“(e) Nothing in this subchapter shall prevent a judge eligible therefor from simultaneously receiving his retirement salary under this section and any annuity or retired pay to which he would otherwise be entitled under any other law without regard to this subchapter. However, in computing the retirement salary of a judge under this section, service used in the computation of such other annuity shall not be credited.

“§ 11-1565. Service by retired judges

“Any retired judge performing full-time judicial duties on the District of Columbia Court of Appeals or the Superior Court shall be entitled, during the period for which he serves, to receive the salary of the office in which he performs such duties, but there shall be deducted from such salary an amount equal to his retirement salary for that period. No deduction shall be withheld for health benefits, Federal employees' life insurance, or retirement purposes from the salary paid to a retired judge during judicial service. The performance of such judicial service shall not create an additional retirement, change a retirement, or create or in any manner affect a survivor annuity.

“§ 11-1566. Survivor annuity; election; relinquishment

“(a) Any judge, whether or not subject to sections 11-1562 to 11-1565, may, by written election filed with the Commissioner within six months after the date on which he takes office or is reappointed or re-commissioned, or within six months after he marries, bring himself within the survivor annuity provisions of this subchapter.

“(b) Any judge in regular active service or any retired judge, who shall have elected survivor annuity, and who after that election is unmarried and does not have a dependent child, may elect—

“(1) to terminate the deductions and withholdings from his salary under section 11-1567(a) and any installment payments elected to be made under section 11-1567(b); and

“(2) to have paid to him the lump-sum credit for survivor annuity.

Any election under this subsection shall be made in writing and filed with the Commissioner.

“(c) If any judge who shall have elected survivor annuity resigns from office otherwise than under the provisions of this subchapter or is removed, he shall be entitled to be paid the lump-sum credit for survivor annuity.

“(d) Payment of the lump-sum credit for survivor annuity as provided in this section shall extinguish all claims with respect to survivor annuity.

“§ 11-1567. Survivor annuity; payments to fund

“(a) There shall be deducted and withheld from the salary (whether basic or retirement) of each judge who has elected survivor annuity a sum equal to 3 per centum of that salary. The amounts so deducted and withheld shall, in accordance with such procedures as may be prescribed by the Commissioner, be deposited in the fund. Every judge who elects survivor annuity shall be deemed thereby to consent and agree to the deductions from his salary as provided in this subsection, and payment less such deductions shall constitute a full and complete discharge and acquittance of all claims and demands whatever for all judicial services rendered by such judge during the period covered by such payment, except the right to the benefits to which he or his survivors shall be entitled under the survivor annuity provisions of this subchapter.

“(b) If he has not previously so deposited, each judge who has elected survivor annuity shall deposit to the fund, with interest at 4 per centum per annum to December 31, 1947, and 3 per centum per annum thereafter, compounded on December 31 of each year, a sum equal to 3 per centum of his salary received for judicial service and of retirement salary (but excluding salary for judicial service under section 11-1565); and a sum equal to 3 per centum of his basic salary, pay, or compensation for civilian service creditable under section 8332 of title 5, United States Code, with interest as provided in section 11-1564(d). Except to the extent that the Commissioner has made refund to the judge under section 11-1564(d)(6), deposit is not required with respect to that portion of the service of the judge covered by the transfer, under section 11-1564(d)(4), of his lump-sum credit to the fund. In addition, deposit may not be required for the types of service described in section 11-1564(d)(3). Each judge may elect to make deposits under this subsection in installments during the continuance of his judicial service in such amounts as may be determined in each instance by the Commissioner. Deposits under this subsection also may be made by the survivor of a judge.

“(c) If a judge or survivor fails to make such deposits, credit shall be allowed for the service, but the annuity of the widow or widower of such judge shall be reduced by an amount equal to 10 per centum of the deposit required by this section, computed as of the date of the death of the judge, unless the widow or widower elects to eliminate the service not covered by deposit entirely from credit for computation purposes except as provided in section 11-1564(d)(3).

“§ 11-1568. Survivor annuity; entitlement; computation

“(a) The service of a judge for the purpose of computing a survivor annuity includes his judicial service (and retired service for which deductions are made) and, subject to section 8334(d) of title 5, United

80 Stat. 567;
81 Stat. 214;
83 Stat. 831.

States Code, his military and civilian service which is creditable under section 8332 of that title.

80 Stat. 570.

“(b) Nothing in this subchapter shall prevent a widow or widower eligible therefor from simultaneously receiving a survivor annuity under this subchapter and any other annuity (survivor or otherwise) or retired pay to which he or she would otherwise be entitled under any other law without regard to this subchapter. However, in computing the survivor annuity of that widow or widower under this subchapter, service used in the computation of such other annuity shall not be credited.

81 Stat. 214;
83 Stat. 831.

“(c) If a judge who has elected a survivor annuity dies in regular active service or after having retired from such service with at least five years of allowable service under this section for which payments have been withheld or deposits made, the survivor annuity shall be paid as follows:

“(1) If the judge is survived by a widow or widower but no child, the widow or widower shall receive, beginning on the day after the judge dies, an amount computed as provided in subsection (e).

“(2) If the judge is survived by a widow or widower and one or more children—

“(A) the widow or widower shall receive an immediate annuity in the amount computed as provided in subsection (e); and

“(B) there also shall be paid to or on behalf of each such child an immediate annuity equal to one-half the amount of the annuity of such widow or widower, but not to exceed the lesser of (i) \$2,700 per year divided by the number of such children or (ii) \$900 per child per year.

“(3) If the judge leaves no surviving widow or widower but leaves a surviving child or children, there shall be paid to or on behalf of each such child an immediate annuity equal to the amount of the annuity to which the widow or widower would have been entitled under paragraph (1) of this subsection had he or she survived, but not to exceed the lesser of (A) \$3,240 per year divided by the number of children or (B) \$1,080 per child per year.

An annuity payable to a widow or widower under this section shall be terminable upon death or remarriage. The annuity payable to a child shall be terminable upon his death or marriage or his ceasing to be a child as defined in section 11-1561(8). In case of the death of a widow or widower of a judge leaving a child or children of the judge surviving, the annuity of such child or children shall be recomputed and paid as provided in paragraph (3) of this subsection. In any case in which the annuity of a child is terminated, the annuities of any remaining child or children, based upon the service of the same judge, shall be recomputed and paid as though the child whose annuity was terminated had not survived the judge.

“(d) Questions of disability or other eligibility requirements of a child under this section shall be determined by the Commissioner who may order such medical or other examinations at any time as he deems necessary with respect to determining the facts concerning the disability of a child receiving or applying for an annuity under this subchapter. An annuity may be denied or suspended for failure to submit to examination.

“(e) The annuity of a widow or widower of a judge electing survivor annuity shall be an amount equal to the sum of—

“(1) $1\frac{1}{4}$ per centum of the average annual salary received for service allowable under subsection (a) during the last three years of such service prior to death or retirement multiplied by the sum

of his years of judicial service and his Member, congressional employee, and his military service allowable under subsection (a); and

“(2) three-fourths of 1 per centum of such average annual salary multiplied by his years of all other civilian service allowable under subsection (a).

A survivor annuity shall not exceed 44 per centum of the average annual salary described in paragraph (1) of this subsection and shall be subject to reduction as provided in section 11-1567(c).

“§ 11-1569. Survivor annuity; payment; order of precedence

“(a) Survivor annuities shall accrue monthly and shall be due and payable in monthly installments on the first business day of the month following the month or other period for which the annuity shall have accrued.

“(b) In any case in which—

“(1) a judge who has elected survivor annuity shall die (A) while in regular active service after having rendered five years of allowable service as provided in section 11-1568(a) or while receiving retirement salary under this subchapter but without a survivor or survivors entitled to annuity under section 11-1568(c) or (B) while in regular active service but before having rendered five years of allowable service; or

“(2) the right of all persons entitled to an annuity under section 11-1568(c) based on the service of the judge shall terminate before a valid claim therefor shall have been established; the lump-sum credit shall be paid, upon the establishment of a valid claim therefor, to the person or persons surviving at the date title to the payment arises, in the following order of precedence, and such payment shall be a bar to recovery by any other person:

“First, to the beneficiary or beneficiaries whom the judge may have designated in writing to the Commissioner prior to the judge's death;

“Second, if there be no such beneficiary, to the widow or widower of the judge;

“Third, if none of the above, to the child or children of the judge and the descendants of any deceased children by representation;

“Fourth, if none of the above, to the parents of the judge or the survivor of them;

“Fifth, if none of the above, to the duly appointed executor or administrator of the estate of such judge;

“Sixth, if none of the above, to such other next of kin of the judge as may be determined by the Commissioner to be entitled under the laws of the domicile of the judge at the time of his death.

Determination as to the widow, widower, or child of a judge for purposes of this subsection shall be made by the Commissioner without regard to the definitions in section 11-1561.

“(c) In any case in which the annuities of all persons entitled to annuity based upon the service of a judge shall terminate before the aggregate amount of annuity paid (together with any amounts received by the judge as retirement salary) equals the total amount credited to the individual account of the judge, with interest at 4 per centum per annum to December 31, 1947, and 3 per centum per annum thereafter, compounded on December 31 of each year, to the date of the death of such judge, the difference shall be paid upon establishment of a valid claim therefor, in the order of precedence prescribed in subsection (b).

“(d) Any accrued annuity remaining unpaid upon the termination (other than by reason of death) of the annuity of any person based upon the service of a judge shall be paid to such person. Any accrued annuity remaining unpaid upon the death of any person receiving an annuity based upon the service of a judge shall be paid, upon establishment of a valid claim therefor, in the following order of precedence:

“First, to the duly appointed executor or administrator of the estate of the annuitant;

“Second, if there is no such executor or administrator, payment may be made, after the expiration of thirty days from the date of death of the annuitant, to such person or persons as may appear in the judgment of the Commissioner to be legally entitled thereto, and such payments shall be a bar to recovery by any other person.

“(e) Where any payment under sections 11-1566 to 11-1569 is to be made to a minor or to a person mentally incompetent or under other legal disability adjudged by a court of competent jurisdiction, such payment may be made to the person who is constituted guardian or other fiduciary by the law of the jurisdiction wherein the claimant resides or is otherwise legally vested with the care of the claimant or his estate. Where no guardian or other fiduciary of the person under legal disability has been appointed under the laws of the jurisdiction wherein the claimant resides, payment may be made to any person who, in the judgment of the Commissioner, is responsible for the care of the claimant, and the payment bars recovery by any other person.

“§ 11-1570. Retirement and annuity fund

“(a) The District of Columbia Judicial Retirement and Survivors Annuity Fund is hereby continued in the Treasury and appropriated for the payment of retirement salaries, annuities, refunds, and allowances as provided in this subchapter. If at any time the balance of the fund is insufficient to pay current obligations arising under this subchapter, there is authorized to be appropriated to the fund, out of any moneys in the Treasury of the United States to the credit of the District of Columbia not otherwise appropriated, such amounts as may be necessary to pay current obligations. The Secretary of the Treasury shall prepare the estimates of the annual appropriations required to be made to the fund, and shall make actuarial evaluations of the fund at intervals of five years or more if deemed necessary by the Secretary.

“(b) The Secretary shall invest, from time to time, in interest-bearing securities of the United States or Federal farm loan bonds, any portions of such funds as in his judgment may not be immediately required for payments from the fund and the income derived from such investments shall constitute a part of the fund.

“(c) All amounts deposited by, or deducted and withheld from the salary of, any judge for credit to the fund shall, under regulations prescribed by the Commissioner, be credited to an individual account of the judge.

“(d) None of the moneys mentioned in this subchapter shall be assignable, either in law or in equity, or be subject to execution, levy, attachment, garnishment, or other legal process.

“§ 11-1571. Periodic increases; existing rights

“(a) The retirement salary of any judge, or the annuity of any person based upon the service of a judge, who, on the effective date of any increase which, after the effective date of this section, becomes payable under the provisions of section 8340(b) of title 5, United

80 Stat. 215;
83 Stat. 139.

States Code, is receiving such salary or annuity (1) under the provisions of this subchapter, or (2) under the provisions of section 11-1701, as in effect prior to the effective date of this section, and its predecessor laws, shall be increased on the effective date of the increase by a percentage equal to the percentage of such increase under section 8340 of title 5, United States Code.

“(b) Nothing in this subchapter shall defeat or diminish rights acquired under section 11-1701, as in effect prior to the effective date of this section, and its predecessor laws, except on the election and with the consent of the judge, annuitant, or other person affected.

“Chapter 17.—ADMINISTRATION OF DISTRICT OF COLUMBIA COURTS

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“Sec.

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“SUBCHAPTER I.—COURT ADMINISTRATION

“§ 11-1701. Administration of District of Columbia court system

“(a) There shall be a Joint Committee on Judicial Administration in the District of Columbia (hereafter in this chapter referred to as the ‘Joint Committee’) consisting of (1) the Chief Judge of the District of Columbia Court of Appeals, who shall serve as Chairman, (2) an associate judge of that court elected annually by the judges thereof, (3) the Chief Judge of the Superior Court, and (4) two associate judges of that court elected annually by the judges thereof.

“(b) The Joint Committee shall have responsibility within the District of Columbia court system for the following matters:

“(1) General personnel policies, including those for recruitment, removal, compensation, and training.

“(2) Accounts and auditing.

“(3) Procurement and disbursement.

“(4) Submission of the annual budget requests of the District of Columbia Court of Appeals and the Superior Court to the Commissioner of the District of Columbia as the integrated

budget of the District of Columbia court system, except that such requests may be modified upon the concurrence of four of the five members of the Joint Committee.

“(5) Approval of the bonds of fiduciary employees within the District of Columbia court system.

“(6) Formulation and enforcement of standards for outside activities of and receipt of compensation by the judges of the District of Columbia court system.

“(7) Development and coordination of statistical and management information systems and reports supporting the annual report of the District of Columbia court system.

“(8) Liaison between the District of Columbia court system and the court systems of other jurisdictions, including the Judicial Conference of the United States, the Judicial Conference of the District of Columbia Circuit, and the Federal Judicial Center.

“(9) With the concurrence of the respective chief judges of the District of Columbia courts, other policies and practices of the District of Columbia court system and resolution of other matters which may be of joint and mutual concern of the District of Columbia Court of Appeals and the Superior Court.

“(c) The Joint Committee, with the assistance of the Executive Officer of the District of Columbia courts, shall—

“(1) consider and evaluate the business of the courts and means of improving the administration of justice within the District of Columbia court system and shall report thereon in its annual report;

“(2) prepare and publish an annual report of the District of Columbia court system regarding the work of the courts, the performance of the duties enumerated in this chapter, and of any recommendations relating to the courts;

“(3) recommend from time to time to the Congress changes in the organization, jurisdiction, operation, and procedures of the courts which are appropriate for legislative action, and institute such changes, pursuant to the responsibilities enumerated in subsection (b), in the methods of administering judicial business in the court system as would improve the administration of justice; and

“(4) arrange for such training seminars, and other related services, as are desirable and feasible for judges and other court personnel, including services from the Federal Judicial Center on a reimbursable basis.

“(d) The Joint Committee shall have authority to issue all orders and directives necessary to implement the responsibilities and duties enumerated in this section.

“§11-1702. Responsibilities of chief judges in the respective courts

“(a) The Chief Judge of the District of Columbia Court of Appeals, in addition to the authority conferred on him by chapter 7 of this title, shall supervise the internal administration of that court—

Ante, p. 478.

“(1) including all administrative matters other than those within the responsibility enumerated in section 11-1701(b), and

“(2) including the implementation in that court of the matters enumerated in section 11-1701(b), consistent with the general policies and directives of the Joint Committee.

Ante, p. 482.

“(b) The Chief Judge of the Superior Court, in addition to the authority conferred on him by chapter 9 of this title, shall supervise the internal administration of that court—

“(1) including all administrative matters other than those within the responsibility enumerated in section 11-1701(b), and

“(2) including the implementation in that court of the matters enumerated in section 11-1701(b), consistent with the general policies and directives of the Joint Committee.

“§ 11-1703. Executive Officer of the District of Columbia courts; appointment; compensation

“(a) There shall be an Executive Officer of the District of Columbia courts (hereafter in this chapter referred to as the ‘Executive Officer’). He shall be responsible for the administration of the District of Columbia court system subject to the supervision of the Joint Committee and the chief judges of the respective courts as provided in this chapter. He shall be subject to the supervision of the Joint Committee regarding administrative matters that are enumerated in section 11-1701(b). He shall be subject to the supervision of the chief judges in their respective courts: (1) regarding all administrative matters other than those within the responsibility enumerated in section 11-1701(b), and (2) regarding the implementation in the respective courts of the matters enumerated in section 11-1701(b), consistent with the general policies and directives of the Joint Committee.

“(b) The Executive Officer shall be selected by, and subject to removal by, the Joint Committee with the concurrence of the respective chief judges. He shall be selected from a list of at least three qualified persons, submitted by the Director of the Administrative Office of the United States Courts.

“(c) The Executive Officer shall receive the same compensation as an associate judge of the Superior Court.

“§ 11-1704. Oath and bond of the Executive Officer

“(a) The Executive Officer shall take an oath or affirmation for the faithful and impartial discharge of the duties of his office.

“(b) The Executive Officer shall give bond, with two or more sureties, to be approved by the Joint Committee, in an amount prescribed by the Joint Committee, faithfully to discharge the duties of his office.

“SUBCHAPTER II.—COURT PERSONNEL

“§ 11-1721. Clerks of courts

“The District of Columbia Court of Appeals and the Superior Court shall each have a clerk who shall perform such duties as may be assigned to him.

“§ 11-1722. Director of Social Services

“(a) There shall be a Director of Social Services in the Superior Court who shall have charge of all social services for the Superior Court, subject to the supervision of the Executive Officer. With respect to adults, he shall provide probation services, intake procedures, marital and family counseling, social casework, rehabilitation and training programs, and such other services as the court shall prescribe. With respect to juveniles, he shall provide intake procedures, counseling, education and training programs, probation services, and such other services as the court shall prescribe.

“(b) To the maximum extent feasible, the Director shall coordinate with and utilize the services of appropriate public and private agencies within the District of Columbia, and shall coordinate and provide administrative services to volunteers utilized by the Superior Court or any divisions thereof.

“(c) As directed by the Executive Officer, the Director shall conduct studies and make reports relating to the utilization of social services as an adjunct to the Superior Court.

“(d) The Director shall make recommendations with respect to the consolidation or disposition of causes before the court relating to members of the same family or household.

“§ 11-1723. Fiscal Officer

“(a) (1) There shall be a Fiscal Officer in the District of Columbia court system who shall be responsible for the budget of the court system and for the accounts of the courts, subject to the supervision of the Executive Officer.

“(2) The Fiscal Officer shall receive, safeguard, and account for all fees, costs, payments, and deposits of money or other items, and shall be responsible for depositing in the Treasury of the United States all fines, forfeitures, fees, unclaimed deposits, and other moneys.

“(3) The Fiscal Officer shall be responsible for the approval of vouchers and the internal auditing of the accounts of the courts and shall arrange for an annual independent audit of the accounts of the courts by the District of Columbia government.

“(b) The Fiscal Officer shall give bond with two or more sureties, to be approved by the Joint Committee, in an amount prescribed by the Joint Committee, faithfully to discharge the duties of his office.

“§ 11-1724. Auditor-Master

“There shall be an Auditor-Master of the Superior Court who shall (1) audit and state fiduciary accounts, (2) execute orders of reference referred by the Superior Court and perform duties in connection with the execution of such orders in accordance with Rule 53 of the Federal Rules of Civil Procedure or other applicable rule, and (3) perform such other functions as may be assigned by the Superior Court. The Auditor-Master shall give bond faithfully to discharge the duties of his office. The bond shall have two or more sureties, to be approved by the chief judge of the Superior Court, and shall be in an amount prescribed by him.

“§ 11-1725. Appointment of nonjudicial personnel

“(a) Subject to the approval of the Joint Committee, the Executive Officer shall appoint, and may remove, the Fiscal Officer, and such other personnel whose principal function is to perform duties for both District of Columbia courts.

“(b) The Executive Officer shall appoint, and may remove, the Director of Social Services, the clerks of the courts, the Auditor-Master, and all other nonjudicial personnel for the courts (other than the Register of Wills and personal law clerks and secretaries of the judges) as may be necessary, subject to—

“(1) regulations approved by the Joint Committee; and

“(2) the approval of the chief judge of the court to which the personnel are or will be assigned.

Appointments and removals of court personnel shall not be subject to the laws, rules, and limitations applicable to District of Columbia employees, except as otherwise specified in the District of Columbia Court Reorganization Act of 1970.

“§ 11-1726. Compensation

“In the case of nonjudicial employees of the District of Columbia courts whose compensation is not otherwise fixed by this title, the

80 Stat. 443, 467.
5 USC 5101,
5331.
Ante, p. 198-1.

Executive Officer shall fix the rates of compensation of such employees without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, and such rates shall not exceed the maximum rate prescribed for GS-15 of the General Schedule, except that the Executive Officer may fix the rates of compensation of—

“(1) 5 positions at not to exceed the maximum rate prescribed for GS-16 of the General Schedule; and

“(2) 2 positions at not to exceed the maximum rate prescribed for GS-17.

In fixing the rates of nonjudicial employees under this section, the Executive Officer shall be guided by the rates of compensation fixed for other employees in the executive and judicial branches of the Federal and District of Columbia Governments occupying the same or similar positions or occupying positions of similar responsibility, duty, and difficulty.

“§ 11-1727. Court reporters

“(a) The Executive Officer shall appoint reporters who shall be full-time employees of the courts. When necessary, the Executive Officer may contract for additional temporary reporting services. Nothing in this section shall be construed to preclude the Superior Court of the District of Columbia from providing by rule for the sound recording of proceedings in lieu of mechanical (audio or manual) transcription in any branch, division or courtroom of the court. Court reporters shall, in addition to being subject to the general supervision of the Executive Officer, be subject to the supervision of the chief judges of the courts and of the other District of Columbia judges for whom they perform services, regarding the performance of their duties in the respective courts.

“(b) In addition to their annual salaries, court reporters may charge and collect from parties, including the United States and the District of Columbia, who request transcripts of the original records of proceedings, only such fees as may be prescribed from time to time by the Executive Officer. The reporters shall furnish all supplies at their own expense. The Executive Officer shall prescribe such rules, practice, and procedure pertaining to fees for transcripts as he deems necessary, conforming as nearly as practicable to the rules, practice, and procedure established for the United States District Court for the District of Columbia. A fee may not be charged or taxed for a copy of a transcript delivered to a judge at his request or for copies of a transcript delivered to the clerk of a court for the records of the court. Except as to transcripts that are to be paid for by the United States or the District of Columbia, the reporters may require a party requesting a transcript to prepay the estimated fee therefor in advance of delivery of the transcript.

“§ 11-1728. Recruitment and training of personnel

“The Executive Officer shall be responsible for recruiting such qualified personnel as may be necessary for the District of Columbia courts and for providing in-service training for court personnel.

“§ 11-1729. Service of United States marshal

“The United States Marshal for the District of Columbia shall continue to serve the courts of the District of Columbia, subject to the supervision of the Attorney General of the United States.

“§ 11-1730. Reports of court personnel

“(a) Judges of the courts shall furnish time and attendance records pursuant to sections 11-709 and 11-909 to the respective chief judges, with a copy to the Executive Officer.

Ante, pp. 480,
483.

“(b) All nonjudicial personnel of the courts shall furnish such reports and information to the Executive Officer as he shall request.

“§ 11-1731. Reports of other personnel

“The Executive Officer or the chief judge may request such reports as may be necessary to the efficient administration of the courts from—

“(1) the United States Attorney for the District of Columbia,

“(2) the Corporation Counsel,

“(3) the United States Marshal for the District of Columbia,

“(4) the Commissioner of the District of Columbia,

“(5) the superintendent of any hospitals or institutions to which persons have been committed by the Superior Court,

“(6) the District of Columbia Public Defender Service,

“(7) the District of Columbia Bail Agency,

“(8) the District of Columbia Department of Corrections,

“(9) the Chief of the Metropolitan Police Department,

“(10) the District of Columbia Department of Public Health,

and

“(11) the District of Columbia Department of Public Welfare.

These officials, agencies, and departments shall furnish such reports and information as may be requested pursuant to this section.

“SUBCHAPTER III.—DUTIES AND RESPONSIBILITIES

“§ 11-1741. Court operations and organization

“Within the respective District of Columbia courts, and subject to the supervision of the chief judges thereof, the Executive Officer shall—

“(1) supervise, analyze, and improve case assignments, calendars, and dockets;

“(2) provide improved services and introduce new methods to better utilize the time of and accommodate government and other witnesses;

“(3) supervise, analyze, and improve the management of jurors;

“(4) recommend changes and improvements in court rules and procedures affecting his administrative responsibilities;

“(5) report periodically to the appropriate chief judge with respect to case volumes, backlogs, length of time cases have been pending, number and identity of incarcerated defendants awaiting trial, and such other information as the respective chief judges may request;

“(6) mechanize and computerize court operations and services where feasible and desirable and carry on continuing studies and evaluations of increased and innovative uses of mechanization and computerization;

“(7) conduct studies and research with respect to court operations on his own initiative or on request of the respective chief judges;

“(8) make recommendations to the chief judge of the Superior Court relating to the arrangement and division of the business of that court and the fixing of the time of sessions of the various divisions and branches of that court; and

“(9) perform such other duties as may be assigned to him by a chief judge.

“§ 11-1742. Property and disbursement

“(a) The Executive Officer shall be responsible, subject to the supervision of the Joint Committee, for the management of such buildings and space as may be assigned to the courts and shall maintain liaison

with the appropriate Federal and District of Columbia officials with respect thereto.

“(b) The Executive Officer shall be responsible for the procurement of necessary equipment, supplies, and services for the courts and shall have power, subject to applicable law, to reimburse the District of Columbia government for services provided and to contract for such equipment, supplies, and services as may be necessary.

“(c) The Executive Officer shall serve as disbursing officer and payroll officer of the District of Columbia courts and shall assign and distribute necessary equipment and supplies.

“§ 11-1743. Annual budget

“(a) The Joint Committee shall prepare and submit to the Commissioner of the District of Columbia annual estimates of the expenditures and appropriations necessary for the maintenance and operations of the District of Columbia court system.

“(b) All such estimates shall be forwarded to the Bureau of the Budget by the District of Columbia without revision, but subject to the recommendations of the District of Columbia. Similarly, all estimates shall be included in the budget without revision by the President but subject to his recommendations.

“§ 11-1744. Information and liaison services

“The Executive Officer shall be responsible for—

“(1) collecting and compiling statistical information with respect to the volume and disposition of the work of the courts and the personnel of the courts;

“(2) printing and the distribution of court rules;

“(3) keeping the courts advised of pending legislative and executive actions relating to the courts;

“(4) serving as the public information officer of the courts; and

“(5) performing such other duties as may be assigned to him by the Joint Committee and the chief judges in their respective courts.

“§ 11-1745. Reports and records

“(a) The Executive Officer shall prepare and publish, subject to the approval of the Joint Committee, the annual report of the District of Columbia court system of the work of the courts and their operations during the preceding year together with any recommendations relating to the courts. The principal purpose of the annual report shall be to provide meaningful and objective information concerning the performance, progress, and problems of the District of Columbia courts. The report shall include narrative comments analyzing the significance of statistical data and shall show trends with regard to the work of such courts, current data on the age and type of pending cases, and methods of disposition of cases. Nothing in this chapter shall prevent the respective chief judges from preparing and publishing any other reports as they may wish.

“(b) The Executive Officer shall be responsible for maintaining and safeguarding the records of the courts. Except for those records required by law to be kept under court seal, he shall make the records available at all reasonable times to—

“(1) the United States Department of Justice,

“(2) the Commissioner of the District of Columbia,

“(3) the District of Columbia Commission on Judicial Disabilities and Tenure, and

“(4) such other agencies as the Joint Committee may specify.

“§ 11-1746. Certification of copies of papers or documents filed in District of Columbia courts

“The Executive Officer shall provide that, if any person filing any paper or document in a District of Columbia court requests a certification of such filing, a copy of such paper or document provided by such person shall be appropriately marked for such person to show the time and date of such filing and the identity of the individual with whom such paper or document was filed. Such certified copy shall be prima facie evidence in any proceeding that the original of such paper or document was filed as shown by the certification.

“§ 11-1747. Delegation of authority

“The Executive Officer and court officers appointed by him may delegate to their subordinates authority and responsibility to perform the functions vested in them by law.

“Chapter 19.—JURIES AND JURORS

“Sec.

“11-1901. Qualifications of jurors.

“11-1902. Single jury selection system.

“11-1903. Grand jury; additional grand jury.

“11-1904. Assignment of jury panels.

“11-1905. Length of service.

“11-1906. Fees of jurors.

“§ 11-1901. Qualifications of jurors

“Jurors serving within the District of Columbia shall have the same qualifications as provided for jurors in the Federal courts.

“§ 11-1902. Single jury selection system

“There shall be a single system in the District of Columbia for the selection of jurors for both Federal and District of Columbia courts. The selection system shall be that prescribed by Federal law and executed in accordance therewith as provided by the United States District Court for the District of Columbia.

“§ 11-1903. Grand jury; additional grand jury

“(a) A grand jury serving in the District of Columbia may take cognizance of all matters brought before it regardless of whether an indictment is returnable in the Federal or District of Columbia courts.

“(b) If the United States Attorney for the District of Columbia certifies in writing to the chief judge of the United States District Court for the District of Columbia, or the chief judge of the Superior Court, that the exigencies of the public service require it, the judge may, in his discretion, order an additional grand jury summoned, which shall be drawn at such time as he designates. Unless sooner discharged by order of the judge, the additional grand jury shall serve until the end of the term for which it is drawn.

“§ 11-1904. Assignment of jury panels

“The names of persons to serve as jurors in the United States District Court for the District of Columbia and the Superior Court shall be drawn from time to time as may be required, and such persons shall be assigned to jury panels within those courts as the courts may decide.

“§ 11-1905. Length of service

“Petit jurors summoned for service in the District of Columbia shall serve for such period of time and at such sessions as the particular court shall direct, but, unless actually engaged as a trial juror in a particular case, may not be required to serve in the court for more than thirty days in any two-year period.

“§ 11-1906. Fees of jurors

“Jurors serving in the Superior Court shall receive the same fees as jurors serving in the United States District Court for the District of Columbia.

“Chapter 21.—REGISTER OF WILLS

“Sec.

“11-2101. Continuation of office.

“11-2102. Appointment; oath; bond; qualifications; compensation.

“11-2103. Services as clerk.

“11-2104. Powers and duties; restrictions; penalties.

“11-2105. Deputies and other employees.

“11-2106. Accounts.

“§ 11-2101. Continuation of office

“The Office of the Register of Wills shall continue as an office in the Probate Division of the Superior Court.

“§ 11-2102. Appointment; oath; bond; qualifications; compensation

“(a) The Superior Court shall appoint and remove the Register of Wills. The Register of Wills shall—

“(1) take an oath for the faithful and impartial discharge of the duties of his office; and

“(2) give bond, with two or more sureties, to be approved by the chief judge of the Superior Court, in the amount designated by the court, faithfully to discharge the duties of his office, and seasonably to record (A) the decrees and orders of the court in any matters over which the court exercises probate jurisdiction or powers, (B) all wills proved before him or the court, and (C) all other matters directed to be recorded in the court or in his office.

The bond shall be entered in full upon the minutes of the Superior Court and the original filed with the records of the Superior Court.

“(b) A person may not be appointed the Register of Wills for the District of Columbia unless he—

“(1) is a citizen of the United States;

“(2) has been a member of the bar of the District of Columbia for a period of at least five of the ten years immediately before his appointment; and

“(3) has been actively engaged in the practice of probate law in the District of Columbia or otherwise has broad experience in, or knowledge on the subject of, the administration of the estates of deceased persons in the District of Columbia.

“(c) The compensation of the Register of Wills shall be fixed by the Superior Court without regard to chapter 51 and subchapter III of chapter 53 of title 5 of the United States Code but at a rate not to exceed the maximum rate prescribed for GS-16 of the General Schedule.

“§ 11-2103. Services as clerk

“With respect to the Probate Division of the Superior Court, the Register of Wills shall perform such duties as clerk as the chief judge of the Superior Court may assign.

“§ 11-2104. Powers and duties; restrictions; penalties

“(a) The Register of Wills may—

“(1) receive inventories and accounts of sales, examine vouchers, and state accounts of executors, administrators, collectors, and guardians, subject to final approval of the court;

“(2) take the probate of claims against the estates of deceased persons that are properly brought before him, and approve or reject claims not exceeding \$300; and

80 Stat. 443,

467.

5 USC 5101,

5331.

Ante, p. 198-1.

"(3) take the probate of wills and accept the bonds of executors, administrators, collectors, and guardians, subject to approval of the court.

"(b) In matters over which the Superior Court has probate jurisdiction or powers, the Register of Wills shall—

"(1) make full and fair entries, in separate records, of the proceedings of the court;

"(2) make fair record in strong bound books of all wills proved before him or the court, keeping separate books for wills within the jurisdiction of the court;

"(3) make fair and separate record of other matters required by law to be recorded in the court;

"(4) lodge in places of safety, designated by the court, original papers filed with him;

"(5) make out and issue every summons, process, and order of the court;

"(6) make fair and uniform tables of his fees, and post them in a conspicuous place in his office for the inspection of persons having business therein;

"(7) prepare and submit to the Executive Officer of the District of Columbia courts such reports as may be required; and

"(8) in every respect, act under the control and direction of the court.

"(c) The Register of Wills may not—

"(1) practice law in any court of the District of Columbia or of the United States; or

"(2) demand or receive any fee, gratuity, gift, or reward for giving his advice in any matter relating to his office.

"(d) The Register of Wills shall forfeit to the court the sum of \$50 for each day that the tables referred to in subsection (b) (6) are missing through his neglect, which may be recovered as other debts for the same amount are recoverable.

"(e) If the Register of Wills or a person acting for him takes a greater fee than the fee provided for by law, he shall pay the party injured \$100, which may be recovered as other debts for the same amount are recoverable.

§ 11-2105. Deputies and other employees

"The Executive Officer of the District of Columbia courts shall appoint and remove such personnel as may be needed by the Register of Wills, pursuant to chapter 17 of this title.

Ante, p. 508.

§ 11-2106. Accounts

"All fees, costs, and other moneys, except uncollected fees not required by law to be prepaid, collected by the Register of Wills with respect to matters within the jurisdiction of the Superior Court shall be turned over to the Fiscal Officer of the District of Columbia courts.

"Chapter 23.—MEDICAL EXAMINER

Sec.

11-2301. Medical Examiner; Deputies; appointment, qualifications, and compensation.

11-2302. Supporting services and facilities.

11-2303. Former duties of coroner; oaths; teaching.

11-2304. Deaths to be investigated; notification and investigation of deaths.

11-2305. Possession of evidence and property.

11-2306. Further investigation; autopsy.

11-2307. Autopsy by pathologist other than medical examiner.

11-2308. Delivery of body; expenses.

11-2309. Records; reports; fees for other services.

11-2310. Records as evidence.

11-2311. Autopsies performed under court order.

11-2312. Tissue transplants.

“§ 11-2301. Medical Examiner; Deputies; appointment, qualifications, and compensation

“(a) The Commissioner of the District of Columbia shall designate or appoint a Chief Medical Examiner and such Deputy Medical Examiners for the District of Columbia as may be necessary.

“(b) The Chief Medical Examiner and his deputies shall be physicians licensed in the District of Columbia. The Chief Medical Examiner and at least one deputy shall be certified in anatomic pathology by the American Board of Pathology or be board eligible. They may be designated from among physicians practicing in the District of Columbia Department of Public Health.

“(c) The Commissioner shall fix the compensation of the Chief Medical Examiner and his deputies at a rate or rates not in excess of the per diem equivalent of the rate for GS-18 of the General Schedule contained in section 5332 of title 5 of the United States Code.

Ante, p. 198-1.

“§ 11-2302. Supporting services and facilities

“The Commissioner shall furnish or make available such investigative, technical, and clerical personnel, facilities, and equipment as the medical examiners shall require, or he may arrange or contract for such services, equipment, and facilities with the United States Government or universities and hospitals in the District of Columbia.

“§ 11-2303. Former duties of coroner; oaths; teaching

“(a) The Chief Medical Examiner shall be responsible for all the medical functions formerly performed by the coroner in the District of Columbia, consistent with the provisions of this chapter, and the Chief Medical Examiner and his deputies may administer oaths and affirmations and take affidavits in connection with the performance of their duties.

“(b) The Chief Medical Examiner and his deputies may be authorized by the Commissioner of the District of Columbia to teach medical and law school classes, to conduct special classes for law enforcement personnel, and to engage in other activities related to their work.

“§ 11-2304. Deaths to be investigated; notification and investigation of deaths

“(a) Under regulations established by the Chief Medical Examiner the following types of human deaths occurring in the District of Columbia shall be investigated:

“(1) Violent deaths, whether apparently homicidal, suicidal or accidental, including deaths due to thermal, chemical, electrical or radiational injury, and deaths due to criminal abortion, whether apparently self-induced or not.

“(2) Sudden deaths not caused by readily recognizable disease.

“(3) Deaths under suspicious circumstances.

“(4) Deaths of persons whose bodies are to be cremated, dissected, buried at sea, or otherwise disposed of so as to be there after unavailable for examination.

“(5) Deaths related to disease resulting from employment or to accident while employed.

“(6) Deaths related to disease which might constitute a threat to public health.

“(b) All law enforcement officers, physicians, undertakers, embalmers and other persons shall promptly notify a medical examiner of the occurrence of all deaths coming to their attention which are subject to investigation under subsection (a) of this section and shall assist in making dead bodies and related evidence available to the medical examiner for investigation and autopsy.

“(c) Any physician, undertaker, or embalmer who willfully fails to comply with this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$100 nor more than \$1,000.

“(d) The Chief Medical Examiner shall by regulation prescribe procedures for taking possession of a body following a death subject to investigation under subsection (a) of this section and for obtaining all essential facts concerning the medical causes of death and the names and addresses of as many witnesses as it is practicable to obtain.

“§ 11-2305. Possession of evidence and property

“(a) At the scene of any death subject to investigation under section 11-2304, a law enforcement officer or the medical examiner shall take possession of any objects or articles useful in establishing the cause of death and shall hold them as evidence.

“(b) In the absence of the next of kin, a police officer or the medical examiner may take possession of all property of value found on or in the custody of the deceased. If possession is taken of the property, the police officer or medical examiner shall make an exact inventory of it, and deliver the property to the property clerk of the Metropolitan Police Department.

“§ 11-2306. Further investigation; autopsy

“(a) If, in the opinion of the medical examiner, the cause of death is established with reasonable medical certainty, he shall complete a report thereon.

“(b) If, in the opinion of the Chief Medical Examiner, or the United States attorney, further investigation as to the cause of death is required or the public interest so requires, a medical examiner shall either perform, or arrange for a qualified pathologist to perform, an autopsy on the body of the deceased. No consent of next of kin shall be required for an autopsy performed pursuant to this section.

“(c) The medical examiner shall make a complete record of the findings of the autopsy and his conclusions with respect thereto and shall prepare a report, and, upon request, furnish a copy to the appropriate law enforcement agency.

“§ 11-2307. Autopsy by pathologist other than medical examiner

“(a) If an autopsy is performed by a pathologist other than a medical examiner by request of a medical examiner, the pathologist shall furnish to the medical examiner a complete record of the findings of the autopsy and his conclusions with respect thereto. The medical examiner shall thereupon prepare a report, indicating the name of the pathologist performing the autopsy and his findings and conclusions, and the medical examiner's own comments with respect thereto, if appropriate, and, upon request, shall furnish a copy thereof to the appropriate law enforcement agency.

“(b) A pathologist other than a medical examiner who performs an autopsy at the request of a medical examiner shall be compensated in accordance with a fee rate established by the Commissioner of the District of Columbia.

“§ 11-2308. Delivery of body; expenses

“(a) Following investigation or autopsy, the medical examiner shall release the body of the deceased to the person having the right to the body for purposes of burial pursuant to law. If there is no such person, he shall dispose of it according to law.

“(b) Expenses of transportation of a body by a medical examiner and of autopsies performed pursuant to this chapter shall be borne by the District of Columbia.

“§ 11-2309. Records; reports; fees for other services

“(a) The Chief Medical Examiner shall be responsible for maintaining full and complete records and files, properly indexed, giving the name, if known, of every person whose death is investigated, the place where the body was found, the date, cause, and manner of death, and all other relevant information and reports of the medical examiner concerning the death, and shall issue a death certificate.

“(b) The records and files maintained under the provisions of subsection (a) of this section shall be open to inspection by the Commissioner of the District of Columbia or his authorized representative, the United States attorney and his assistants, the Metropolitan Police Department, or any other law enforcement agency or official; and the medical examiner shall promptly deliver to such persons copies of all records relating to every death as to which further investigation may be advisable.

“(c) Any other person with a legitimate interest may obtain copies of records maintained under the provisions of subsection (a) upon such conditions and payment of such fees as may be prescribed by the Chief Medical Examiner. If such person fails to meet the prescribed conditions, he may obtain copies of such records pursuant to court order if the court is satisfied that he has a legitimate interest.

“(d) The Chief Medical Examiner shall prepare an annual report to the Commissioner of the District of Columbia containing information on the number of autopsies performed, statistics as to cause of death, and such other relevant information as the Commissioner of the District of Columbia shall require. The report shall be open to inspection by the public. The report shall not identify by name deceased persons examined.

“(e) Medical examiners may charge fees, at rates prescribed by the Chief Medical Examiner, for completing insurance forms or performing similar services for private parties.

“§ 11-2310. Records as evidence

“The records maintained pursuant to section 11-2309, or reproductions thereof certified by the Chief Medical Examiner, are admissible in evidence in any court in the District of Columbia, except that statements made by witnesses or other persons and conclusions upon non-medical matters are not made admissible by this section.

“§ 11-2311. Autopsies performed under court order

“In the case of sudden, violent, or suspicious death when the body is buried without investigation, the United States attorney, on his own motion or on request of a medical examiner or the Metropolitan Police Department, may petition the appropriate court for an order to conduct an inquiry. The court may order the body exhumed and an autopsy performed. In such cases, records and reports shall be filed as if the autopsy were performed prior to burial except that a copy of the report shall be furnished directly to the court.

“§ 11-2312. Tissue transplants

“The Chief Medical Examiner may allow the removal of tissue pursuant to section 9 of the District of Columbia Tissue Bank Act (D.C. Code, sec. 2-258).

Post, p. 579.

“Chapter 25.—ATTORNEYS

“Sec.

“11-2501. Admission to bar; regulations; prior admission.

“11-2502. Censure, suspension, or disbarment for cause.

“11-2503. Disbarment upon conviction of crime; procedure for censure, suspension or disbarment.

“11-2504. Censure, suspension, or disbarment by other courts.

“§ 11-2501. Admission to bar; regulations; prior admission

“(a) The District of Columbia Court of Appeals shall make such rules as it deems proper respecting the examination, qualification, and admission of persons to membership in its bar, and their censure, suspension, and expulsion.

“(b) Members of the bar of the District of Columbia Court of Appeals shall be eligible to practice in the District of Columbia courts.

“(c) Members of the bar of the United States District Court for the District of Columbia in good standing on April 1, 1972, shall be automatically enrolled as members of the bar of the District of Columbia Court of Appeals, and shall be subject to its disciplinary jurisdiction.

“§ 11-2502. Censure, suspension, or disbarment for cause

“The District of Columbia Court of Appeals may censure, suspend from practice, or expel a member of its bar for crime, misdemeanor, fraud, deceit, malpractice, professional misconduct, or conduct prejudicial to the administration of justice. A fraudulent act or misrepresentation by an applicant in connection with this application or admission is sufficient cause for the revocation by the court of his admission.

“§ 11-2503. Disbarment upon conviction of crime; procedure for censure, suspension, or disbarment

“(a) When a member of the bar of the District of Columbia Court of Appeals is convicted of an offense involving moral turpitude, and a certified copy of the conviction is presented to the court, the court shall, pending final determination of an appeal from the conviction, suspend the member of the bar from practice. Upon reversal of the conviction the court may vacate or modify the suspension. If a final judgment of conviction is certified to the court, the name of the member of the bar so convicted shall be struck from the roll of the members of the bar and he shall thereafter cease to be a member. Upon the granting of a pardon to a member so convicted, the court may vacate or modify the order of disbarment.

“(b) Except as provided in subsection (a), a member of the bar may not be censured, suspended, or expelled under this chapter until written charges, under oath, against him have been presented to the court, stating distinctly the grounds of complaint. The court may order the charges to be filed in the office of the clerk of the court and shall fix a time for hearing thereon. Thereupon a certified copy of the charges and order shall be served upon the member personally, or if it is established to the satisfaction of the court that personal service cannot be had, a certified copy of the charges and order shall be served upon him by mail, publication, or otherwise as the court directs. After the filing of the written charges, the court may suspend the person charged from practice at its bar pending the hearing thereof.

“§ 11-2504. Censure, suspension, or disbarment by other courts

“The Federal courts in the District of Columbia and the Superior Court may censure, suspend, or expel an attorney from the practice at their respective bars, for a crime involving moral turpitude, or professional misconduct, or conduct prejudicial to the administration of justice. If an attorney is expelled from practice under this section, the court expelling him shall notify the other Federal courts in the District of Columbia and the District of Columbia Court of Appeals of the action taken.”

PART B—PROCEEDINGS REGARDING JUVENILE
DELINQUENCY AND RELATED MATTERS

REVISION OF CHAPTER 23 OF TITLE 16

77 Stat. 586.

SEC. 121. (a) Chapter 23 of title 16 of the District of Columbia Code is amended to read as follows:

“Chapter 23.—FAMILY DIVISION PROCEEDINGS

**“SUBCHAPTER I.—PROCEEDINGS REGARDING DELINQUENCY,
NEGLECT, OR NEED OF SUPERVISION**

“Sec.

- “16-2301. Definitions.
- “16-2302. Transfer of criminal matters to Family Division.
- “16-2303. Retention of jurisdiction.
- “16-2304. Right to counsel.
- “16-2305. Petition; contents; amendment.
- “16-2306. Service of summons, and petition.
- “16-2307. Transfer for criminal prosecution.
- “16-2308. Initial appearance.
- “16-2309. Taking into custody.
- “16-2310. Criteria for detaining children.
- “16-2311. Release or delivery to Family Division.
- “16-2312. Detention or shelter care hearing; intermediate disposition.
- “16-2313. Place of detention or shelter.
- “16-2314. Consent decree.
- “16-2315. Physical and mental examinations.
- “16-2316. Conduct of hearings; evidence.
- “16-2317. Hearings, findings; dismissal.
- “16-2318. Order of adjudication noncriminal.
- “16-2319. Predisposition study and report.
- “16-2320. Disposition of child who is neglected, delinquent, or in need of supervision.
- “16-2321. Disposition of mentally ill or substantially retarded child.
- “16-2322. Limitation of time on dispositional orders.
- “16-2323. Modification, termination of orders.
- “16-2324. Support of committed child.
- “16-2325. Court costs and expenses.
- “16-2326. Probation revocation; disposition.
- “16-2327. Interlocutory appeals.
- “16-2328. Finality of judgments; appeals; transcripts.
- “16-2329. Time computation.
- “16-2330. Juvenile case records; confidentiality; inspection and disclosure.
- “16-2331. Juvenile social records; confidentiality; inspection and disclosure.
- “16-2332. Police and other law enforcement records.
- “16-2333. Fingerprint records.
- “16-2334. Sealing of records.
- “16-2335. Unlawful disclosure of records; penalties.
- “16-2336. Additional powers of the Director of Social Services.
- “16-2337. Emergency medical treatment.

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“SUBCHAPTER I.—PROCEEDINGS REGARDING DELINQUENCY, NEGLECT, OR NEED OF SUPERVISION

“§ 16-2301. Definitions

“As used in this subchapter—

“(1) The term ‘Division’ means the Family Division of the Superior Court of the District of Columbia.

“(2) The term ‘judge’ means a judge assigned to the Family Division of the Superior Court.

“(3) The term ‘child’ means an individual who is under 18 years of age, except that the term ‘child’ does not include an individual who is sixteen years of age or older and—

“(A) charged by the United States attorney with (i) murder, forcible rape, burglary in the first degree, robbery while armed, or assault with intent to commit any such offense, or (ii) an offense listed in clause (i) and any other offense properly joinable with such an offense;

“(B) charged with an offense referred to in subparagraph (A) (i) and convicted by plea or verdict of a lesser included offense;

or

“(C) charged with a traffic offense.

For purposes of this subchapter the term ‘child’ also includes a person under the age of twenty-one who is charged with an offense referred to in subparagraph (A) (i) or (C) committed before he attained the age of sixteen, or a delinquent act committed before he attained the age of eighteen.

“(4) The term ‘minor’ means an individual who is under the age of twenty-one years.

“(5) The term ‘adult’ means an individual who is twenty-one years of age or older.

“(6) The term ‘delinquent child’ means a child who has committed a delinquent act and is in need of care or rehabilitation.

“(7) The term ‘delinquent act’ means an act designated as an offense under the law of the District of Columbia, or of a State if the act occurred in a State, or under Federal law. Traffic offenses shall not be deemed delinquent acts unless committed by an individual who is under the age of sixteen.

“(8) The term ‘child in need of supervision’ means a child who—

“(A) (i) is subject to compulsory school attendance and habitually truant from school without justification;

“(ii) has committed an offense committable only by children; or

“(iii) is habitually disobedient of the reasonable and lawful commands of his parent, guardian, or other custodian and is ungovernable; and

“(B) is in need of care or rehabilitation.

“(9) The term ‘neglected child’ means a child—

“(A) who has been abandoned or abused by his parent, guardian, or other custodian;

“(B) who is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for his physical, mental, or emotional health, and the deprivation is not due to the lack of financial means of his parent, guardian, or other custodian;

“(C) whose parent, guardian, or other custodian is unable to discharge his responsibilities to and for the child because of incarceration, hospitalization, or other physical or mental incapacity; or

“(D) who has been placed for care or adoption in violation of law.

No child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall, for that reason alone, be considered a neglected child for purposes of this subchapter.

79 Stat. 751.

"(10) The term 'mentally ill child' means a child who is mentally ill within the meaning of section 21-501.

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"(11) The term 'substantially retarded child' means a child who is substantially retarded within the meaning of section 21-1101.

"(12) The term 'custodian' means a person or agency, other than a parent or legal guardian, to whom legal custody of a child has been given by court order and who is acting in loco parentis.

"(13) The term 'detention' means the temporary, secure custody of a child in facilities, designated by the Division, pending a final disposition of a petition.

"(14) The term 'shelter care' means the temporary care of a child in physically unrestricting facilities, designated by the Division, pending a final disposition of a petition.

"(15) The term 'detention or shelter care hearing' means a hearing to determine whether a child who is in custody should be placed or continued in detention or shelter care.

"(16) The term 'factfinding hearing' means a hearing to determine whether the allegations of a petition are true.

"(17) The term 'dispositional hearing' means a hearing, after a finding of fact, to determine—

"(A) whether the child in a delinquency or need of supervision case is in need of care or rehabilitation and, if so, what order of disposition should be made; or

"(B) what order of disposition should be made in a neglect case.

"(18) The term 'probation' means a legal status created by Division order following an adjudication of delinquency or need of supervision, whereby a minor is permitted to remain in the community subject to appropriate supervision and return to the Division for violation of probation at any time during the period of probation.

"(19) The term 'protective supervision' means a legal status created by Division order in neglect cases whereby a minor is permitted to remain in his home under supervision, subject to return to the Division during the period of protective supervision.

"(20) The term 'guardianship of the person of a minor' means the duty and authority to make important decisions in matters having a permanent effect on the life and development of the minor, and concern with his general welfare. It includes (but is not limited to)—

"(A) authority to consent to marriage, enlistment in the armed forces of the United States, and major medical, surgical, or psychiatric treatment; to represent the minor in legal actions; and to make other decisions concerning the minor of substantive legal significance;

"(B) the authority and duty of reasonable visitation (except as limited by Division order);

"(C) the rights and responsibilities of legal custody when guardianship of the person is exercised by the natural or adoptive parent (except where legal custody has been vested in another person or an agency or institution); and

"(D) the authority to exercise residual parental rights and responsibilities when the rights of his parents or only living parent have been judicially terminated or when both parents are dead.

“(21) The term ‘legal custody’ means a legal status created by Division order which vests in a custodian the responsibility for the custody of a minor which includes—

“(A) physical custody and the determination of where and with whom the minor shall live;

“(B) the right and duty to protect, train, and discipline the minor; and

“(C) the responsibility to provide the minor with food, shelter, education, and ordinary medical care.

A Division order of ‘legal custody’ is subordinate to the rights and responsibilities of the guardian of the person of the minor and any residual parental rights and responsibilities.

“(22) The term ‘residual parental rights and responsibilities’ means those rights and responsibilities remaining with the parent after transfer of legal custody or guardianship of the person, including (but not limited to) the right of visitation, consent to adoption, and determination of religious affiliation and the responsibility for support.

“§ 16-2302. Transfer of criminal matters to Family Division

“(a) If it appears to a court, during the pendency of a criminal charge and before the time when jeopardy would attach in the case of an adult, that a minor defendant was a child at the time of an alleged offense, the court shall forthwith transfer the charge against the defendant, together with all papers and documents connected therewith, to the Division. All action taken by the court prior to transfer of the case shall be deemed null and void unless the Division transfers the child for criminal prosecution under section 16-2307.

“(b) If at the time of an alleged offense, a minor defendant was a child but this fact is not discovered by the court until after jeopardy has attached, the court shall proceed to verdict. If judgment has not been entered, the court shall determine on the basis of the criteria in section 16-2307(e) whether to enter judgment or to refer the case to the Division for disposition. If judgment has been entered, it shall not be set aside on the ground of the defendant’s age unless the court, after hearing, determines that (1) neither the defendant nor his counsel, prior to the entry of judgment, had reason to believe that defendant was under the age of eighteen years, and (2) the defendant would not have been transferred for criminal prosecution if his age had been known and the procedure set forth in section 16-2307 had been followed. If the judgment is set aside, the case shall be referred to the Division for disposition. The disposition and all prior proceedings in any court of any case referred to the Division for disposition pursuant to this section shall be subject to the confidentiality provisions of sections 16-2330 through 16-2335.

“(c) The court making a transfer shall order the minor to be taken forthwith to the Division or to a place of detention designated for children by the Division. The Division shall then proceed as provided in this subchapter.

“(d) Nothing in this section shall affect the jurisdiction of a court over a person twenty-one years of age or older.

“§ 16-2303. Retention of jurisdiction

“For purposes of this subchapter, jurisdiction obtained by the Division in the case of a child shall be retained by it until the child becomes twenty-one years of age, unless jurisdiction is terminated before that time. This section does not affect the jurisdiction of other divisions of the Superior Court or of other courts over offenses committed by a person after he ceases to be a child. If a minor already under the jurisdiction of the Division is convicted in the Criminal Division or another court of a crime committed after he ceases to be a child, the Family Division may, in appropriate cases, terminate its jurisdiction.

“§ 16-2304. Right to counsel

“(a) A child alleged to be delinquent or in need of supervision is entitled to be represented by counsel at all critical stages of Division proceedings, including the time of admission or denial of allegations in the petition and all subsequent stages. If the child and his parent, guardian, or custodian are financially unable to obtain adequate representation, the child shall be entitled to have counsel appointed for him in accordance with rules established by the Superior Court. In its discretion, the Division may appoint counsel for the child over the objection of the child, his parent, guardian, or other custodian.

“(b) When a child is alleged to be neglected, the parent, guardian, or custodian of the child named in the petition is entitled to be represented by counsel at all critical stages of the Division proceedings and, if financially unable to obtain adequate representation, to have counsel appointed in accordance with rules established by the Superior Court. The Division shall, where appropriate, appoint separate counsel to represent the child, as provided in section 16-918.

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“§ 16-2305. Petition; contents; amendment

“(a) Complaints alleging delinquency, need of supervision, or neglect shall be referred to the Director of Social Services who shall conduct a preliminary inquiry to determine whether the best interests of the child or the public require that a petition be filed. If judicial action appears warranted, under intake criteria established by rule of the Superior Court, the Director shall recommend that a petition be filed. If the Director decides not to recommend the filing of a petition, the complainant in a delinquency or neglect case shall have a right to have that decision reviewed by the Corporation Counsel, and the Director shall notify the complainant of such right of review.

“(b) Petitions initiating judicial action may be signed by any person who has knowledge of the facts alleged or, being informed of them, believes they are true, except that petitions alleging need of supervision may only be signed by the Director of Social Services, a representative of a public agency or a nongovernmental agency licensed and authorized to care for children, a representative of a public or private agency providing social service for families, a school official, or a law enforcement officer. Petitions shall be verified and verification may be upon information or belief.

“(c) Each petition shall be prepared by the Corporation Counsel after an inquiry into the facts and a determination of the legal basis for the petition. If the Director of Social Services has refused to recommend the filing of a delinquency or neglect petition, the Corporation Counsel, on request of the complainant, shall review the facts presented and shall prepare and file a petition if he believes such action is necessary to protect the community or the interests of the child. Any decision of the Corporation Counsel on whether to file a petition shall be final.

“(d) A petition shall be filed by the Corporation Counsel within seven days (excluding Sundays and legal holidays) after the complaint has been referred to the Director of Social Services, except as otherwise provided in section 16-2312. A petition shall set forth plainly and concisely the facts which give the Division jurisdiction of the child under section 11-1101(13). In delinquency cases the petition shall also state the specific statute or ordinance on which the charge is based. If delinquency or need of supervision is alleged, a statement shall be included in the petition that the child appears to be in need of care or rehabilitation. The petition shall contain such other facts and information as may be required by rules of the Superior Court.

Ante, p. 488.

“(e) A petition may be amended by leave of the Division on motion of the Corporation Counsel or counsel for the child, at any time prior to the conclusion of the factfinding hearing. The Division shall grant the Corporation Counsel, the child, and his parent, guardian, or custodian notice of the amendment and, where necessary, additional time to prepare.

“(f) The District of Columbia shall be a party to all proceedings under this subchapter.

“§ 16-2306. Service of summons and petition

“(a) When a petition is filed, the Division shall set a time for initial appearance and shall direct the issuance of summonses. If delinquency or need of supervision is alleged, a summons, together with a copy of the petition, shall be served upon the child and upon his spouse (if any) and his parent, guardian, or other custodian. If neglect is alleged, the summons, together with a copy of the petition, shall be served on the parent, guardian, or other custodian of the child named in the petition. Where appropriate to the proper disposition of the case, the Division may direct service of summonses upon other persons. A summons issued pursuant to this section shall advise the parties of the right to counsel as provided in section 16-2304.

“(b) Upon request of the Corporation Counsel, the Division may endorse upon the summons an order directing the parent, guardian, or other custodian of the child to appear personally at the hearing and directing the person having physical custody or control of the child to bring the child to the hearing.

“(c) If it appears, from information presented to the Division, that there are grounds to take the child into custody as provided in section 16-2309, or that the child may leave or be removed from the jurisdiction of the Superior Court or will not be brought to the hearing, notwithstanding service of the summons, the Division may endorse upon the summons an order that the officer serving the summons shall at once take the child into custody. If the child is taken into custody under this section, the provisions of sections 16-2309 to 16-2312 shall apply.

“§ 16-2307. Transfer for criminal prosecution

“(a) Within seven days (excluding Sundays and legal holidays) of the filing of a delinquency petition, or later for good cause shown, and prior to a factfinding hearing on the petition, the Corporation Counsel, following consultation with the Director of Social Services, may file a motion, supported by a statement of facts, requesting transfer of the child for criminal prosecution, if—

“(1) the child was fifteen or more years of age at the time of the conduct charged, and is alleged to have committed an act which would constitute a felony if committed by an adult;

“(2) the child is sixteen or more years of age and is already under commitment to an agency or institution as a delinquent child; or

“(3) a minor eighteen years of age or older is alleged to have committed a delinquent act prior to having become eighteen years of age.

“(b) Following the filing of the motion by the Corporation Counsel, summonses shall be issued and served in conformity with the provisions of section 16-2306.

“(c) When there are grounds to believe the child is substantially retarded or mentally ill, the Division shall stay the proceedings for the purpose of obtaining an examination. After examination, the Division shall proceed to a determination under subsection (d) unless it deter-

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mines that the child is incompetent to participate in the proceedings, in which event it shall order the child committed to a mental hospital pursuant to section 16-2315 or section 927 of the Act of March 3, 1901 (D.C. Code, sec. 24-301(a)).

“(d) Unless a commitment under subsection (c) of this section has intervened, the Division shall conduct a hearing on each transfer motion to determine if there are reasonable prospects for rehabilitating the child before his majority. Such hearing shall be held within ten days (excluding Sundays and legal holidays) of the filing of the transfer motion. In any such hearing, the child who is the subject of the hearing shall not be required to establish that there are reasonable prospects for his rehabilitation prior to his majority. Unless the Division determines that there are reasonable prospects for rehabilitating the child before his majority, it shall order the transfer of the child for criminal prosecution and notify the United States attorney of such order. Accompanying the order of transfer shall be a statement of the reasons of the Division for ordering the transfer of the child. Included in the statement shall be the Division’s findings with respect to each of the factors set forth in subsection (e) relating to the prospects for the rehabilitation of the child. This statement shall be available upon request to any court in which the transfer is challenged, but shall not be available to the trier of fact of the criminal charge prior to verdict.

“(e) Evidence of the following factors shall be considered in determining whether there are reasonable prospects for rehabilitating a child prior to his majority:

- “(1) the child’s age;
- “(2) the nature of the present offense and the extent and nature of the child’s prior delinquency record;
- “(3) the child’s mental condition;
- “(4) the nature of past treatment efforts and the nature of the child’s response to past treatment efforts; and
- “(5) the techniques, facilities, and personnel for rehabilitation available to the Division and to the court that would have jurisdiction after transfer.

The rules of evidence at transfer hearings shall be the same as those that govern dispositional proceedings in delinquency cases, as set forth in section 16-2317. At a transfer hearing, only the propriety of eventual Division disposition shall be considered, and evidence bearing on probable cause or the likelihood that the child committed the act alleged shall not be admitted.

“(f) Prior to a transfer hearing, a study and report, in writing, relevant to the factors in subsection (e), shall be made by the Director of Social Services. This report and all social records that are to be made available to the judge at the transfer hearing shall be made available to counsel for the child and to the Corporation Counsel at least three days prior to the hearing.

“(g) A judge who conducts a hearing pursuant to this section shall not, over the objection of the child whose prospects for rehabilitation were at issue, participate in any subsequent factfinding proceedings relating to the offense.

“(h) Transfer of a child for criminal prosecution terminates the jurisdiction of the Division over the child with respect to any subsequent delinquent act; except that jurisdiction of the Division over the child is restored if (1) the criminal prosecution is terminated other than by a plea of guilty, a verdict of guilty, or a verdict of not guilty by reason of insanity, and (2) at the time of the termination of the

criminal prosecution no indictment or information has been filed for criminal prosecution for an offense alleged to have been committed by the child subsequent to transfer.

“§ 16-2308. Initial appearance

“The initial appearance, before a judge assigned to the Division, of a child named in a delinquency or need of supervision petition or of the parent, guardian, or custodian of a child named in a neglect petition shall be at the time set forth in the summons, which shall be not later than five days after the petition has been filed. At the initial appearance, the child and his parent, guardian, or custodian shall be advised of the contents of the petition and of the right to counsel as provided in section 16-2304. At the initial appearance the child, or in neglect cases the parent, guardian, or custodian, may admit or deny the allegations in the petition, but it shall not be necessary at the initial appearance for the Corporation Counsel to establish probable cause to believe that the allegations in the petition are true. At the initial appearance, the judge may set the time for the fact-finding hearing or continue the matter until a later time. Failure to hold the initial appearance at the time specified shall not be grounds for dismissal of the petition. This section shall not apply in any case where, prior to or at the time of the initial appearance, a detention or shelter care hearing is required by section 16-2312.

“§ 16-2309. Taking into custody

“A child may be taken into custody—

“(1) pursuant to order of the Division under section 16-2306 or 16-2311;

“(2) by a law enforcement officer when he has reasonable grounds to believe that the child has committed a delinquent act;

“(3) by a law enforcement officer when he has reasonable grounds to believe that the child is suffering from illness or injury or is in immediate danger from his surroundings, and that his removal from his surroundings is necessary; or

“(4) by a law enforcement officer when he has reasonable grounds to believe that the child has run away from his parent, guardian, or other custodian.

“§ 16-2310. Criteria for detaining children

“(a) A child shall not be placed in detention prior to a factfinding hearing or a dispositional hearing unless he is alleged to be delinquent or in need of supervision and unless it appears from available information that detention is required—

“(1) to protect the person or property of others or of the child, or

“(2) to secure the child's presence at the next court hearing.

“(b) A child shall not be placed in shelter care prior to a factfinding hearing or a dispositional hearing unless it appears from available information that shelter care is required—

“(1) to protect the person of the child, or

“(2) because the child has no parent, guardian, custodian, or other person or agency able to provide supervision and care for him, and the child appears unable to care for himself.

“(c) The criteria for detention and shelter care provided in this section, as implemented by rules of the Superior Court, shall govern the decisions of all persons responsible for determining whether detention or shelter care is warranted prior to the factfinding hearing.

“§ 16-2311. Release or delivery to Family Division

“(a) A person taking a child into custody shall with all reasonable speed—

“(1) release the child to his parent, guardian, or custodian upon a promise to bring the child before the Division when requested by the Division, unless the child's placement in detention or shelter care appears required as provided in section 16-2310;

“(2) bring the child before the Director of Social Services; or

“(3) bring the child to a medical facility if the child appears to require prompt treatment or to require prompt diagnosis for medical or evidentiary purposes.

Any person taking a child into custody shall give prompt notice to the Corporation Counsel and to the parent, guardian, or custodian (if known) together with the reasons for custody.

“(b) When a child is brought before the Director of Social Services, the Director shall in all cases review the need for detention or shelter care prior to the admission of the child to the place of detention or shelter care. The child shall be released to his parent, guardian, or custodian unless the Director of Social Services finds that detention or shelter care is required under section 16-2310. If the child is not released, the Director of Social Services shall advise him of the right to counsel as provided in section 16-2304.

“(c) If a parent, guardian, or custodian fails, when requested, to bring the child to the Division as provided in subsection (a) (1), the Division may issue a warrant directing that the child be taken into custody and brought before the Division.

“§ 16-2312. Detention or shelter care hearing; intermediate disposition

“(a) When a child is not released as provided in section 16-2311—

“(1) a detention or shelter care hearing shall be commenced not later than the next day (excluding Sundays) after the child has been taken into custody or transferred from another court as provided by section 16-2302; and

“(2) a petition shall be filed at or prior to the detention or shelter care hearing.

“(b) Prompt notice of the detention or shelter care hearing shall be given, if delinquency or need of supervision is alleged, to the child, and to his spouse (if any), parent, guardian, or custodian, if he can be found, or, if neglect is alleged, to the child, and to the parent, guardian, or custodian named in the petition if he can be found. Counsel for the child, and in neglect cases counsel for the parent, guardian, or custodian, shall be entitled to a copy of the petition prior to the hearing.

“(c) At the commencement of the hearing the judge shall advise the parties of the right to counsel, as provided in section 16-2304, and shall appoint counsel if required. He shall also inform them of the contents of the petition and shall afford the child, or in a neglect case, the parent, guardian, or custodian, an opportunity to admit or deny the allegations in the petition. He shall then hear from the Corporation Counsel to determine whether the child should be placed or continued in detention or shelter care under the criteria in section 16-2310. The child and his parent, guardian, or custodian shall have a right to be heard in their own behalf.

“(d) (1) At the conclusion of the hearing, the judge shall—

“(A) order detention or shelter care, setting forth in writing his reasons therefor, if he finds that the child's detention or shelter care is required under the criteria in section 16-2310; or

“(B) order the child released if he finds that the child's detention or shelter care is not required under such criteria.

"(2) If a child is ordered released under paragraph (1)(B) of this subsection, the judge may impose one or more of the following conditions:

"(A) Placement of the child in the custody of a parent, guardian, or custodian or under supervision of a person or organization agreeing to supervise him.

"(B) Placement of restrictions on the child's travel, activities, or place of abode during the period of release.

"(C) Any other condition reasonably necessary to assure the appearance of the child at a factfinding hearing or his protection from harm, including a requirement that the child return to the physical custody of the parent, guardian, or custodian after specified hours.

"(e) When a judge finds that a child's detention or shelter care is required under the criteria of section 16-2310, he shall then hear evidence presented by the Corporation Counsel to determine whether there is probable cause to believe the allegations in the petition are true. The child, his parent, guardian or custodian may present evidence on the issues and be heard in their own behalf.

"(f) When a judge finds there is probable cause to believe the allegations in the petition are true, he shall order the child to be placed or continued in detention or shelter care and set forth his reasons. When a judge finds that there is not probable cause to believe the allegations in the petition are true, he shall order the child to be released.

"(g) The Division at a detention or shelter care hearing may not postpone the determination of whether detention or shelter care is required. For good cause shown, however, the Division may grant a continuance of any other part of the hearing (including the filing of a petition) for a period not to exceed five days.

"(h) On motion by or on behalf of the child, a child in custody shall be released from custody if his detention or shelter care hearing is not commenced within the time set herein.

"(i) If a child is not released after his detention or shelter care hearing and the parent, guardian or custodian did not receive notice thereof, the Division may, in the interest of justice, conduct a new hearing in accordance with rules prescribed by the Superior Court.

"(j) Upon objection of the child or his parent, guardian or custodian, a judge who conducted a detention or shelter care hearing shall not conduct a factfinding hearing on the petition.

"§ 16-2313. Place of detention or shelter

"(a) A child who is alleged to be neglected and who is in custody may be placed at any time prior to disposition, only in—

"(1) a foster home;

"(2) a group home, youth shelter, or other appropriate home for nondelinquent children; or

"(3) another facility for shelter care designated by the Division, including an appropriate facility operated by the District of Columbia.

No child alleged to be neglected may be placed in a facility described in paragraph (3) of subsection (b) of this section.

"(b) A child who is alleged to be in need of supervision or (except as provided in subsection (d) or (e)) is alleged to be delinquent and who is in custody may be detained at any time prior to disposition only in—

"(1) a foster home;

"(2) a group home, youth shelter, or other appropriate home for allegedly delinquent children; or

“(3) a detention home for allegedly delinquent children or children alleged to be in need of supervision, designated by the Division, including an appropriate facility operated by the District of Columbia.

Unless the Division shall by order so authorize, no child may be detained in a facility described in paragraph (3) if it would result in his commingling with children who have been adjudicated delinquent and committed by order of the Division.

“(c) A child in detention or shelter care may be temporarily transferred to a medical facility for physical care and may, on order of the Division, be temporarily transferred to a facility for mental examination or treatment.

“(d) Except as provided in subsection (e), no child under eighteen years of age may be detained in a jail or other facility for the detention of adults, unless transferred as provided in section 16-2307. The appropriate official of a jail or other facility for the detention of adults shall inform the Superior Court immediately when a child under the age of eighteen years is received there (other than by transfer) and shall (1) deliver him to the Director of Social Services upon request, or (2) transfer him to a detention facility described in subsection (b) (3).

“(e) A child sixteen years of age or older who is alleged to be delinquent and who is in detention, whose conduct constitutes a menace to other children, and who cannot be controlled, may on order of the Division be transferred to a place of detention for adults, but shall be kept separate from adults.

“§ 16-2314. Consent decree

“(a) At any time after the filing of a delinquency or need of supervision petition and prior to adjudication at a factfinding hearing, the Division may, on motion of the Corporation Counsel or counsel for the child, suspend the proceedings and continue the child under supervision, without commitment, under terms and conditions established by rules of the Superior Court. Such a consent decree shall not be entered unless the child is represented by counsel and has been informed of the consequences of the decree; nor shall it be entered over the objection of the child or of the Corporation Counsel.

“(b) A consent decree shall remain in force for six months unless the child is sooner discharged by the Director of Social Services. Upon application of the Director of Social Services or an agency supervising the child made prior to the expiration of the decree, a consent decree may, after notice and hearing, be extended for not more than six additional months by order of the Division.

“(c) If prior to the expiration of the decree or discharge by the Director of Social Services, the child fails to fulfill the express conditions of the decree or a new delinquency or need of supervision petition is filed concerning the child, the original petition under which the decree was filed may, in the discretion of the Corporation Counsel following consultation with the Director of Social Services, be reinstated. The child shall thereafter be held accountable on the original petition as if the consent decree had never been entered.

“(d) If a child completes the period of continuance under supervision in accordance with the consent decree or is sooner discharged by the Director of Social Services, the Division shall dismiss the original petition.

“§ 16-2315. Physical and mental examinations

“(a) At any time following the filing of a petition, on motion of the Corporation Counsel or counsel for the child, or on its own motion, the Division may order a child to be examined to aid in determining his physical or mental condition.

“(b) Wherever possible examinations shall be conducted on an outpatient basis, but the Division may, if it deems necessary, commit the child to a suitable medical facility or institution for the purpose of examination. Commitment for examination shall be for a period of not more than forty-five days; except that the Division may, for good cause shown, grant extensions of the commitment which may not exceed forty-five days in the aggregate.

“(c) (1) If as a result of a mental examination the Division determines that a child alleged to be delinquent is incompetent to participate in proceedings under the petition by reason of mental illness or substantial retardation, it shall, except as provided in subsection (2), suspend further proceedings and the Corporation Counsel shall initiate commitment proceedings pursuant to chapter 5 or 11 of title 21.

“(2) If a motion for transfer for criminal prosecution has been filed pursuant to section 16-2307 and the Division determines that a child alleged to be delinquent is incompetent to participate in the transfer proceedings by reason of mental illness, it shall suspend further proceedings and order the child confined to a suitable hospital or facility for the mentally ill until his competency is restored. If prior to the time the child reaches the age of 21 it appears that he will not regain his competency to participate in the proceedings, the Corporation Counsel shall initiate commitment proceedings pursuant to chapter 5 of title 21.

“(3) If, as a result of mental examination, the Division determines that a child alleged to be in need of supervision is incompetent to participate in proceedings under the petition by reason of mental illness or substantial retardation, it shall suspend further proceedings. If proceedings are suspended, the Corporation Counsel may initiate commitment proceedings pursuant to chapter 5 or 11 of title 21.

“(d) The results of an examination under this section shall be admissible in a transfer hearing pursuant to section 16-2307, in a dispositional hearing under this subchapter, or in a commitment proceeding under chapter 5 or 11 of title 21. The results of examination may be admitted into evidence at a factfinding hearing to aid the Division in determining a material allegation of the petition relating to the child's mental or physical condition, but not for the purpose of establishing a defense of insanity.

“(e) Following an adjudication at a factfinding hearing that a child is neglected, the Division may order the mental or physical examination of the parent, guardian, or custodian of the child whose ability to care for the child is at issue. The results of the examination are admissible at a dispositional hearing on the petition alleging neglect.

“§ 16-2316. Conduct of hearings; evidence

“(a) The Division shall, without a jury, hear and adjudicate cases involving delinquency, need of supervision, or neglect. The Corporation Counsel shall present evidence in support of all petitions arising under this subchapter and otherwise represent the District of Columbia in all proceedings.

“(b) Evidence which is competent, material, and relevant shall be admissible at factfinding hearings. Evidence which is material and relevant shall be admissible at detention hearings, transfer hearings under section 16-2307, and dispositional hearings.

79 Stat. 750,
766; *Post*, p. 1087.
D.C. Code 21-
501, 21-1101.

“(c) All hearings and proceedings under this subchapter shall be recorded by appropriate means. Except in hearings to declare a person in contempt of court, the general public shall be excluded from hearings arising under this subchapter. Only persons necessary to the proceedings shall be admitted, but the Division may, pursuant to rule of the Superior Court, admit such other persons (including members of the press) as have a proper interest in the case or the work of the court on condition that they refrain from divulging information identifying the child or members of his family involved in the proceedings.

“(d) If the Division finds that it is in the best interest of the child, it may temporarily exclude him from any proceeding except a factfinding hearing. If the petition alleges neglect, the child may also be temporarily excluded from a factfinding hearing. In any case, counsel for the child may not be excluded.

“§ 16-2317. Hearings, findings; dismissal

“(a) Except as otherwise provided by statute or court rule, all motions shall be heard at the time of the factfinding hearing.

“(b) After a factfinding hearing on the allegations in the petition, the Division shall make and file written findings in all cases as to the truth of the allegations, and in neglect cases, he shall also make and file written findings as to whether the child is neglected. If the Division finds that—

“(1) in the case of a delinquency petition, that the allegations have not been established by proof beyond a reasonable doubt, or

“(2) in the case of a need of supervision or neglect petition, that the allegations have not been established by the preponderance of the evidence,

the Division shall dismiss the petition and order the child released from any detention or shelter care or other restriction previously ordered. If the proceedings are not terminated after the factfinding hearing, the Division shall review the need for detention or shelter care of the child.

“(c) If the Division finds in a factfinding hearing that—

“(1) the allegations in a delinquency petition have been established by proof beyond a reasonable doubt, or

“(2) the allegations in a need of supervision or neglect petition have been established by the preponderance of the evidence, the Division, after giving the notice required by subsection (e) of this section, shall proceed to hold a dispositional hearing. The Division may postpone a dispositional hearing to await the predisposition study and report of the Director of Social Services required by section 16-2319. In the absence of evidence to the contrary, a finding of the commission of an act which would constitute a criminal offense if committed by an adult is sufficient to sustain a finding of need for care or rehabilitation in delinquency and need of supervision cases.

“(d) If the Division finds that the child is not in need of care or rehabilitation it shall terminate the proceedings and discharge the child from detention, shelter care, or other restriction previously ordered.

“(e) The Division shall give prompt notice of any dispositional hearing as follows:

“(1) In delinquency and need of supervision cases, to the child, his spouse (if any), and his parent, guardian, or custodian.

“(2) In neglect cases, to the child and to the parent, guardian, or custodian named in the petition if he can be found.

“§ 16-2318. Order of adjudication noncriminal

“A consent decree, order of adjudication, or order of disposition in a proceeding under this subchapter is not a conviction of crime and does not impose any civil disability ordinarily resulting from a con-

viction, nor does it operate to disqualify a child in any future civil service examination, appointment, or application for public service in either the Government of the United States or of the District of Columbia.

“§ 16-2319. Predisposition study and report

“After a motion for transfer has been filed, or after the Division has made findings pursuant to subsection (c) of section 16-2317 sustaining the allegations of a petition and, in neglect cases, the conclusion that the child is neglected, the Division shall direct that a predisposition study and report to the Division be made by the Director of Social Services or a qualified agency designated by the Division concerning the child, his family, his environment, and other matters relevant to the need for treatment or disposition of the case. Except in connection with a hearing on a transfer motion, no predisposition study or report shall be furnished to or considered by the Division prior to completion of the factfinding hearing.

“§ 16-2320. Disposition of child who is neglected, delinquent, or in need of supervision

“(a) If a child is found to be neglected, the Division may order any of the following dispositions which will be in the best interest of the child:

“(1) Permit the child to remain with his parent, guardian, or other custodian, subject to such conditions and limitations as the Division may prescribe, including but not limited to medical, psychiatric, or other treatment at an appropriate facility on an out-patient basis.

“(2) Place the child under protective supervision.

“(3) Transfer legal custody to any of the following—

“(A) a public agency responsible for the care of neglected children;

“(B) a child placing agency or other private organization or facility which is licensed or otherwise authorized by law and is designated by the Commissioner of the District of Columbia to receive and provide care for the child; or

“(C) a relative or other individual who is found by the Division to be qualified to receive and care for the child.

“(4) Commitment of the child for medical, psychiatric, or other treatment at an appropriate facility on an in-patient basis if, at the dispositional hearing provided for in section 16-2317, the Division finds that confinement is necessary to the treatment of the child. A child for whom medical, psychiatric, or other treatment is ordered may petition the Division for review of the order thirty days after treatment under the order has commenced, and, if, after a hearing for the purpose of such review, the original order is affirmed, the child may petition for review thereafter every six months.

“(5) Make such other disposition as may be provided by law and as the Division deems to be in the best interests of the child and the community.

“(b) Unless a child found neglected is also found to be delinquent, he shall not be committed to, or confined in, an institution for delinquent children.

“(c) If a child is found to be delinquent or in need of supervision, the Division may order any of the following dispositions for his supervision, care, and rehabilitation:

“(1) Any disposition authorized by subsection (a) (other than paragraph (3)(A) thereof).

"(2) Transfer of legal custody to a public agency for the care of delinquent children.

"(3) Probation under such conditions and limitations as the Division may prescribe.

"(d) No child found in need of supervision, unless also found delinquent, shall be committed to or placed in an institution or facility for delinquent children; except that if such child has previously been found in need of supervision and the Division, after hearing, so finds, the Division may specify that such child be committed to or placed in an institution or facility for delinquent children.

"(e) No child who is found to be delinquent, in need of supervision, or neglected shall be committed to a penal or correctional institution for adult offenders.

"§ 16-2321. Disposition of mentally ill or substantially retarded child

"(a) If no previous examination has been made under section 16-2315 and the Division, after a factfinding but before a dispositional hearing, has reason to believe that a child is mentally ill or substantially retarded, it may order an examination as provided in section 16-2315.

"(b) If as a result of the examination the child is found to be mentally ill or substantially retarded, the Division may, in lieu of other disposition, direct the appropriate authority to initiate commitment proceedings under chapter 5 or 11 of title 21. The Division may order the child detained in suitable facilities pending commitment proceedings.

"(c) If the examination does not indicate that commitment proceedings should be initiated or if the proceedings do not result in commitment, the Division shall proceed to disposition pursuant to this subchapter.

"§ 16-2322. Limitation of time on dispositional orders

"(a) (1) A dispositional order vesting legal custody of a child in a department, agency, or institution shall remain in force for an indeterminate period not exceeding two years. Unless the order specifies that release is permitted only by order of the Division, the department, agency, or institution may release the child at any time that it appears the purpose of the disposition order has been achieved.

"(2) An order vesting legal custody of a child in an individual other than his parent shall remain in force for two years unless sooner terminated by order of the Division.

"(3) An order of probation or a protective supervision order shall remain in force for a period not exceeding one year from the date entered, but the Director of Social Services or the agency providing supervision may terminate supervision at any time that it appears the purpose of the order has been achieved.

"(b) A dispositional order vesting legal custody of a child in an agency or institution may be extended for additional periods of one year, upon motion of the department, agency, or institution to which the child was committed, if, after notice and hearing, the Division finds that—

"(1) in the case of a neglected child, the extension is necessary to safeguard his welfare; or

"(2) in the case of a child adjudicated delinquent or in need of supervision, the extension is necessary for his rehabilitation or the protection of the public interest.

79 Stat. 750,
766; *Post*, p. 1087.
D.C. Code 21-
501, 21-1101.

“(c) Any other dispositional order may be extended for additional periods of one year, upon motion of the Director of Social Services, if, after notice and hearing, the Division finds that extension is necessary to protect the interest of the child.

“(d) A release or termination of an order prior to expiration of the order pursuant to subsection (a) (1) or (3), shall promptly be reported in writing to the Division.

“(e) Upon termination of a dispositional order a child shall be notified in writing of its termination. Upon termination of an order or release a child shall be notified, in accordance with rules of the Superior Court, of his right to move for the sealing of his records as provided in section 16-2334.

“(f) Unless sooner terminated, all orders of the Division under this subchapter in force with respect to a child terminate when he reaches twenty-one years of age.

“§ 16-2323. Modification, termination of orders

“(a) An order of the Division under this subchapter shall be set aside if—

“(1) it was obtained by fraud or mistake sufficient to set aside an order or judgment in a civil action;

“(2) the Division lacked jurisdiction; or

“(3) newly discovered evidence so requires.

“(b) A child who has been committed under this subchapter to the custody of an institution, agency, or person, or the parent or guardian of the child, may file a motion for modification or termination of the order of commitment on the ground that the child no longer is in need of commitment, if the child or his parent or guardian has applied to the institution or agency for release and the application was denied or not acted upon within a reasonable time.

“(c) The Director of Social Services shall conduct a preliminary review of motions filed under subsection (b) and shall prepare a report to the Division on the allegations contained therein. The Division may dismiss the motion if it concludes from the report that it is without substance. Otherwise, the Division, after notice, shall hear and determine the issues raised by the motion and deny the motion, or enter an appropriate order modifying or terminating the order of commitment, if it finds such action necessary to safeguard the welfare of the child or the interest of the public.

“(d) A motion may be filed under subsection (b) only once every six months.

“§ 16-2324. Support of committed child

“Whenever legal custody of a child is vested in any agency or individual other than the child's parent, after due notice to the parent or other persons legally obligated to care for and support the child and after hearing, the Division may, at the dispositional hearing or thereafter, order and decree that the parent or other legally obligated person shall pay, in such manner as the Division may direct, a reasonable sum that will cover in whole or in part the support and treatment of the child after the decree is entered. If the parent or other legally obligated person wilfully fails or refuses to pay such sum, the Division may proceed against him for contempt, or the order may be filed and shall have the effect of a civil judgment.

“§ 16-2325. Court costs and expenses

“If, at the dispositional hearing or thereafter, the Division finds, after due notice and hearing, that the parent or other person legally obligated to care for and support a child subject to proceedings under this subchapter is financially able to pay, the Division may order him to pay all of or part of the costs of—

“(1) physical and mental examinations and treatment of the child ordered by the Division; and

“(2) reasonable compensation for services and related expenses of counsel appointed by the court to represent the child, or, in neglect cases, himself.

Payment shall be made as prescribed by rules of the Superior Court.

“§ 16-2326. Probation revocation; disposition

“(a) If a child on probation incident to an adjudication of delinquency or need of supervision violates any term of his probation he may be proceeded against in a probation revocation hearing.

“(b) A proceeding to revoke probation shall be commenced by the filing of a revocation petition by the Corporation Counsel. The petition to revoke probation shall be in such form as may be prescribed by rule of the Superior Court and shall be served together with a summons in the manner provided in section 16-2306.

“(c) Probation revocation proceedings shall be heard without a jury and shall require establishment of the facts alleged by a preponderance of the evidence. As nearly as may be appropriate, probation revocation proceedings shall conform to the procedures established by this subchapter for delinquency and need of supervision cases.

“(d) If a child is found to have violated the terms of his probation, the Division may modify the terms and conditions of the probation order, extend the period of probation, or enter any other order of disposition specified in section 16-2320 for a delinquent child.

“§ 16-2327. Interlocutory appeals

“(a) A child who has been ordered transferred for criminal prosecution under section 16-2307 or detained or placed in shelter care or subjected to conditions of release under section 16-2312, may, within two days of the date of entry of the Division's order, file a notice of interlocutory appeal.

“(b) The District of Columbia Court of Appeals shall (1) hear argument on an appeal under subsection (a) on or before the third day (excluding Sundays) after the filing of notice under that subsection, (2) dispense with any requirement of written briefs other than the supporting materials previously submitted to the Division, and (3) render its decision on or before the next day following argument on appeal. The court may in rendering its decision dispense with the issuance of a written opinion.

“(c) In cases involving transfer for criminal prosecution, the pendency of an interlocutory appeal shall act to stay criminal proceedings. Until the time for filing an interlocutory appeal has lapsed, or if an appeal is filed until its completion, no child who has been ordered transferred for criminal prosecution shall be removed to a place of adult detention, except as provided in section 16-2313, or otherwise treated as an adult.

“(d) The decision of the District of Columbia Court of Appeals shall be final.

“§ 16-2328. Finality of judgments; appeals; transcripts

“(a) Except as otherwise expressly provided by law, in all hearings and cases tried before the Division pursuant to this subchapter, the judgment of the Division is final.

“(b) In all appeals from decisions of the Division with respect to a child alleged to be neglected, delinquent, or in need of supervision, the child shall be identified only by initials in all transcripts, briefs, and other papers filed, and all necessary steps, as prescribed by rule of the District of Columbia Court of Appeals, shall be taken to protect the identity of the child.

“(c) Upon the filing of a motion and supporting affidavit stating that he is financially unable to purchase a transcript, a party who has filed notice of appeal or of interlocutory appeal shall be furnished, at no cost or at such part of cost as he is able to pay, so much of the transcript as is necessary adequately to prepare and support the appeal.

“(d) An appeal does not operate to stay the order, judgment, or decree appealed from, but on application and hearing whenever the case is properly before the appellate court, that court may order otherwise if suitable provision is made for the care and custody of the child.

“§ 16-2329. Time computation

“(a) In all proceedings in the Division, time limitations shall be reasonably construed by the Division for the protection of the community and of the child.

“(b) The following periods shall be excluded in computing the time limits established for proceedings under this subchapter:

“(1) The period of delay resulting from a continuance granted, upon grounds constituting unusual circumstances, at the request or with the consent, in any case, of the child or his counsel, or, in neglect cases, also of the parent, guardian, or custodian.

“(2) The period of delay resulting from other proceedings concerning the child, including but not limited to an examination or hearing on mental health or retardation and a hearing on a transfer motion.

“(3) The period of delay resulting from a continuance granted at the request of the Corporation Counsel if the continuance is granted because of the unavailability of evidence material to the case, when the Corporation Counsel has exercised due diligence to obtain such evidence and there are reasonable grounds to believe that such evidence will be available at the later date; or if the continuance is granted to allow the Corporation Counsel additional time to prepare his case and additional time is required due to the exceptional circumstances of the case.

“(4) The period of delay resulting from the imposition of a consent decree.

“(5) The period of delay resulting from the absence or unavailability of the child.

“(6) A reasonable period of delay when the child is joined for a hearing with another child as to whom the time for a hearing has not run and there is good cause for not hearing the cases separately.

“§ 16-2330. Juvenile case records; confidentiality; inspection and disclosure

“(a) As used in this section, the term ‘juvenile case records’ refers to the following records of a case over which the Division has jurisdiction under section 11-1101(13):

“(1) Notices filed with the court by an arresting officer pursuant to this subchapter.

“(2) The docket of the court and entries therein.

“(3) Complaints, petitions, and other legal papers filed in the case.

“(4) Transcripts of proceedings before the court.

“(5) Findings, verdicts, judgments, orders, and decrees.

“(6) Other writings filed in proceedings before the court, other than social records.

“(b) Juvenile case records shall be kept confidential and shall not be open to inspection; but, subject to the limitations of subsection (c), the inspection of those records shall be permitted to—

“(1) judges and professional staff of the Superior Court;

“(2) the Corporation Counsel and his assistants assigned to the Division;

“(3) the respondent, his parents or guardians, and their duly authorized attorneys;

“(4) any court or its probation staff, for purposes of sentencing the respondent as a defendant in a criminal case and the counsel for the defendant in that case;

“(5) public or private agencies or institutions providing supervision or treatment or having custody of the child, if supervision, treatment, or custody is under order of the Division;

“(6) the United States Attorney for the District of Columbia, his assistants, and any other prosecuting attorneys involved in the investigation or trial of a criminal case arising out of the same transaction or occurrence as a case in which a child is alleged to be delinquent; and

“(7) other persons having a professional interest in the protection, welfare, treatment, and rehabilitation of the respondent or of a member of his family, or in the work of the Superior Court, if authorized by rule or special order of the court.

Records inspected may not be divulged to unauthorized persons. The prosecuting attorney inspecting records pursuant to paragraph (6) of this subsection may divulge the contents to the extent required in the prosecution of a criminal case, and the United States Attorney for the District of Columbia and his assistants may inspect a transcript of the testimony of any witness and divulge the contents to the extent required by the prosecution of the witness for perjury, without, wherever possible, naming or otherwise revealing the identity of a child under the jurisdiction of the Division.

“(c) Notwithstanding subsection (b), the Superior Court may by rule or special order provide that particular items or classes of items in juvenile case records shall not be open to inspection except pursuant to rule or special order; but, in dispositional proceedings after an adjudication, no item considered by the judge (other than identification of the sources of confidential information) shall be withheld from inspection (1) in delinquency or need of supervision cases, by the attorney for the child, or (2) in neglect cases, by the attorney for the child and an attorney for the parent, guardian, or other custodian of the child.

“(d) The Superior Court may by rule or special order provide procedures for the inspection or copying of juvenile case records by persons entitled to inspect them. No person receiving any record or information pursuant to this section may publish or use it for any purpose other than that for which it was received without a special order of the court.

“(e) No person shall disclose, inspect, or use records in violation of this section.

“§ 16-2331. Juvenile social records; confidentiality; inspection and disclosure

“(a) As used in this section, the term ‘juvenile social records’ refers to all social records made with respect to a child in any proceedings over which the Division has jurisdiction under section 11-1101(13), including preliminary inquiries, predisposition studies, and examination reports.

“(b) Juvenile social records shall be kept confidential and shall not be open to inspection; but, subject to the limitations of subsection (c), the inspection of those records shall be permitted to—

“(1) judges and professional staff of the Superior Court and the Corporation Counsel and his assistants assigned to the Division;

“(2) the attorney for the child at any stage of a proceeding in the Division, including intake;

“(3) any court or its probation staff, for purposes of sentencing the child as a defendant in a criminal case, and, if and to the extent other presentence materials are disclosed to him, the counsel for the defendant in that case;

“(4) public or private agencies or institutions providing supervision or treatment, or having custody of the child, if the supervision, treatment, or custody is under order of the Division: and

“(5) other persons having a professional interest in the protection, welfare, treatment, and rehabilitation of the respondent or of a member of his family, or in the work of the Division, if authorized by rule or special order of the court.

Records inspected may not be divulged to unauthorized persons.

“(c) Notwithstanding subsection (b), the Superior Court may by rule or special order provide that particular items or classes of items in juvenile social records shall not be open to inspection except pursuant to rule or special order; but, in dispositional proceedings after an adjudication, no item considered by the judge (other than identification of the sources of confidential information) shall be withheld from inspection (1) in delinquency or need of supervision cases, by the attorney for the child, or (2) in neglect cases, by the attorney for the child and an attorney for the parent, guardian, or other custodian of the child.

“(d) The Superior Court may by rule or special order provide procedures for the inspection or copying of juvenile social records by persons entitled to inspect them. No person receiving any record or information pursuant to this section may publish or use it for any purpose other than that for which it was received without a special order of the court.

“(e) No person shall disclose, inspect, or use records in violation of this section.

“§ 16-2332. Police and other law enforcement records

“(a) Law enforcement records and files concerning a child shall not be open to public inspection nor shall their contents or existence be disclosed to the public unless a charge of delinquency is transferred for criminal prosecution under section 16-2307, the interest of national security requires, or the court otherwise orders in the interest of the child.

“(b) Inspection of such records and files is permitted by—

“(1) the Superior Court, having the child currently before it in any proceeding;

“(2) the officers of public and private institutions or agencies to which the child is currently committed, and those professional persons or agencies responsible for his supervision after release;

“(3) any other person, agency or institution, by order of the court, having a professional interest in the child or in the work of the law enforcement department;

“(4) law enforcement officers of the United States, the District of Columbia, and other jurisdictions when necessary for the discharge of their current official duties;

“(5) a court in which a person is charged with a criminal offense for the purposes of determining conditions of release or bail;

“(6) a court in which a person is convicted of a criminal offense for the purpose of a presentence report or other dispositional proceeding, or by officials of penal institutions and other penal facilities to which he is committed, or by a parole board in considering his parole or discharge or in exercising supervision over him; and

“(7) the parent, guardian, or other custodian and counsel for the child.

“(c) Photographs may be displayed to potential witnesses for identification purposes, in accordance with the standards of fairness applicable to adults.

“(d) No person shall disclose, inspect, or use records or files in violation of this section.

“§ 16-2333. Fingerprint records

“(a) The contents or existence of law enforcement records and files of the fingerprints of a child shall not be disclosed by the custodians thereof, except—

“(1) to a law enforcement officer of the United States, the District of Columbia, or other jurisdiction for purposes of the investigation and trial of a criminal offense; or

“(2) pursuant to rule or special order of the court.

“(b) When a child is transferred for criminal prosecution under section 16-2307, law enforcement records and files of his fingerprints relating to any matter so transferred shall be deemed those of an adult.

“(c) No person shall disclose, inspect, or use records in violation of this section.

“§ 16-2334. Sealing of records

“(a) On motion of a person who has been the subject of a petition filed pursuant to section 16-2305, or on the Division's own motion, the Division shall vacate its order and findings and shall order the sealing of the case and social records referred to in sections 16-2330 and 16-2331 and the law enforcement records and files referred to in section 16-2332, or those of any other agency active in the case if it finds that—

“(1) (A) a neglected child has reached his majority; or

“(B) two years have elapsed since the final discharge of the person from legal custody or supervision, or since the entry of any other Division order not involving custody or supervision; and

“(2) he has not been subsequently convicted of a crime, or adjudicated delinquent or in need of supervision prior to the filing of the motion, and no proceeding is pending seeking such conviction or adjudication.

“(b) Reasonable notice of a motion shall be given to—

“(1) the person who is the subject of the petition;

“(2) the Corporation Counsel;

“(3) the authority granting the discharge, if the final discharge was from an institution, parole, or probation; and

“(4) the law enforcement department having custody of the files and records specified in section 16-2332.

“(c) Upon the entry of the order, the proceedings in the case shall be treated as if they never occurred. All facts relating to the action including arrest, the filing of a petition, and the adjudication, filing, and disposition of the Division shall no longer exist as a matter of law. The Division, the law enforcement department, or any other department or agency that received notice under subsection (b) and was named in the order shall reply, and the person who is the subject matter of the records may reply, to any inquiry that no record exists with respect to such person.

“(d) Inspection of the files and records included in the order may thereafter be permitted by the Division only upon motion by the person who is the subject of such records, and may be made only by those persons named in the motion; but the Division in its discretion may, by special order in an individual case, permit inspection by or release of information in the records to persons having a professional interest in the protection, welfare, treatment, and rehabilitation of the person who is the subject of the petition or other members of his family.

“(e) Any adjudication of delinquency or need of supervision or conviction of a felony subsequent to sealing shall have the effect of nullifying the vacating and sealing order.

“(f) A person who has been the subject of a petition filed under this subchapter shall be notified of his rights under subsection (a) at the time a dispositional order is entered and again at the time of his final discharge from supervision, treatment, or custody.

“(g) No person shall disclose, receive, or use records in violation of this section.

“§ 16-2335. Unlawful disclosure of records; penalties

“Whoever willfully discloses, receives, makes use of, or knowingly permits the use of information concerning a child or other person in violation of sections 16-2330 through 16-2334, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$250 or imprisoned not more than ninety days, or both. Violations of this section shall be prosecuted by the Corporation Counsel in the name of the District of Columbia.

“§ 16-2336. Additional powers of the Director of Social Services

“In addition to the powers and duties prescribed in section 11-1722, the Director of Social Services shall have power to take into custody and place in detention or shelter care, in accordance with this subchapter, children who are under his supervision as delinquent, in need of supervision, or neglected, or children who have run away from agencies or institutions to which they were committed under this subchapter.

Ante, p. 510.

“§ 16-2337. Emergency medical treatment

“Nothing in this subchapter shall prevent a public agency having custody of a child who is under the jurisdiction of the Division from providing the child with emergency medical treatment.

“SUBCHAPTER II.—PATERNITY PROCEEDINGS

“§ 16-2341. Representation

“(a) Where a public support burden has been incurred or is threatened, the Corporation Counsel, or any of his assistants, shall bring a civil action in the Family Division on behalf of any wife or child to enforce support of such wife or child.

Ante, p. 488.

“(b) In all cases over which the Division has jurisdiction under paragraphs (3), (4), (10), and (11) of section 11-1101, where the court deems it necessary and proper, an attorney shall be appointed by the court to represent the respondent.

“(c) Nothing in this section shall be construed to interfere with the right of an individual to file a civil action over which the Division has jurisdiction under the paragraphs of section 11-1101 referred to in subsection (b).

“§ 16-2342. Time of bringing complaint

“Proceedings over which the Division has jurisdiction under paragraphs (3) and (11) of section 11-1101 to establish paternity and provide for the support of a child born out of wedlock may be instituted after four months of pregnancy or within two years after the birth of the child, or within one year after the putative father has ceased making contributions for the support of the child. The time during which the respondent is absent from the jurisdiction shall be excluded from the computation of the time within which a complaint may be filed.

“§ 16-2343. Blood tests

“When it is relevant to an action over which the Division has jurisdiction under section 11-1101, the court may direct that the mother, child, and the respondent submit to one or more blood tests to determine whether or not the respondent can be excluded as being the father of the child, but the results of the test may be admitted as evidence only in cases where the respondent does not object to its admissibility. Where the parties cannot afford the cost of a blood test, the court may direct the Department of Public Health to perform such tests without fee.

“§ 16-2344. Exclusion of public

“Upon trial or proceedings over which the Division has jurisdiction under paragraph (3), (4), (10), or (11) of section 11-1101, the court may exclude the general public and, at the request of either party, shall exclude the general public.

“§ 16-2345. New birth record upon marriage of natural parents

“When a certified copy of a marriage certificate is submitted to the Director of Public Health, establishing that the previously unwed parents of a child born out of wedlock have intermarried subsequent to the birth of the child, and the paternity of the child has been judicially determined or acknowledged by the husband before the Commissioner of the District of Columbia or his designated agent, or has been acknowledged in an affidavit sworn to by the husband before a judge or the clerk of a court of record, or before an officer of the armed forces of the United States authorized to administer oaths, and the affidavit is delivered to the Commissioner or his designated agent, a new certificate of birth bearing the original date of birth and the names

of both parents shall be issued and substituted for the certificate of birth then on file. The original certificate of birth and all papers pertaining to the issuance of the new certificate shall be placed under seal and opened for inspection only upon order of the Family Division.

“§ 16-2346. Reports to Director of Public Health

“(a) Upon entry of a final judgment determining the paternity of a child born out of wedlock, the clerk of the court shall forward a certificate to the Director of Public Health of the District of Columbia, or his authorized representative in the jurisdiction in which the child was born, giving the name of the person adjudged to be the father of the child.

“(b) Upon receipt of the certificate provided for by subsection (a) of this section, the Director of Public Health or his authorized representative shall file it with the original birth record, and thereafter may issue a certificate of birth registration including thereon the name of the person adjudged to be the father of the child.

“§ 16-2347. Death of respondent; liability of estate

“If the respondent dies after paternity has been established and prior to the time the child reaches the age of 18 years, any sums due and unpaid under an order of the court at the time of his death shall constitute a valid claim against his estate.

“§ 16-2348. Paternity records; confidentiality; inspection and disclosure

“(a) Except on order of the Family Division, no records in a case over which the Division has jurisdiction under section 11-1101(11) shall be open to inspection by anyone other than the plaintiff, respondent, their attorneys of record, or authorized professional staff of the Superior Court. The Family Division, upon proper showing, may authorize the furnishing of certified copies of the records or portions thereof to the respondent, the mother, or custodian of the child, a party in interest, or their duly authorized attorneys. Certified copies of the records or portions thereof may be furnished, upon request, to the Corporation Counsel for use as evidence in nonsupport proceedings and to the Director of Public Health as provided by section 16-2346 (a).

Ante, p. 488.

“(b) No person shall disclose, receive, or use records in violation of this section. Whoever willfully discloses, receives, makes use of, or knowingly permits the use of information in violation of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$250 or imprisoned not more than ninety days, or both. Violations of this section shall be prosecuted by the Corporation Counsel in the name of the District of Columbia.”

(b) The item relating to chapter 23 in the analysis of title 16 of the District of Columbia Code is amended by striking out “Juvenile Court” and inserting in lieu thereof “Family Division”.

77 Stat. 536.

PART C—INTRAFAMILY OFFENSES; JURISDICTION AND PROCESS OUTSIDE THE DISTRICT OF COLUMBIA; COMPETENCY OF WITNESSES

INTRAFAMILY OFFENSES

SEC. 131. (a) Title 16 of the District of Columbia Code is amended by inserting after chapter 9 the following new chapter:

77 Stat. 560.
D.C. Code
16-901.

“Chapter 10.—PROCEEDINGS REGARDING INTRAFAMILY OFFENSES

“Sec.

“16-1001. Definitions.

“16-1002. Complaint of criminal conduct; referrals to Family Division.

“16-1003. Petition for civil protection.

“16-1004. Petition; notice; temporary order.

“16-1005. Hearing; evidence; protection order.

“16-1006. Dismissal of petition; notice.

“§ 16-1001. Definitions

“For purposes of this chapter :

“(1) The term ‘intrafamily offense’ means an act, punishable as a criminal offense, committed—

“(A) by one spouse against the other;

“(B) by a parent, guardian, or other legal custodian against a child; or

“(C) by one person against another person with whom he shares a mutual residence and is in a close relationship rendering the application of this chapter appropriate.

“(2) The terms ‘complainant’ and ‘family member’ include any individual in the relationship described in paragraph (1).

“(3) The term ‘Family Division’ means the Family Division of the Superior Court of the District of Columbia.

“(4) The term ‘Director of Social Services’ means the Director of Social Services in the Superior Court of the District of Columbia.

“§ 16-1002. Complaint of criminal conduct; referrals to Family Division

“(a) If, upon the complaint of any person of criminal conduct by another or the arrest of a person charged with criminal conduct, it appears to the United States Attorney for the District of Columbia (hereafter in this chapter referred to as the ‘United States attorney’) that the conduct involves an intrafamily offense, he shall notify the Director of Social Services. The Director of Social Services may investigate the matter and make such recommendations to the United States attorney as the Director deems appropriate.

“(b) The United States attorney may also (1) file a criminal charge based upon the conduct and may consult with the Director of Social Services concerning appropriate recommendations for conditions of release taking into account the intrafamily nature of the offense; or (2) refer the matter to the Corporation Counsel for the filing of a petition for civil protection in the Family Division. Prior to any such referral, the United States attorney shall consult with the Director of Social Services concerning the appropriateness of the referral. A referral to the Corporation Counsel by the United States attorney shall not preclude the United States attorney from subsequently filing a criminal charge based upon the conduct, if he deems it appropriate, but no criminal charge may be filed after the Family Division begins receiving evidence pursuant to section 16-1005.

“§ 16-1003. Petition for civil protection

“(a) Upon referral by the United States attorney, or upon application of any person or agency for a civil protection order with respect to an intrafamily offense committed or threatened, the Corporation Counsel may file a petition for civil protection in the Family Division.

“(b) In any matter referred to the Corporation Counsel by the United States attorney in which the Corporation Counsel does not file a petition, he shall so notify the United States attorney.

“§ 16-1004. Petition; notice; temporary order

“(a) Upon a filing of a petition for civil protection by the Corporation Counsel, the Family Division shall set the matter for hearing, consolidating it, where appropriate, with other matters before the Family Division involving members of the same family.

“(b) The Family Division shall cause notice of the hearing to be served on the respondent, the complainant and, if appropriate, the family member endangered (or, if a child, the person then having physical custody of the child), the Director of Social Services, and the Corporation Counsel. The respondent shall be served with a copy of the petition together with the notice and shall be directed to appear at the hearing. The Family Division may also cause notice to be served on other members of the family whose presence at the hearing is necessary to the proper disposition of the matter.

“(c) If, upon the filing of the petition, the Division finds that the safety or welfare of a family member is immediately endangered by the respondent, it may, ex parte, issue a temporary protection order of not more than ten days duration and direct that the order be served along with the notice required by this section.

“§ 16-1005. Hearing; evidence; protection order

“(a) Members of the family receiving notice shall appear at the hearing. In addition to the parties, the Corporation Counsel and the Director of Social Services may present evidence at the hearing.

“(b) Notwithstanding section 14-306, in a hearing under this section, one spouse shall be a competent and compellable witness against the other and may testify as to confidential communications, but testimony compelled over a claim of a privilege conferred by such section shall be inadmissible in evidence in a criminal trial over the objection of a spouse entitled to claim that privilege.

“(c) If, after hearing, the Family Division finds that there is good cause to believe the respondent has committed or is threatening an intrafamily offense, it may issue a protection order—

“(1) directing the respondent to refrain from the conduct committed or threatened and to keep the peace toward the family member;

“(2) requiring the respondent, alone or in conjunction with any other member of the family before the court, to participate in psychiatric or medical treatment or appropriate counseling programs;

“(3) directing, where appropriate, that the respondent avoid the presence of the family member endangered;

“(4) directing the respondent to perform or refrain from other actions as may be appropriate to the effective resolution of the matter; or

“(5) combining two or more of the directions or requirements prescribed by the preceding paragraphs.

“(d) A protection order issued pursuant to this section shall be effective for such period up to one year as the Family Division may specify, but the Family Division may, upon motion of any party to the original proceeding, extend, rescind, or modify the order for good cause shown.

“(e) Any final order issued pursuant to this section and any order granting or denying extension, modification, or rescission of such order shall be appealable.

77 Stat. 519.

“(f) Violation of any temporary or permanent order issued under this chapter and failure to appear as provided in subsection (a) shall be punishable as contempt.

“§ 16-1006. Dismissal of petition; notice

“(a) The Family Division may dismiss a petition if the matter is not appropriate for disposition in the Family Division.

“(b) If a petition dismissed under subsection (a) was originated by referral from the United States attorney, and the dismissal was prior to the receipt of evidence pursuant to section 16-1005, the Family Division shall notify the United States attorney of the dismissal.”

(b) The analysis of title 16 is amended by adding after the item relating to chapter 9 the following:

77 Stat. 536.

“10. Proceedings Regarding Intrafamily Offenses..... 10-1001”.

JURISDICTION AND PROCESS OUTSIDE THE DISTRICT OF COLUMBIA

SEC. 132. (a) Title 13 of the District of Columbia Code is amended by inserting after chapter 3 the following new chapter:

77 Stat. 512.
D.C. Code 13-
301.

**“Chapter 4.—CIVIL JURISDICTION AND SERVICE
OUTSIDE THE DISTRICT OF COLUMBIA**

“SUBCHAPTER I.—GENERAL PROVISIONS

“Sec.

“13-401. Relation to other provisions of law.

“13-402. Uniformity of interpretation.

**“SUBCHAPTER II.—BASES OF PERSONAL JURISDICTION OVER PERSONS OUTSIDE THE
DISTRICT OF COLUMBIA**

“13-421. Definition of person.

“13-422. Personal jurisdiction based upon enduring relationship.

“13-423. Personal jurisdiction based upon conduct.

“13-424. Service outside the District of Columbia.

“13-425. Inconvenient forum.

“SUBCHAPTER III.—SERVICE OUTSIDE THE DISTRICT OF COLUMBIA

“13-431. Manner and proof of service.

“13-432. Individuals eligible to make service.

“13-433. Individuals to be served; special cases.

“13-434. Assistance to tribunals and litigants outside the District of Columbia.

“SUBCHAPTER I.—GENERAL PROVISIONS

“§ 13-401. Relation to other provisions of law

“Except in cases of irreconcilable conflict, this chapter shall be construed to augment, and not to repeal, any other law of the District of Columbia authorizing another basis of jurisdiction or permitting another procedure for service in civil proceedings in the District of Columbia courts.

“§ 13-402. Uniformity of interpretation

“When the statutory language so permits, this chapter shall be so interpreted and construed as to make it uniform with the laws of those jurisdictions which enact in comparable form the first two articles of the Uniform Interstate and International Procedure Act.

9B U.L.A.

"SUBCHAPTER II.—BASES OF PERSONAL JURISDICTION OVER PERSONS OUTSIDE THE DISTRICT OF COLUMBIA

"§ 13-421. Definition of person

"As used in this subchapter, the term 'person' includes an individual, his executor, administrator, or other personal representative, or a corporation, partnership, association, or any other legal or commercial entity, whether or not a citizen or domiciliary of the District of Columbia and whether or not organized under the laws of the District of Columbia.

"§ 13-422. Personal jurisdiction based upon enduring relationship

"A District of Columbia court may exercise personal jurisdiction over a person domiciled in, organized under the laws of, or maintaining his or its principal place of business in, the District of Columbia as to any claim for relief.

"§ 13-423. Personal jurisdiction based upon conduct

"(a) A District of Columbia court may exercise personal jurisdiction over a person, who acts directly or by an agent, as to a claim for relief arising from the person's—

"(1) transacting any business in the District of Columbia;

"(2) contracting to supply services in the District of Columbia;

"(3) causing tortious injury in the District of Columbia by an act or omission in the District of Columbia;

"(4) causing tortious injury in the District of Columbia by an act or omission outside the District of Columbia if he regularly does or solicits business, engages in any other persistent course of conduct, or derives substantial revenue from goods used or consumed, or services rendered, in the District of Columbia;

"(5) having an interest in, using, or possessing real property in the District of Columbia; or

"(6) contracting to insure or act as surety for or on any person, property, or risk, contract, obligation, or agreement located, executed, or to be performed within the District of Columbia at the time of contracting, unless the parties otherwise provide in writing.

"(b) When jurisdiction over a person is based solely upon this section, only a claim for relief arising from acts enumerated in this section may be asserted against him.

"§ 13-424. Service outside the District of Columbia

"When the exercise of personal jurisdiction is authorized by this subchapter, service may be made outside the District of Columbia.

"§ 13-425. Inconvenient forum

"When any District of Columbia court finds that in the interest of substantial justice the action should be heard in another forum, the court may stay or dismiss such civil action in whole or in part on any conditions that may be just.

"SUBCHAPTER III.—SERVICE OUTSIDE THE DISTRICT OF COLUMBIA

"§ 13-431. Manner and proof of service

"(a) When the law of the District of Columbia authorizes service outside the District of Columbia, the service, when reasonably calculated to give actual notice, may be made—

“(1) by personal delivery in the manner prescribed for service within the District of Columbia;

“(2) in the manner prescribed by the law of the place in which the service is made for service in that place in an action in any of its courts of general jurisdiction;

“(3) by any form of mail addressed to the person to be served and requiring a signed receipt; or

“(4) as directed by the foreign authority in response to a letter rogatory.

“(b) Proof of service outside the District of Columbia may be made by affidavit of the individual who made the service or in the manner prescribed by the law of the District of Columbia, the order pursuant to which the service is made, or the law of the place in which the service is made for proof of service in an action in any of its courts of general jurisdiction. When service is made by mail, proof of service shall include a receipt signed by the addressee or other evidence of personal delivery to the addressee satisfactory to the court.

“§ 13-432. Individuals eligible to make service

“Service outside the District of Columbia may be made by an individual who is permitted to make service of process under the law of the District of Columbia or under the law of the place in which the service is made or who is designated by a District of Columbia court.

“§ 13-433. Individuals to be served ; special cases

“When the law of the District of Columbia requires that in order to effect service one or more designated individuals be served, service outside the District of Columbia under this article must be made upon such designated individual or individuals.

“§ 13-434. Assistance to tribunals and litigants outside the District of Columbia

“(a) A District of Columbia court may order service upon any person who is domiciled or can be found within the District of Columbia of any document issued in connection with a proceeding in a tribunal outside the District of Columbia. The order may be made upon application of any interested person or in response to a letter rogatory issued by a tribunal outside the District of Columbia and shall direct the manner of service.

“(b) Service in connection with a proceeding in a tribunal outside the District of Columbia may be made within the District of Columbia without an order of court.

“(c) Service under this section does not, of itself, require the recognition or enforcement of an order, judgment, or decree rendered outside the District of Columbia.”

77 Stat. 511.

(b) The analysis of title 13 is amended by inserting after the item relating to chapter 3 the following new item:

“4. Civil Jurisdiction and Service Outside the District of Columbia---- 13-401”.

COMPETENCY OF WITNESSES

77 Stat. 519.

Sec. 133. (a) Section 14-305 of title 14 of the District of Columbia Code is amended to read as follows:

“§ 14-305. Competency of witnesses; impeachment by evidence of conviction of crime

“(a) No person is incompetent to testify, in either civil or criminal proceedings, by reason of his having been convicted of a criminal offense.

“(b) (1) Except as provided in paragraph (2), for the purpose of attacking the credibility of a witness, evidence that the witness has been convicted of a criminal offense shall be admitted if offered, either upon the cross-examination of the witness or by evidence aliunde, but only if the criminal offense (A) was punishable by death or imprisonment in excess of one year under the law under which he was convicted, or (B) involved dishonesty or false statement (regardless of punishment). A party establishing conviction by means of cross-examination shall not be bound by the witness’ answers as to matters relating to the conviction.

“(2) (A) Evidence of a conviction of a witness is inadmissible under this section if—

“(i) the conviction has been the subject of a pardon, annulment, or other equivalent procedure granted or issued on the basis of innocence, or

“(ii) the conviction has been the subject of a certificate of rehabilitation or its equivalent and such witness has not been convicted of a subsequent criminal offense.

“(B) In addition, no evidence of any conviction of a witness is admissible under this section if a period of more than ten years has elapsed since the later of (i) the date of the release of the witness from confinement imposed for his most recent conviction of any criminal offense, or (ii) the expiration of the period of his parole, probation, or sentence granted or imposed with respect to his most recent conviction of any criminal offense.

“(c) For purposes of this section, to prove conviction of crime it is not necessary to produce the whole record of the proceedings containing the conviction, but the certificate, under seal, of the clerk of the court wherein the proceedings were had, stating the fact of the conviction and for what cause, shall be sufficient.

“(d) The pendency of an appeal from a conviction does not render evidence of that conviction inadmissible under this section. Evidence of the pendency of such an appeal is admissible.”

(b) The item relating to section 14-305 in the analysis of chapter 3 of such title 14 is amended to read as follows:

77 Stat. 518.

“14-305. Competency of witnesses; impeachment by evidence of conviction of crime.”

PART D—CONFORMING AMENDMENTS

Subpart 1—Amendments to District of Columbia Code

AMENDMENTS TO TITLE 12

SEC. 141. Title 12 of the District of Columbia Code is amended as follows:

77 Stat. 509.
D.C. Code 12-101.

(1) Section 12-102 is amended to read as follows:

“§ 12-102. Substitution of parties

“The substitution of parties in civil actions in the United States District Court for the District of Columbia and the Superior Court of the District of Columbia is governed by the Federal Rules of Civil Procedure.”

28 USC app.

(2) Section 12-309 is amended by striking out “Board of Commissioners” and inserting in lieu thereof “Commissioner”.

AMENDMENTS TO TITLE 13

77 Stat. 511.

SEC. 142. Title 13 of the District of Columbia Code is amended as follows:

Repeal.
D.C. Code
13-101.

(1) (A) Chapter 1 is repealed.

(B) The analysis of title 13 is amended by striking out the item relating to chapter 1.

(2) Section 13-301 is amended to read as follows:

“§ 13-301. Courts to which applicable

“Except as otherwise specifically provided by law or rules of court, this chapter applies to the District of Columbia courts.”

(3) Section 13-302 is amended by striking out “, and the District of Columbia Court of General Sessions, including the Domestic Relations Branch thereof” and inserting in lieu thereof “and the Superior Court of the District of Columbia”.

(4) Section 13-331(1) is amended by inserting “chapter 4 of this title or,” after “including”.

Repeal.

(5) (A) Chapter 7 is repealed.

(B) The analysis of title 13 is amended by striking out the item relating to chapter 7.

AMENDMENTS TO TITLE 14

77 Stat. 517.
D.C. Code 14-
101.

SEC. 143. Title 14 of the District of Columbia Code is amended as follows:

(1) Section 14-103 is amended by striking out the period at the end thereof and inserting in lieu thereof “, or by leave of a judge of the Superior Court of the District of Columbia in the manner prescribed by the rules of that court.”

(2) (A) Section 14-104 is amended—

(i) by striking out “**Court of General Sessions**” in the section heading and inserting in lieu thereof “**Superior Court**”;

(ii) by striking out “District of Columbia Court of General Sessions” and inserting in lieu thereof “Superior Court of the District of Columbia”; and

(iii) by striking out all after the first sentence and inserting in lieu thereof “The testimony shall be taken as provided in the rules of the Superior Court.”

(B) The item relating to section 14-104 in the analysis of chapter 1 is amended by striking out “Court of General Sessions” and inserting in lieu thereof “Superior Court”.

(3) Section 14-307 is amended—

(A) by striking out “courts of the District of Columbia” in subsection (a) and inserting in lieu thereof “Federal courts in the District of Columbia and District of Columbia courts”;

(B) by inserting “or where the court is required under prevailing law to raise the defense sua sponte” immediately after “where the accused raises the defense of insanity” in subsection (b) (2); and

(C) by striking out “or” at the end of paragraph (1) of subsection (b), by striking out the period at the end of paragraph (2) of such subsection and inserting in lieu thereof “; or”, and by adding after paragraph (2) the following new paragraph:

“(3) evidence relating to the mental competency or sanity of a child alleged to be delinquent, neglected, or in need of supervision in any proceeding before the Family Division of the Superior Court.”

(4) Section 14-309 is amended by striking out "courts of the District of Columbia" and inserting in lieu thereof "Federal courts in the District of Columbia and District of Columbia courts".

77 Stat. 520.
D.C. Code 14-309.

(5) Section 14-503 is amended by striking out "the United States District Court for the District of Columbia, or by the former orphans' court of the District" and inserting in lieu thereof "a court in the District of Columbia".

(6) Section 14-505 is amended by striking out "by the secretary or an assistant secretary of the Board of Commissioners" and substituting in lieu thereof "as provided by the Commissioner".

AMENDMENTS TO TITLE 15

SEC. 144. Title 15 of the District of Columbia Code is amended as follows:

77 Stat. 522.
D.C. Code
15-101.
82 Stat. 42.

(1) Paragraph (2) of section 15-101(a) is amended to read as follows:

"(2) Superior Court of the District of Columbia,".

(2) Section 15-102 is amended by striking out "District of Columbia Court of General Sessions" wherever it appears and inserting in lieu thereof "Superior Court of the District of Columbia".

(3) Sections 15-108 and 15-111 are each amended by inserting "or the Superior Court of the District of Columbia" after "District of Columbia".

78 Stat. 677,
678.

(4) (A) Subchapter II of chapter 1 is repealed.

Repeal.
77 Stat. 524.
D.C. Code 15-131 to 15-133.

(B) Chapter 1 is amended by striking out the heading "SUBCHAPTER I.—GENERALLY".

(C) The analysis of chapter 1 is amended by striking out the heading "SUBCHAPTER I.—GENERALLY" and by striking out the matter relating to subchapter II.

(5) Section 15-307 is amended by inserting "or the Superior Court of the District of Columbia" after "United States District Court for the District of Columbia".

(6) (A) Section 15-310 is repealed.

Repeal.

(B) Section 15-301 is amended by striking out "15-310,".

(C) The analysis for chapter 3 is amended by striking out the item relating to section 15-310.

(7) Sections 15-311, 15-318, and 15-320 are each amended by striking out "District of Columbia Court of General Sessions" and inserting in lieu thereof "Superior Court of the District of Columbia".

82 Stat. 42;
77 Stat. 527.

(8) (A) Subchapter II of chapter 5 is amended—

D.C. Code 15-521.

(i) by striking out "District of Columbia Court of General Sessions" in sections 15-521 and 15-522 and inserting in lieu thereof "Superior Court of the District of Columbia"; and

(ii) by striking out in the subchapter heading "COURT OF GENERAL SESSIONS" and inserting in lieu thereof "SUPERIOR COURT".

(B) The analysis of chapter 5 is amended by striking out in the heading relating to subchapter II "COURT OF GENERAL SESSIONS" and inserting in lieu thereof "SUPERIOR COURT".

(9) Section 15-706 (a) is amended—

(A) by striking out paragraph (14),

(B) by inserting "and" at the end of paragraph (13), and

(C) by redesignating paragraph (15) as paragraph (14).

(10) (A) Section 15-707 is amended to read as follows:

"§ 15-707. Probate fees

"(a) Except as provided in subsection (b), the Register of Wills may demand and receive in advance for services performed by him such fees as shall be set by the Superior Court.

“(b) Where the estate does not exceed two hundred dollars in value the Register of Wills shall receive no fees, and where the estate does not exceed five hundred dollars in value the fees may not exceed ten dollars.”

77 Stat. 531.

(B) The item relating to section 15-707 in the analysis of chapter 7 is amended by striking out “Court”.

77 Stat. 535.

(11) (A) Section 15-708 is amended by striking out “the probate court” in the first sentence and inserting in lieu thereof “probate”, and by striking out “court” in the section heading.

(B) The item relating to section 15-708 in the analysis of chapter 7 is amended by striking out “court”.

(12) (A) Section 15-709 is amended—

(i) by striking out “District of Columbia Court of General Sessions” and inserting in lieu thereof “Superior Court of the District of Columbia”,

(ii) by striking out “the Court of General Sessions” and inserting in lieu thereof “the Superior Court”,

(iii) by amending subsection (b) to read as follows:

“(b) Fees for services by the United States marshals for processes issued by the Superior Court shall be prescribed by rules of that court.”; and

(iv) by amending the section heading to read as follows:

“§ 15-709. Fees and costs in Superior Court

(B) The item relating to section 15-709 in the analysis of chapter 7 is amended to read as follows:

“15-709. Fees and costs in Superior Court.”

Repeal.

(13) Section 15-710 is repealed and the item relating to that section in the analysis of chapter 7 is repealed.

(14) (A) Sections 15-711, 15-712, and 15-713 are each amended by striking out “District of Columbia Court of General Sessions” and inserting in lieu thereof “Superior Court of the District of Columbia”.

(B) The section heading for each of those sections and the items relating to those sections in the analysis of chapter 7 are each amended by striking out “Court of General Sessions” and inserting in lieu thereof “Superior Court”.

81 Stat. 742.

(15) (A) Section 15-714 is amended—

(i) by striking out “District of Columbia Court of General Sessions” in subsections (a) and (b) and inserting in lieu thereof “Superior Court of the District of Columbia”;

(ii) by adding after subsection (b) the following new subsection:

“(c) No travel allowance shall be paid to any witness residing within the District of Columbia.”; and

(iii) by striking out “Court of General Sessions” in the section heading and inserting in lieu thereof “Superior Court”.

(B) The item relating to section 15-714 in the analysis of chapter 7 is amended by striking out “Court of General Sessions” and inserting in lieu thereof “Superior Court”.

Repeal.

(16) Section 15-716 is repealed and the item relating to that section in the analysis of chapter 7 is repealed.

80 Stat. 265.

(17) Section 15-717 is amended by striking out “District of Columbia Court of General Sessions” and inserting in lieu thereof “Superior Court of the District of Columbia”.

AMENDMENTS TO TITLE 16

SEC. 145. (a) Chapter 3 of title 16, District of Columbia Code, is amended as follows:

77 Stat. 537.
D.C. Code
16-301.

(1) Section 16-301 is amended—

(A) by striking out “Domestic Relations Branch of the District of Columbia Court of General Sessions” in subsection (a) and inserting in lieu thereof “Superior Court of the District of Columbia”; and

(B) by striking out “Commissioners” in subsection (b) (3) and inserting in lieu thereof “Commissioner”.

(2) Sections 16-304, 16-305, 16-307, and 16-314 are each amended by striking out “Board of Commissioners” and “Board” each place they appear and inserting in lieu thereof “Commissioner”.

(b) Chapter 5 of title 16, District of Columbia Code, is amended as follows:

D.C. Code
16-501.

(1) Sections 16-501 and 16-502 are each amended by striking out “District of Columbia Court of General Sessions” and inserting in lieu thereof “Superior Court of the District of Columbia”.

79 Stat. 447.

(2) Sections 16-516 and 16-549 are each amended by striking out “Probate Court” and inserting in lieu thereof “Superior Court”.

77 Stat. 548,
553.

(3) (A) Sections 16-533 and 16-578 are each amended (i) by striking out “District of Columbia Court of General Sessions” and inserting in lieu thereof “Superior Court of the District of Columbia”, and (ii) by striking out “**Court of General Sessions**” in the section heading and inserting in lieu thereof “**Superior Court**”.

(B) The items relating to such sections in the analysis of chapter 5 are each amended by striking out “Court of General Sessions” and inserting in lieu thereof “Superior Court”.

(4) Section 16-578 is amended (A) by striking out “docketed in the United States District Court for the District of Columbia” and inserting in lieu thereof “filed and recorded”, (B) by striking out “six years” and inserting in lieu thereof “twelve years”, and (C) by striking out “section 15-132(a)” and inserting in lieu thereof “section 15-101”.

(5) Section 16-581 is amended by striking out “District of Columbia Court of General Sessions” and inserting in lieu thereof “Superior Court of the District of Columbia”.

(c) Section 16-601 of the District of Columbia Code is amended—

78 Stat. 678.

(1) by striking out “, or a judge thereof,” in the first sentence of the first paragraph and inserting in lieu thereof “or the Superior Court of the District of Columbia,” and

(2) by striking out “has” in the first sentence of the second paragraph and inserting in lieu thereof the following: “(as specified in section 11-501) and the Superior Court of the District of Columbia (as specified in section 11-921) have”.

Ante, p. 476.

Ante, p. 484.

77 Stat. 557.

(d) Chapter 7 of title 16, District of Columbia Code, is amended as follows:

(1) Section 16-701 is amended to read as follows:

“§ 16-701. Rules and regulations

“The Superior Court may make such rules and regulations for conducting business in the Criminal Division of the court, consistent with statutes applicable to such business and in the manner provided in section 11-946, as it may deem necessary and proper.”

Ante, p. 487.

(2) (A) Section 16-702 is amended to read as follows:

“§ 16-702. Prosecution by indictment or information

“An offense prosecuted in the Superior Court which may be punished by death shall be prosecuted by indictment returned by a grand jury. An offense which may be punished by imprisonment for a term

exceeding one year shall be prosecuted by indictment, but it may be prosecuted by information if the defendant, after he has been advised of the nature of the charge and of his rights, waives in open court prosecution by indictment. Any other offense may be prosecuted by indictment or by information. An information subscribed by the proper prosecuting officer may be filed without leave of court."

(B) The item relating to section 16-702 in the analysis of chapter 7 is amended to read as follows:

"16-702. Prosecution by indictment or information."

77 Stat. 558.

(3) Section 16-703 is amended to read as follows:

"§ 16-703. Process of Criminal Division; fees

"(a) The Criminal Division of the Superior Court may issue process for the arrest of a person against whom an indictment is returned, an information is filed, or a complaint under oath is made.

"(b) Process shall—

"(1) be under the seal of the court;

"(2) bear teste in the name of a judge of the court, and

"(3) be signed by a clerk or employee of the court authorized to administer oaths.

"(c) In cases arising out of violations of any of the ordinances of the District of Columbia, process shall be directed to the Chief of Police, who shall execute the process and make return thereof in like manner as in other cases.

"(d) In all other criminal cases, the process issued by the Superior Court may be directed to the United States marshal or to the Chief of Police.

Ante, p. 554.

"(e) For services pursuant to subsection (d) of this section the marshal shall receive the fees prescribed by section 15-709(b) (2)."

(4) Section 16-705 is amended to read as follows:

"§ 16-705. Jury trial; trial by court

"(a) In a criminal case tried in the Superior Court in which, according to the Constitution of the United States, the defendant is entitled to a jury trial, the trial shall be by jury, unless the defendant in open court expressly waives trial by jury and requests trial by the court, and the court and the prosecuting officer consent thereto. In the case of a trial without a jury, the trial shall be by a single judge, whose verdict shall have the same force and effect as that of a jury.

"(b) In any case where the defendant is not under the Constitution of the United States entitled to a trial by jury, the trial shall be by a single judge without a jury, except that if—

"(1) the case involves an offense which is punishable by a fine or penalty of more than \$300 or by imprisonment for more than ninety days (or for more than six months in the case of the offense of contempt of court), and

"(2) the defendant demands a trial by jury and does not subsequently waive a trial by jury in accordance with subsection (a), the trial shall be by jury.

"(c) The jury shall consist of twelve persons, unless the parties, with the approval of the court and in the manner provided by rules of the court, agree to a number less than twelve."

77 Stat. 559.

(5) Section 16-706 is amended to read as follows:

"§ 16-706. Enforcement of judgments; commitment upon non-payment of fine

"The Superior Court may enforce any of its judgments rendered in criminal cases by fine or imprisonment, or both. Except as otherwise provided by law, and subject to the relief provided in section 3569 of title 18, United States Code, in any case where the court imposes a

62 Stat. 838.

fine, the court may, in the event of default in the payment of the fine imposed, commit the defendant for a term not to exceed one year."

(6) Sections 16-704, 16-707, 16-709, and 16-710 are each amended by striking out "Court of General Sessions" and "District of Columbia Court of General Sessions" wherever they appear and inserting in lieu thereof "Superior Court of the District of Columbia".

77 Stat. 558.

(7) The heading of chapter 7 is amended by striking out "**COURT OF GENERAL SESSIONS**" and inserting in lieu thereof "**SUPERIOR COURT**".

(e) Chapter 9 of title 16, District of Columbia Code, is amended as follows:

77 Stat. 560.
D.C. Code
16-901.

(1) Section 16-901 is amended by striking out "Domestic Relations Branch of the District of Columbia Court of General Sessions" and inserting in lieu thereof "Superior Court of the District of Columbia".

(2) (A) Section 16-916 is amended—

79 Stat. 889.

(i) by redesignating subsection (c) as subsection (d) and by adding after subsection (b) the following new subsection:

"(c) Whenever any father or mother shall fail to maintain his or her minor child or children, the court may decree that he or she shall pay reasonable sums periodically for the support and maintenance of his or her child or children, and the court may decree that the father or mother pay court costs, including counsel fees, to enable plaintiff to conduct the cases.", and

(ii) by amending the section heading to read as follows:

"§ 16-916. Maintenance of wife and minor children; maintenance of former wife; maintenance of minor children; enforcement".

(B) The item relating to section 16-916 in the analysis of chapter 9 is amended to read as follows:

"16-916. Maintenance of wife and minor children; maintenance of former wife; maintenance of minor children; enforcement."

(3) (A) Section 16-918 is amended to read as follows:

"§ 16-918. Appointment of counsel; compensation"

"(a) In all uncontested divorce cases, and in any other divorce or annulment case where the court deems it necessary or proper, a disinterested attorney shall be appointed by the court to enter his appearance for the defendant and actively defend the cause.

"(b) In any proceeding wherein the custody of a child is in question, the court may appoint a disinterested attorney to appear on behalf of the child and represent his best interests.

"(c) An attorney appointed under this section may receive such compensation for his services as the court determines to be proper, which the court may direct to be paid by the parties."

(B) The item relating to section 16-918 in the analysis of chapter 9 is amended to read as follows:

"16-918. Appointment of counsel; compensation."

(f) Chapter 13 of title 16, District of Columbia Code, is amended as follows:

D.C. Code
16-1301.

(1) Section 16-1301 is amended to read as follows:

"§ 16-1301. Jurisdiction of District Court"

"The United States District Court for the District of Columbia has exclusive jurisdiction of all proceedings for the condemnation of real property authorized by subchapters IV and V of this chapter, with full power to hear and determine all issues of law and fact that may arise in the proceedings."

77 Stat. 577;
Post, p. 559.
D.C. Code 16-
1351, 16-1381.

(2) Subchapter I is amended by adding at the end thereof the following new section:

“§ 16-1303. Jurisdiction of Superior Court

77 Stat. 572.
D.C. Code 16-
1311 and 16-1331.

“The Superior Court of the District of Columbia has jurisdiction of all proceedings for the condemnation of real property authorized by subchapters II and III of this chapter with full power to hear and determine all issues of law and fact that may arise in the proceedings.”

(3) Section 16-1311 is amended—

(A) by striking out “Board of Commissioners” and inserting in lieu thereof “Commissioner”,

(B) by striking out “United States District Court for the District of Columbia” and inserting in lieu thereof “Superior Court”,

(C) by striking out “name of the Board” and inserting in lieu thereof “name of the District of Columbia”, and

(D) by striking out “Board of Commissioners” in the heading and inserting in lieu thereof “District of Columbia”.

82 Stat. 63.

(4) Section 16-1312 is amended to read as follows:

“§ 16-1312. Juries for condemnation proceedings

“For purposes of this subchapter, a special jury list shall be prepared of not less than one hundred persons who are qualified jurors in the District of Columbia. When a jury is required for a condemnation proceeding under this subchapter, the names of such number of persons as may be necessary shall be selected from this list by lot and furnished to the Superior Court.”

77 Stat. 573.

(5) Section 16-1314(a) is amended by striking out “members of the Board of Commissioners” in the first sentence and inserting in lieu thereof “Commissioner”, and by striking out “Commissioners” in paragraph (5) of the second sentence and inserting in lieu thereof “Commissioner”.

(6) The third sentence of section 16-1318 is amended to read as follows: “If the appraisement is vacated and set aside, the court shall order the necessary number of new persons selected from the special jury list and, from among the persons so selected, shall appoint a new jury of five capable and disinterested persons who shall proceed as in the case of the first jury.”

(7) Sections 16-1319, 16-1321, and 16-1336 are each amended by striking out “Board of Commissioners” and inserting in lieu thereof “Commissioner”.

(8) Section 16-1331 is amended by striking out “Board of Commissioners of the District of Columbia, and agencies of the United States authorized by law to acquire real property,” and inserting in lieu thereof “Commissioner of the District of Columbia”.

(9) Section 16-1332 is amended by striking out “Board of Commissioners of the District of Columbia and agencies of the United States authorized by law to acquire real property” in subsection (a) and inserting in lieu thereof “Commissioner of the District of Columbia”, and by striking out “, and where the property sold was acquired under an appropriation authorized for the use of the District of Columbia, moneys received from the sale shall be deposited in the Treasury” in subsection (c).

(10) Section 16-1334 is amended by striking out “or the United States” wherever it appears.

Repeal.

(11) Section 16-1337 is repealed and section 16-1338 is redesignated as 16-1337.

77 Stat. 578.

(12) The first sentence of section 16-1357 is amended to read as follows: “When the date for trial has been set, as provided by section 16-1356, the court shall order the names of a number of persons, not

less than twenty, selected from the special jury list provided by section 16-1312, and the names of the persons selected shall be certified to the clerk of the United States District Court for the District of Columbia as a panel of prospective jurors.”

Ante, p. 558.

(13) Chapter 13 is amended by adding at the end thereof the following new subchapter:

77 Stat. 571.
D.C. Code 16-
1301 to 16-1368.

“SUBCHAPTER V.—EXCESS PROPERTY FOR THE UNITED STATES

“§ 16-1381. Acquisition of property in excess of needs

“In order to promote the orderly and proper development of the seat of government of the United States, agencies of the United States authorized by law to acquire real property, may acquire, in the public interest, by gift, dedication, exchange, purchase, or condemnation fee simple title to land (or rights in or on land or easements or restrictions therein) within the District of Columbia for public uses, works, and improvements authorized by Congress, in excess of that actually needed for and essential to their usefulness, in order to preserve the view, appearance, light, and air and to enhance their usefulness, to prevent the use of private property adjacent to them in such a manner as to impair the public benefit derived from the construction thereof, or to prevent inequities or hardships to the owners of adjacent private property by depriving them of the beneficial use of their property.

“§ 16-1382. Retention, for public use, of excess property

“When the authorities of the United States having jurisdiction of real property (or rights or easements) acquired pursuant to this subchapter, elect to retain any of them for the use of the United States, they may use the property (or rights or easements) for park, playground, highway, or alley purposes, or for any other lawful purposes that they deem advantageous or in the public interest.

“§ 16-1383. Availability of appropriations for purchases of excess property

“When real property is purchased pursuant to this subchapter in excess of that needed for a particular project or improvement, appropriations available for the payment of the purchase price, costs, and expenses incident to the project or improvement may be used in the payment of the purchase price, costs, and expenses of excess real property purchased in connection with the project or improvement, as provided by this subchapter.

“§ 16-1384. Condemnation of excess real property by United States agencies; payment of awards, damages and costs

“(a) When excess real property is condemned by agencies of the United States as provided by this subchapter, the condemnation proceedings for the acquisition of the property shall be in accordance with subchapter IV of this chapter, or any laws in effect at the time of the commencement of condemnation proceedings for the acquisition of real property in the District of Columbia for the use of the United States.

“(b) Appropriations available for the condemnation of property pursuant to subchapter IV of this chapter may be used in the payment of awards, damages, and costs in condemnation proceedings pursuant to that subchapter for the acquisition of excess real property as provided in this subchapter.

“§ 16-1385. Construction of subchapter

“This subchapter does not repeal any provisions of existing law pertaining to the condemnation or acquisition of streets, alleys, or land, or the laws relating to the subdividing of lands in the District of Columbia.”

77 Stat. 571.

(14) The analysis of chapter 13 is amended—

(A) by adding after the item relating to section 16-1302 the following:

“16-1303. Jurisdiction of Superior Court.”;

(B) by amending the item relating to section 16-1311 to read as follows:

“16-1311. Condemnation proceedings by District of Columbia.”;

(C) by amending the item relating to section 16-1312 to read as follows:

“16-1312. Juries for condemnation proceedings.”;

(D) by striking out the item relating to section 16-1337 and by striking out “16-1338” and inserting in lieu thereof “16-1337”; and

(E) by adding at the end thereof:

“SUBCHAPTER V—EXCESS PROPERTY FOR THE UNITED STATES

“Sec.

“16-1381. Acquisition of property in excess of needs.

“16-1382. Retention, for public use, of excess property.

“16-1383. Availability of appropriations for purchases of excess property.

“16-1384. Condemnation of excess real property by United States agencies; payment of awards, damages and costs.

“16-1385. Construction of subchapter.”

77 Stat. 581.
D.C. Code 16-
1501.

(g) Chapter 15 of title 16, District of Columbia Code, is amended as follows:

(1) Sections 16-1501 and 16-1505 are each amended by striking out “District of Columbia Court of General Sessions” and inserting in lieu thereof “Superior Court of the District of Columbia.”

Repeal.

(2) Section 16-1504 and the item relating to that section in the analysis of chapter 15 are repealed.

(h) (1) Section 16-1901 of title 16, District of Columbia Code, is amended—

(A) by striking out “the United States District Court for the District of Columbia” in the first sentence and inserting in lieu thereof “the appropriate court”;

(B) by inserting “(a)” immediately before “A person” and by adding after and below the last sentence the following new subsections:

“(b) Petitions for writs directed to Federal officers and employees shall be filed in the United States District Court for the District of Columbia.

“(c) Petitions for writs directed to any other person shall be filed in the Superior Court of the District of Columbia.”; and

(C) by striking out “to District Court” in the section heading.

(2) The item relating to section 16-1901 in the analysis of chapter 19 of title 16 is amended by striking out “to District Court”.

(i) Section 16-2501 of title 16, District of Columbia Code, is amended by striking out, “United States District Court for the District of Columbia” and inserting in lieu thereof “Superior Court”.

(j) The second paragraph of section 16-2701 of title 16, District of Columbia Code, is amended by striking out “United States Court of Appeals for the District of Columbia Circuit” and inserting in lieu thereof “appellate court”.

(k) Chapter 29 of title 16 of the District of Columbia Code is amended as follows:

77 Stat. 596.
D.C. Code 16-2901.

(1) Sections 16-2901 and 16-2921 are each amended by striking out "United States District Court for the District of Columbia" and inserting in lieu thereof "Superior Court of the District of Columbia".

(2) Section 16-2901 (d) is amended by striking out "section 21-213" and inserting in lieu thereof "sections 21-146 and 21-704".

(3) Sections 16-2923, 16-2924, and 16-2925 are each amended by striking out "District Court" and inserting in lieu thereof "court".

(l) Chapter 31 of title 16, District of Columbia Code, is amended as follows:

(1) Section 16-3101 is amended to read as follows:

"§ 16-3101. Definition

"As used in this chapter, the term 'Probate Court' means the Superior Court of the District of Columbia."

(2) Sections 16-3103, 16-3105, and 16-3106 are each amended by striking out "powers of enforcement and punishment as provided by section 401 of title 18, United States Code" and inserting in lieu thereof "contempt power".

62 Stat. 701.

(3) Section 16-3104 (b) is amended by striking out "to the United States".

(m) Section 16-3301 of title 16 of the District of Columbia Code is amended by striking out "United States District Court for the District of Columbia" and inserting in lieu thereof "Superior Court of the District of Columbia".

(n) Chapter 35 of title 16, District of Columbia Code, is amended to read as follows:

77 Stat. 602.
D.C. Code 16-3501.

"Chapter 35.—QUO WARRANTO

"SUBCHAPTER I.—ACTIONS AGAINST OFFICERS OF THE UNITED STATES

"Sec.

"16-3501. Persons against whom issued; civil action.

"16-3502. Parties who may institute; ex rel. proceedings.

"16-3503. Refusal of Attorney General or United States attorney to act; procedure.

"SUBCHAPTER II.—ACTIONS AGAINST OFFICERS OR CORPORATIONS OF THE DISTRICT OF COLUMBIA

"16-3521. Persons against whom issued; civil action.

"16-3522. Parties who may institute; ex rel. proceedings.

"16-3523. Refusal of United States attorney or Corporation Counsel to act; procedures.

"SUBCHAPTER III.—PROCEDURES AND JUDGMENTS

"16-3541. Allegations in petition of relator claiming office.

"16-3542. Notice to defendant.

"16-3543. Proceedings on default.

"16-3544. Pleading; jury trial.

"16-3545. Verdict and judgment.

"16-3546. Usurping corporate franchise; judgment.

"16-3547. Proceedings against corporate directors and trustees; judgment and order; enforcement.

"16-3548. Recovery of damages from usurper; limitation.

“SUBCHAPTER I.—ACTIONS AGAINST OFFICERS OF THE UNITED STATES

“§ 16-3501. Persons against whom issued; civil action

“A quo warranto may be issued from the United States District Court for the District of Columbia in the name of the United States against a person who within the District of Columbia usurps, intrudes into, or unlawfully holds or exercises, a franchise conferred by the United States or a public office of the United States, civil or military. The proceedings shall be deemed a civil action.

“§ 16-3502. Parties who may institute; ex rel. proceedings

“The Attorney General of the United States or the United States attorney may institute a proceeding pursuant to this subchapter on his own motion or on the relation of a third person. The writ may not be issued on the relation of a third person except by leave of the court, to be applied for by the relator, by a petition duly verified setting forth the grounds of the application, or until the relator files a bond with sufficient surety, to be approved by the clerk of the court, in such penalty as the court prescribes, conditioned on the payment by him of all costs incurred in the prosecution of the writ if costs are not recovered from and paid by the defendant.

“§ 16-3503. Refusal of Attorney General or United States attorney to act; procedure

“If the Attorney General or United States attorney refuses to institute a quo warranto proceeding on the request of a person interested, the interested person may apply to the court by certified petition for leave to have the writ issued. When, in the opinion of the court, the reasons set forth in the petition are sufficient in law, the writ shall be allowed to be issued by any attorney, in the name of the United States, on the relation of the interested person on his compliance with the condition prescribed by section 16-3502 as to security for costs.

“SUBCHAPTER II.—ACTIONS AGAINST OFFICERS OR CORPORATIONS OF THE DISTRICT OF COLUMBIA

“§ 16-3521. Persons against whom issued; civil action

“A quo warranto may be issued from the Superior Court of the District of Columbia in the name of the District of Columbia against—

“(1) a person who within the District of Columbia usurps, intrudes into, or unlawfully holds or exercises, a franchise conferred by the District of Columbia, a public office of the District of Columbia, civil or military, or an office in a domestic corporation; or

“(2) one or more persons who act as a corporation within the District of Columbia without being duly authorized, or exercise within the District of Columbia corporate rights, privileges, or franchises not granted them by law in force in the District of Columbia.

The proceedings shall be deemed a civil action.

“§ 16-3522. Parties who may institute; ex rel. proceedings

“The United States attorney or the Corporation Counsel may institute a proceeding pursuant to this subchapter on his own motion, or on the relation of a third person. The writ may not be issued on the relation of a third person except by leave of the court, to be applied for by the relator, by a petition duly verified, setting forth the grounds of the application, or until the relator files a bond with sufficient surety, to

be approved by the clerk of the court, in such penalty as the court prescribes, conditioned on the payment by him of all costs incurred in the prosecution of the writ if costs are not recovered from and paid by the defendant.

“§ 16-3523. Refusal of United States attorney or Corporation Counsel to act; procedures

“If the United States attorney or Corporation Counsel refuses to institute a quo warranto proceeding on the request of a person interested, the interested person may apply to the court by certified petition for leave to have the writ issued. When, in the opinion of the court, the reasons set forth in the petition are sufficient in law, the writ shall be allowed to be issued by any attorney, in the name of the District of Columbia, on the relation of the interested person, on his compliance with the conditions prescribed by section 16-3522 as to security for costs.

“SUBCHAPTER III.—PROCEDURES AND JUDGMENTS

“§ 16-3541. Allegations in petition of relator claiming office

“When a quo warranto proceeding is against a person for usurping an office, on the relation of a person claiming the same office, the relator shall set forth in his petition the facts upon which he claims to be entitled to the office.

“§ 16-3542. Notice to defendant

“On the issuing of a writ of quo warranto the court may fix a time within which the defendant may appear and answer the writ. When the defendant cannot be found in the District of Columbia, the court may direct notice to be given to him by publication as in other cases of proceedings against nonresident defendants, and upon proof of publication, if the defendant does not appear, judgment may be rendered as if he had been personally served.

“§ 16-3543. Proceedings on default

“If the defendant does not appear as required by a writ of quo warranto, after being served, the court may proceed to hear proof in support of the writ and render judgment accordingly.

“§ 16-3544. Pleading; jury trial

“In a quo warranto proceeding, the defendant may demur, plead specially, or plead “not guilty” as the general issue, and the United States or the District of Columbia, as the case may be, may reply as in other actions of a civil character. Issues of fact shall be tried by a jury if either party requests it. Otherwise they shall be determined by the court.

“§ 16-3545. Verdict and judgment

“Where a defendant in a quo warranto proceeding is found by the jury to have usurped, intruded into, or unlawfully held or exercised an office or franchise, the verdict shall be that he is guilty of the act or acts in question, and judgment shall be rendered that he be ousted and excluded therefrom and that the relator recover his costs.

“§ 16-3546. Usurping corporate franchise; judgment

“Where a quo warranto proceeding is against persons acting as a corporation without being legally incorporated, the judgment against the defendants shall be that they be perpetually restrained and enjoined from the commission or continuance of the acts complained of.

“§ 16-3547. Proceedings against corporate directors and trustees; judgment and order; enforcement

“Where a quo warranto proceeding is against a director or trustee of a corporation and the court finds that at his election either illegal votes were received or legal votes rejected, or both, sufficient to change the result if the error is corrected, the court may render judgment that the defendant be ousted, and that the relator, if entitled to be declared elected, be admitted to the office, and the court may issue an order to the proper parties, being officers or members of the corporation, to admit him to the office. The judgment may require the defendant to deliver to the relator all books, papers, and other things in his custody or control pertaining to the office, and obedience to judgment may be enforced by attachment.

“§ 16-3548. Recovery of damages from usurper; limitation

“At any time within a year from a judgment in a quo warranto proceeding, the relator may bring an action against the party ousted and recover the damages sustained by the relator by reason of the ousted party’s usurpation of the office to which the relator was entitled.”

77 Stat. 603.

(o) Chapter 37 of title 16 of the District of Columbia Code is amended—

Repeal.
D.C. Code 16-
3731 to 16-3740.

(1) by repealing subchapter II;

(2) by striking out the heading “SUBCHAPTER I.—GENERAL PROVISIONS”; and

(3) by striking out the items relating to subchapter II in the chapter analysis and by striking out “SUBCHAPTER I.—GENERAL PROVISIONS” in that analysis.

D.C. Code 16-
3901.

(p) Chapter 39 of title 16 of the District of Columbia Code is amended as follows:

(1) The chapter heading is amended by striking out “COURT OF GENERAL SESSIONS” and inserting in lieu thereof “SUPERIOR COURT”.

(2) Section 16-3901 is amended to read as follows:

“§ 16-3901. Practice; applicability of other laws and rules of court

“All provisions of law relating to the Superior Court of the District of Columbia and the rules of the court apply to the Small Claims and Conciliation Branch of the court as far as they may be applicable and are not in conflict with this chapter or chapter 13 of title 11. In case of conflict, this chapter and chapter 13 of title 11 control.”

Ante, p. 489.

(3) Section 16-3902 is amended—

(A) by striking out “of the District of Columbia Court of General Sessions” in subsection (a); and

(B) by striking out “District of Columbia Court of General Sessions” and “Court of General Sessions” in the form prescribed by subsection (e) and inserting in lieu thereof “Superior Court of the District of Columbia”.

(4) Sections 16-3903 and 16-3905 are each amended by striking out “of the District of Columbia Court of General Sessions”.

(5) The third sentence of section 16-3904 is amended to read as follows: “When the set-off or counterclaim is for more than the jurisdictional limit of the Small Claims and Conciliation Branch, as provided by section 11-1321, but within the jurisdiction of the Superior Court, the action shall nevertheless remain in the Branch and be tried therein in its entirety.”

(6) Section 16-3907 is amended by striking out “District of Columbia Court of General Sessions” and inserting in lieu thereof “Superior Court of the District of Columbia”.

(7) Section 16-3910 is amended by striking out “, or the rules prescribed pursuant to section 13-101(c)” and inserting in lieu thereof “or the rules of the court” and by striking out “of the District of Columbia Court of General Sessions”.

AMENDMENTS TO TITLE 17

SEC. 146. (a) Title 17 of the District of Columbia Code is amended as follows:

77 Stat. 612.

(1) Chapter 1 and the item relating to such chapter in the chapter analysis are repealed.

Repeal.
D.C. Code 17-101.

(2) (A) Section 17-301 is amended—

(i) by striking out “**Court of General Sessions**” in the section heading and inserting in lieu thereof “**Superior Court**”,

(ii) by striking out “District of Columbia Court of General Sessions” and inserting in lieu thereof “Superior Court of the District of Columbia”, and

(iii) by striking out “section 11-741(c)” and inserting in lieu thereof “section 11-721(c)”.

(B) The item relating to section 17-301 in the analysis of chapter 3 is amended by striking out “Court of General Sessions” and inserting in lieu thereof “Superior Court”.

(3) (A) Section 17-303 is amended to read as follows:

“§ 17-303. Appeals from administrative orders and decisions

“An appeal from an order or decision as provided for in section 11-722, is commenced by filing, within the time prescribed pursuant to section 17-307(a), the written petition for review provided by section 11 of the District of Columbia Administrative Procedure Act (D.C. Code, sec. 1-1510). The District of Columbia Court of Appeals may prescribe the necessary rules and procedures for review of administrative orders and decisions, consistent with such section 11.”

Ante, p. 481.

Infra.

Post, p. 582.

(B) The item relating to section 17-303 in the analysis of chapter 3 is amended by striking out “; petition; records, procedure”.

(4) Section 17-304 is amended by striking out “Board of Commissioners” and inserting in lieu thereof “Commissioner or Council” and by inserting after “District of Columbia,” the first time it appears the following: “by the independent agency.”

(5) Section 17-305 is amended to read as follows:

“§ 17-305. Scope of review

“(a) In considering an order or judgment of a lower court (or any of its divisions or branches) brought before it for review, the District of Columbia Court of Appeals shall review the record on appeal. When the issues of fact were tried by jury, the court shall review the case only as to matters of law. When the case was tried without a jury, the court may review both as to the facts and the law, but the judgment may not be set aside except for errors of law unless it appears that the judgment is plainly wrong or without evidence to support it.

“(b) The provisions of section 11 of the District of Columbia Administrative Procedure Act (D.C. Code, sec. 1-1510) shall apply with respect to review by the District of Columbia Court of Appeals of an order or decision under that Act.”

(6) Section 17-306 is amended by striking out “branch” and inserting in lieu thereof “division or branch” and by striking out “order or decision of an administration agency” and inserting in lieu thereof “administrative order or decision”.

(7) Section 17-307 is amended by striking out “section 11-741 or 11-742” in subsection (a) and inserting in lieu thereof “section 11-721

or 11-722", by striking out "District of Columbia Court of General Sessions" in subsection (b) and inserting in lieu thereof "Superior Court of the District of Columbia", and by striking out "section 11-741(c)" in subsection (b) and inserting in lieu thereof "section 11-721(c)".

AMENDMENTS TO TITLE 18

79 Stat. 685.
D.C. Code 18-
101.

SEC. 147. Title 18 of the District of Columbia Code is amended as follows:

(1) The last paragraph of section 18-101 is amended to read as follows:

" 'Probate Court' and 'court', respectively, mean the Superior Court of the District of Columbia."

(2) Subsection (d) of section 18-505 is amended to read as follows:

"(d) The rules of the court with respect to the taking and use of testimony of out-of-District witnesses apply to testimony taken pursuant to this section. The original will or codicil shall be sent with the notice or order of appointment or commission or letters rogatory, and exhibited to the witnesses."

(3) (A) Section 18-513 is amended to read as follows:

"§ 18-513. Rules of procedure

"The court shall prescribe rules of procedure governing the trial of issues when a caveat is filed, including provisions for notice, appointment of guardians ad litem, trial by jury, and effect of judgments."

(B) The item relating to section 18-513 in the analysis of chapter 5 is amended to read as follows:

"18-513. Rules of procedure."

AMENDMENTS TO TITLE 19

79 Stat. 693.
D.C. Code 19-
101.

SEC. 148. Title 19 of the District of Columbia Code is amended as follows:

(1) Section 19-701 is amended by striking out "Commissioners" and inserting in lieu thereof "Commissioner".

(2) (A) The following new section is added after section 19-114:

"§ 19-115. Definition

"For purposes of this chapter, the term 'Probate Court' means the Superior Court of the District of Columbia."

(B) The analysis of chapter 1 is amended by adding at the end thereof the following new item:

"19-115. Definition."

AMENDMENTS TO TITLE 20

79 Stat. 702.
D.C. Code 20-
101.

SEC. 149. Title 20 of the District of Columbia Code is amended as follows:

(1) Sections 20-302, 20-332(a) (2), 20-502(b), and 20-1107 are each amended by striking out "to the United States".

(2) Sections 20-312, 20-337, and 20-501 are each amended by striking out in the forms referred to therein "the Chief Judge of the United States District Court for the District of Columbia" and inserting in lieu thereof "the Chief Judge of the Superior Court of the District of Columbia".

(3) Section 20-351(a) (2) is amended by striking out "an insane person" and inserting in lieu thereof "a mentally-ill person".

(4) Section 20-364(a) is amended by striking out "in the name of the United States" and inserting in lieu thereof "in the name of the District of Columbia".

(5) Section 20-502 is further amended by striking out in the form referred to therein "Probate Court of the District of Columbia" and "Probate Court of the District" and inserting in lieu thereof "Probate Court".

79 Stat. 713.

(6) Section 20-1110 is amended by striking out "United States District Court for the District of Columbia" and inserting in lieu thereof "Probate Court", and by striking out "shall be given to the United States and".

(7) Sections 20-1320 and 20-1505 are each amended by striking out "Probate Court of the District of Columbia" and inserting in lieu thereof "Probate Court".

(8)(A) Section 20-2301 is amended by striking out "United States District Court for the District of Columbia" and inserting in lieu thereof "Probate Court" and by striking out "United States attorney" in the section heading and inserting in lieu thereof "Corporation Counsel".

80 Stat. 738.

(B) The item relating to section 20-2301 in the analysis of chapter 23 is amended by striking out "United States attorney" and inserting in lieu thereof "Corporation Counsel".

AMENDMENTS TO TITLE 21

SEC. 150. (a) Chapter 1 of title 21, District of Columbia Code, is amended as follows:

79 Stat. 737.
D. C. Code 21-101.

(1) Section 21-112 is amended by striking out "United States District Court for the District of Columbia" and inserting in lieu thereof "Probate Court".

(2) Section 21-115 is amended by striking out "to the United States".

(3) Section 21-158 is amended by striking out "in the name of the United States".

(b) Section 21-301(4) of title 21, District of Columbia Code, is amended by striking out "United States District Court for the District of Columbia" and inserting in lieu thereof "Superior Court of the District of Columbia".

(c) Chapter 5 of title 21, District of Columbia Code, is amended as follows:

(1) Sections 21-501 and 21-502(a) are each amended by striking out "United States District Court for the District of Columbia" and inserting in lieu thereof "Superior Court of the District of Columbia".

(2) Section 21-521 is amended by striking out "the family physician" and inserting in lieu thereof "a physician".

(3) Sections 21-544, 21-564(a), 21-564(b), and 21-590 are each amended by striking out "United States District Court for the District of Columbia" and inserting in lieu thereof "Superior Court of the District of Columbia".

(4) Section 21-564(a) is further amended by striking out "Board of Commissioners" and inserting in lieu thereof "Commissioner".

(5)(A) Section 21-581 is amended—

(i) by striking out "Commissioners" in subsection (a) and in the section heading and inserting in lieu thereof "Commissioner", and

(ii) by striking out "(a)" and subsection (b).

(B) The item relating to section 21-581 in the analysis of chapter 5 is amended by striking out "Commissioners" and inserting in lieu thereof "Commissioner".

(6) Section 21-584 is amended by striking out "witnesses in the courts of the United States" and inserting in lieu thereof "other witnesses in the court".

79 Stat. 761.

(7) (A) The following new section is added after section 21-591:

“§ 21-592. Return to hospital of an escaped mentally ill person

“When a person has been ordered confined in a hospital or institution for the mentally ill pursuant to this chapter and has left such hospital or institution without authorization or has failed to return as directed, the court which ordered confinement shall, upon the request of the administrator of such hospital or institution, order the return of such person to such hospital or institution.”

(B) The analysis of chapter 5 is amended by adding after the item relating to section 21-591 the following:

“21-592. Return to hospital of an escaped mentally ill person.”

79 Stat. 751.

(d) Members of the Commission on Mental Health established under section 21-502 of title 21 of the District of Columbia Code who are in office on the effective date of this title shall continue in office as provided in subsection (b) of that section.

(e) Section 21-706(a) of title 21, District of Columbia Code, is amended by striking out “United States District Court for the District of Columbia” and inserting in lieu thereof “Superior Court of the District of Columbia”.

(f) Section 21-906 of title 21, District of Columbia Code, is amended by striking out “United States District Court for the District of Columbia” and inserting in lieu thereof “Superior Court of the District of Columbia”.

(g) Chapter 11 of title 21, District of Columbia Code, is amended as follows:

79 Stat. 766;
Post, p. 1087.
D.C. Code 21-
1101.

(1) (A) Sections 21-1101, 21-1102, 21-1103, 21-1104, 21-1105, 21-1106, 21-1107, 21-1108, 21-1110, 21-1111, 21-1113, 21-1115, 21-1118, and 21-1123 are each amended by striking out “feeble-minded” each place it appears and inserting in lieu thereof “substantially retarded”.

(B) The section heading for section 21-1118 is amended by striking out “**feeble-minded**” and inserting in lieu thereof “**substantially retarded**”.

(2) Sections 21-1102 and 21-1120 are each amended by striking out “Department of Public Welfare” and inserting in lieu thereof “District of Columbia Council”.

(3) Section 21-1103 is amended—

(A) by striking out “United States District Court for the District of Columbia” in subsection (a) and inserting in lieu thereof “Superior Court of the District of Columbia”, and

(B) by striking out “**of District Court as to feeble-mindedness**” in the section heading and inserting in lieu thereof “**as to substantial retardation**”.

(4) Section 21-1104 is amended by striking out “District Court of the United States for the District of Columbia” and inserting in lieu thereof “Superior Court of the District of Columbia”.

(5) Section 21-1109(a) is amended by striking out “running to the United States”.

(6) Section 21-1111(a) is amended by striking out “Commissioners” and inserting in lieu thereof “Commissioner”.

(7) Section 21-1114 is amended—

(A) by striking out “juvenile court of the District of Columbia as a dependent or delinquent child” and inserting in lieu thereof “Family Division of the Superior Court upon allegations that he is delinquent, neglected, or in need of supervision”,

(B) by striking out “feeble-minded” and inserting in lieu thereof “substantially retarded”,

(C) by inserting “, other than proceedings on a motion to transfer pursuant to section 16-2307,” after “the proceedings” in the first sentence, and

(D) by striking out “**brought before juvenile court appears feeble-minded**” in the section heading and inserting in lieu thereof “**brought before Family Division appears substantially retarded**”.

(8) Sections 21-1116 and 21-1122 are each amended by striking out “United States District Court for the District of Columbia” and inserting in lieu thereof “Superior Court of the District of Columbia”. 79 Stat. 771;
Post, p. 1087.

(9) Section 21-1117 is amended—

(A) by striking out “feeble-mindedness” and inserting in lieu thereof “substantial retardation”, and

(B) by striking out “**feeble-minded**” in the section heading and inserting in lieu thereof “**substantially retarded**”.

(10) The analysis of chapter 11 is amended—

(A) by striking out “of District Court as to feeble-mindedness” in the item relating to section 21-1103 and inserting in lieu thereof “as to substantial retardation”, and

(B) by striking out “before juvenile court appears feeble-minded” in the item relating to section 21-1114 and inserting in lieu thereof “before Family Division appears substantially retarded”, and

(C) by striking out “feeble-minded” in the items relating to sections 21-1117 and 21-1118 and inserting in lieu thereof “substantially retarded”.

(11) The chapter heading for chapter 11 is amended by striking out “**FEEBLE-MINDED**” and inserting in lieu thereof “**SUBSTANTIALLY RETARDED**”.

(h) Chapter 13 of title 21, District of Columbia Code, is amended as follows: D.C. Code 21-
1301.

(1) Section 21-1301 is amended by striking out “United States District Court for the District of Columbia” and inserting in lieu thereof “Superior Court of the District of Columbia”.

(2) The first sentence of section 21-1302 is amended by striking out “to the United States”.

(i) Chapter 15 of title 21, District of Columbia Code, is amended as follows: D.C. Code 21-
1501.

(1) Section 21-1501 is amended by striking out “United States District Court for the District of Columbia” and inserting in lieu thereof “Superior Court of the District of Columbia”.

(2) Section 21-1506 is amended by striking out “of the Civil Division”.

(j) The analysis of title 21, District of Columbia Code, is amended by striking out “**Feeble-Minded**” in the reference to chapter 11 and inserting in lieu thereof “**Substantially Retarded**”.

AMENDMENTS TO TITLE 28

SEC. 151. (a) Sections 28-2103 and 28-2104 of title 28 of the District of Columbia Code are each amended by striking out “United States District Court for the District of Columbia” and inserting in lieu thereof “court having probate jurisdiction”.

(b) Section 28-2105 of title 28 of the District of Columbia Code is amended by striking out “District Court” and inserting in lieu thereof “court having probate jurisdiction”.

78 Stat. 668.

Subpart 2—Amendments to Other Laws

REDESIGNATION OF COURTS

SEC. 155. (a) Except as otherwise provided in this Act, all laws of the United States (other than this Act) applicable exclusively to the District of Columbia, in force on the effective date of this Act, in which reference is made to the—

- (1) justice of the peace,
- (2) justice of the peace court,
- (3) police court of the District of Columbia,
- (4) Municipal Court of the District of Columbia,
- (5) Municipal Court for the District of Columbia (established by the Act of April 1, 1942 (56 Stat. 190)), and
- (6) District of Columbia Court of General Sessions (established by the Act of July 8, 1963 (77 Stat. 77)) or any division or branch of that Court,

are amended by substituting "Superior Court of the District of Columbia" for each such reference.

(b) Except as otherwise provided in this Act, all laws of the United States (other than this Act) applicable exclusively to the District of Columbia, in force on the effective date of this Act, in which reference is made to the Municipal Court of Appeals for the District of Columbia (established by the Act of April 1, 1942), are amended by substituting "District of Columbia Court of Appeals" for such reference.

(c) The following laws of the United States applicable to the District of Columbia, in force on the effective date of this Act, are amended by striking out all references therein to the United States District Court for the District of Columbia and inserting in lieu thereof "Superior Court of the District of Columbia":

(1) The following sections of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901:

34 Stat. 151;
49 Stat. 1921;
63 Stat. 107.
35 Stat. 582.
33 Stat. 734.
35 Stat. 671.
31 Stat. 1288.
45 Stat. 1505.
31 Stat. 1320.

- (A) Section 491a of such Act (D.C. Code, sec. 7-202).
- (B) Section 491n of such Act (D.C. Code, sec. 7-215).
- (C) Section 1608e of such Act (D.C. Code, sec. 7-313).
- (D) Section 1610 of such Act (D.C. Code, sec. 7-323).
- (E) Section 869b of such Act (D.C. Code, sec. 22-1510).
- (F) Section 632 of such Act (D.C. Code, sec. 29-228).
- (G) Section 586 of such Act (D.C. Code, sec. 29-413).
- (H) Section 586f of such Act (D.C. Code, sec. 29-419).
- (I) Section 793 of such Act (D.C. Code, sec. 29-725).
- (J) Section 1225 of such Act (D.C. Code, sec. 45-910).

(2) Section 12 of the Boiler Inspection Act of the District of Columbia, approved June 25, 1936 (D.C. Code, sec. 1-713).

(3) Section 2 of the Act of August 3, 1968 (D.C. Code, sec. 1-804b).

(4) Section 41 of the Act entitled "An Act to regulate the practice of the healing art and to protect the public health in the District of Columbia", approved February 27, 1929 (D.C. Code, sec. 2-132).

(5) Section 4 of the Act of July 2, 1940 (D.C. Code, sec. 2-304).

(6) Section 7 of the Act entitled "An Act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes", approved May 7, 1906 (D.C. Code, sec. 2-606).

(7) Section 3 of the Act entitled "An Act to amend the Act to regulate the practice of podiatry in the District of Columbia", approved June 29, 1940 (D.C. Code, sec. 2-703).

(8) Section 29 of the Act entitled "An Act to provide for the examination and registration of architects and to regulate the practice of architecture in the District of Columbia", approved December 13, 1924 (D.C. Code, sec. 2-1029).

44 Stat. 1414;
77 Stat. 78, 616.

54 Stat. 697.

45 Stat. 952.

(9) The following sections of the Professional Engineers' Registration Act, approved September 19, 1950:

(A) Section 8 of such Act (D.C. Code, sec. 2-1808).

64 Stat. 856.

(B) Section 9(b) of such Act (D.C. Code, sec. 2-1809(b)).

(10) Section 13 of the District of Columbia Charitable Solicitation Act, approved July 10, 1957 (D.C. Code, sec. 2-2112).

71 Stat. 281.

(11) The following sections of the District of Columbia Securities Act, approved August 30, 1964:

(A) Section 11 of such Act (D.C. Code, sec. 2-2410).

78 Stat. 628.

(B) Section 12 of such Act (D.C. Code, sec. 2-2411).

(12) Section 18 of the District of Columbia Public Assistance Act, approved October 15, 1962 (D.C. Code, sec. 3-217).

76 Stat. 918.

(13) Section 389 of the Revised Statutes of the United States Relating to the District of Columbia (D.C. Code, sec. 4-135).

68 Stat. 755.

(14) The following sections of the Act entitled "An Act to punish false swearing before the trial board of the Metropolitan police force and fire department of the District of Columbia, and for other purposes", approved May 11, 1892:

(A) The first section of such Act (D.C. Code, sec. 4-601).

47 Stat. 86;

(B) Section 3 of such Act (D.C. Code, sec. 4-603).

63 Stat. 107.

(15) Section 2 of the Act entitled "An Act providing for the establishment of a uniform building line on streets in the District of Columbia less than ninety feet in width", approved June 21, 1906 (D.C. Code, sec. 5-202).

34 Stat. 384.

(16) Section 11 of the Act entitled "An Act to require the erection of fire escapes in certain buildings in the District of Columbia, and for other purposes", approved March 19, 1906 (D.C. Code, sec. 5-311).

48 Stat. 846.

(17) Section 7 of the Act entitled "An Act to provide for means of egress for buildings in the District of Columbia, and for other purposes", approved December 24, 1942 (D.C. Code, sec. 5-323).

56 Stat. 1085.

(18) Section 8 of the Act entitled "An Act to regulate the height of buildings in the District of Columbia", approved June 1, 1910 (D.C. Code, sec. 5-408).

36 Stat. 454.

(19) Section 7(a) of the District of Columbia Redevelopment Act of 1945, approved August 2, 1946 (D.C. Code, sec. 5-706).

60 Stat. 795.

(20) The third proviso of section 11(a) of the Horizontal Property Act of the District of Columbia, approved December 21, 1963 (D.C. Code, sec. 5-911).

77 Stat. 453.

(21) The first section of the Act of March 4, 1929 (D.C. Code, sec. 6-505).

45 Stat. 1549.

(22) Section 5 of the Act of December 15, 1932 (D.C. Code, sec. 7-405).

47 Stat. 749.

(23) The fifth paragraph of so much of the first section of the Act of March 3, 1905, as relates to bridges (D.C. Code, sec. 7-505).

33 Stat. 372,
893.

(24) The second paragraph of so much of the first section of the Act of June 29, 1932, as relates to bridges (D.C. Code, sec. 7-514).

47 Stat. 355.

(25) The first section of the Act entitled "An Act to provide for the elimination of the Michigan Avenue grade crossing in the District of Columbia, and for other purposes", approved March 3, 1927 (D.C. Code, sec. 7-520).

44 Stat. 1351.

(26) The third paragraph of so much of the first section of the Act of July 3, 1930, as relates to bridges (D.C. Code, sec. 7-523).

46 Stat. 963.

(27) Section 11 of the District of Columbia Public Space Utilization Act, approved October 17, 1968 (D.C. Code, sec. 7-950).

82 Stat. 1168.

(28) The first section and section 2 of the Act entitled "An Act to provide for the elimination of grade crossings of steam railroads in the District of Columbia, and for other purposes", approved March 3, 1927 (D.C. Code, sec. 7-1215 (a), (b)).

44 Stat. 1352.

(29) The first section of the Act entitled "An Act to provide for the establishment of a municipal center in the District of Columbia", approved February 28, 1929 (D.C. Code, sec. 9-201).

45 Stat. 1408;
63 Stat. 107.

(30) The Act entitled "An Act to prohibit the introduction of contraband into the District of Columbia penal institutions", approved December 15, 1941 (D.C. Code, sec. 22-2603).

55 Stat. 800.

(31) Section 5 of the Hospital Treatment for Drug Addicts Act for the District of Columbia, approved June 24, 1956 (D.C. Code, sec. 24-605).

70 Stat. 610.

(32) Section 345 of the Public Health Service Act, approved July 1, 1944 (D.C. Code, sec. 24-614).

68 Stat. 80.

(33) Section 26 of the District of Columbia Alcoholic Beverage Control Act, approved January 24, 1934 (D.C. Code, sec. 25-126).

48 Stat. 333.

(34) Section 3 of the Act entitled "An Act concerning common-trust funds and to make uniform the law with reference thereto", approved October 27, 1949 (D.C. Code, sec. 26-703).

63 Stat. 938.

(35) Section 5 of the Act entitled "An Act to provide for the incorporation and regulation of medical and dental colleges in the District of Columbia", approved May 4, 1896 (D.C. Code, sec. 31-904).

29 Stat. 113.

(36) The Act entitled "An Act to amend the Code of Law for the District of Columbia", approved April 16, 1934 (D.C. Code, sec. 35-205).

48 Stat. 592.

(37) The following sections of the Life Insurance Act, approved June 19, 1934:

48 Stat. 1133.

(A) Section 13, chapter II of such Act (D.C. Code, sec. 35-412).

(B) Section 24, chapter II of such Act (D.C. Code, sec. 35-423).

78 Stat. 556.

(C) Section 15, chapter III of such Act (D.C. Code, sec. 35-515).

55 Stat. 739.

(38) Section 5, title II of the Act of September 19, 1918 (D.C. Code, sec. 36-435).

(39) The following sections of the Act of March 4, 1913:

44 Stat. 920.

(A) Section 8, paragraph 97(a) of such Act (D.C. Code, sec. 43-201).

37 Stat. 982.

(B) Section 8, paragraph 35 of such Act (D.C. Code, sec. 43-405).

(C) Section 8, paragraph 48 of such Act (D.C. Code, sec. 43-418).

28 Stat. 218.

(40) Section 5 of the Act entitled "An Act to authorize the Metropolitan Railroad Company to change its motive power for the propulsion of the cars of said company", approved August 2, 1894 (D.C. Code, sec. 44-208).

(41) Section 305 of the District of Columbia Real Estate Deed Recordation Tax Act, approved March 2, 1962 (D.C. Code, sec. 45-725).

76 Stat. 12.

(42) The following sections of the Act of August 25, 1937:

50 Stat. 794;
77 Stat. 617.

(A) Section 9 of such Act (D.C. Code, sec. 45-1409).

(B) Section 11 of such Act (D.C. Code, sec. 45-1411).

(43) The following sections of the Act entitled "An Act to regulate rents in the District of Columbia, and for other purposes", approved December 2, 1941:

65 Stat. 103.

(A) Section 7 of such Act (D.C. Code, sec. 45-1607).

(B) Section 10 of such Act (D.C. Code, sec. 45-1610).

(44) The following sections of the Act entitled "An Act to provide for unemployment compensation in the District of Columbia, authorize appropriations, and for other purposes", approved August 28, 1935:

57 Stat. 108.

(A) Section 3(c)(10) of such Act (D.C. Code, sec. 46-303(c)(10)).

(B) Section 4(e) of such Act (D.C. Code, sec. 46-304(e)).

(C) Section 12 of such Act (D.C. Code, sec. 46-312).

(D) Section 13(h) of such Act (D.C. Code, sec. 46-313(h)).

(45) Section 13 of the Act of August 14, 1894 (D.C. Code, sec. 47-606).

(46) The Act entitled "An Act to authorize reassessment for improvements and general taxes in the District of Columbia, and for other purposes", approved April 24, 1896 (D.C. Code, sec. 47-721).

(47) The first section of the Act entitled "An Act to provide for enforcing the lien of the District of Columbia upon real estate bid off in its name when offered for sale for arrears of taxes and assessments, and for other purposes", approved March 2, 1936 (D.C. Code, sec. 47-1011).

(48) Section 5 of the Act of July 3, 1926 (D.C. Code, sec. 47-1209).

(49) The following sections of the District of Columbia Revenue Act of 1937, approved August 17, 1937:

(A) Section 1 of title I of such Act (D.C. Code, sec. 47-1401).

(B) Section 6 of title I of such Act (D.C. Code, sec. 47-1406).

(C) Section 3 of article III of title V of such Act (D.C. Code, sec. 47-1618).

(50) Section 29 of the District of Columbia Income Tax Act, approved July 26, 1939 (D.C. Code, sec. 47-1529).

(51) Section 3 of title XII of the District of Columbia Income and Franchise Tax Act of 1947, approved July 16, 1947 (D.C. Code, sec. 47-1586b).

(52) Section 145 of the District of Columbia Sales Tax Act, approved May 27, 1949 (D.C. Code, sec. 47-2622).

(53) Section 8 of the Act entitled "An Act to provide for the regulation of closing-out and fire sales in the District of Columbia", approved September 1, 1959 (D.C. Code, sec. 47-3008).

(54) Section 11 of the Act of July 3, 1926 (D.C. Code, sec. 48-211).

(55) Section 2 of the Act of February 18, 1932 (D.C. Code, sec. 48-402).

(d) The Act of February 26, 1907 (D.C. Code, sec. 45-707), is amended to read as follows: "That the Recorder of Deeds of the District of Columbia shall recopy such of the records in his office as may, in his judgment and that of a judge of the Superior Court of the District of Columbia appointed for that purpose, need recopying in order to preserve the originals from destruction. The expense of such recopying may not in any fiscal year exceed \$1,000 and such expense shall be certified by a judge of the Superior Court appointed for that purpose and audited by the General Accounting Office."

AMENDMENTS REDESIGNATING DISTRICT OF COLUMBIA TAX COURT

SEC. 156. (a) Section 303 of the District of Columbia Revenue Act of 1949 (D.C. Code, sec. 40-603-1) is amended by striking out "Board of Tax Appeals for the District of Columbia" and inserting in lieu thereof "Superior Court of the District of Columbia".

(b) Section 314 of the Act of March 2, 1962 (D.C. Code, sec. 45-734), is amended by striking out "District of Columbia Tax Court" and inserting in lieu thereof "Superior Court of the District of Columbia".

(c) Section 5 of the Act entitled "An Act to define the real property exempt from taxation in the District of Columbia," approved December 24, 1942 (D.C. Code, sec. 47-801e), is amended by striking out "Board of Tax Appeals for the District of Columbia" and inserting in lieu thereof "Superior Court of the District of Columbia".

57 Stat. 109;
63 Stat. 107.

28 Stat. 285.

29 Stat. 98.

49 Stat. 1153.

45 Stat. 1227.

52 Stat. 356.

50 Stat. 674.

53 Stat. 1116.

61 Stat. 352.

63 Stat. 122.

73 Stat. 451.

44 Stat. 811.

47 Stat. 50.

34 Stat. 994.

63 Stat. 129;
66 Stat. 547.

76 Stat. 15.

56 Stat. 1091.

(d) Subsection (e) of the Act entitled "An Act to provide for the taxation of rolling stock of railroad and other companies operated in the District of Columbia, and for other purposes", approved December 15, 1945 (D.C. Code, sec. 47-1215(e)), is amended by striking out "Board of Tax Appeals for the District of Columbia" and inserting in lieu thereof "Superior Court of the District of Columbia".

(e) Sections 31 and 34 of the District of Columbia Income Tax Act, approved July 26, 1939 (D.C. Code, secs. 47-1531, 47-1534), are each amended by striking out "Board of Tax Appeals for the District of Columbia" and inserting in lieu thereof "Superior Court of the District of Columbia".

(f) Section 11 of title XII and section 1 of title XV of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, secs. 47-1586j, 47-1593) are each amended by striking out "Board of Tax Appeals for the District of Columbia" and inserting in lieu thereof "Superior Court of the District of Columbia".

(g) Sections 7 and 13 of title IX of the District of Columbia Revenue Act of 1937 (D.C. Code, secs. 47-2407, 47-2412) are each amended by striking out "the Board" and inserting in lieu thereof "the Superior Court".

(h) All other laws of the United States applicable exclusively to the District of Columbia in force on the effective date of this Act in which reference is made to the Board of Tax Appeals for the District of Columbia or to the District of Columbia Tax Court are amended by substituting "Superior Court of the District of Columbia" for such reference.

MISCELLANEOUS AMENDMENTS RELATING TO TRANSFERS OF JURISDICTION

Criminal Jurisdiction

SEC. 157. (a) Section 40 of the Act entitled "An Act to regulate the practice of the healing art to protect the public health in the District of Columbia", approved February 27, 1929 (D.C. Code, sec. 2-131), is amended by striking out "in the United States District Court for the District of Columbia" and inserting in lieu thereof "in the District of Columbia".

(b) Section 8 of the Act entitled "An Act to establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, and for other purposes", approved July 15, 1932 (D.C. Code, sec. 22-2601), is amended by striking out "in any court of the United States".

(c) The Act entitled "An Act to provide for the treatment of sexual psychopaths in the District of Columbia, and for other purposes", approved June 9, 1948, is amended as follows:

(1) Section 201 of such Act (D.C. Code, sec. 22-3503) is amended—

(A) by amending paragraph (2) to read as follows:

"(2) The term 'court' means a court in the District of Columbia having jurisdiction of criminal offenses or delinquent acts.", and

(B) by striking out "an offense in the juvenile court of the District of Columbia" in paragraph (4) and inserting in lieu thereof "a delinquent act".

(2) Section 202(a) of such Act (D.C. Code, sec. 22-3504) is amended by striking out "United States District Court for the District of Columbia" and inserting in lieu thereof "Superior Court of the District of Columbia".

(d) Section 164A(f) of the Uniform Narcotic Drug Act (D.C. Code, sec. 33-416a(f)) is amended by striking out "United States branch of the municipal court" and inserting in lieu thereof "Superior Court of the District of Columbia".

Settlement of Claims

(e) The Act entitled "An Act authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia", approved February 11, 1929, is amended as follows:

(1) The first section of such Act (D.C. Code, sec. 1-902) is amended by striking out "court of the District of Columbia" and inserting in lieu thereof "courts in the District of Columbia".

45 Stat. 1160;
46 Stat. 500.

(2) Section 2 of such Act (D.C. Code, sec. 1-903) is amended by striking out "United States District Court for the District of Columbia, the United States Court of Appeals for the District of Columbia," and inserting in lieu thereof "courts in the District of Columbia".

63 Stat. 107.

Law Enforcement Council

(f) Section 401(b) of the District of Columbia Law Enforcement Act of 1953, approved June 29, 1953 (D.C. Code, sec. 2-1901(b)), is amended by striking out paragraph (12) and by redesignating paragraphs (13) through (15) as paragraphs (12) through (14), respectively.

67 Stat. 102.

Real Property Actions

(g) Section 1227 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (D.C. Code, sec. 45-912), is amended by striking out "either in said United States District Court for the District of Columbia or before a justice of the peace".

31 Stat. 1383;
63 Stat. 107.

Tort Claims

(h) Paragraph (b) of section 2 of the District of Columbia Employee Non-Liability Act (D.C. Code, sec. 1-921) is amended to read as follows:

74 Stat. 519;
77 Stat. 77.

"(b) 'Court' means the court in the District of Columbia having the necessary civil jurisdiction pursuant to section 11-501 or 11-921 of the District of Columbia Code."

Ante, pp. 476,
484.

Damages to National Guard Property

(i) Section 38 of the Act entitled "An Act to provide for the organization of the militia of the District of Columbia", approved March 1, 1889 (D.C. Code, sec. 39-513), is amended by striking out "any justice of the peace, with the right of appeal to the United States District Court for the District of Columbia, or before the United States District Court for the District of Columbia" and inserting in lieu thereof "the court in the District of Columbia having jurisdiction of the amount in controversy".

25 Stat. 777;
63 Stat. 107.

Unclaimed Freight

(j) Section 643 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (D.C. Code, sec. 44-102), is amended—

31 Stat. 1289;
63 Stat. 107.

(1) by striking out "United States District Court for the District of Columbia" and inserting in lieu thereof "Superior Court of the District of Columbia", and

(2) by striking out the proviso.

AMENDMENTS REFLECTING TRANSFER OF PROBATE JURISDICTION

SEC. 158. (a) The Revised Statutes of the District of Columbia are amended as follows:

76 Stat. 589.

(1) Section 416(b) of such Revised Statutes (D.C. Code, sec. 4-159) is amended—

(A) by striking out “United States District Court for the District of Columbia” and inserting in lieu thereof “court having probate jurisdiction”, and

(B) by striking out “Probate Court” and inserting in lieu thereof “court having probate jurisdiction”.

(2) Section 454 of such Revised Statutes (D. C. Code, sec. 29-514) is amended by striking out “United States District Court for the District of Columbia” and inserting in lieu thereof “court having probate jurisdiction”.

(b) The Act entitled “An Act regulating admissions to the Institution of the Association for Works of Mercy in certain cases, and for other purposes”, approved October 12, 1888, is amended as follows:

25 Stat. 554;
31 Stat. 1208.

(1) The first section of such Act (D.C. Code, sec. 32-101) is amended by striking out “the judge of the orphans’ court of the District of Columbia” and inserting in lieu thereof “a judge of the court having probate jurisdiction”.

(2) Section 4 of such Act (D.C. Code, sec. 32-104) is amended by striking out “orphans’ court of the District of Columbia” and inserting in lieu thereof “court having probate jurisdiction”.

(c) The Act entitled “An Act to establish a code of law for the District of Columbia”, approved March 3, 1901, is amended as follows:

31 Stat. 1272;
63 Stat. 107.

(1) Section 534 of such Act (D.C. Code, sec. 45-611) is amended by striking out “United States District Court for the District of Columbia” and inserting in lieu thereof “court having probate jurisdiction”.

(2) Section 537 of such Act (D.C. Code, sec. 45-619) is amended by striking out “said United States District Court for the District of Columbia” and inserting in lieu thereof “the court having probate jurisdiction”.

(3) Section 669 of such Act (D.C. Code, sec. 27-113) is amended by striking out “United States District Court for the District of Columbia” and inserting in lieu thereof “court having probate jurisdiction”.

(4) Section 746 of such Act (D.C. Code, sec. 26-334) is amended by striking out “United States District Court for the District of Columbia” and inserting in lieu thereof “court having probate jurisdiction”.

(d) The District of Columbia Revenue Act of 1937 is amended as follows:

53 Stat. 1113;
63 Stat. 107.

(1) Section 3 of article I of title V of such Act (D.C. Code, sec. 47-1603) is amended by striking out “United States District Court for the District of Columbia” and inserting in lieu thereof “court having probate jurisdiction”.

(2) Section 5 of article I of title V of such Act (D.C. Code, sec. 47-1605) is amended by striking out “United States District Court for the District of Columbia” and inserting in lieu thereof “court having probate jurisdiction”.

(3) Section 9 of article III of title V of such Act (D.C. Code, sec. 47-1624) is amended—

(A) by striking out “United States District Court for the District of Columbia” each place it occurs and inserting in lieu thereof “court having probate jurisdiction”, and

(B) by striking out “said District Court” and inserting in lieu thereof “such court”.

(e) Section 9 of the Act entitled "An Act to create a board for the condemnation of insanitary buildings in the District of Columbia, and for other purposes", approved May 1, 1906 (D.C. Code, sec. 5-624), is amended by striking out "United States District Court for the District of Columbia" and inserting in lieu thereof "court having probate jurisdiction".

68 Stat. 887.

(f) Section 5 of the Act entitled "An Act authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia", approved February 11, 1929 (D.C. Code, sec. 1-906), is amended by striking out "United States District Court for the District of Columbia" and inserting in lieu thereof "court having probate jurisdiction".

65 Stat. 131;
81 Stat. 81.

(g) Section 2 of the Act of April 5, 1939 (D.C. Code, sec. 31-711), is amended by striking out "United States District Court for the District of Columbia" and inserting in lieu thereof "court having probate jurisdiction".

53 Stat. 571;
63 Stat. 107.

AMENDMENTS RELATING TO THE JURISDICTION OF THE FAMILY DIVISION

SEC. 159. (a) Section 5 of the Act entitled "An Act to provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children", approved November 6, 1966 (D.C. Code, sec. 2-165), is amended by striking out "Juvenile Court" both times it appears and inserting in lieu thereof "Family Division of the Superior Court".

80 Stat. 1355.

(b) Section 4 of the Act entitled "An Act to provide for the care of dependent children in the District of Columbia and to create a board of children's guardians", approved July 26, 1892 (D.C. Code, sec. 3-116), is amended by striking out "police court or the criminal court of the District" and inserting in lieu thereof "Family Division of the Superior Court".

27 Stat. 269;
34 Stat. 73.

(c) The first section of the Act entitled "An Act to enlarge the powers of the courts of the District of Columbia in cases involving delinquent children, and for other purposes", approved March 3, 1901 (D.C. Code, sec. 3-120), is amended by striking out "criminal and police courts" and inserting in lieu thereof "Family Division of the Superior Court".

31 Stat. 1095;
34 Stat. 73.

(d) Section 405 of the District of Columbia Law Enforcement Act of 1953 (D.C. Code, sec. 24-106) is amended to read as follows:

67 Stat. 105;
68 Stat. 730;
77 Stat. 77.

"PSYCHIATRIST AND PSYCHOLOGIST

"SEC. 405. The Commissioner shall appoint a qualified psychiatrist and a qualified psychologist whose services shall be available to the following officers to assist them in carrying out their duties:

"(1) In criminal cases, the judges and probation officers of the United States District Court for the District of Columbia and the judges and Director of Social Services of the Superior Court of the District of Columbia.

"(2) The judges and such personnel assigned to the Family Division of the Superior Court as the Chief Judge may designate.

"(3) Such officers of the Department of Corrections as the Director thereof shall designate.

"(4) The Board of Parole of the District."

(e) Section 927(a) of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (D.C. Code, sec. 24-301), is amended by striking out "juvenile court" and inserting in lieu thereof "Family Division of the Superior Court".

69 Stat. 609.

(f) The Act entitled "An Act to improve and extend, through reciprocal legislation, the enforcement of duties of support in the District of Columbia", approved July 10, 1957, is amended as follows:

71 Stat. 285;
77 Stat. 77.

(1) Section 2(d) of such Act (D.C. Code, sec. 30-302(d)) is amended by striking out "Domestic Relations Branch of the Municipal Court for the District of Columbia" and inserting in lieu thereof "Family Division of the Superior Court".

(2) Section 22 of such Act (D.C. Code, sec. 30-322) is amended by striking out "civil branch of the municipal court for the District of Columbia" and inserting in lieu thereof "Superior Court of the District of Columbia in civil cases".

43 Stat. 808.

(g) Section 3 of article III of the Act entitled "An Act to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes", approved February 4, 1925 (D. C. Code, sec. 31-213), is amended by striking out "juvenile court" and inserting in lieu thereof "Family Division of the Superior Court".

23 Stat. 302;
34 Stat. 73.

(h) Section 2 of the Act entitled "An Act for the protection of children in the District of Columbia and for other purposes", approved February 13, 1885 (D.C. Code, sec. 32-209), is amended—

(1) by striking out "police court" and inserting in lieu thereof "Family Division of the Superior Court", and

(2) by striking out the proviso at the end thereof.

73 Stat. 413.

(i) Section 6 of the Act entitled "An Act to regulate the placing of children in family homes, and for other purposes", approved April 22, 1944 (D.C. Code, sec. 32-786), is amended by striking out "Domestic Relations Branch of the Municipal Court" each time it appears and inserting in lieu thereof "Family Division of the Superior Court".

(j) The Act entitled "An Act to regulate the employment of minors within the District of Columbia", approved May 29, 1928, is amended as follows:

45 Stat. 1004.

(1) The third sentence of section 22 of such Act (D.C. Code, sec. 36-222) is amended by striking out "juvenile court" and inserting in lieu thereof "Family Division of the Superior Court".

(2) Section 26 of such Act (D.C. Code, sec. 36-228) is amended by striking out "juvenile court" and inserting in lieu thereof "Family Division of the Superior Court".

AMENDMENTS RELATING TO THE CHIEF MEDICAL EXAMINER

SEC. 160. (a) The Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901, is amended as follows:

31 Stat. 1298;
76 Stat. 537.

(1) Section 683 of such Act (D.C. Code, sec. 27-125) is amended—

(A) by striking out "coroner of said District" each place it appears and inserting in lieu thereof "Chief Medical Examiner", and

(B) by striking out "Coroner" each place it appears and inserting in lieu thereof "Chief Medical Examiner".

31 Stat. 1298;
63 Stat. 107.

(2) Section 686 of such Act (D.C. Code, sec. 27-128) is amended to read as follows:

"SEC. 686. This subchapter shall not be construed to (1) interfere with or prevent the disinterment of any body in accordance with section 11-2311 of the District of Columbia Code, or (2) interfere with the disposal of the ashes of bodies which have been cremated."

Ante, p. 520.

49 Stat. 385;
77 Stat. 77.

(3) Section 802(a) of such Act (D.C. Code, sec. 40-606) is amended by striking out the second paragraph.

(b) Section 9 of the District of Columbia Tissue Bank Act (D.C. Code, sec. 2-258) is amended to read as follows:

76 Stat. 536.

"SEC. 9. Office of the Chief Medical Examiner.—(a) The Commissioner is authorized to appoint physicians to perform the functions of the Chief Medical Examiner, in accordance with chapter 23 of title 11 of the District of Columbia Code.

Ante, p. 518.

"(b) The Chief Medical Examiner of the District of Columbia may, in his discretion, allow tissue to be removed from any dead human body in his custody or under his jurisdiction. Such tissue removal shall not interfere with other functions of his Office. The person who, in accordance with section 2(b) of the District of Columbia Anatomical Gift Act, is authorized to donate tissues from the body, shall first authorize the tissue removal."

Ante, p. 266.

AMENDMENTS RELATING TO THE REVENUE LAWS OF THE
DISTRICT OF COLUMBIA

SEC. 161. (a) The District of Columbia Revenue Act of 1937 is amended as follows:

(1) Section 1 of title IX of such Act (D.C. Code, sec. 47-2401) is amended—

52 Stat. 370.

(A) by striking out "The word 'Board', means the Board of Tax Appeals for the District of Columbia created by this title.", and

(B) by striking out "The word 'court' shall mean the United States Court of Appeals for the District of Columbia." and inserting in lieu thereof "The word 'court' shall mean the Superior Court of the District of Columbia, unless the context indicates otherwise."

(2) Section 2 of title IX of such Act (D.C. Code, sec. 47-2402) is amended (A) by striking out the first four paragraphs, (B) by striking out "(a)", and (C) by striking out the paragraph designated "(b)".

66 Stat. 547;
70 Stat. 485.

(3) Section 3 of title IX of such Act (D.C. Code, sec. 47-2403) is amended to read as follows:

53 Stat. 1108.

"SEC. 3. Any person aggrieved by any assessment by the District of any personal-property, inheritance, estate, business-privilege, gross-receipts, gross-earnings, insurance premiums, or motor-vehicle-fuel tax or taxes, or penalties thereon, may within six months after payment of the tax, together with penalties and interest assessed thereon, appeal from the assessment to the Superior Court of the District of Columbia. The mailing to the taxpayer of a statement of taxes due shall be considered notice of assessment with respect to the taxes. The court shall hear and determine all questions arising on appeal and shall make separate findings of fact and conclusions of law, and shall render its decision in writing. The court may affirm, cancel, reduce, or increase the assessment."

(4) Section 4 of title IX of such Act (D.C. Code, sec. 47-2404) is amended to read as follows:

66 Stat. 544.

"SEC. 4. (a) Decisions of the Superior Court in civil tax cases are reviewable in the same manner as other decisions of the court in civil cases tried without a jury. The District of Columbia Court of Appeals has the power to affirm, modify, or reverse the decision of the Superior Court with or without remanding the case for hearing.

"(b) The decision of the Superior Court shall become final (1) upon the expiration of the time allowed for filing a petition for review, if no petition is filed within that time; (2) upon the expiration of time allowed for filing a petition for certiorari if the decision of the Superior Court has been affirmed on appeal, the appeal has been dismissed, or no petition for certiorari has been filed; (3) upon denial of a peti-

tion for certiorari if the decision of the Superior Court has been affirmed on appeal or the appeal has been dismissed; or (4) upon the expiration of thirty days from the date of issuance of the mandate of the Supreme Court, if that Court has affirmed the decision of the Superior Court or dismissed the petition for review.

“(c) If the Supreme Court directs that the decision of the Superior Court be modified or reversed, the decision rendered in accordance with the Supreme Court’s mandate shall become final upon the expiration of thirty days from the time it was rendered unless within that time either the District or the taxpayer has instituted proceedings to have the decision corrected to accord with the mandate, in which event the decision of the Superior Court shall become final when so corrected.

“(d) If the decision of the Superior Court is modified or reversed by the District of Columbia Court of Appeals and if (1) the time allowed for filing a petition for certiorari has expired and no such petition has been filed, (2) the petition for certiorari has been denied, or (3) the decision of the District of Columbia Court of Appeals has been affirmed by the Supreme Court, then the decision of the Superior Court rendered in accordance with the mandate of the District of Columbia Court of Appeals shall become final upon the expiration of thirty days from the time the decision of the Superior Court was rendered, unless within that time either the District or the taxpayer has instituted proceedings to have the decision corrected so that it will accord with the mandate, in which event the decision of the Superior Court shall become final when corrected.

“(e) If the Supreme Court orders a rehearing, or if the case is remanded by the District of Columbia Court of Appeals for rehearing and if (1) the time allowed for filing of a petition for certiorari has expired and no petition has been filed; (2) the petition for certiorari has been denied; or (3) the decision of the District of Columbia Court of Appeals has been affirmed by the Supreme Court, then the decision of the Superior Court rendered upon such rehearing shall become final in the same manner as though no prior decision had been rendered.

“Mandate”.

“(f) As used in this section the term ‘mandate’, in case a mandate has been recalled prior to the expiration of thirty days from the date of issuance, means the final mandate.”

52 Stat. 372;
66 Stat. 544.

(5) Section 5 of title IX of such Act (D.C. Code, secs. 47-709, 47-710, 47-711, 47-712, 47-716, and 47-2405) is amended by striking out “ninety days” wherever it appears and inserting in lieu thereof “six months”.

Repeal.

52 Stat. 374.

74 Stat. 224.

(6) Sections 6, 8, and 9 of title IX of such Act (D.C. Code, secs. 47-2406, 47-2408, and 47-2409) are repealed.

(7) Section 14 of title IX of such Act (D.C. Code, sec. 47-2413) is amended to read as follows:

“SEC. 14. (a) Where there has been an overpayment of any tax, the amount of the overpayment shall be refunded to the taxpayer. No refund (other than inheritance and estate taxes) shall be allowed after two years from the date the tax is paid unless the taxpayer files a claim before the expiration of that period. The amount of refund of taxes (other than inheritance and estate taxes) shall not exceed the portion of the tax paid during the two years immediately preceding the filing of the claim or, if no claim is filed, then the two years immediately preceding the allowance of the refund. No refund of inheritance and estate taxes shall be allowed after three years from the date the tax is paid unless the taxpayer files a claim before the expiration of that period. The amount of refund of inheritance and estate taxes shall not exceed the portion of the tax paid during the three years immediately preceding the filing of the claim or, if no claim is filed, then during the

three years immediately preceding the allowance of the refund. Every claim for refund must be in writing under oath, must state the specific grounds on which it is founded, and must be filed with the Commissioner. If the Commissioner disallows all or any part of the refund claim, he shall notify the taxpayer by registered or certified mail. After receiving notice of disallowance, if the claim is acted upon within six months of filing, or after the expiration of six months from the date of filing if the claim is not acted upon, the taxpayer may appeal as provided in sections 3 and 4 of this title. This subsection does not apply to real estate taxes and it does not apply to taxes imposed by the District of Columbia Income Tax Act, by the District of Columbia Income and Franchise Tax Act of 1947, or by titles I and II of the District of Columbia Revenue Act of 1949, refunds of which are otherwise provided by law.

“(b) In any proceeding under this title the Superior Court has jurisdiction to determine whether there has been any overpayment of tax and to order that any overpayment be credited or refunded to the taxpayer, if a timely refund claim has been filed.

“(c) Any other provision of law to the contrary notwithstanding, if it is determined by the Commissioner or by the Superior Court that there has been an overpayment of any tax, whether as a deficiency or otherwise, interest shall be allowed and paid on the overpayment at the rate of 4 per centum per annum from the date the overpayment was paid until the date of refund, but with respect to that part of any overpayment which was not assessed and paid as a deficiency or as additional tax interest shall be allowed and paid only from the date of filing a claim for refund or a petition to the Superior Court as the case may be.

“(d) For purposes of this section, any interest or penalties paid by the taxpayer in connection with an overpayment of tax shall be deemed to be a part of the overpayment of tax.”

(b) Section 34 of the District of Columbia Income Tax Act (D.C. Code, sec. 47-1534) is amended by striking out the last sentence.

(c) Section 34 of the District of Columbia Income Tax Act (D.C. Code, sec. 47-1534) is amended by striking out “ninety days” and inserting in lieu thereof “six months”.

(d) The District of Columbia Revenue Act of 1949 is amended as follows:

(1) Section 611 of such Act (D.C. Code, sec. 47-2810) is amended by striking out “, except for such violations as are felonies, and prosecutions for such violations as are felonies shall be by the United States attorney in and for the District of Columbia, or any of his assistants”.

(2) Section 303 of such Act (D.C. Code, sec. 40-603-1) is amended—

(A) by striking out the second sentence thereof, and

(B) by striking out “ninety days” and inserting in lieu thereof “six months”.

(3) Section 141 of such Act (D.C. Code, sec. 47-2618) is amended to read as follows—

“SEC. 141. (a) Any vendor or purchaser aggrieved by a final determination of tax or denial of an application for refund of any tax may appeal to the Superior Court in the same manner and to the same extent as set forth in sections 3, 4, 7, 10 and 11 of title IX of the District of Columbia Revenue Act of 1937.

“(b) If it is determined by the Commissioner or by the Superior Court that any part of any tax which was assessed as a deficiency, and any interest thereon paid by the taxpayer, was an overpayment, interest shall be allowed and paid on the overpayment of tax at the rate of 4 per centum per annum from the date the overpayment was paid until the date of refund.”

53 Stat. 1085.
D.C. Code 47-1501 note.
61 Stat. 328.
D.C. Code 47-1551 note.
63 Stat. 112.
D.C. Code 47-2601, 47-2701 notes.

53 Stat. 1103.

63 Stat. 139.

63 Stat. 129.

63 Stat. 120.

Ante, pp. 579, 580,
52 Stat. 374.
D.C. Code 47-2407, 47-2410, 47-2411.

- (e) The Act of March 2, 1962, is amended as follows:
- 76 Stat. 15. (1) Section 314 of such Act (D.C. Code, sec. 45-734) is amended—
 (A) by striking out subsection (b), and
 (B) by striking out “(a)”.
- (2) Section 320 of such Act (D.C. Code, sec. 45-740) is amended by striking out “, except for such violations as are felonies, and prosecution for such violations as are felonies shall be by the United States attorney in and for the District of Columbia, or any of his assistants”.
- (f) Section 4 of the Act entitled “An Act to designate parcels of land in the District of Columbia for purposes of assessment and taxation, and for other purposes”, approved February 23, 1905 (D.C. Code, sec. 47-407), is amended by inserting after “clerk of the United States District Court for the District of Columbia,” the following: “clerk of the Superior Court of the District of Columbia,”.
- 33 Stat. 738;
63 Stat. 107. (g) Paragraph 11 of section 6 of the Act of July 1, 1902 (D.C. Code, sec. 47-1213), is repealed.
- Repeal.
32 Stat. 620. (h) The Act entitled “An Act to amend the laws relating to assessment and collection of taxes in the District of Columbia, and for other purposes”, approved February 18, 1929, is amended as follows:
- 45 Stat. 1226. (1) The first section of such Act (D.C. Code, sec. 47-1304) is amended by inserting after “shall be available also” in the second sentence thereof the following: “in the Superior Court of the District of Columbia”.
- (2) Section 2 of such Act (D.C. Code, sec. 47-1305) is amended by striking out “equity court” and inserting in lieu thereof “Superior Court of the District of Columbia”.
- Repeal.
61 Stat. 359. (i) Section 2 of title XV of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, sec. 47-1593a) is repealed.
- Repeal. (j) Section 7 of the Act entitled “An Act to amend certain tax laws applicable to the District of Columbia”, approved July 10, 1952 (D.C. Code, sec. 47-2414), is repealed.
- 66 Stat. 547. (k) Section 1 of title XV of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, sec. 47-1593) is amended by striking out “ninety days” and inserting in lieu thereof “six months”.
- 61 Stat. 359.

AMENDMENTS TO THE DISTRICT OF COLUMBIA
ADMINISTRATIVE PROCEDURE ACT

- 82 Stat. 1209. SEC. 162. Section 11 of the District of Columbia Administrative Procedure Act (D.C. Code, sec. 1-1510) is amended—
 (1) in the first sentence, by striking out “, except” and all that follows in that sentence and inserting in lieu thereof of period; and
 (2) by repealing the last sentence.

ADDITIONAL AMENDMENTS RELATING TO ADMINISTRATIVE PROCEDURE

- 45 Stat. 1504;
63 Stat. 107;
80 Stat. 1430. SEC. 163. (a) The second proviso of section 586d of the Act entitled “An Act to establish a code of law for the District of Columbia”, approved March 3, 1901 (D.C. Code, sec. 29-417), is amended by striking out “have the action of the said Board of Higher Education reviewed by the United States District Court for the District of Columbia at an equity term thereof” and inserting in lieu thereof “appeal as provided in the District of Columbia Administrative Procedure Act (D.C. Code, secs. 1-1501 to 1-1510)”.
- Supra. (b) Subsection (c) of section 137 of the District of Columbia Business Corporation Act (D.C. Code, sec. 29-948(c)) is amended to read as follows:
- 68 Stat. 234.

“(c) Appeals from all final orders and judgments entered by the court under this section may be taken by either party to the proceeding within sixty days after service on the party of a copy of the order or judgment of the court.”

(c) The first paragraph of section 28 of the Life Insurance Act, approved June 19, 1934 (D.C. Code, sec. 35-427) is amended by striking out “from the ruling of the superintendent to the United States District Court for the District of Columbia, in equity” and all that follows and inserting in lieu thereof “as provided by the District of Columbia Administrative Procedure Act (D.C. Code, secs. 1-1501 to 1-1510).”

48 Stat. 1140;
63 Stat. 107.

Ante, p. 582.

(d) Section 1210 of the District of Columbia Insurance Placement Act, approved August 1, 1968 (D.C. Code, sec. 35-1709), is amended by striking out “section 11-742 of the District of Columbia Code” and inserting in lieu thereof “the District of Columbia Administrative Procedure Act (D.C. Code, secs. 1-1501 to 1-1510).”

82 Stat. 571.

(e) Subsection (b) of section 10 of the Act entitled “An Act to provide for voluntary apprenticeship in the District of Columbia”, approved May 21, 1946 (D.C. Code, sec. 36-130(b)), is amended by striking out the fourth sentence and all that follows and inserting in lieu thereof “Any person aggrieved by the action of the Council may appeal as provided in the District of Columbia Administrative Procedure Act (D.C. Code, secs. 1-1501 to 1-1510).”

60 Stat. 207.

(f) Subsection (a) of section 9 of the Act of September 19, 1918 (D.C. Code, sec. 36-409), is amended by striking out the second sentence and all that follows thereafter and inserting in lieu thereof “The review shall be governed by the District of Columbia Administrative Procedure Act (D.C. Code, secs. 1-1501 to 1-1510).”

80 Stat. 967.

(g) The District of Columbia Traffic Act, 1925, is amended as follows:

(1) Subsection (a) of section 13 (D.C. Code, sec. 40-302(a)) is amended by striking out “sections 11-742, 17-303, 17-304, 17-305(b), 17-306 and 17-307 of the District of Columbia Code” and inserting in lieu thereof “the District of Columbia Administrative Procedure Act (D.C. Code, secs. 1-1501 to 1-1510).”

46 Stat. 1428;
77 Stat. 617.

(2) Subsection (d) of section 6 (D.C. Code, sec. 40-603(d)) is amended by striking out “and jurisdiction is hereby conferred upon the Court of Appeals of the district for this purpose”.

46 Stat. 1425.

(h) The second paragraph of section 4 of the Motor Vehicle Safety Responsibility Act of the District of Columbia, approved May 25, 1954 (D.C. Code, sec. 40-420), is amended by striking out the second and succeeding sentences and inserting in lieu thereof “Appeal shall be as provided in the District of Columbia Administrative Procedure Act (D.C. Code, secs. 1-1501 to 1-1510).”

68 Stat. 121;
77 Stat. 78.

(i) Section 8 of the Act of March 4, 1913, is amended as follows:

(1) Paragraph 50 of such section (D.C. Code, sec. 43-420) is amended by striking out “circuit courts” and inserting in lieu thereof “the Superior Court of the District of Columbia”.

37 Stat. 985.

(2) Paragraph 65 of such section (D.C. Code, sec. 43-705) is amended by striking out the third subparagraph.

49 Stat. 882.

(3) Paragraph 68 of such section (D.C. Code, sec. 43-708) is repealed.

Repeal.
49 Stat. 884.

(j) The Act entitled “An Act to provide for unemployment compensation in the District of Columbia, authorize appropriations, and for other purposes”, approved August 28, 1935, is amended as follows:

(1) Section 3(c) (10) of such Act (D.C. Code, sec. 46-303(c) (10)) is amended by striking out the last sentence thereof.

57 Stat. 108;
63 Stat. 107.

(2) Section 12 of such Act (D.C. Code, sec. 46-312) is amended by striking out “(a)” and by striking out subsection (b).

AMENDMENTS RELATING TO REVIEW OF ADMINISTRATIVE ACTIONS
REGARDING OCCUPATIONS AND PROFESSIONS

SEC. 164. (a) The Act entitled "An Act to regulate the practice of the healing art to protect the public health in the District of Columbia", approved February 27, 1929, is amended as follows:

45 Stat. 1338;
77 Stat. 615.

(1) Section 38 of such Act (D.C. Code, sec. 2-129) is amended to read as follows:

Infra.

"SEC. 38. The Commission may refuse to license or to register any person for any cause that in the judgment of the Commission would authorize suspension or revocation of a license or registration under section 27 of this Act. Before the Commission refuses to license or register any applicant for cause under this section, it shall give him an opportunity to be heard in person or by attorney and to produce witnesses in his behalf. Witnesses may be produced on behalf of the Commission and on behalf of any interested person. The attendance and testimony of witnesses may be compelled by subpoena issued by the Superior Court of the District of Columbia, and that court is authorized to issue and enforce the subpoenas on petition of the Commission. Any person failing or refusing, without just cause, to appear and testify in response to a subpoena, or in any way obstructing the course on any hearing to which he has been subpoenaed, is guilty of contempt of court and may be punished as other persons guilty of contempt of court are punished. Any member of the Commission may administer oaths at any hearing. Review of the Commission's action may be had in accordance with the District of Columbia Administrative Procedure Act (D. C. Code, secs. 1-1501 to 1-1510)."

Ante, p. 582.
45 Stat. 1337.

(2) Section 27 of such Act (D.C. Code, sec. 2-123) is amended to read as follows—

"SEC. 27. Suspension or revocation by the Commission of any license issued or registration effected under this Act, with respect to a person guilty of misconduct or professionally incapacitated, shall be governed by the District of Columbia Administrative Procedure Act (D.C. Code, sec. 1-1501 to 1-1510)."

54 Stat. 718;
63 Stat. 107.

(b) The Act of July 2, 1940, is amended as follows:

(1) Section 11 of such Act (D.C. Code, sec. 2-311) is amended—

(A) by striking out all that precedes paragraph (a) and inserting in lieu thereof "The Board may revoke or suspend the license of any dentist in the District of Columbia upon proof satisfactory to the Board—", and

(B) by striking out "the said court" in the last sentence and inserting in lieu thereof "the Board".

(2) The last sentence of section 25 of such Act (D.C. Code, sec. 2-325) is amended to read as follows: "The license of a dentist who permits a dental hygienist, operating under his supervision, to perform any operation other than that permitted under this section, may be suspended or revoked, and the license of the hygienist violating this Act may also be suspended or revoked, in accordance with section 12 of this Act."

(3) Section 12 of such Act (D.C. Code, sec. 2-312) is amended to read as follows:

"SEC. 12. Suspension or revocation by the Board of any license issued or registration effected under this Act, with respect to a person guilty of misconduct or professionally incapacitated, shall be governed by the District of Columbia Administrative Procedure Act (D.C. Code, secs. 1-1501 to 1-1510)."

(c) The Act entitled “An Act to amend the Act to regulate the practice of podiatry in the District of Columbia”, approved June 29, 1940, is amended as follows:

(1) Section 7 of such Act (D.C. Code, sec. 2-707) is amended—

54 Stat. 698;
63 Stat. 107.

(A) by striking out all that precedes paragraph (a) and inserting in lieu thereof “The Board may revoke or suspend the license of any podiatrist in the District of Columbia upon proof satisfactory to the Board—”, and

(B) by striking out “the said court” in the last sentence and inserting in lieu thereof “the Board”.

(2) Section 8 of such Act (D.C. Code, sec. 2-708) is amended to read as follows:

“SEC. 8. Suspension or revocation by the Board of any license issued or registration effected under this Act, with respect to a person guilty of misconduct or professionally incapacitated, shall be governed by the District of Columbia Administrative Procedure Act (D.C. Code, secs. 1-1501 to 1-1510).”

Ante, p. 582.

(d) Section 6 of the Act entitled “An Act to define the term of ‘registered nurse’ and to provide for the registration of nurses in the District of Columbia”, approved February 9, 1907 (D.C. Code, sec. 2-407), is amended by striking out all after the first sentence and inserting in lieu thereof “Suspension or revocation by the Nurses’ Examining Board of any license issued or registration effected under this Act, with respect to a person guilty of misconduct or professionally incapacitated, shall be governed by the District of Columbia Administrative Procedure Act (D.C. Code, secs. 1-1501 to 1-1510).”

45 Stat. 1521;
79 Stat. 1308.

(e) Section 7 of the Act of March 2, 1929 (D.C. Code, sec. 2-406), is amended by striking out “sections 11-742, 17-303, 17-304, 17-305 (b), 17-306, and 17-307 of the District of Columbia Code” and inserting in lieu thereof “the District of Columbia Administrative Procedure Act (D.C. Code, secs. 1-1501 to 1-1510).”

77 Stat. 615.

(f) Section 4(d) of the District of Columbia Tissue Bank Act (D.C. Code, sec. 2-253) is amended by striking out “, and may seek review by the United States Court of Appeals for the District of Columbia” and all that follows and inserting in lieu thereof a period.

76 Stat. 535;
77 Stat. 78.

(g) The District of Columbia Practical Nurses’ Licensing Act is amended as follows:

(1) Section 15 of such Act (D.C. Code, sec. 2-434) is amended by striking out “, and may seek a review by the United States Court of Appeals” and all that follows and inserting in lieu thereof a period.

74 Stat. 806;
77 Stat. 78.

(2) Section 8(b) of such Act (D.C. Code, sec. 2-427) is amended by striking out “in accordance with the provisions of subsection (c), section 5 of the Act of April 1, 1942 (56 Stat. 193, ch. 207; sec. 11-756(c), D.C. Code, 1951 edition).”

(h) Section 14 of the Physical Therapists Practice Act (D.C. Code, sec. 2-463) is amended by striking out “, and may seek a review by the United States Court of Appeals for the District of Columbia” and all that follows and inserting in lieu thereof a period.

75 Stat. 582;
77 Stat. 78.

(i) The third sentence of section 10 of the Act entitled “An Act to regulate the practice of veterinary medicine in the District of Columbia”, approved February 1, 1907 (D.C. Code, sec. 2-810), is amended by striking out “, as provided by section 11-742, 17-303, 17-304, 17-305(b), 17-306 and 17-307 of the District of Columbia Code”.

34 Stat. 873;
77 Stat. 616.

(j) The second paragraph of section 10 of the Act entitled “An Act to regulate barbers in the District of Columbia, and for other purposes”, approved June 7, 1938 (D.C. Code, sec. 2-1110), is amended by striking out “in the manner provided by sections 11-742, 17-303, 17-304, 17-305(b), 17-306, and 17-307 of the District of Columbia Code”.

52 Stat. 622;
77 Stat. 616.

(k) The fourth paragraph of section 7 of the Act entitled "An Act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes", approved May 7, 1906 (D.C. Code, sec. 2-606), is amended by striking out "in the manner provided by sections 11-742, 17-303, 17-304, 17-305(b), 17-306 and 17-307 of the District of Columbia Code".

(l) Section 28 of the Act entitled "An Act to provide for the examination and registration of architects and to regulate the practice of architecture in the District of Columbia", approved December 13, 1924 (D.C. Code, sec. 2-1028), is amended by striking out "in the manner provided by sections 11-742, 17-303, 17-304, 17-305(b), 17-306 and 17-307 of the District of Columbia Code".

(m) Section 7(a) of the Act entitled "An Act to regulate and license pawnbrokers in the District of Columbia", approved August 6, 1956 (D.C. Code, sec. 2-2007), is amended by striking out "in accordance with the provisions of subsection (c), section 5 of the Act of April 1, 1942 (56 Stat. 193, ch. 207; sec. 11-756(c), D.C. Code, 1951 edition)".

(n) Section 9 of the Professional Engineers Registration Act (D.C. Code, sec. 2-1809) is amended—

(1) by amending subsection (e) to read as follows:

"(e) Any person aggrieved by the action of the Board may appeal as provided in the District of Columbia Administrative Procedure Act (D.C. Code, secs. 1-1501 to 1-1510).", and

(2) by striking out subsections (f), (g), and (h).

(o) Section 9 of the Act of August 25, 1937 (D.C. Code, sec. 45-1409), is amended by striking out "sections 11-742, 17-303, 17-304, 17-305(b), 17-306 and 17-307 of the District of Columbia Code" and inserting in lieu thereof "the District of Columbia Administrative Procedure Act (D.C. Code, secs. 1-1501 to 1-1510)".

(p) Paragraph 42 of section 7 of the Act of July 1, 1902 (D.C. Code, sec. 47-2101), is amended by striking out "sections 11-742, 17-303, 17-304, 17-305(b), 17-306 and 17-307 of the District of Columbia Code" and inserting in lieu thereof "the District of Columbia Administrative Procedure Act (D.C. Code, secs. 1-1501 to 1-1510)".

AMENDMENTS RELATING TO ENFORCEMENT OF SUPPORT

SEC. 165. (a) The Act of March 23, 1906 (D.C. Code, secs. 22-903, 22-904, 22-905), is repealed.

(b) The proviso of so much of the first section of the Act of May 18, 1910, as appears under the heading "COURTS" and the subheading "JUVENILE COURT" (D.C. Code, sec. 22-906) is repealed.

(c) Subsection (c) of section 19 of the District of Columbia Public Assistance Act of 1962 (D.C. Code, sec. 3-218) is repealed.

(d) Section 6 of the Act entitled "An Act to improve and extend, through reciprocal legislation, the enforcement of duties of support in the District of Columbia", approved July 10, 1957 (D.C. Code, sec. 30-306), is amended to read as follows:

"SEC. 6. Proceedings to enforce duties of support initiated by the District of Columbia shall be commenced by the filing of a complaint irrespective of the relationship between the plaintiff and defendant. Jurisdiction of all proceedings under this Act is vested in the Family Division of the Superior Court of the District of Columbia which shall have all power and authority heretofore vested in the Domestic Relations Branch of the District of Columbia Court of General Sessions."

44 Stat. 1414;
77 Stat. 616.

77 Stat. 616.

70 Stat. 1039.

64 Stat. 862.

Anne, p. 582.

50 Stat. 794;
77 Stat. 617.

47 Stat. 559;
77 Stat. 617.

Repeals.
34 Stat. 86;
44 Stat. 716.

36 Stat. 403.

76 Stat. 919;
77 Stat. 77.

71 Stat. 286;
77 Stat. 77.

AMENDMENTS RELATING TO THE CONDEMNATION OF LAND

SEC. 166. (a) Section 2(b) of the District of Columbia Alley Dwelling Act, approved June 12, 1934 (D.C. Code, sec. 5-104), is amended by striking out "the Act entitled 'An Act to provide for the acquisition of land in the District of Columbia for the use of the United States', approved March 1, 1929" and inserting in lieu thereof "chapter 13 of title 16 of the District of Columbia Code".

48 Stat. 931.

Ante, p. 557.

(b) Section 5 of the District of Columbia Redevelopment Act of 1945 (D.C. Code, sec. 5-704) is amended by striking out "the Act entitled 'An Act to provide for the acquisition of land in the District of Columbia for the use of the United States', approved March 1, 1929 (45 Stat. 1415) or Acts which may amend or supplement said Act" and inserting in lieu thereof "chapter 13 of title 16 of the District of Columbia Code".

60 Stat. 793.

(c) Section 1 of the Act of March 4, 1929 (D.C. Code, sec. 6-505), is amended by striking out "Chapter XV of the Code of Law for the District of Columbia" and inserting in lieu thereof "chapter 13 of title 16 of the District of Columbia Code".

45 Stat. 1549.

(d) Section 491d of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (D.C. Code, sec. 7-205), is amended to read as follows:

41 Stat. 566.

"Sec. 491d. After the return of the marshal and filing of proof of publication of the notice provided for in section 491c, the court shall order the selection of a condemnation jury as provided in section 16-1312 of the District of Columbia Code. The jury shall consist of five persons and each juror shall take an oath or affirmation that he is not interested in any manner in the land to be condemned, is not related to the parties interested therein, and will fairly and impartially ascertain the damages each owner of land to be taken may sustain by reason of the opening, extension, widening, or straightening of the street, avenue, road, or highway, and the condemnation of land needed for the purpose thereof, and to assess the benefits resulting therefrom as hereinafter provided."

(e) Section 491h of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (D.C. Code, sec. 7-209), is amended by striking out "shall order the jury commission to draw from the special box the names of as many persons as the court may direct, and from among the persons so drawn the court shall thereupon appoint" and inserting in lieu thereof "shall order the selection in accordance with section 491d of".

41 Stat. 566.

(f) Section 491m of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (D.C. Code, sec. 7-214), is amended by striking out "court of appeals of the District of Columbia" and inserting in lieu thereof "District of Columbia Court of Appeals".

34 Stat. 153;
48 Stat. 926.

(g) Section 3(a) of the Act entitled "An Act to authorize the Commissioners of the District of Columbia to acquire, operate, and regulate public off-street parking facilities, and for other purposes", approved February 16, 1942 (D.C. Code, sec. 40-804(a)), is amended by striking out "sections 483 to 491, inclusive, of chapter XV, as amended, of the Code of Law for the District of Columbia, approved March 3, 1901 (31 Stat. 1265-1266)" and inserting in lieu thereof "chapter 13 of title 16 of the District of Columbia Code".

56 Stat. 91.

AMENDMENTS RELATING TO LANDLORD-TENANT ACTIONS

SEC. 167. The Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901, is amended as follows—

31 Stat. 1384;
77 Stat. 77.

(1) Section 1235 of such Act (D.C. Code, sec. 45-909) is amended to read as follows—

"SEC. 1235. Whenever real and personal property are leased together, as, for example, a house with furniture contained therein, the landlord, either in an action of ejectment or in the summary proceeding for possession, in the Superior Court of the District of Columbia, may have a judgment for recovery of the personalty as well as the realty."

(2) Section 1225 of such Act (D.C. Code, sec. 45-910) is amended by striking out "or the landlord may bring an action to recover possession before a justice of the peace, as provided in chapter one, subchapter one, aforesaid".

Repeal.

(3) Section 1228 of such Act (D.C. Code, sec. 45-914) is repealed.

AMENDMENTS RELATING TO ACTIONS BY AND AGAINST
CERTAIN BUSINESSES

Public Utilities

SEC. 168. (a) The Act of March 4, 1913, is amended as follows:

37 Stat. 988;
49 Stat. 882;
63 Stat. 107.

(1) Paragraph 64 of section 8 of such Act (D.C. Code, sec. 43-704) is amended by striking out "United States District Court for the District of Columbia" and inserting in lieu thereof "District of Columbia Court of Appeals".

(2) Paragraph 65 of section 8 of such Act (D.C. Code, sec. 43-705) is amended by striking out "United States District Court for the District of Columbia" each time it appears and inserting in lieu thereof "District of Columbia Court of Appeals".

(3) Paragraph 67 of section 8 of such Act (D.C. Code, sec. 43-707) is amended by striking out "United States District Court for the District of Columbia" and inserting in lieu thereof "District of Columbia Court of Appeals".

37 Stat. 994;
63 Stat. 107.

(4) Paragraph 94 of section 8 of such Act (D.C. Code, sec. 43-401) is amended by striking out "United States District Court for the District of Columbia" and inserting in lieu thereof "District of Columbia Court of Appeals".

(5) Section 11 of such Act (D.C. Code, sec. 43-502) is amended by striking out "United States District Court for the District of Columbia" and inserting in lieu thereof "Superior Court for the District of Columbia".

33 Stat. 246;
63 Stat. 107.

(b) Section 7 of the Act of April 22, 1904 (D.C. Code, sec. 43-1515), is amended by striking out "United States District Court for the District of Columbia" and inserting in lieu thereof "Superior Court of the District of Columbia".

Business Corporations

(c) The District of Columbia Business Corporation Act, approved June 8, 1954, is amended as follows:

68 Stat. 180.

(1) Section 2(r) of such Act (D.C. Code, sec. 29-902(r)) is amended to read as follows:

"(r) 'The court', except where otherwise specified, means the court in the District of Columbia having jurisdiction of civil actions wherein the amount in controversy exceeds \$50,000."

(2) Sections 81, 89, and 90 of such Act (D.C. Code, secs. 29-930e, 29-931a, 29-931b) are each amended by striking out "United States District Court for the District of Columbia" each time it appears and inserting in lieu thereof "court".

68 Stat. 214;
73 Stat. 241.

(3) Section 137 of such Act (D.C. Code, sec. 29-948) is amended by striking out "United States District Court for the District of Columbia" each time it appears and inserting in lieu thereof "court".

68 Stat. 234.

(d) The Act entitled "An Act to establish a Code of laws for the District of Columbia", approved March 3, 1901, is amended as follows:

(1) Section 639d of such Act (D.C. Code, sec. 29-240) is amended—

46 Stat. 1089;
63 Stat. 107.

(A) by striking out "the United States District Court for the District of Columbia" the first time it appears and inserting in lieu thereof "the court having jurisdiction of civil actions wherein the amount in controversy exceeds \$50,000",

(B) by striking out "the United States District Court for the District of Columbia" the second time it appears and inserting in lieu thereof "such court", and

(C) by striking out "said United States District Court for the District of Columbia" each time it appears and inserting in lieu thereof "such court".

(2) Sections 768, 782, and 786 of such Act (D.C. Code, secs. 29-701, 29-715, and 29-719) are each amended by striking out "United States District Court for the District of Columbia" and inserting in lieu thereof "court having jurisdiction of civil actions wherein the amount in controversy exceeds \$50,000".

31 Stat. 1316;
63 Stat. 107.

(e) The District of Columbia Nonprofit Corporation Act is amended as follows:

(1) Section 2(k) of such Act (D.C. Code, sec. 29-1002(k)) is amended to read:

76 Stat. 267.

"(k) 'The court', except where otherwise specified, means the court in the District of Columbia having jurisdiction of civil actions wherein the amount in controversy exceeds \$50,000."

(2) Section 55 of such Act (D.C. Code, sec. 29-1055) is amended by striking out "The United States District Court for the District of Columbia" and inserting in lieu thereof "The court".

76 Stat. 287.

(3) Section 94 of such Act (D.C. Code, sec. 29-1094) is amended by striking out "the United States District Court for the District of Columbia" each place it appears and inserting in lieu thereof "the court".

76 Stat. 302.

Insurance Companies

(f) Section 20 of chapter II of the Life Insurance Act (D.C. Code, sec. 35-419) is amended by striking out "United States District Court for the District of Columbia" and inserting in lieu thereof "court having jurisdiction of civil actions wherein the amount in controversy exceeds \$50,000".

48 Stat. 1135;
63 Stat. 107.

(g) Section 5 of chapter II of the Fire and Casualty Act (D.C. Code, sec. 35-1308) is amended by striking out "United States District Court for the District of Columbia" and inserting in lieu thereof "court having jurisdiction of civil actions wherein the amount in controversy exceeds \$50,000".

54 Stat. 1067;
63 Stat. 107.

Partnerships

(h) Section 25 of the Uniform Limited Partnership Act (D.C. Code, sec. 41-425) is amended by striking out "United States District Court for the District of Columbia" and inserting in lieu thereof "court having jurisdiction of civil actions wherein the amount in controversy exceeds \$50,000".

76 Stat. 661.

AMENDMENTS RELATING TO ILLEGAL ACTION BY CORPORATIONS

SEC. 169. The Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901, is amended as follows:

31 Stat. 1288.

(1) Section 632 of such Act (D.C. Code, sec. 29-228) is amended by striking out "to the United States" and inserting in lieu thereof "to the District of Columbia".

Ante, p. 589.

(2) Section 786 of such Act (D.C. Code, sec. 29-719) is amended by striking out "in the name of the United States".

31 Stat. 1320;
32 Stat. 534.

(3) Section 793 of such Act (D.C. Code, sec. 29-725) is amended by striking out "in the name of the United States".

AMENDMENT RELATING TO HOSPITALIZATION OF ADDICTS

SEC. 170. Section 3 of the Act entitled "An Act to provide for the treatment of users of narcotics in the District of Columbia", approved June 24, 1953 (D.C. Code, sec. 24-602), is amended by striking out "Juvenile Court Act of the District of Columbia, as amended" and inserting in lieu thereof "chapter 23 of title 16 of the District of Columbia Code".

70 Stat. 609.

AMENDMENT RELATING TO TRANSFER OF PRISONERS

SEC. 171. So much of the first section of the Act of March 2, 1911, as relates to the workhouse (D.C. Code, sec. 24-403) is amended by inserting after "United States District Court for the District of Columbia" each time it appears the following: ", Superior Court of the District of Columbia,".

36 Stat. 1002;
63 Stat. 107.

AMENDMENTS TO THE UNITED STATES CODE

SEC. 172. (a) (1) Section 1257 of title 28, United States Code, is amended by adding after and below paragraph (3) the following new sentence: "For the purposes of this section, the term 'highest court of a State' includes the District of Columbia Court of Appeals."

62 Stat. 929.

(2) (A) Chapter 133 of title 28, United States Code, is amended by adding at the end thereof the following new section:

62 Stat. 961;
72 Stat. 941.
28 USC 2101-
2112.

"§ 2113. Definition

"For purposes of this chapter, the terms 'State court', 'State courts', and 'highest court of a State' include the District of Columbia Court of Appeals."

(B) The analysis of chapter 133 is amended by adding at the end thereof the following new item:

"2113. Definition."

82 Stat. 61.

(b) Section 1869 (f) of title 28, United States Code, is amended by striking out everything following "Canal Zone Code" and inserting in lieu thereof a semicolon and the following: "except that for purposes of sections 1861, 1862, 1866 (c), 1866 (d), and 1867 of this chapter such terms shall include the Superior Court of the District of Columbia;".

(c) (1) Chapter 85 of title 28 of the United States Code is amended by adding at the end thereof the following new section:

62 Stat. 930;
80 Stat. 880.
28 USC 1331-
1362.

"§ 1363. Construction of references to laws of the United States or Acts of Congress

"For the purposes of this chapter, references to laws of the United States or Acts of Congress do not include laws applicable exclusively to the District of Columbia."

(2) The analysis of chapter 85 is amended by adding at the end thereof the following new item:

"1363. Construction of references to laws of the United States or Acts of Congress."

(d) (1) Chapter 89 of title 28, United States Code, is amended by adding at the end thereof the following new section:

62 Stat. 937.
28 USC 1441-
1450.

"§ 1451. Definitions

"For purposes of this chapter—

"(1) The term 'State court' includes the Superior Court of the District of Columbia.

"(2) The term 'State' includes the District of Columbia."

(2) The analysis of chapter 89 is amended by adding at the end thereof the following new item:

"1451. Definitions."

(e) Section 292 of title 28, United States Code, is amended—

72 Stat. 848.

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by adding after subsection (b) the following new subsection:

"(c) The chief judge of the United States Court of Appeals for the District of Columbia Circuit may, upon presentation of a certificate of necessity by the chief judge of the Superior Court of the District of Columbia pursuant to section 11-908(c) of the District of Columbia Code, designate and assign temporarily any district judge of the circuit to serve as a judge of such Superior Court, if such assignment (1) is approved by the Attorney General of the United States following a determination by him to the effect that such assignment is necessary to meet the ends of justice, and (2) is approved by the chief judge of the United States District Court for the District of Columbia."

Ante, p. 483.

(f) Section 5102(c) (4) of title 5, United States Code, is amended to read as follows:

80 Stat. 445.

"(4) teachers, school officials, and employees of the Board of Education of the District of Columbia whose pay is fixed under chapter 15 of title 31, District of Columbia Code; the chief judges and the associate judges of the Superior Court of the District of Columbia and the District of Columbia Court of Appeals; and nonjudicial employees of the District of Columbia court system whose pay is fixed under title 11 of the District of Columbia Code;".

69 Stat. 521;
Ante, p. 358.
D.C. Code
31-1501 to
31-1548.

Ante, p. 475.

**AMENDMENTS RELATING TO THE DISTRICT OF COLUMBIA'S
SHARE OF EXPENSES OF THE FEDERAL COURTS**

SEC. 173. (a) (1) All outstanding and future obligations of the Commissioner of the District of Columbia with respect to the District of Columbia's share of the cost of construction, operation, maintenance, and repair of the United States courthouse in the District of Columbia, as required by the Act of May 14, 1948 (62 Stat. 235), are canceled upon the effective date of this title.

(2) Beginning on the effective date of this title, the Executive Officer of the District of Columbia courts shall reimburse to the United States from any funds in the Treasury to the credit of the District of Columbia courts the amount determined by the Administrator of General Services to be necessary to cover seventy-five per centum of the costs of operation, maintenance, and repair of space used by the United States attorney and the United States marshal for the District of Columbia.

34 Stat. 763;
42 Stat. 668;
63 Stat. 107.

(b) Section 7 of the Act of June 30, 1906 (D.C. Code, sec. 47-204), is amended to read as follows:

"SEC. 7. (a) (1) Until the day before the effective date of the District of Columbia Court Reorganization Act of 1970, the Commissioner of the District of Columbia shall reimburse the United States for 60 per centum of the expenditures made on or before that day for the expenses of the United States District Court for the District of Columbia that are described in paragraph (2). During the thirty-month period beginning on such effective date, the Executive Officer of the District of Columbia courts shall reimburse the United States for expenditures made during that period for such expenses at the following rates of reimbursement:

"(A) 40 per centum for the first eighteen months of such period.

"(B) 20 per centum for the remainder of such period.

"(2) The expenses referred to in paragraph (1) are fees of witnesses, fees of jurors, pay of bailiffs and criers (including salaries of deputy marshals who act as bailiffs or criers), and all other miscellaneous expenses of the United States District Court for the District of Columbia.

"(b) Beginning after the thirty-month period referred to in subsection (a), the Executive Officer of the District of Columbia courts shall reimburse the United States for the District of Columbia's share of the cost for jury selection and grand jury expenses, as determined by the Director of the Administrative Office of the United States Courts. Estimates of the District of Columbia's share of such costs for each fiscal year shall be submitted to the Joint Committee on Judicial Administration of the District of Columbia courts for transmission with the annual estimate of the District of Columbia courts under section 11-1743 of title 11 of the District of Columbia Code.

"(c) Reimbursement made under this section shall be made from funds in the Treasury to the credit of the District of Columbia."

(c) Section 6 of the Act of August 2, 1949 (D.C. Code, sec. 47-213), is amended by inserting before the period at the end thereof "until eighteen months after the effective date of the District of Columbia Court Reorganization Act of 1970".

(d) Until the day before the effective date of the District of Columbia Court Reorganization Act of 1970, the Commissioner of the District of Columbia shall reimburse the United States for 30 per centum of the expenditures made on or before that day for the expenses of the United States Court of Appeals for the District of Columbia Circuit. During the thirty-month period beginning on such effective date, the Executive Officer of the District of Columbia Courts shall reimburse the United States for expenditures made during that period for such expenses at the following rates of reimbursement:

(1) 20 per centum for the first eighteen months of such period.

(2) 10 per centum for the remainder of such period.

Notwithstanding any other provision of law, no reimbursement for such expenses shall be required after the expiration of the thirty-month period beginning on such effective date.

PART E—TRANSITION PROVISIONS; APPOINTMENT OF ADDITIONAL JUDGES; AND EFFECTIVE DATE

EXISTING RECORDS, FILES, PROPERTY, AND FUNDS

SEC. 191. (a) The files, records, property, and unexpended balances of appropriations and other funds of the former District of Columbia Court of General Sessions, the Juvenile Court of the District of Columbia, and the District of Columbia Tax Court are transferred to the Superior Court of the District of Columbia.

Ante, p. 514.

63 Stat. 491.

(b) The files, records, and property of the United States District Court for the District of Columbia with respect to its jurisdiction on the day before the effective date of this title under—

(1) chapters 5, 7, 11, 13, and 15 of title 21, respectively of the District of Columbia Code, as in effect on such day, shall be transferred to the Superior Court of the District of Columbia not later than forty-five days after the Superior Court takes jurisdiction under section 11-921(a)(4) of title 11 of the District of Columbia Code (as contained in the revision made by part A of this title) of actions or other matters brought under such chapters, as determined jointly by the chief judges of the United States District Court for the District of Columbia and the Superior Court after consultation with the Executive Officer of the District of Columbia courts; and

79 Stat. 751.

Ante, p. 484.

(2) section 11-522 of title 11 and chapter 29 of title 16 of the District of Columbia Code, as in effect on such day, shall be transferred to the Superior Court of the District of Columbia not later than forty-five days after the Superior Court takes jurisdiction under section 11-921(a)(5) of title 11 of the District of Columbia Code (as contained in the revision made by part A of this title) of actions or other matters brought under such provisions, as determined jointly by the chief judges of the United States District Court for the District of Columbia and the Superior Court, after consultation with the Executive Officer of the District of Columbia courts and the Register of Wills.

77 Stat. 482,
596.

EXISTING PERSONNEL

SEC. 192. (a)(1) The personnel of the former District of Columbia Court of General Sessions, the Juvenile Court of the District of Columbia, and the District of Columbia Tax Court shall be transferred to the Superior Court of the District of Columbia and shall, with respect to all rights, privileges, and benefits, be considered as continuous employees of that court without break in service.

(2)(A) Except as provided in subparagraph (B), personnel of the United States District Court for the District of Columbia who the Director of the Office of Management and Budget determines are, as a substantial part of their duties, performing functions incident to jurisdiction transferred under this title to the Superior Court shall be entitled to transfer to the Superior Court, and upon such transfer shall retain all of their rights, privileges, and benefits, and shall be considered as continuous employees of the Superior Court without break in service.

(B) The individual holding the office of Register of Wills under the United States District Court for the District of Columbia on the day before the date the Superior Court takes jurisdiction of probate actions and related matters under section 11-921(a)(5) of title 11 of the District of Columbia Code, as contained in the revision made by part A of this title, shall continue in office as the Register of Wills under the Probate Division of the Superior Court until his successor has been selected by that court under section 11-2102 of title 11 of the District of Columbia Code, as contained in the revision made by part A of this

Ante, p. 516.

title, and shall retain all of his rights, privileges, and benefits and shall be considered as a continuous employee of the Superior Court. If the individual serving as the Auditor of the United States District Court for the District of Columbia is appointed to serve as the Auditor-Master of the Superior Court, he shall retain all of his rights, privileges, and benefits, and shall be considered as a continuous employee of the Superior Court without break in service.

(b) Nothing in this title shall affect the status of persons in the competitive civil service on the date of enactment of this title, but such persons may be assigned within the District of Columbia court system without regard to such status.

RETIREMENT OF CERTAIN DISTRICT OF COLUMBIA JUDGES

SEC. 193. (a) The person serving as judge of the District of Columbia Tax Court on the day prior to the effective date of this title may, within sixty days of such date, elect to retain retirement benefits under section 2 of title IX of the District of Columbia Revenue Act of 1937 (D.C. Code, sec. 47-2402), or relinquish such benefits and elect retirement benefits under chapter 15 of title 11 of the District of Columbia Code, as contained in the revision made by part A of this title.

Ante, p. 579.

Ante, p. 490.

(b)(1) Any judge of the District of Columbia Court of Appeals, the District of Columbia Court of General Sessions, the Juvenile Court of the District of Columbia, or the former District of Columbia Municipal Court of Appeals or Municipal Court, who had retired prior to the effective date of this subsection, may elect to have his retirement salary recomputed and paid in accordance with this subsection. Such election may be made in writing within sixty days after such effective date and shall be filed with the Commissioner of the District of Columbia.

(2) The retirement salary of each judge making such election shall be recomputed in accordance with applicable law then in effect at the time of his retirement, except that in the recomputation of such retirement salary, the salary of the corresponding judicial office on the day immediately following the effective date of this subsection shall be deemed to be the salary which such judge was receiving immediately prior to the date of his retirement.

(3) Each judge who elects recomputation of his retirement salary in accordance with this subsection shall—

(A) deposit in the District of Columbia Judicial Retirement and Survivors Annuity Fund an amount equal to $3\frac{1}{2}$ per centum of his basic salary received for judicial service, with interest at 4 per centum per annum to December 31, 1947, and 3 per centum per annum thereafter, compounded on December 31 of each year; or

(B) have his retirement salary, as recomputed in accordance with this subsection, reduced by 10 per centum of the amount of such deposit remaining unpaid.

(4) The retirement salary of any judge which is recomputed in accordance with this subsection shall be payable only with respect to those months beginning on and after the first day of the first month following the date of the election made by such judge under this subsection.

CONTINUATION OF SERVICE OF JUDGES OF DISTRICT OF COLUMBIA COURTS

SEC. 194. A judge of the District of Columbia Court of General Sessions, the Juvenile Court of the District of Columbia, or the District of Columbia Tax Court who is serving as a judge of such a court on the day before the effective date of this title under an appointment

made before such date shall on such date continue to serve as a judge of the Superior Court of the District of Columbia. No amendment made by this title shall be construed to extend the term of any such judge appointed before the date of enactment of this title. No amendment made by this title shall be construed to extend the term of office of a judge of the District of Columbia Court of Appeals appointed before the date of enactment of this title. The chief judge of the District of Columbia Court of Appeals in office on the day before the effective date of this title shall, on and after such date, continue in office as chief judge of that court; and, notwithstanding section 11-1503 of title 11 of the District of Columbia Code (as contained in the revision made by part A of this title), his term of office shall expire at the time his term of office under his latest appointment as chief judge expires. The chief judge of the District of Columbia Court of General Sessions in office on the day before the effective date of this title shall, on and after such date, serve as the chief judge of the Superior Court of the District of Columbia; and, notwithstanding section 11-1503 of title 11 of the District of Columbia Code (as contained in the revision made by part A of this title), his term of office as chief judge of that court shall expire at the time his term of office under his latest appointment as chief judge of the District of Columbia Court of General Sessions would have expired but for the merger of that court into the Superior Court.

Ante, p. 491.

APPOINTMENT OF ADDITIONAL JUDGES AND EXECUTIVE OFFICER
OF DISTRICT OF COLUMBIA COURTS

SEC. 195. (a) (1) The President of the United States shall nominate, and by and with the advice and consent of the Senate shall appoint, three additional judges to the District of Columbia Court of Appeals who shall have the qualifications prescribed by section 11-1501 of title 11 of the District of Columbia Code as contained in the revision made by part A of this title, and who shall, upon taking the oath required by law, enter into immediate service on that court. Subject to mandatory retirement at age 70 and to the provisions of subchapters II and III of chapter 15 of title 11 of the District of Columbia Code (as contained in such revision), the term of office of a judge appointed under this paragraph shall be 15 years. At the expiration of his term, such judge shall continue to serve until his successor is appointed and qualifies.

(2) The President of the United States shall nominate, and by and with the advice and consent of the Senate shall appoint, ten additional judges to the District of Columbia Court of General Sessions who shall have the qualifications prescribed by section 11-1501 of title 11 of the District of Columbia Code as contained in the revision made by part A of this title, and who shall, upon taking the oath required by law, enter into immediate service on that court. Subject to mandatory retirement at age 70 and to the provisions of subchapters II and III of chapter 15 of title 11 of the District of Columbia Code (as contained in such revision), the term of office of a judge appointed under this paragraph shall be 15 years. At the expiration of his term, such judge shall continue to serve until his successor is appointed and qualifies.

(b) The Director of the Administrative Office of the United States Courts shall submit a list of at least three qualified persons and a committee (consisting of (1) the chief judges of the District of Columbia Court of Appeals and the District of Columbia Court of General Sessions; (2) one associate judge of the District of Columbia Court of Appeals elected by the judges of that court; and (3) two associate judges of the District of Columbia Court of General Sessions

electd by the judges of that court) shall appoint from such list (and may remove), with the concurrence of the respective chief judges, an Executive Officer of the District of Columbia courts. Until the effective date of this title, the Executive Officer shall receive the same compensation as is prescribed for an associate judge of the District of Columbia Court of General Sessions. The Executive Officer in office on the effective date of this title shall continue to serve in such office until removed or until his successor has been selected in accordance with subchapter I of chapter 17 of title 11 of the District of Columbia Code, as contained in the revision made by part A of this title.

Ante, p. 508.

(c) Notwithstanding title 11 of the District of Columbia Code, as in effect on the date of enactment of this title, in the case of any vacancy in the District of Columbia Court of Appeals, the District of Columbia Court of General Sessions, or the Juvenile Court of the District of Columbia occurring before the effective date of this title, a judge appointed after the date of enactment of this title to fill any such vacancy (1) shall have the qualifications prescribed in section 11-1501 of title 11 of the District of Columbia Code as contained in the revision made by part A, and (2) shall, subject to mandatory retirement at age seventy and to the provisions of subchapters II and III of chapter 15 of title 11 of the District of Columbia Code (as contained in such revision), have a term of office of 15 years. At the expiration of his term, such judge shall continue to serve until his successor is appointed and qualifies.

Ante, p. 491.

TEMPORARY ADMINISTRATION OF JUVENILE COURT OF THE DISTRICT OF COLUMBIA AND ASSIGNMENT OF JUDGES TO THAT COURT

SEC. 196. (a) Notwithstanding the provisions of title 11 of the District of Columbia Code, as in effect on the date of enactment of this title, the chief judge of the District of Columbia Court of General Sessions (1) shall without additional compensation be responsible for the administration of the Juvenile Court of the District of Columbia during the period beginning on the date of the enactment of this title and ending on the day before the effective date of this title; and (2) may during the same period assign judges of the District of Columbia Court of General Sessions to serve as judges of the Juvenile Court.

(b) Notwithstanding the provisions of chapter 15 of title 11 of the District of Columbia Code as in effect on the date of enactment of this title, the judge appointed to fill the vacancy in the office of chief judge of the Juvenile Court of the District of Columbia existing on that date shall serve as an associate judge of that court.

ASSIGNMENT OF UNITED STATES JUDGES TO SUPERIOR COURT DURING TRANSITION PERIOD

SEC. 197. With respect to the assignments of district judges to the Superior Court of the District of Columbia under subsection (c) of section 292 of title 28, United States Code, as amended by section 172(e) of this Act, during the thirty-month period following the effective date of this title, the approval of the Attorney General of the United States shall not be required.

Ante, p. 591.

REFERENCES TO ABOLISHED AGENCIES AND OFFICES

SEC. 198. Any reference in an amendment made by this title to an agency or office of the government of the District of Columbia abolished by Reorganization Plan Number 5 of 1952 (D.C. Code, title 1, App.) is not to be construed as a reestablishment of that office or agency or as a change in the functions, powers, and duties of the Commissioner of the District of Columbia or of the District of Columbia Council.

66 Stat. 824.

EFFECTIVE DATE

SEC. 199. (a) The effective date of this title (and the amendments made by this title) shall be the first day of the seventh calendar month which begins after the date of the enactment of this Act.

(b) Notwithstanding subsection (a), the following provisions shall take effect as provided in the following paragraphs:

(1) The provisions of chapter 25 (relating to attorneys) of title 11 of the District of Columbia Code, as contained in the revision made by part A of this title, shall take effect on April 1, 1972. The provisions of chapter 21 (relating to attorneys) of title 11 of the District of Columbia Code, in effect on the day before the effective date of this title, shall remain in effect until April 1, 1972; except that during the period beginning on the effective date of this title and ending April 1, 1972, section 11-2103 of such chapter is amended to read as follows:

Ante, p. 520.*Ante*, p. 516.

“§ 11-2103. Disbarment by District Court upon conviction of crime

“When a member of the bar of the United States District Court for the District of Columbia is convicted of an offense involving moral turpitude, and a certified copy of the conviction is presented to the court, the court shall, pending final determination of an appeal from the conviction, suspend the member of the bar from practice. Upon reversal of the conviction the court may vacate or modify the suspension. If a final judgment of conviction is certified to the court, the name of the member of the bar so convicted shall be struck from the roll of the members of the bar and he shall thereafter cease to be a member. Upon the granting of a pardon to a member so convicted, the court may vacate or modify the order of disbarment.”

(2) The provisions of chapter 21 (relating to the Register of Wills) of title 11 of the District of Columbia Code, as contained in the revision made by part A of this title, shall take effect immediately following the expiration of the thirty-month period beginning on the effective date of this title. The provisions of sections 11-504 through 11-506 of title 11 of the District of Columbia Code (relating to the Register of Wills), in effect on the day before the effective date of this title, shall remain in effect until the expiration of such thirty-month period. During such thirty-month period, the United States District Court for the District of Columbia shall fix the compensation of the Register of Wills without regard to chapter 51 and subchapter III of chapter 53 of title 5 of the United States Code, but at a rate not exceeding the maximum rate authorized for GS-16 of the General Schedule.

77 Stat. 480.

80 Stat. 443,
467,
5 USC 5101,
5331.*Ante*, p. 198-1.

(3) The amendments made by the following sections of this title (relating to those matters over which the United States District Court for the District of Columbia retains temporary jurisdiction) shall take effect as follows:

(A) Immediately following the expiration of the eighteen-month period beginning on the effective date of this title in the case of amendments made by sections 150(b), 150(c)(1), 150(c)(3), 150(c)(5)(A)(ii), 150(e), 150(f), 150(g)(3)(A), 150(g)(4), 150(g)(5), 150(g)(8), 150(h), and 150(i)(1).

Ante, p. 567.

Ante, p. 553.

(B) Immediately following the expiration of the thirty-month period beginning on such date in the case of amendments made by sections 144(10), 145(b)(2), 145(k)(1), 145(l), 147(1), 148(2), 149(2), 149(4), 149(6), and 150(a).

The amendments made by section 150 to chapter 5 of title 21 of the District of Columbia Code (relating to hospitalization of the mentally ill) shall not apply with respect to any case pending before the United States District Court for the District of Columbia or the Commission on Mental Health at the expiration of such eighteen-month period.

Ante, p. 476.

(4) Section 146(a)(1) (relating to the repeal of certain review provisions) shall not apply with respect to any appeal from the District of Columbia Court of Appeals over which the United States Court of Appeals for the District of Columbia Circuit has jurisdiction under section 11-301 of title 11 of the District of Columbia Code as in effect immediately before the date of enactment of this Act.

(5) Section 11-722 of the District of Columbia Code, as contained in the revision made by part A of this title, shall take effect with respect to petitions filed after the effective date of this title for review of decisions or orders.

Ante, p. 572.

(6) The amendments made by subpart 2 of part D of this title to section 8 of the Act of March 4, 1913, shall not apply with respect to proceedings brought in the United States District Court for the District of Columbia on or before the effective date of this title.

(7) The amendments made by section 162 shall take effect with respect to petitions filed after the effective date of this title for review of decisions or orders.

(8) Sections 195 and 196 shall take effect on the date of the enactment of this Act.

(c) For purposes of this title and any amendment made by this title, the term "effective date of the District of Columbia Court Reorganization Act of 1970" means the first day of the seventh calendar month which begins after the date of the enactment of this Act.

TITLE II—CRIMINAL LAW AND PROCEDURE

SENTENCING OF MULTIPLE OFFENDERS

31 Stat. 1337.

SEC. 201. (a) Section 907 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (D.C. Code, sec. 22-104), is amended to read as follows:

"Sec. 907. (a) If any person—

"(1) is convicted of a criminal offense (other than a non-moving traffic offense) under a law applicable exclusively to the District of Columbia, and

"(2) was previously convicted of a criminal offense under any law of the United States or of a State or territory of the United States which offense, at the time of the conviction referred to in paragraph (1), is the same as, constitutes, or necessarily includes, the offense referred to in that paragraph,

such person may be sentenced to pay a fine in an amount not more than one and one-half times the maximum fine prescribed for the conviction referred to in paragraph (1) and sentenced to imprisonment for a term not more than one and one-half times the maximum term of imprisonment prescribed for that conviction. If such person was previously convicted more than once of an offense described in paragraph (2), he may be sentenced to pay a fine in an amount not more than three times the maximum fine prescribed for the conviction referred to in paragraph (1) and sentenced to imprisonment for a term not more than three times the maximum term of imprisonment prescribed for

that conviction. No conviction with respect to which a person has been pardoned on the ground of innocence shall be taken into account in applying this section.

“(b) This section shall not apply in the event of conflict with any other provision of law which provides an increased penalty for a specific offense by reason of a prior conviction of the same or any other offense.”

(b) Such Act is amended by adding after section 907 the following new section:

Ante, p. 598.

“SEC. 907A. (a) If—

“(1) any person (A) is convicted in the District of Columbia of a felony, and (B) before the commission of such felony, was convicted of at least two felonies; and

“(2) the court is of the opinion that the history and character of such person and the nature and circumstances of his criminal conduct indicate that extended incarceration or lifetime supervision, or both, will best serve the public interest, the court may, in lieu of any sentence otherwise authorized for the felony referred to in clause (A) of paragraph (1), impose such greater sentence as it deems necessary, including imprisonment for the natural life of such person.

“(b) For purposes of paragraph (1) of subsection (a)—

“(1) a person shall be considered as having been convicted of a felony if he was convicted (A) of a felony in a court of the District of Columbia or of the United States, or (B) in any other jurisdiction of a crime classified as a felony under the laws of that jurisdiction or punishable by imprisonment for more than two years; and

“(2) a person shall be considered as having been convicted of two felonies if his initial sentencing under a conviction of one felony preceded the commission of the second felony for which he was convicted.

No conviction with respect to which a person has been pardoned on the ground of innocence shall be taken into account in applying this section.”

CONSPIRACY

SEC. 202. Such Act of March 3, 1901, is further amended by adding after section 908 the following new section:

“SEC. 908A. (a) If two or more persons conspire either to commit a criminal offense or to defraud the District of Columbia or any court or agency thereof in any manner or for any purpose, each shall be fined not more than \$10,000 or imprisoned not more than five years, or both, except that if the object of the conspiracy is a criminal offense punishable by less than five years, the maximum penalty for the conspiracy shall not exceed the maximum penalty provided for that offense.

“(b) No person may be convicted of conspiracy unless an overt act is alleged and proved to have been committed by one of the conspirators pursuant to the conspiracy and to effect its purpose.

“(c) When the object of a conspiracy contrived within the District of Columbia is to engage in conduct in a jurisdiction outside the District of Columbia which would constitute a criminal offense under an Act of Congress applicable exclusively to the District of Columbia if performed therein, the conspiracy is a violation of this section if (1) such conduct would also constitute a crime under the laws of the other jurisdiction if performed therein, or (2) such conduct would constitute a criminal offense under an Act of Congress exclusively applicable to the District of Columbia even if performed outside the District of Columbia.

31 Stat. 1337,
D.C. Code 22-
105.

"(d) A conspiracy contrived in another jurisdiction to engage in conduct within the District of Columbia which would constitute a criminal offense under an Act of Congress exclusively applicable to the District of Columbia if performed within the District of Columbia is a violation of this section when an overt act pursuant to the conspiracy is committed within the District of Columbia. Under such circumstances, it is immaterial and no defense to a prosecution for conspiracy that the conduct which is the object of the conspiracy would not constitute a crime under the laws of the other jurisdiction."

BREAKING AND ENTERING VENDING MACHINES AND SIMILAR DEVICES

SEC. 203. Whoever in the District of Columbia breaks open, opens, or enters, without right, any parking meter, coin telephone, vending machine dispensing goods or services, money changer, or any other device designed to receive currency, with intent to carry away any part of such device or anything contained therein, shall be sentenced to a term of imprisonment of not more than three years, or to a fine of not more than \$3,000, or both.

PENALTY FOR RAPE

SEC. 204. Section 808 of such Act of March 31, 1901 (D.C. Code, sec. 22-2801), is amended to read as follows:

31 Stat. 1322;
43 Stat. 798.

"SEC. 808. Whoever has carnal knowledge of a female forcibly and against her will or whoever carnally knows and abuses a female child under sixteen years of age, shall be imprisoned for any term of years or for life."

COMMITTING CRIME OF VIOLENCE WHILE ARMED

SEC. 205. (a) Section 2 of the Act entitled "An Act to control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes", approved July 8, 1932 (D.C. Code, sec. 22-3202), is amended to read as follows:

81 Stat. 737.

"SEC. 2. (a) Any person who commits a crime of violence in the District of Columbia when armed with or having readily available any pistol or other firearm (or imitation thereof) or other dangerous or deadly weapon (including a sawed-off shotgun, shotgun, machinegun, rifle, dirk, bowie knife, butcher knife, switchblade knife, razor, blackjack, billy, or metallic or other false knuckles)—

"(1) may, if he is convicted for the first time of having so committed a crime of violence in the District of Columbia, be sentenced, in addition to the penalty provided for such crime, to a period of imprisonment which may be up to life imprisonment; and

"(2) shall, if he is convicted more than once of having so committed a crime of violence in the District of Columbia, be sentenced, in addition to the penalty provided for such crime, to a minimum period of imprisonment of not less than five years and a maximum period of imprisonment which may not be less than three times the minimum sentence imposed and which may be up to life imprisonment.

"(b) Where the maximum sentence imposed under this section is life imprisonment, the minimum sentence imposed under subsection (a) may not exceed fifteen years' imprisonment.

“(c) Any person sentenced under subsection (a) (2) of this section may be released on parole in accordance with the Act of July 15, 1932 (chapter 2 of title 24 of the District of Columbia Code), at any time after having served the minimum sentence imposed under that subsection.

“(d) (1) Chapter 402 of title 18 of the United States Code (Federal Youth Corrections Act) shall not apply with respect to any person sentenced under paragraph (2) of subsection (a).

“(2) The execution or imposition of any term of imprisonment imposed under paragraph (2) of subsection (a) may not be suspended and probation may not be granted.

“(e) Nothing contained in this section shall be construed as reducing any sentence otherwise imposed or authorized to be imposed.

“(f) No conviction with respect to which a person has been pardoned on the ground of innocence shall be taken into account in applying this section.”

(b) Section 13 of such Act is amended by striking out “This” and inserting in lieu thereof the following: “Except as provided in section 2 and section 14 (b) of this Act, this”.

47 Stat. 696;
54 Stat. 242;
61 Stat. 378.
D.C. Code 24-201a.

64 Stat. 1086;
81 Stat. 741.
18 USC 5005-5026.

47 Stat. 653.
D.C. Code 22-3213.

RESISTING ARREST

SEC. 206. Subsection (a) of section 432 of the Revised Statutes relating to the District of Columbia (D.C. Code, sec. 22-505(a)) is amended by inserting at the end thereof the following: “It is neither justifiable nor excusable cause for a person to use force to resist an arrest when such arrest is made by an individual he has reason to believe is a law enforcement officer, whether or not such arrest is lawful.”

INSANE CRIMINALS

SEC. 207. Section 927 of the Act of March 3, 1901 (D.C. Code, sec. 24-301), is amended—

69 Stat. 609;
81 Stat. 735.

(1) by striking out “(a) Whenever a person is arrested” and all that follows down through “is mentally incompetent” in the first sentence of subsection (a) and inserting in lieu thereof the following:

“(a) If it appears to a court having jurisdiction of—

“(1) a person arrested or indicted for, or charged by information with, an offense, or

“(2) a child subject to a transfer motion in the Family Division of the Superior Court of the District of Columbia pursuant to section 16-2307 of the District of Columbia Code, that, from the court's own observations or from prima facie evidence submitted to it and prior to the imposition of sentence, the expiration of any period of probation, or the hearing on the transfer motion, as the case may be, such person or child (hereafter in this subsection and subsection (b) referred to as the ‘accused’) is of unsound mind or is mentally incompetent”;

Ante, p. 527.

(2) by striking out the period at the end of the second sentence of subsection (a) and inserting in lieu thereof “or to participate in transfer proceedings.”;

(3) by inserting after “stand trial” in the third sentence of subsection (a) “or to participate in transfer proceedings”;

69 Stat. 609.

(4) by inserting after "stand trial" in both places it appears in subsection (b) "or to participate in transfer proceedings";

(5) by amending subsection (d) to read as follows:

"(d) (1) If any person tried upon an indictment or information for an offense raises the defense of insanity and is acquitted solely on the ground that he was insane at the time of its commission, he shall be committed to a hospital for the mentally ill until such time as he is eligible for release pursuant to this subsection or subsection (e).

"(2) A person confined pursuant to paragraph (1) shall have a hearing, unless waived, within 50 days of his confinement to determine whether he is entitled to release from custody. At the conclusion of the criminal action referred to in paragraph (1) of this subsection, the court shall provide such person with representation by counsel—

"(A) in the case of a person who is eligible to have counsel appointed by the court, by continuing any appointment of counsel made to represent such person in the prior criminal action or by appointing new counsel; or

"(B) in the case of a person who is not eligible to have counsel appointed by the court, by assuring representation by retained counsel.

If the hearing is not waived, the court shall cause notice of the hearing to be served upon the person, his counsel, and the prosecuting attorney and hold the hearing. Within ten days from the date the hearing was begun, the court shall determine the issues and make findings of fact and conclusions of law with respect thereto. The person confined shall have the burden of proof. If the court finds by a preponderance of the evidence that the person confined is entitled to his release from custody, either conditional or unconditional, the court shall enter such order as may appear appropriate.

"(3) An appeal may be taken from an order entered under paragraph (2) to the court having jurisdiction to review final judgments of the court entering the order.";

81 Stat. 735.

(6) by adding at the end of subsection (j) the following sentence: "No person accused of an offense shall be acquitted on the ground that he was insane at the time of its commission unless his insanity, regardless of who raises the issue, is affirmatively established by a preponderance of the evidence."; and

(7) by adding at the end thereof the following new subsection:

"(k) (1) A person in custody or conditionally released from custody, pursuant to the provisions of this section, claiming the right to be released from custody, the right to any change in the conditions of his release, or other relief concerning his custody, may move the court having jurisdiction to order his release, to release him from custody, to change the conditions of his release, or to grant other relief.

"(2) A motion for relief may be made at any time after a hearing has been held or waived pursuant to subsection (d) (2) of this section.

"(3) Unless the motion and the files and records of the case conclusively show that the person is entitled to no relief, the court shall cause notice thereof to be served upon the prosecuting authority, grant a prompt hearing thereon, determine the issues, and make findings of fact and conclusions of law with respect thereto. On all issues raised by his motion, the person shall have the burden of proof. If the court finds by a preponderance of the evidence that the person is entitled to his release from custody, either conditional or unconditional, a change in the conditions of his release, or other relief, the court shall enter such order as may appear appropriate.

"(4) A court may entertain and determine the motion without requiring the production of the persons at the hearing.

"(5) A court shall not be required to entertain a second or successive motion for relief under this section more often than once every six months. A court for good cause shown may in its discretion entertain such a motion more often than once every six months.

"(6) An appeal may be taken from an order entered under this section to the court having jurisdiction to review final judgments of the court entering the order.

"(7) An application for habeas corpus on behalf of a person who is authorized to apply for relief by motion pursuant to this section shall not be entertained if it appears that the applicant has failed to apply for relief, by motion, to the court having jurisdiction to entertain a motion pursuant to this section, unless it also appears that the remedy by motion is inadequate or ineffective to test the validity of his detention."

NARCOTIC DRUGS

SEC. 208. Section 23 of the Uniform Narcotic Drug Act (D.C. Code, sec. 33-423) is amended to read as follows:

70 Stat. 622.

"SEC. 23. (a) Except as hereinafter provided, a person violating any provision of this Act, or any regulation made by the Commissioner of the District of Columbia or the District of Columbia Council under authority of this Act, for which no specific penalty is otherwise provided, shall be fined not less than \$100 nor more than \$1,000, or imprisoned for not more than one year, or both.

"(b) A person convicted of an offense punishable pursuant to this section, who shall have previously been convicted in the District of Columbia of such an offense, or who shall have previously been convicted, either in the District of Columbia or elsewhere, of a violation of the laws of the United States or of a State or subdivision thereof which would have been a violation of this Act and punishable pursuant to this section if committed in the District of Columbia and prosecuted pursuant to this Act, shall be fined not less than \$500 nor more than \$5,000 or imprisoned for not more than ten years, or both.

"(c) For additional penalties for two or more violations of this Act, see sections 907 and 907A of the Act of March 3, 1901 (as amended by title II of the District of Columbia Court Reform and Criminal Procedure Act of 1970)."

Ante, p. 598.

EXPLOSIVE DEVICES

SEC. 209. The Act entitled "An Act to control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes", approved July 8, 1932 (D.C. Code, sec. 22-3201 et seq.), is amended by adding after section 15 (D.C. Code, sec. 22-3215) the following new section:

47 Stat. 650.

"MOLOTOV COCKTAILS AND OTHER EXPLOSIVE DEVICES

"SEC. 15A (a) No person shall within the District of Columbia manufacture, transfer, use, possess, or transport a molotov cocktail. As used in this subsection, the term 'molotov cocktail' means (1) a breakable container containing flammable liquid and having a wick or a similar device capable of being ignited, or (2) any other device designed to explode or produce uncontained combustion upon impact; but such term does not include a device lawfully and commercially manufactured primarily for the purpose of illumination, construction work, or other lawful purpose.

Definition.

"(b) No person shall manufacture, transfer, use, possess, or transport any device, instrument, or object designed to explode or produce

uncontained combustion, with the intent that the same may be used unlawfully against any person or property.

“(c) No person shall, during a state of emergency in the District of Columbia declared by the Commissioner pursuant to law, or during a situation in the District of Columbia concerning which the President has invoked any provision of chapter 15 of title 10, United States Code, manufacture, transfer, use, possess, or transport any device, instrument, or object designed to explode or produce uncontained combustion, except at his residence or place of business.

“(d) Whoever violates this section shall (1) for the first offense, be sentenced to a term of imprisonment of not less than one and not more than five years, (2) for the second offense, be sentenced to a term of imprisonment of not less than three and not more than fifteen years, and (3) for the third or subsequent offense, be sentenced to a term of imprisonment of not less than five years and of any term of years up to life imprisonment. In the case of a person convicted of a third or subsequent violation of this section, chapter 402 of title 18, United States Code (Federal Youth Corrections Act) shall not apply.”

70A Stat. 15;
82 Stat. 841.
10 USC 331-
336.

64 Stat. 1086;
81 Stat. 741.
18 USC 5005-
5026.

31 Stat. 1340.
D.C. Code 23-
101 to 23-909.

CODIFICATION OF TITLE 23 OF DISTRICT OF COLUMBIA CODE

SEC. 210. (a) The general and permanent laws of the District of Columbia relating to criminal procedure are revised, codified, and enacted as title 23 of the District of Columbia Code, “Criminal Procedure”, and may be cited “D.C. Code, sec.”, as follows:

“TITLE 23.—CRIMINAL PROCEDURE

“Chap.	Sec.
“1. General Provisions.....	23-101
“3. Indictments and Informations.....	23-301
“5. Warrants and Arrests.....	23-501
“7. Extradition and Fugitives from Justice.....	23-701
“9. Fresh Pursuit.....	23-901
“11. Professional Bondsmen.....	23-1101
“13. Bail Agency and Pretrial Detention.....	23-1301
“15. Out-of-State Witnesses.....	23-1501
“17. Death Penalty.....	23-1701

“Chapter 1.—GENERAL PROVISIONS

“Sec.	
“23-101.	Conduct of prosecutions.
“23-102.	Abandonment of prosecution; enlargement of time for taking action.
“23-103.	Statements prior to sentence.
“23-104.	Appeals by United States and District of Columbia.
“23-105.	Challenges to jurors.
“23-106.	Witnesses for defense; fees.
“23-107.	Discharge or acquittal of joint defendant during trial in order to be witness.
“23-108.	Depositions.
“23-109.	Powers of investigators assigned to United States attorney.
“23-110.	Remedies on motion attacking sentence.
“23-111.	Proceedings to establish previous convictions.
“23-112.	Consecutive and concurrent sentences.

“§ 23-101. Conduct of prosecutions

“(a) Prosecutions for violations of all police or municipal ordinances or regulations and for violations of all penal statutes in the nature of police or municipal regulations, where the maximum punishment is a fine only, or imprisonment not exceeding one year, shall be conducted in the name of the District of Columbia by the Corporation Counsel for the District of Columbia or his assistants, except as otherwise provided in such ordinance, regulation, or statute, or in this section.

“(b) Prosecutions for violations of section 6 of the Act of July 29, 1892 (D.C. Code, sec. 22-1107), relating to disorderly conduct, and for violations of section 9 of that Act (D.C. Code, sec. 22-1112), relating to lewd, indecent, or obscene acts, shall be conducted in the name of the District of Columbia by the Corporation Counsel or his assistants.

30 Stat. 723.

67 Stat. 92.

“(c) All other criminal prosecutions shall be conducted in the name of the United States by the United States attorney for the District of Columbia or his assistants, except as otherwise provided by law.

“(d) An indictment or information brought in the name of the United States may include, in addition to offenses prosecutable by the United States, offenses prosecutable by the District of Columbia, and such prosecution may be conducted either solely by the Corporation Counsel or his assistants or solely by the United States attorney or his assistants if the other prosecuting authority consents.

“(e) Separate indictments or informations, or both, charging offenses prosecutable by the District of Columbia and by the United States may be joined for trial if the offenses charged therein could have been joined in the same indictment. Such prosecution may be conducted either solely by the Corporation Counsel or his assistants or solely by the United States attorney or his assistants if the other prosecuting authority consents.

“(f) If in any case any question shall arise as to whether, under this section, the prosecution should be conducted by the Corporation Counsel or by the United States attorney, the presiding judge shall forthwith, either on his own motion or upon suggestion of the Corporation Counsel or the United States attorney, certify the case to the District of Columbia Court of Appeals, which court shall hear and determine the question in a summary way. In every such case the defendant or defendants shall have the right to be heard in the District of Columbia Court of Appeals. The decision of such court shall be final.

“§ 23-102. Abandonment of prosecution; enlargement of time for taking action

“If any person charged with a criminal offense shall have been committed or held to bail to await the action of the grand jury and within nine months thereafter the grand jury shall not have taken action on the case, either by ignoring the charge or by returning an indictment, the prosecution of such charge shall be deemed to have been abandoned and the accused shall be set free or his bail discharged, as the case may be: but, the court having jurisdiction to try the offense for which the person has been committed, when practicable and upon good cause shown in writing and upon due notice to the accused, may from time to time enlarge the time for the taking action in such case by the grand jury.

“§ 23-103. Statements prior to sentence

“Before imposing sentence the court may disclose to the defendant's counsel and to the prosecuting attorney, but not to one and not the other, all or part of any pre-sentencing report submitted to the court in the case. The court also prior to imposing sentence shall afford counsel an opportunity to speak on behalf of the defendant and shall address the defendant personally and ask him if he wishes to make a statement in his own behalf and to present any information in mitigation of punishment. At any time when the defendant or his counsel addresses the court on the sentence to be imposed, the prosecuting attorney shall, if he wishes, have an equivalent opportunity to address the court and to make a recommendation to the court on the sentence

to be imposed and to present information in support of his recommendation. Such information as the defendant or his counsel or the prosecuting attorney may present shall at all times be subject to the applicable rules of mutual discovery.

“§ 23-104. Appeals by United States and District of Columbia

“(a) (1) The United States or the District of Columbia may appeal an order, entered before the trial of a person charged with a criminal offense, which directs the return of seized property, suppresses evidence, or otherwise denies the prosecutor the use of evidence at trial, if the United States attorney or the Corporation Counsel conducting the prosecution for such violation certifies to the judge who granted such motion that the appeal is not taken for purpose of delay and the evidence is a substantial proof of the charge pending against the defendant.

“(2) A motion for return of seized property or to suppress evidence shall be made before trial unless opportunity therefor did not exist or the defendant was not aware of the grounds for the motion.

“(b) The United States or the District of Columbia may appeal a ruling made during the trial of a person charged with a criminal offense which suppresses or otherwise denies the prosecutor the use of evidence on the ground that it was invalidly obtained, if the United States attorney or the Corporation Counsel conducting the prosecution for such violation certifies to the judge who made the ruling that the appeal is not taken for purpose of delay and that the evidence is a substantial proof of the charge being tried against the defendant. The trial court shall adjourn the trial until the appeal shall be resolved; except that, if the decision on appeal has not been rendered within the ninety-six-hour period following the adjournment of the trial, the trial shall resume on the next day of regular court business following the expiration of the ninety-six-hour period, and the appeal shall be deemed void and without effect.

“(c) The United States or the District of Columbia may appeal an order dismissing an indictment or information or otherwise terminating a prosecution in favor of a defendant or defendants as to one or more counts thereof, except where there is an acquittal on the merits.

“(d) The United States or the District of Columbia may appeal any other ruling made during the trial of a person charged with an offense which the United States attorney or the Corporation Counsel certifies as involving a substantial and recurring question of law which requires appellate resolution. Such an appeal may be taken only during the trial and only with leave of the court. The trial court shall adjourn the trial until the appeal shall be resolved; except that, if the decision on appeal has not been rendered within the ninety-six-hour period following the adjournment of the trial, the trial shall resume on the next day of regular court business following the expiration of the ninety-six-hour period, and the appeal shall be deemed void and without effect.

“(e) Any appeal taken pursuant to this section either before or during trial shall be expedited. If an appeal is taken pursuant to subsection (b) or (d) during trial, the appellate court shall hear argument on such appeal within forty-eight hours of the adjournment of the trial pursuant to that subsection, shall dispense with any requirement of written briefs other than the supporting materials previously submitted to the trial court, shall render its decision within forty-eight hours of argument on appeal, and may dispense with the issuance of a written opinion in rendering its decision. Such appeal and decision shall not affect the right of the defendant, in a subsequent appeal from a judgment of conviction, to claim as error reversal by the trial court on remand of a ruling appealed from during trial.

“(f) Pending the prosecution and determination of an appeal taken pursuant to this section, the defendant shall be detained or released in accordance with chapter 13 of this title.

Post, p. 639.

“§ 23-105. Challenges to jurors

“(a) In a trial for an offense punishable by death, each side is entitled to twenty peremptory challenges. In a trial for an offense punishable by imprisonment for more than one year, each side is entitled to ten peremptory challenges. In all other criminal cases, each side is entitled to three peremptory challenges. If there is more than one defendant, or if a case is prosecuted both by the United States and by the District of Columbia, the court may allow additional peremptory challenges and permit them to be exercised separately or jointly, but in no event shall one side be entitled to more peremptory challenges than the other.

“(b) The court may direct that jurors in addition to the regular jury be called and impaneled to sit as alternate jurors. In addition to those otherwise allowed, each side is entitled to one peremptory challenge if one or two alternate jurors are to be impaneled, to two peremptory challenges if three or four alternate jurors are to be impaneled, and to three peremptory challenges if five or six alternate jurors are to be impaneled.

“(c) Any juror or alternate juror may be challenged for cause.

“(d) No verdict shall be set aside for any cause which might be alleged as ground for challenge of a juror before the jury is sworn, except when the objection to the juror is that he had a bias against the defendant such as would have disqualified him, such disqualification was not known to or suspected by the defendant or his counsel before the juror was sworn, and the basis for such disqualification was the subject of examination or request for examination of the prospective jurors by or on request of the defendant.

“§ 23-106. Witnesses for defense; fees

“The court shall order at any time that a subpoena be issued for service upon a named witness on behalf of a defendant if the defendant makes an application for such an order and makes a satisfactory showing that he is financially unable to pay the fees of the witness and that the presence of the witness is necessary to an adequate defense. If the court orders the subpoena to be issued the costs incurred by the process and the fees of the witness so subpoenaed shall be paid in the same manner in which similar costs and fees are paid in case of a witness subpoenaed in behalf of the prosecuting authority.

“§ 23-107. Discharge or acquittal of joint defendant during trial in order to be witness

“(a) When two or more persons are jointly indicted or charged by information, or charged by separate indictments or informations which have been joined for trial, the court may, with the consent of the prosecuting authority, direct that a defendant who has not gone into his defense be discharged so that he may be a witness for the prosecution.

“(b) When two or more persons are jointly tried, a person desiring that another defendant testify on his behalf may request a judgment of acquittal on behalf of such defendant, which the court shall consider in the same manner as a motion made by such defendant.

“(c) At the request of a defendant who wishes to testify on behalf of another person with whom he is jointly tried, if the evidence against

such defendant is sufficient to be submitted to the jury and if such other person consents, the court may submit the case concerning such defendant to the jury separately so that his testimony may not be considered against him by such jury.

“(d) A discharge granted pursuant to subsection (a), or an acquittal secured pursuant to subsection (b) or (c), shall be a bar to another prosecution for the same offense of the defendant so discharged or acquitted.

“§ 23-108. Depositions

“(a) If a material witness for either the prosecution or the defendant resides more than twenty-five miles from the place of holding court, is sick or infirm, or is about to leave the District of Columbia, and the prosecution or the defendant applies in writing to the court for a commission to examine such witness, the court may grant the commission and enter an order stating for what length of time notice shall be given to the other party before such witness shall be examined. At or before the time fixed in the notice, when the examination is upon written interrogatories, the other party may file cross-interrogatories. When the examination is conducted orally, the other party may cross-examine the deponent. If the other party fails to file written interrogatories or fails to attend an oral examination, the clerk shall file the following interrogatories:

“(1) Are all your statements in the foregoing answers made from your own personal knowledge? If not, show what is stated upon information and give its source.

“(2) State everything you know in addition to what is stated in your above answers concerning this case favorable to either the prosecution or the defendant.”

“(b) The court may order in any case that the examination be conducted orally.

“(c) The commission shall issue from the clerk's office, the examination of the witnesses shall be made and certified, and the return thereof made in the same manner as in civil cases, and unimportant irregularities or errors in the proceedings under the commission shall not cause the deposition to be excluded where no substantial prejudice can be wrought to the prosecution or the defendant by such irregularities or errors.

Copies.

“(d) Copies of the depositions or answers to interrogatories shall be made available to all of the parties upon the completion of the examination.

“§ 23-109. Powers of investigators assigned to United States attorney

“Any special investigator appointed by the Attorney General and assigned to the United States attorney for the District shall have authority to execute all lawful writs, process, and orders issued under authority of the United States, and command all necessary assistance to execute his duties, and shall have the same powers to make arrests as are possessed by members of the Metropolitan Police Department of the District of Columbia.

“§ 23-110. Remedies on motion attacking sentence

“(a) A prisoner in custody under sentence of the Superior Court claiming the right to be released upon the ground that (1) the sentence was imposed in violation of the Constitution of the United States or the laws of the District of Columbia, (2) the court was without jurisdiction to impose the sentence, (3) the sentence was in excess of the maximum authorized by law, (4) the sentence is otherwise subject to collateral attack, may move the court to vacate, set aside, or correct the sentence.

“(b) A motion for such relief may be made at any time.

“(c) Unless the motion and files and records of the case conclusively show that the prisoner is entitled to no relief, the court shall cause notice thereof to be served upon the prosecuting authority, grant a prompt hearing thereon, determine the issues, and make findings of fact and conclusions of law with respect thereto. If the court finds that (1) the judgment was rendered without jurisdiction, (2) the sentence imposed was not authorized by law or is otherwise open to collateral attack, (3) there has been such a denial or infringement of the constitutional rights of the prisoner as to render the judgment vulnerable to collateral attack, the court shall vacate and set the judgment aside and shall discharge the prisoner, resentence him, grant a new trial, or correct the sentence, as may appear appropriate.

“(d) A court may entertain and determine the motion without requiring the production of the prisoner at the hearing.

“(e) The court shall not be required to entertain a second or successive motion for similar relief on behalf of the same prisoner.

“(f) An appeal may be taken to the District of Columbia Court of Appeals from the order entered on the motion as from a final judgment on application for a writ of habeas corpus.

“(g) An application for a writ of habeas corpus in behalf of a prisoner who is authorized to apply for relief by motion pursuant to this section shall not be entertained by the Superior Court or by any Federal or State court if it appears that the applicant has failed to make a motion for relief under this section or that the Superior Court has denied him relief, unless it also appears that the remedy by motion is inadequate or ineffective to test the legality of his detention.

“§ 23-111. Proceedings to establish previous convictions

“(a)(1) No person who stands convicted of an offense under the laws of the District of Columbia shall be sentenced to increased punishment by reason of one or more previous convictions, unless prior to trial or before entry of a plea of guilty, the United States attorney or the Corporation Counsel, as the case may be, files an information with the clerk of the court, and serves a copy of such information on the person or counsel for the person, stating in writing the previous convictions to be relied upon. Upon a showing by the Government that facts regarding previous convictions could not with due diligence be obtained prior to trial or before entry of a plea of guilty, the court may postpone the trial or the taking of the plea of guilty for a reasonable period for the purpose of obtaining such facts. Clerical mistakes in the information may be amended at any time prior to the pronouncement of sentence.

“(2) An information may not be filed under this section if the increased punishment which may be imposed is imprisonment for a term in excess of three years, unless the person either waived or was afforded prosecution by indictment for the offense for which such increased punishment may be imposed.

“(b) If the prosecutor files an information under this section, the court shall, after conviction but before pronouncement of sentence, inquire of the person with respect to whom the information was filed whether he affirms or denies that he has been previously convicted as alleged in the information, and shall inform him that any challenge to a previous conviction which is not made before sentence is imposed may not thereafter be raised to attack the sentence.

“(c)(1) If the person denies any allegation of the information of previous conviction, or claims that any conviction alleged is invalid, he shall file a written response to the information. A copy of the response shall be served upon the prosecutor. The court shall hold a

hearing to determine any issues raised by the response which would except the person from increased punishment. The failure of the Government to include in the information the complete criminal record of the person or any facts in addition to the convictions to be relied upon shall not constitute grounds for invalidating the notice given in the information required by subsection (a) (1). The hearing shall be before the court without a jury and either party may introduce evidence. Except as otherwise provided in paragraph (2) of this subsection, the prosecuting authority shall have the burden of proof beyond a reasonable doubt on any issue of fact. At the request of either party, the court shall enter findings of fact and conclusions of law.

“(2) A person claiming that a conviction alleged in the information was obtained in violation of the Constitution of the United States shall set forth his claim, and the factual basis therefor, with particularity in his response to the information. The person shall have the burden of proof by a preponderance of the evidence on any issue of fact raised by the response. Any challenge to a previous conviction, not raised by response to the information before an increased sentence is imposed in reliance thereon, shall be waived unless good cause be shown for failure to make a timely challenge.

“(d) (1) If the person files no response to the information, or if the court determines, after hearing, that the person is subject to increased punishment by reason of previous convictions, the court shall proceed to impose sentence upon him as provided by law.

“(2) If the court determines that the person has not been convicted as alleged in the information, that a conviction alleged in the information is invalid, or that the person is otherwise not subject to an increased sentence as a matter of law, the court shall, at the request of the prosecutor, postpone sentence to allow an appeal from that determination. If no such request is made, the court shall impose sentence as provided by law. The person may appeal from an order postponing sentence as if sentence had been pronounced and a final judgment of conviction entered.

“§ 23-112. Consecutive and concurrent sentences

“A sentence imposed on a person for conviction of an offense shall, unless the court imposing such sentence expressly provides otherwise, run consecutively to any other sentence imposed on such person for conviction of an offense, whether or not the offense (1) arises out of another transaction, or (2) arises out of the same transaction and requires proof of a fact which the other does not.

“Chapter 3.—INDICTMENTS AND INFORMATIONS

“SUBCHAPTER I—GENERAL PROVISIONS

“Sec.

“23-301. Prosecution by indictment or information.

“SUBCHAPTER II—JOINDER

“23-311. Joinder of offenses and of defendants.

“23-312. Joinder of indictments or informations for trial.

“23-313. Relief from prejudicial joinder.

“23-314. Joinder of inconsistent offenses concerning the same property.

“SUBCHAPTER III—SUFFICIENCY

“23-321. Description of money.

“23-322. Intent to defraud.

“23-323. Perjury.

“23-324. Subornation of perjury.

“SUBCHAPTER I—GENERAL PROVISIONS

“§ 23-301. Prosecution by indictment or information

“An offense prosecuted in the Superior Court which may be punished by death shall be prosecuted by indictment returned by a grand jury. An offense which may be punished by imprisonment for a term exceeding one year shall be prosecuted by indictment, but it may be prosecuted by information if the defendant, after he has been advised of the nature of the charge and of his rights, waives in open court prosecution by indictment. Any other offense may be prosecuted by indictment or by information. An information subscribed by the proper prosecuting officer may be filed without leave of court.

“SUBCHAPTER II—JOINDER

“§ 23-311. Joinder of offenses and of defendants

“(a) Two or more offenses may be charged in the same indictment or information in a separate count for each offense if the offenses charged, whether felonies or misdemeanors or both, are of the same or similar character or are based on the same act or transaction or on two or more acts or transactions connected together or constituting parts of a common scheme or plan.

“(b) Two or more offenses may be charged in the same indictment or information as provided in subsection (a) even though one or more is in violation of the laws of the United States and another is in violation of the laws applicable exclusively to the District of Columbia and may be prosecuted as provided in section 11-502(3).

Ante, p. 477.

“(c) Two or more defendants may be charged in the same indictment or information if they are alleged to have participated in the same act or transaction or in the same series of acts or transactions constituting an offense or offenses. Such defendants may be charged in one or more counts together or separately and all of the defendants need not be charged in each count.

“§ 23-312. Joinder of indictments or informations for trial

“The court may order two or more indictments or informations or both to be tried together if the offenses, and the defendants if there is more than one, could have been joined in a single indictment or information. The procedure shall be the same as if the prosecution were under such single indictment or information.

“§ 23-313. Relief from prejudicial joinder

“If it appears that a defendant or the government is prejudiced by a joinder of offenses or of defendants in an indictment or information or by such joinder for trial together, the court may order an election or separate trials of counts, grant a severance of defendants, or provide whatever other relief justice requires. In ruling on a motion by a defendant for severance the court may order the attorney for the government to deliver to the court for inspection in camera any statements or confessions made by the defendants which the government intends to introduce in evidence at the trial.

“§ 23-314. Joinder of inconsistent offenses concerning the same property

“An indictment or information may contain a count for larceny, a count for obtaining the same property by false pretenses, a count for embezzlement thereof, and a count for receiving or concealing the same property, knowing it to be stolen or embezzled, or any of such counts, and the jury may convict of any of such offenses, and may find any or all of the persons indicted guilty of any of said offenses.

“SUBCHAPTER III—SUFFICIENCY

“§ 23-321. Description of money

“In every indictment or information, except for forgery, in which it is necessary to make an averment as to any money or bank bill or notes, United States Treasury notes, postal and fractional currency, or other bills, bonds, or notes, issued by lawful authority and intended to pass and circulate as money, it shall be sufficient to describe such money, bills, notes, currency, or bonds simply as money, without specifying any particular coin, note, bill, or bond; and such allegation shall be sustained by proof that the accused has stolen or embezzled any amount of coin, or any such note, bill, currency, or bond, although the particular amount or species of such coin, note, bill, currency, or bond be not proved.

“§ 23-322. Intent to defraud

“In an indictment or information in which it is necessary to allege an intent to defraud, it shall be sufficient to allege that the party accused did the act complained of with intent to defraud, without alleging an intent to defraud any particular person or body corporate. On the trial of such an indictment or information it shall not be necessary to prove an intent to defraud any particular person, but it shall be sufficient to prove a general intent to defraud.

“§ 23-323. Perjury

“In every information or indictment for perjury, it shall be sufficient to set forth the substance of the offense charged upon the defendant, and by what court, or before whom the oath was taken (averring such court, or person or persons, to have a competent authority to administer the same) together with the proper averment or averments to falsify the matter or matters wherein the perjury or perjuries is or are assigned; without setting forth the bill, answer, information, indictment, declaration, or any part of any record of proceeding either in law or equity, other than as aforesaid; and without setting forth the commission or authority of the court, or person or persons before whom the perjury was committed; any law, usage, or custom to the contrary notwithstanding.

“§ 23-324. Subordination of perjury

“In every information or indictment for subornation of perjury, or for corrupt bargaining or contracting with others to commit perjury, it shall be sufficient to set forth the substance of the offense charged upon the defendant, without setting forth the bill, answer, information, indictment, declaration, or any part of any record or proceeding either in law or equity, and without setting forth the commission or authority of the court, or person or persons before whom the perjury was committed, or was agreed or promised to be committed, any law, usage, or custom to the contrary notwithstanding.

“Chapter 5.—WARRANTS AND ARRESTS

“SUBCHAPTER I—DEFINITIONS

“Sec.

“23-501. Definitions.

“SUBCHAPTER II—SEARCH WARRANTS

“23-521. Nature and issuance of search warrants.

“23-522. Applications for search warrants.

“23-523. Time of execution of search warrants.

“23-524. Execution of search warrants.

“23-525. Disposition of property.

“SUBCHAPTER III—WIRE INTERCEPTION AND INTERCEPTION OF
ORAL COMMUNICATIONS

“Sec.

“23-541. Definitions.

“23-542. Interception, disclosure, and use of wire or oral communications prohibited.

“23-543. Possession, sale, distribution, manufacture, assembly, and advertising of wire or oral communication intercepting devices prohibited.

“23-544. Confiscation of wire or oral communication intercepting devices.

“23-545. Immunity of witnesses.

“23-546. Applications for authorization or approval of interception of wire or oral communications.

“23-547. Procedure for authorization or approval of interception of wire or oral communications.

“23-548. Additional procedure for approval of interception of wire or oral communications.

“23-549. Maintenance and custody of records.

“23-550. Inventory.

“23-551. Procedure for disclosure and suppression of intercepted wire or oral communications.

“23-552. Government appeals.

“23-553. Authorization for disclosure and use of intercepted wire or oral communications.

“23-554. Authorization for recovery of civil damages.

“23-555. Reports concerning intercepted wire or oral communications.

“23-556. Relation to Federal law on wire interception and interception of oral communications.

“SUBCHAPTER IV—ARREST WARRANT AND SUMMONS

“23-561. Issuance, form, and contents.

“23-562. Execution and return.

“23-563. Territorial and other limits.

“SUBCHAPTER V—ARREST WITHOUT WARRANT

“23-581. Arrests without warrant by law enforcement officers.

“23-582. Arrests without warrant by other persons.

“SUBCHAPTER VI—AUTHORITY TO BREAK AND ENTER
UNDER CERTAIN CONDITIONS

“23-591. Authority to break and enter under certain conditions.

“SUBCHAPTER I—DEFINITIONS

“§ 23-501. Definitions

“As used in subchapters II, IV, and V of this chapter—

“(1) The term ‘judicial officer’ means a judge of the Superior Court of the District of Columbia or of the United States District Court for the District of Columbia, or a United States commissioner or magistrate for the District of Columbia.

“(2) The term ‘law enforcement officer’ means an officer or member of the Metropolitan Police Department of the District of Columbia or of any other police force operating in the District of Columbia, or an investigative officer or agent of the United States.

“(3) The term ‘prosecutor’ means the United States Attorney for the District of Columbia or his assistant, the Corporation Counsel of the District of Columbia or his assistant, or an attorney employed by, and who has entered an appearance on behalf of, the United States or the District of Columbia in a criminal case or in an investigation being conducted by a grand jury.

"SUBCHAPTER II—SEARCH WARRANTS

"§ 23-521. Nature and issuance of search warrants

"(a) Under circumstances described in this subchapter, a judicial officer may issue a search warrant upon application of a law enforcement officer or prosecutor. A warrant may authorize a search to be conducted anywhere in the District of Columbia and may be executed pursuant to its terms.

"(b) A search warrant may direct a search of any or all of the following:

- "(1) one or more designated or described places or premises;
- "(2) one or more designated or described vehicles;
- "(3) one or more designated or described physical objects; or
- "(4) designated persons.

"(c) A search warrant may direct the seizure of designated property or kinds of property, and the seizure may include, to such extent as is reasonable under all the circumstances, taking physical or other impressions, or performing chemical, scientific, or other tests or experiments of, from, or upon designated premises, vehicles, or objects.

"(d) Property is subject to seizure pursuant to a search warrant if there is probable cause to believe that it—

- "(1) is stolen or embezzled;
- "(2) is contraband or otherwise illegally possessed;
- "(3) has been used or is possessed for the purpose of being used, or is designed or intended to be used, to commit or conceal the commission of a criminal offense; or
- "(4) constitutes evidence of or tends to demonstrate the commission of an offense or the identity of a person participating in the commission of an offense.

"(e) A search warrant may be addressed to a specific law enforcement officer or to any classification of officers of the Metropolitan Police Department of the District of Columbia or other agency authorized to make arrests or execute process in the District of Columbia.

"(f) A search warrant shall contain—

- "(1) the name of the issuing court, the name and signature of the issuing judicial officer, and the date of issuance;
- "(2) if the warrant is addressed to a specific officer, the name of that officer, otherwise, the classifications of officers to whom the warrant is addressed;
- "(3) a designation of the premises, vehicles, objects, or persons to be searched, sufficient for certainty of identification;
- "(4) a description of the property whose seizure is the object of the warrant;

"(5) a direction that the warrant be executed during the hours of daylight or, where the judicial officer has found cause therefor, including one of the grounds set forth in section 23-522(c) (1), an authorization for execution at any time of day or night;

"(6) where the judicial officer has found cause therefor, including one of the grounds set forth in subparagraph (A), (B), or (D) of section 23-591(c) (2), an authorization that the executing officer may break and enter the dwelling house or other building or vehicles to be searched without giving notice of his identity and purpose; and

"(7) a direction that the warrant and an inventory of any property seized pursuant thereto be returned to the court on the next court day after its execution.

“§ 23-522. Applications for search warrants

“(a) Each application for a search warrant shall be made in writing upon oath or affirmation to a judicial officer.

“(b) Each application shall include—

“(1) the name and title of the applicant;

“(2) a statement that there is probable cause to believe that property of a kind or character described in section 23-521(d) is likely to be found in a designated premise, in a designated vehicle or object, or upon designated persons;

“(3) allegations of fact supporting such statement; and

“(4) a request that the judicial officer issue a search warrant directing a search for and seizure of the property in question.

The applicant may also submit depositions or affidavits of other persons containing allegations of fact supporting or tending to support those contained in the application.

“(c) The application may also contain—

“(1) a request that the search warrant be made executable at any hour of the day or night, upon the ground that there is probable cause to believe that (A) it cannot be executed during the hours of daylight, (B) the property sought is likely to be removed or destroyed if not seized forthwith, or (C) the property sought is not likely to be found except at certain times or in certain circumstances; and

“(2) a request that the search warrant authorize the executing officer to break and enter dwelling houses or other buildings or vehicles to be searched without giving notice of his identity and purpose, upon probable cause to believe that one of the conditions set forth in subparagraph (A), (B), or (D) of section 23-591 (c) (2) is likely to exist at the time and place at which such warrant is to be executed.

Post, p. 630.

Any request made pursuant to this subsection must be accompanied and supported by allegations of fact supporting such request.

“§ 23-523. Time of execution of search warrants

“(a) A search warrant shall not be executed more than ten days after the date of issuance and shall be returned to the court after its execution or expiration in accordance with section 23-521(f) (7).

“(b) A search warrant may be executed on any day of the week and, in the absence of express authorization in the warrant pursuant to section 23-521(f) (5), shall be executed only during the hours of daylight.

“§ 23-524. Execution of search warrants

“(a) An officer executing a warrant directing a search of a dwelling house or other building or a vehicle shall execute such warrant in accordance with section 23-591.

“(b) An officer executing a warrant directing a search of a person shall give, or make reasonable effort to give, notice of his identity and purpose to the person, and, if such person thereafter resists or refuses to permit the search, such person shall be subject to arrest by such officer pursuant to section 23-581(a) for violation of section 432 of the Revised Statutes of the United States relating to the District of Columbia (D.C. Code, sec. 22-505) (resisting a police officer) or other applicable provision of law.

“(c) (1) An officer or agent executing a search warrant shall write and subscribe an inventory setting forth the time of the execution of the search warrant and the property seized under it.

“(2) If the search is of a person, a copy of the warrant and of the return shall be given to that person.

“(3) If the search is of a place, vehicle, or object, a copy of the warrant and of the return shall be given to the owner thereof if he is present, or if he is not, to an occupant, custodian, or other person present; or if no person is present, the officer shall post a copy of the warrant and of the return upon the premises, vehicle, or object searched.

“(d) A copy of the warrant shall be filed with the court whose judge or magistrate authorized its issuance on the next court day after its execution, together with a copy of the return.

“(e) An officer or agent executing a search warrant may seize any property discovered in the course of the lawful execution of such warrant if he has probable cause to believe that such property is subject to seizure under section 23-521(d), even if the property is not enumerated in the warrant or the application therefor, and no additional warrant shall be required to authorize such seizure, if the property is fully set forth in the return. Such seizure may include taking physical or other impressions or performing chemical, scientific, or other tests or experiments.

“(f) An officer or agent executing a search warrant may take photographs and measurements during the execution.

“(g) An officer executing a warrant directing a search of premises or a vehicle may search any person therein (1) to the extent reasonably necessary to protect himself or others from the use of any weapon which may be concealed upon the person, or (2) to the extent reasonably necessary to find property enumerated in the warrant which may be concealed upon the person.

“§ 23-525. Disposition of property

“An officer or agent who seizes property in the execution of a search warrant shall cause it to be safely kept for use as evidence. No property seized shall be released or destroyed except in accordance with law and upon order of a court or of the United States attorney or Corporation Counsel for the District of Columbia or one of their assistants.

“SUBCHAPTER III—WIRE INTERCEPTION AND INTERCEPTION OF ORAL COMMUNICATIONS

“§ 23-541. Definitions

“As used in this subchapter—

“(1) the term ‘wire communication’ means any communication made in whole or in part through the use of facilities for the transmission of communications by the aid of wire, cable, or other like connection between the point of origin and the point of reception furnished or operated by any person engaged as a common carrier in providing or operating such facilities;

“(2) the term ‘oral communication’ means any oral communication uttered by a person exhibiting an expectation that the communication is not subject to interception under circumstances justifying the expectation;

“(3) the term ‘intercept’ means the aural acquisition of the contents of any wire or oral communication through the use of any intercepting device;

“(4) the term ‘intercepting device’ means any electronic, mechanical, or other device or apparatus which can be used to intercept a wire or oral communication other than—

“(A) any telephone or telegraph instrument, equipment, or facility, or any component thereof, (i) furnished to the subscriber or user by a communications common carrier in the ordinary course of its business and being used by the subscriber or user in the ordinary course of its business; or (ii)

being used by a communications common carrier in the ordinary course of its business, or by an investigative or law enforcement officer in the ordinary course of his duties; or

“(B) a hearing aid or similar device being used to correct subnormal hearing to not better than normal;

“(5) the term ‘investigative or law enforcement officer’ means any officer of the United States or of the District of Columbia who is empowered by law to conduct investigations of or to make arrests for offenses enumerated in this subchapter, and any attorney authorized by law to prosecute or participate in the prosecution of such offenses;

“(6) the term ‘contents’, when used with respect to any wire or oral communication, includes any information concerning the identity of the parties to the communication or the existence, substance, purport, or meaning of that communication;

“(7) the term ‘judge’ means a judge of the Superior Court of the District of Columbia, a judge of the District of Columbia Court of Appeals, a judge of the United States District Court for the District of Columbia, and a judge of the United States Court of Appeals for the District of Columbia circuit;

“(8) the term ‘judge of competent jurisdiction’ means, in addition to the judges included in paragraph (7)—

“(A) a judge of a United States district court or a United States court of appeals not in the District of Columbia; and

“(B) a judge of any court of general criminal jurisdiction of a State who is authorized by a statute of that State to enter orders authorizing interceptions of wire or oral communications;

“(9) the term ‘aggrieved person’ means a person who was a party to any intercepted wire or oral communication or a person against whom the interception was directed;

“(10) the term ‘communication common carrier’ has the same meaning which is given the term ‘common carrier’ by section 3(h) of the Communications Act of 1934 (47 U.S.C. 153(h)); and

“(11) the term ‘United States attorney’ means the United States attorney for the District of Columbia or any of his assistants designated by him or otherwise designated by law to act in his place for the particular purpose in question.

48 Stat. 1066.

“§ 23-542. Interception, disclosure, and use of wire or oral communications prohibited

“(a) Except as otherwise specifically provided in this subchapter, any person who in the District of Columbia—

“(1) willfully intercepts, endeavors to intercept, or procures any other person to intercept or endeavor to intercept any wire or oral communication;

“(2) willfully discloses or endeavors to disclose to any other person the contents of any wire or oral communication, or evidence derived therefrom, knowing or having reason to know that the information was obtained through the interception of a wire or oral communication; or

“(3) willfully uses or endeavors to use the contents of any wire or oral communication, or evidence derived therefrom, knowing or having reason to know, that the information was obtained through the interception of a wire or oral communication;

shall be fined not more than \$10,000 or imprisoned not more than five years, or both; except that paragraphs (2) and (3) of this subsection

shall not apply to the contents of any wire or oral communication, or evidence derived therefrom, that has become common knowledge or public information.

“(b) It shall not be unlawful under this section for—

“(1) an operator of a switchboard, or an officer, agent, or employee of a communication common carrier, whose facilities are used in the transmission of a wire communication, to intercept, disclose, or use that communication, in the normal course of his employment while engaged in any activity which is a necessary incident to the rendering of his service or to the protection of the rights or property of the carrier of such communication, or to provide information, facilities, or technical assistance to an investigative or law enforcement officer who, under this subchapter, is authorized to intercept a wire or oral communication, but no communication common carrier shall utilize service observing or random monitoring except for mechanical or service quality control checks;

“(2) a person acting under color of law to intercept a wire or oral communication, where such person is a party to the communication, or where one of the parties to the communication has given prior consent to such interception; or

“(3) a person not acting under color of law to intercept a wire or oral communication, where such person is a party to the communication, or where one of the parties to the communication has given prior consent to such interception, unless such communication is intercepted for the purpose of committing any criminal or tortious act in violation of the Constitution or laws of the United States, any State, or the District of Columbia, or for the purpose of committing any other injurious act.

“§ 23-543. Possession, sale, distribution, manufacture, assembly, and advertising of wire or oral communication intercepting devices prohibited

“(a) Except as otherwise specifically provided in subsection (b) of this section, any person who in the District of Columbia—

“(1) willfully possesses, sells, distributes, manufactures, or assembles an intercepting device, the design of which renders it primarily useful for the purpose of the surreptitious interception of a wire or oral communication; or

“(2) willfully places in any newspaper, magazine, handbill, or other publication any advertisement of—

“(A) any intercepting device, the design of which renders it primarily useful for the purpose of the surreptitious interception of a wire or oral communication; or

“(B) any intercepting device where such advertisement promotes the use of such device for the purpose of the surreptitious interception of a wire or oral communication;

shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

“(b) It shall not be unlawful under this section for—

“(1) a communication common carrier or an officer, agent, or employee of, or a person under contract with a communication common carrier, in the usual course of the communication common carrier's business; or

“(2) a person under contract with the Government of the United States, a State or a political subdivision thereof, or the District of Columbia, or an officer, agent, or employee of the Government of the United States, a State or a political subdivision thereof, or the District of Columbia;

to possess, sell, distribute, manufacture or assemble, or advertise any intercepting device, while acting in furtherance of the appropriate activities of the United States, a State or political subdivision thereof, the District of Columbia, or a communication common carrier.

“§ 23-544. Confiscation of wire or oral communication intercepting devices

“Any intercepting device in the District of Columbia—

- “(1) possessed;
- “(2) used;
- “(3) sold;
- “(4) distributed; or
- “(5) manufactured or assembled;

in violation of section 23-542 or 23-543 may be seized and forfeited to the District of Columbia. Insofar as applicable and not inconsistent with the provisions of this chapter, all provisions of law relating to the seizure, summary and judicial forfeiture, and condemnation of property for violation of the customs laws; the disposition of such property; the remission or mitigation of such forfeitures; the compromise of claims; and the award of compensation to informers in respect of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this title; except that such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs laws shall be performed with respect to seizures and forfeitures of property under this section by such officers, agents or other persons as may be authorized or designated for that purpose by the Commissioner, except to the extent that such duties arise from seizures and forfeitures effected by any customs officer. The proceeds from the sale of any property forfeited under this section shall be deposited in the Treasury to the credit of the general fund of the District of Columbia.

“§ 23-545. Immunity of witnesses

“(a) Whenever a witness refuses, on the basis of his privilege against self-incrimination, to testify or provide other information in a proceeding before a court or grand jury in the District of Columbia involving any violation of this subchapter and the person presiding over the proceeding communicates to the witness an order issued under this section, the witness may not refuse to comply with the order on the basis of his privilege against self-incrimination. But no testimony or other information compelled under the order issued under subsection (b) of this section, or any information obtained by the exploitation of such testimony or other information, may be used against the witness in any criminal case, except a prosecution for perjury, giving a false statement, or otherwise failing to comply with the order.

“(b) In the case of any individual who has been or may be called to testify or provide other information at any proceeding before a court or grand jury in the District of Columbia, the court before which the proceeding is or may be held shall issue, upon the request of the United States attorney, an order requiring such individual to give any testimony or provide any other information which he refuses to give or provide on the basis of his privilege against self-incrimination.

“(c) The United States attorney may, with the approval of the Attorney General or the Deputy Attorney General, or any Assistant Attorney General designated by the Attorney General, request an order under subsection (b) when in the judgment of the United States attorney—

- “(1) the testimony or other information from such individual may be necessary to the public interest; and

"(2) such individual has refused or is likely to refuse to testify or provide other information on the basis of his privilege against self-incrimination.

"§ 23-546. Applications for authorization or approval of interception of wire or oral communications

"(a) The United States attorney may authorize, in writing, any investigative or law enforcement officer to make application to a court for an order authorizing the interception of wire or oral communications.

"(b) The United States attorney may authorize, in writing, any investigative or law enforcement officer to make application to a court for an order of approval of the previous interception of any wire or oral communication, when the contents of such communication—

"(1) relate to an offense other than that specified in an order of authorization;

"(2) were intercepted in an emergency situation; or

"(3) were intercepted in an emergency situation and relate to an offense other than that contemplated at the time the interception was made.

"(c) An application for an order of authorization (as provided in subsection (a) of this section) or of approval (as provided in paragraph (2) of subsection (b) of this section) may be authorized only when the interception of wire or oral communications may provide or has provided evidence of the commission of or a conspiracy to commit any of the following offenses:

"(1) Any of the offenses specified in the Act entitled 'An Act to establish a code of law for the District of Columbia', approved March 3, 1901, and listed in the following table:

"Offense:	Specified in—
31 Stat. 1323. Arson-----	sections 820, 821 (D.C. Code, secs. 22-401, 22-402).
Blackmail-----	section 819 (D.C. Code, sec. 22-2305).
Bribery-----	section 861 (D.C. Code, sec. 22-701).
81 Stat. 736. Burglary-----	section 823 (D.C. Code, sec. 22-1801).
79 Stat. 1307. Destruction of property of value in excess of \$200.	section 848 (D.C. Code, sec. 22-403).
Gambling-----	sections 863, 866, 869e, (D.C. Code, secs. 22-1501, 22-1505, 22-1513).
52 Stat. 198. Grand larceny-----	section 826 (D.C. Code, sec. 22-2201).
67 Stat. 95. Kidnapping-----	section 812 (D.C. Code, sec. 22-2101).
61 Stat. 313. Murder-----	sections 798, 800 (D.C. Code, secs. 22-2401, 22-2403).
50 Stat. 628. Obstruction of justice-----	section 862 (D.C. Code, sec. 22-703).
47 Stat. 858. Receiving stolen property of value in excess of \$100.	section 829 (D.C. Code, sec. 22-2205).
54 Stat. 347. Robbery-----	section 810 (D.C. Code, sec. 22-2901).
81 Stat. 736. 81 Stat. 98.	

"(2) Bribery as specified (A) in the second paragraph under the center heading 'General Expenses' in the first section of the Act of July 1, 1902 (D.C. Code, sec. 22-702), and (B) in the Act of February 26, 1936 (D.C. Code, sec. 22-704).

"(3) Extortion and threats as specified in sections 1501 and 1502 of the Omnibus Crime Control and Safe Streets Act of 1968 (D.C. Code, secs. 22-2306, 22-2307).

"(4) Offenses involving dealing in narcotic drugs, marihuana, and other dangerous drugs as specified in sections 2 and 16 of the Uniform Narcotic Drug Act (D.C. Code, secs. 33-402, 33-416) and section 203 of the Dangerous Drug Act for the District of Columbia (D.C. Code, sec. 33-702).

52 Stat. 787;
70 Stat. 618.
70 Stat. 613.

“§ 23-547. Procedure for authorization or approval of interception of wire or oral communications

“(a) Each application for an order authorizing or approving the interception of a wire or oral communication shall be made in writing upon oath or affirmation to a judge and shall state the applicant’s authority to make the application. Each application shall include—

“(1) the identity of the investigative or law enforcement officer making the application, and the officer authorizing the application;

“(2) a full and complete statement of the facts and circumstances relied upon by the applicant to justify his belief that an order should be issued, including (A) details as to the particular offense that has been, is being, or is about to be committed, (B) a particular description of the nature and location of the facilities from which or the place where the communication is to be or was intercepted, (C) a particular description of the type of communications sought to be or which were intercepted, and (D) the identity of the person, if known, who committed, is committing, or is about to commit the offense and whose communications are to be or were intercepted;

“(3) a full and complete statement as to whether or not other investigative procedures have been tried and failed or why they reasonably appear or appeared to be unlikely to succeed if tried or to be too dangerous;

“(4) a statement of the period of time for which the interception is or was required to be maintained, and if the nature of the investigation is or was such that the authorization for interception should not automatically terminate or should not have automatically terminated when the described type of communication has been or was first obtained, a particular description of facts establishing probable cause to believe that additional communications of the same type will or would occur thereafter;

“(5) a full and complete statement of the facts concerning all previous applications, known to the individual authorizing or making the application, made to any judge for authorization to intercept, or for approval of interceptions of, wire or oral communications involving any of the same persons, facilities, or places specified in the application, and the action taken by the judge on each such application; and

“(6) where the application is for the extension of an order, a statement setting forth the results thus far obtained from the interception, or a reasonable explanation of the failure to obtain results.

“(b) The judge may require the applicant to furnish additional testimony or documentary evidence in support of the application.

“(c) Upon application the judge may enter an ex parte order, as requested or as modified, authorizing or approving interception of wire or oral communications within the District of Columbia, if the judge determines on the basis of the facts submitted by the applicant that—

“(1) there is or was probable cause for belief that the person whose communication is to be or was intercepted is or was committing, has committed, or is about to commit a particular offense enumerated in section 23-546;

“(2) there is or was probable cause for belief that particular communications concerning that offense will or would be obtained through the interception;

“(3) normal investigative procedures have or would have been tried and have or had failed or reasonably appear or appeared to be unlikely to succeed if tried or to be too dangerous; and

“(4) there is or was probable cause for belief that the facilities from which, or the place where, the wire or oral communications are to be or were intercepted were used, are being used, or are about to be used, in connection with the commission of the offense, or are or were leased to, listed in the name of, or commonly used by the person referred to in paragraph (1).

“(d) If the facilities from which a wire communication is to be or was intercepted are or were being used by, are or were about to be used by, or are or were leased to, listed in the name of, or commonly used by, a licensed physician, a licensed attorney, or practicing clergyman, or if the place where an oral communication is to be or was intercepted is or was a place used primarily for habitation by a husband and wife or primarily by a licensed physician, licensed attorney, or practicing clergyman for his own professional purposes, no order authorizing or approving such interception may be issued unless the court, in addition to the matters provided in subsection (c) of this section, determines that—

“(1) such facilities or place are or were being used or are or were about to be used in connection with conspiratorial activities characteristic of organized crime; and

“(2) such interceptions will be so conducted as to minimize or eliminate the number of interceptions of privileged wire or oral communications between licensed physicians and patients, licensed attorneys and clients, practicing clergymen and confidants, and husbands and wives.

No otherwise privileged wire or oral communication intercepted in accordance with, or in violation of, the provisions of this subchapter shall lose its privileged character.

“(e) Each order authorizing or approving the interception of any wire or oral communication shall specify—

“(1) the identity of the person, if known, or otherwise a particular description of the person, if known, whose communications are to be or were intercepted;

“(2) the nature and location of the communication facilities as to which, or the place where, authority to intercept or any approval of interception is or was granted;

“(3) a particular description of the type of communication sought to be or which was intercepted, and a statement of the particular offense to which it relates;

“(4) the identity of the agency authorized to intercept or whose interception is approved, and of the person authorizing the application; and

“(5) the period of time during or for which the interception is authorized or approved, including a statement as to whether or not the interception shall automatically terminate when the described communication has been first obtained.

“(f) An order authorizing the interception of a wire or oral communication shall, upon request of the applicant, direct that a communication common carrier, landlord, custodian, or other person shall furnish the applicant forthwith all information, facilities, or technical assistance necessary to accomplish the interception unobtrusively and with a minimum of interference with the services that such carrier, landlord, custodian, or person is according the person whose communications are to be intercepted. Any communication common carrier, landlord, custodian, or other person furnishing such facilities or technical assistance shall be compensated therefore by the applicant at the prevailing rates.

“(g) No order entered under this section may authorize or approve the interception of any wire or oral communication for any period longer than is necessary to achieve the objective of the authorization, nor in any event longer than thirty days. Extensions of an order may be granted, but only upon application for an extension made in accordance with subsection (a) of this section and the court making the findings required by subsection (c) of this section. The period of extension shall be no longer than the authorizing judge deems necessary to achieve the purposes for which it was granted and in no event for longer than thirty days. Every order and extension thereof shall contain a provision that the authorization to intercept shall be executed as soon as practicable, shall be conducted in such a way as to minimize or eliminate the interception of communications not otherwise subject to interception under this subchapter, and must terminate upon attainment of the authorized objective, or in any event in thirty days.

“(h) Whenever an order authorizing interception is entered pursuant to this subchapter, the order may require reports to be made to the judge who issued the order showing what progress has been made toward achievement of the authorized objective and the need for continued interception. Reports shall be made at such intervals as the judge may require.

“§ 23-548. Additional procedure for approval of interception of wire or oral communications

“(a) Notwithstanding any other provision of this subchapter, any investigative or law enforcement officer, specially designated by the United States attorney for the District of Columbia, who reasonably determines that—

“(1) an emergency situation exists with respect to conspiratorial activities characteristic of organized crime that requires a wire or oral communication to be intercepted before an order authorizing the interception can with due diligence be obtained, and

“(2) there are grounds upon which an order could be entered under this subchapter to authorize interception,

may intercept the wire or oral communication if an application for an order approving the interception is initiated in accordance with this section within twelve hours and is completed within seventy-two hours after the interception has occurred, or begins to occur. In the absence of an order, the interception shall immediately terminate when the communication sought is obtained or when the application for the order is denied, whichever is earlier. In the event the application for approval is denied, or in any other case where the interception is terminated without an order having been issued, the contents of any wire or oral communication intercepted shall be treated as having been obtained in violation of this subchapter, and an inventory shall be served as provided for in section 23-550 on the person named in the application.

“(b) When an investigative or law enforcement officer, while engaged in intercepting wire or oral communications in the manner authorized by this subchapter, intercepts wire or oral communications relating either to offenses other than those specified in the order of authorization or to offenses other than those offenses for which interception was made pursuant to subsection (a) of this section, he shall make an application to a judge as soon as practicable for approval for disclosure and use, in accordance with section 23-553, of the information intercepted.

“§ 23-549. Maintenance and custody of records

“(a) The contents of any wire or oral communication intercepted by any means authorized by this subchapter shall, if possible, be recorded on tape or wire or other comparable device. The recording of the contents of any wire or oral communication under this subchapter shall be done in such way as will protect the recording from editing or other alterations. Immediately upon the expiration of the period of the order, or extensions thereof, the recordings shall be made available to the judge issuing the order and sealed under his directions. Custody of the recordings shall be wherever the judge orders. They shall not be destroyed except upon an order of the issuing or denying judge and in any event shall be kept for ten years. Duplicate recordings may be made for use or disclosure pursuant to the provisions of subsection (a) of section 23-553, for investigations. The presence of the seal provided for by this subsection, or a satisfactory explanation for the absence thereof, shall be a prerequisite for the use or disclosure of the contents of any wire or oral communication or evidence derived therefrom under subsection (b) of section 23-553.

“(b) Applications made and orders granted under this subchapter shall be sealed by the judge. Custody of the applications and orders shall be wherever the judge directs. The applications and orders shall be disclosed only upon a showing of good cause before a judge of competent jurisdiction and shall not be destroyed except on order of the issuing or denying judge, and in any event shall be kept for ten years.

“(c) Any violation of the provisions of this subsection may be punished as contempt of court.

“§ 23-550. Inventory

“(a) Within a reasonable time but not later than ninety days after the filing of an application for an order of approval under section 23-548 which is denied, or the termination of the period of any order or extensions thereof, the issuing or denying judge shall cause to be served, on the persons named in the order or the application, and such other parties to intercepted communications as the judge may determine, in his discretion, are necessary in the interest of justice, an inventory which shall include notice of—

“(1) the fact of the entry of the order or the application for an order of approval which was denied;

“(2) the date of the entry of the order or the denial of the application for an order of approval;

“(3) The period of authorized, approved, or disapproved interception; and

“(4) whether during the period wire or oral communications were intercepted.

The judge, upon the filing of a motion, may in his discretion make available to the person or his counsel for inspection such portions of the intercepted communications, applications, and orders as the judge determines to be in the interest of justice. On an ex parte showing of good cause to a judge, the serving of the inventory required by this subsection may be postponed.

“§ 23-551. Procedure for disclosure and suppression of intercepted wire or oral communications

“(a) The contents of any intercepted wire or oral communication or evidence derived therefrom shall not be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, department, officer, agency, regulatory body, or other authority of the United States or the District of Columbia unless not less than ten days before the trial, hearing, or proceeding—

“(1) the inventory as provided in section 23-550 has been served; and

"(2) the parties to the action have been served with a copy of the order and accompanying application under which the interception was authorized or approved.

This ten-day period may be waived by court order where a court finds that it was not possible to furnish the party with the above information ten days before the trial, hearing, or proceeding and that the party will not be prejudiced by the delay in receiving the information.

"(b) Any aggrieved person in any trial, hearing, or proceeding in or before any court, department, officer, agency, regulatory body, or other authority of the United States or the District of Columbia, may move to suppress the contents of any intercepted wire or oral communication, or evidence derived therefrom, on the grounds that—

"(1) the communication was unlawfully intercepted;

"(2) the order of authorization or approval under which it was intercepted is insufficient on its face;

"(3) the interception was not made in conformity with the order of authorization or approval;

"(4) service was not made as provided in section 23-547; or

"(5) the seal prescribed by subsection (i) of this section is not present and there is no satisfactory explanation for its absence.

The motion shall be made before the trial, hearing or proceeding unless there was no opportunity to make the motion or the person was not aware of the grounds of the motion. If the motion is granted, the contents of the intercepted wire or oral communication, or evidence derived therefrom, shall be treated as having been obtained in violation of this subchapter and shall not be received in evidence in the trial, hearing, or proceeding. The judge, upon the filing of the motion by the aggrieved person, may in his discretion make available to the aggrieved person or his counsel for inspection such portions of the intercepted communication or evidence derived therefrom as the judge determines to be in the interests of justice.

"§ 23-552. Government appeals

"In addition to any other right to appeal, the United States or the District of Columbia, as the case may be, shall have the right to appeal from an order granting a motion to suppress made under section 23-551 or from the denial of an application for an order of approval, if the United States or the District of Columbia, as the case may be, shall certify to the judge or other official granting such motion or denying the application that the appeal is not taken for purposes of delay. Appeal shall be taken within thirty days after the date the order was entered and shall be diligently prosecuted.

"§ 23-553. Authorization for disclosure and use of intercepted wire or oral communications

"(a) Any investigative or law enforcement officer who, by any authorized means and in conformity with this subchapter, has obtained knowledge of the contents of any wire or oral communication, or evidence derived therefrom, may disclose or use such contents or evidence to the extent that such disclosure or use is appropriate to the proper performance of his official duties.

"(b) Any person who, by any authorized means and in conformity with this subchapter, has obtained knowledge of the contents of any wire or oral communication intercepted in accordance with this subchapter, or other lawful authority, or evidence derived therefrom, may disclose the contents of such communication or evidence while giving testimony under oath or affirmation in any criminal trial, hearing, or proceeding before any grand jury or court.

“(c) The contents of any wire or oral communication intercepted in conformity with this subchapter, or evidence derived therefrom, may otherwise be disclosed or used only by court order upon a showing of good cause.

“§ 23-554. Authorization for recovery of civil damages

“(a) Any person whose wire or oral communication is intercepted, disclosed, or used in violation of this subchapter shall—

“(1) have a civil cause of action against any person who intercepts, discloses, or uses, or procures any other person to intercept, disclose, or use, such communications; and

“(2) be entitled to recover from any such person—

“(A) actual damages, but not less than liquidated damages computed at the rate of \$100 a day for each day of violation, or \$1,000 whichever is higher;

“(B) punitive damages; and

“(C) a reasonable attorney’s fee and other litigation costs reasonably incurred.

“(b) Good faith reliance on a court order or legislative authorization shall constitute a complete defense to an action brought under this section or any other law.

“Person.”

“(c) As used in this section, the term ‘person’ includes the District of Columbia. The District of Columbia shall not assert any governmental immunity to avoid liability under this section. Judgment against the District of Columbia shall not constitute a bar to action against any other person.

“§ 23-555. Reports concerning intercepted wire or oral communications

“(a) Within thirty days after the expiration of an order or an extension entered under section 23-547 or 23-548 or the denial of an order of approval, the issuing or denying court shall report to the chief judge of the District of Columbia of Appeals—

“(1) that an order or extension was applied for;

“(2) the kind of order or extension applied for;

“(3) if the order or extension was granted as applied for, was modified, or was denied;

“(4) the period of the interceptions authorized by the order, and the number and duration of any extensions of the order;

“(5) the offense specified in the order or application, or extension of an order;

“(6) the identity of the applying investigative or law enforcement officer, the agency making the application, and the person authorizing the application; and

“(7) the character and location of the facilities from which and the place where communications were (and were to be) intercepted.

“(b) In January of each year the United States Attorney for the District of Columbia shall report to the Congress of the United States and the chief judge of the District of Columbia Court of Appeals—

“(1) the information required by paragraphs (1) through (7) of subsection (a) of this section with respect to each application for an order or extension made during the immediately preceding calendar year;

“(2) a general description of the interceptions made under such order or extension, including—

“(A) the approximate character and frequency of incriminating communications intercepted;

“(B) the approximate character and frequency of other communications intercepted;

“(C) the approximate number of persons whose communications were intercepted; and

“(D) the approximate character, amount, and cost of the manpower and other resources used in the interceptions;

“(3) the number of arrests resulting from interceptions made under such order or extension;

“(4) the offenses for which the arrests were made;

“(5) the number of trials resulting from such interceptions;

“(6) the number of motions to suppress made with respect to such interceptions;

“(7) the number of motions to suppress granted or denied;

“(8) the number of convictions resulting from such interceptions;

“(9) the offenses for which the convictions were obtained;

“(10) a general assessment of the importance of the interceptions; and

“(11) for purposes of comparison, the information required by paragraphs (2) through (10) of this subsection with respect to orders and extensions obtained in other preceding calendar years.

“(c) Reports made pursuant to the section shall be made in accordance with regulations prescribed by the Director of the Administration Office of the United States Courts under section 2519(3) of title 18, United States Code.

82 Stat. 222.

“§ 23-556. Relation to Federal law on wire interception and interception of oral communications

“(a) Sections 23-542, 23-543, 23-545, 23-553, 23-554, and 23-555 of this subchapter shall be construed to supplement, and not to supersede or otherwise limit, the provisions of chapter 119 of title 18, United States Code (relating to wire interception and interception of oral communications).

18 USC 2510-2520.

“(b) Sections 23-546, 23-547, 23-548, 23-549, 23-550, 23-551, and 23-552 of this subchapter shall be construed not to supersede or otherwise limit the provisions of chapter 119 of title 18, United States Code, except in cases of irreconcilable conflict.

“SUBCHAPTER IV—ARREST WARRANT AND SUMMONS

“§ 23-561. Issuance, form, and contents

“(a) (1) A judicial officer may issue a warrant for the arrest of any person upon a sworn complaint which states facts constituting an offense over which the judicial officer has jurisdiction for trial or preliminary examination, and establishing probable cause to believe that the person committed the offense. More than one warrant may issue on the same complaint.

“(2) Upon request of the prosecutor, a summons shall issue instead of an arrest warrant. More than one summons may issue on the same complaint. If a person fails to appear in response to a summons, a warrant shall issue for his arrest.

“(b) (1) An arrest warrant shall be signed by the judicial officer and shall state or contain the name of the issuing court, the date of issuance of the warrant, a description of the offense charged, and the name of the person to be arrested or, if his name is unknown, any name or description by which he can be identified with reasonable certainty. It shall command that the person be arrested and brought before the issuing court or officer. If the complaint establishes probable cause to believe that one of the conditions set out in subparagraphs (A) through (D) of section 23-591(c)(2) is likely to exist at the

time and place at which such warrant is to be executed, the warrant may contain an authorization that it be executed as provided in section 23-591.

“(2) A summons shall be in the same form as an arrest warrant except that it shall summon the person named to appear before the issuing court or officer at a stated time and place.

“(c) An arrest warrant may be directed to a specific law enforcement officer or to any classifications of officers of the Metropolitan Police of the District of Columbia or other agency authorized to make arrests or execute process.

“(d) Each complaint shall be made in writing upon oath or affirmation. Except for good cause shown, no warrant shall be issued unless the complaint has been approved by an appropriate prosecutor.

“§ 23-562. Execution and return

“(a) (1) A warrant issued pursuant to this subchapter shall be executed by the arrest of the person named. The officer need not have the warrant in his possession at the time of the arrest, but upon request he shall show the warrant to the person as soon as possible. If the officer does not have the warrant in his possession at the time of the arrest, he shall inform the person of the offense charged and of the fact that a warrant has been issued.

“(2) A summons shall be served upon a person by delivering a copy to him personally, by leaving it at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein, or by mailing it to the person's last known address.

“(b) (1) The officer executing a warrant shall make return thereof to the judicial officer before whom the person is brought for preliminary examination. At the request of the appropriate prosecutor, any unexecuted and unexpired warrant shall be returned to the issuing court or judicial officer and shall be canceled.

“(2) On or before the return day the person to whom a summons was delivered for service shall make return thereof to the court or officer before whom the summons is returnable.

“(3) At the request of the appropriate prosecutor made at any time while the complaint is pending, a warrant returned unexecuted and not canceled or expired or a summons returned unserved or a duplicate thereof may be delivered by the judicial officer to the marshal or other authorized person for execution or service.

“(c) (1) A law enforcement officer within the District of Columbia making an arrest under a warrant issued pursuant to this subchapter, making an arrest without a warrant, or receiving a person arrested by a special policeman or other person pursuant to section 23-582, shall take the arrested person without unnecessary delay before the court or other judicial officer empowered to commit persons charged with the offense for which the arrest was made. This subsection, however, shall not be construed to conflict with or otherwise supersede section 3501 of title 18, United States Code. When a person arrested without a warrant is brought before a judicial officer, a complaint or information shall be filed forthwith.

“(2) Before taking an arrested person to a judicial officer, a law enforcement officer may perform any recording, fingerprinting, photographing, or other preliminary police duties required in the particular case, and if such duties are performed with reasonable promptness, the period of time required therefor shall not constitute a delay within the meaning of this section.

“§ 23-563. Territorial and other limits

“(a) A warrant or summons for an offense punishable by imprisonment for more than one year issued by the Superior Court of the District of Columbia may be served at any place within the jurisdiction of the United States.

“(b) A warrant or summons issued by the Superior Court of the District of Columbia for an offense punishable by imprisonment for not more than one year, or by a fine only, or by such imprisonment and a fine, may be served in any place in the District of Columbia but may not be executed more than one year after the date of issuance.

“(c) A person arrested outside the District of Columbia on a warrant issued by the Superior Court of the District of Columbia shall be taken before a judge, commissioner, or magistrate, and held to answer in the Superior Court pursuant to the Federal Rules of Criminal Procedure as if the warrant had been issued by the United States District Court for the District of Columbia.

18 USC app.

“(d) When an application alleges that (1) an act which would constitute a felony if committed by an adult has been committed by a child, (2) the child may not with due diligence be found within the District of Columbia, and (3) if the District of Columbia is a party to article XVII of the Interstate Compact on Juveniles, the child is not known to be in a jurisdiction which is a party to such article, a juvenile officer may secure a warrant for the arrest of the child as if he were an adult. When the child is brought before the issuing court or officer pursuant to the warrant he shall be ordered transferred to the Family Division of the Superior Court pursuant to section 16-2302. If the child is found in a jurisdiction which is a party to such article and if the District of Columbia is a party to such article, he shall be returned as provided in that article and the warrant shall be null and void.

Post, p. 665.

Ante, p. 525.

“SUBCHAPTER V—ARREST WITHOUT WARRANT

“§ 23-581. Arrests without warrant by law enforcement officers

“(a) (1) A law enforcement officer may arrest, without a warrant having previously been issued therefor—

“(A) a person whom he has probable cause to believe has committed or is committing a felony;

“(B) a person whom he has probable cause to believe has committed or is committing an offense in his presence;

“(C) a person whom he has probable cause to believe has committed or is about to commit any offense listed in paragraph (2) and, unless immediately arrested, may not be apprehended, may cause injury to others, or may tamper with, dispose of, or destroy evidence.

“(2) The offenses referred to in subparagraph (C) of paragraph (1) are the following:

“(A) The following offenses specified in the Act entitled ‘An Act to establish a code of law for the District of Columbia’, approved March 3, 1901, and listed in the following table:

“Offense:	Specified in—	
Assault.....	section 806 (D.C. Code, sec. 22-504).	31 Stat. 1322.
Petit larceny.....	section 827 (D.C. Code, sec. 22-2202).	50 Stat. 628.
Receiving stolen goods.....	section 829 (D.C. Code, sec. 22-2205).	67 Stat. 98.
Unlawful entry.....	section 824 (D.C. Code, sec. 22-3102).	66 Stat. 766.

“(B) Attempts to commit the following offenses specified in such Act and listed in the following table:

“Offense:	Specified in—	
Burglary.....	section 823 (D.C. Code, sec. 22-1801).	81 Stat. 736.
Grand larceny.....	section 826 (D.C. Code, sec. 22-2201).	50 Stat. 628.
Unauthorized use of vehicles.....	section 826b (D.C. Code, sec. 22-2204).	37 Stat. 656.

“(b) A law enforcement officer may, even if his jurisdiction does not extend beyond the District of Columbia, continue beyond the District, if necessary, a pursuit commenced within the District of a person

who has committed an offense or whom he has probable cause to believe has committed or is committing a felony, and may arrest that person in any State the laws of which contain provisions equivalent to those of section 23-901.

“§ 23-582. Arrests without warrant by other persons

“(a) A special policeman shall have the same powers as a law enforcement officer to arrest without warrant for offenses committed within premises to which his jurisdiction extends, and may arrest outside the premises on fresh pursuit for offenses committed on the premises.

“(b) A private person may arrest another—

“(1) whom he has probable cause to believe is committing in his presence—

“(A) a felony, or

“(B) an offense enumerated in section 23-581(a)(2); or

“(2) in aid of a law enforcement officer or special policeman, or other person authorized by law to make an arrest.

“(c) Any person making an arrest pursuant to this section shall deliver the person arrested to a law enforcement officer without unreasonable delay.

“SUBCHAPTER VI—AUTHORITY TO BREAK AND ENTER UNDER CERTAIN CONDITIONS

“§ 23-591. Authority to break and enter under certain conditions

“(a) Any officer authorized by law to make arrests, or to execute search warrants, or any person aiding such an officer, may break and enter any premises, any outer or inner door or window of a dwelling house or other building, or any part thereof, any vehicle, or anything within such dwelling house, building, or vehicle, or otherwise enter to execute search or arrest warrants, to make an arrest where authorized by law without a warrant, or where necessary to liberate himself or a person aiding him in the execution of such warrant or in making such arrest.

“(b) Breaking and entry shall not be made until after such officer or person makes an announcement of his identity and purpose and the officer reasonably believes that admittance to the dwelling house or other building or vehicle is being denied or unreasonably delayed.

“(c) An announcement of identity and purpose shall not be required prior to such breaking and entry—

“(1) if the warrant expressly authorizes breaking and entry without such a prior announcement, or

“(2) if circumstances known to such officer or person at the time of breaking and entry, but, in the case of the execution of a warrant, unknown to the applicant when applying for such warrant, give him probable cause to believe that—

“(A) such notice is likely to result in the evidence subject to seizure being easily and quickly destroyed or disposed of,

“(B) such notice is likely to endanger the life or safety of the officer or another person,

“(C) such notice is likely to enable the party to be arrested to escape, or

“(D) such notice would be a useless gesture.

“(d) Whoever, after notice is given under subsection (b) or after entry where such notice is unnecessary under subsection (c), destroys, conceals, disposes of, or attempts to destroy, conceal, or dispose of, or

otherwise prevents or attempts to prevent the seizure of, evidence subject to seizure shall be fined not more than \$5,000 or imprisoned for not more than 5 years, or both.

“(e) As used in this section and in subchapters II and IV, the terms ‘break and enter’ and ‘breaking and entering’ include any use of physical force or violence or other unauthorized entry but do not include entry obtained by trick or stratagem.

Penalty.

“Break and enter,” “breaking and entering.”

“Chapter 7.—EXTRADITION AND FUGITIVES FROM JUSTICE

“Sec.

“23-701. Warrants for the arrest of fugitives from justice.

“23-702. Procedure on arrest of fugitives.

“23-703. Failure to appear.

“23-704. Extradition.

“23-705. Removal proceedings and returns to foreign countries not affected.

“23-706. Confinement.

“23-707. Definitions.

“§ 23-701. Warrants for the arrest of fugitives from justice

“Whenever any person who is (1) within the District of Columbia, (2) charged with any offense committed in any State, and (3) liable by the Constitution and laws of the United States to be delivered over upon the demand of the Governor of that State, any judge of the Superior Court may, upon complaint on oath or affirmation of any credible witness, setting forth the offense, that the person is a fugitive from justice, and such other matters as are necessary to bring the case within the provisions of law, issue a warrant to bring the person so charged before the Superior Court, to answer the complaint.

USC prec.
title 1.

“§ 23-702. Procedure on arrest of fugitives

“(a) Any person arrested upon a warrant issued pursuant to section 23-701, or arrested within the District of Columbia as a fugitive from justice without a warrant having been issued, shall be taken before the Criminal Division of the Superior Court for preliminary examination on a complaint charging him as a fugitive.

“(b) If, upon the examination of the person charged, it shall appear to the court that there is reasonable cause to believe that the complaint is true and that the person may be lawfully demanded of the chief judge, the person shall be detained or released according to law, in like manner as if the offense had been committed in the District of Columbia, to appear before the court at a future date, allowing thirty days to obtain a requisition from the Governor of the State from which the person is a fugitive. The complaint of fugitivity from another jurisdiction shall create a presumption that the person is unlikely to appear if released, which may be overcome only by clear and convincing proof.

“(c) If the person so released or detained shall appear before the court upon the day ordered, he shall be discharged, unless he shall be demanded by requisition, pursuant to subsection (g) of this section or section 23-704, or unless the court shall find cause to detain or to release him as provided by subsection (b) until a later day; but regardless of whether the person shall be detained or released as provided in subsection (b) or discharged, his delivery to any person authorized by the warrant of the Governor shall be a discharge of any bond or obligation.

“(d) The Chief of Police of the Metropolitan Police Department shall give notice to the police official or sheriff of the city or county from which the person is a fugitive that the person is so held in the District of Columbia.

“(e) A person detained as provided by this section shall not be detained in jail longer than to allow a reasonable time for the person receiving the notice required by subsection (d) to apply for and obtain a proper requisition for the person detained according to the circumstances of the case and the distance of the place where the offense is alleged to have been committed.

“(f) (1) At any time prior to the filing of a requisition, a person arrested pursuant to this section may in open court waive further proceedings pursuant to this chapter.

“(2) Following waiver, a judge of the Superior Court may, in his discretion, if the United States attorney consents, release the person upon such conditions as the judge shall deem necessary to insure his appearance before the proper official in the State from which he is a fugitive, and shall otherwise order his return to the jurisdiction of that State in the custody of a proper official.

“(3) Following waiver, a person not released pursuant to paragraph (2) of this subsection shall be ordered to return to the jurisdiction from which he is a fugitive in the custody of a proper official, and may be detained to await return.

“(4) A person detained pursuant to paragraph (3) for more than three days (not including Saturdays, Sundays, and holidays) shall be returned to the court and shall thereupon be released pursuant to paragraph (2), unless the court shall find good reason to extend his detention for an additional three days to obtain the attendance of a proper official of the demanding jurisdiction.

“(g) If a person has not waived further proceedings pursuant to subsection (f), and a requisition from the Governor of the jurisdiction from which the person is a fugitive is presented to the court, the court shall order the requisition to be filed and referred to the chief judge for extradition proceedings pursuant to section 23-704, and shall order the person committed pending those proceedings.

“§ 23-703. Failure to appear

“Any person released pursuant to section 23-702 who fails to appear as required shall be punished by a fine not exceeding \$5,000 or imprisonment for not more than five years, or both.

“§ 23-704. Extradition

“(a) In all cases where the laws of the United States provide that fugitives from justice shall be delivered up, the chief judge of the Superior Court shall cause to be apprehended and delivered up fugitives from justice who shall be found within the District of Columbia, in the same manner and under the same regulations as the executive authority of a State is required to do by the provisions of chapter 209 of title 18, United States Code, and all executive and judicial officers are required to obey the lawful precepts or other process issued for that purpose, and to aid and assist in that delivery.

“(b) The chief judge of the Superior Court may also surrender, on demand of the Governor of any State, any person in the District of Columbia charged in that State in the manner provided in subsection (a) of this section with committing an act in the District of Columbia, or in another State, intentionally resulting in a crime in the State whose executive authority is making the demand, even though the accused was not in that State at the time of the commission of the crime, and has not fled therefrom.

“(c) No person apprehended in accordance with the provisions of subsections (a) and (b) of this section shall be delivered over to the agent whom the executive authority demanding him shall have appointed to receive him unless he shall first be taken before the chief

judge of the Superior Court of the District of Columbia who shall inform him of the demand made for his surrender, and of the crime with which he is charged, and that he has the right to demand and procure legal counsel.

“(d) If the person or his counsel shall state that he desires to test the legality of the person’s arrest, the chief judge shall hold a hearing to determine whether the person shall be delivered over as demanded. At the hearing, the person shall have the same rights to challenge his detention and extradition as if the hearing were upon a writ of habeas corpus.

“(e) If the chief judge shall order the person delivered over, he may appeal, within twenty-four hours, from that order to the District of Columbia Court of Appeals if the chief judge who rendered the order, or a judge of the District of Columbia Court of Appeals, issues a certificate of probable cause. The appeal shall be expedited by the District of Columbia Court of Appeals. An application for a writ of habeas corpus on behalf of a person who is authorized to demand a hearing pursuant to this subsection shall not be entertained if it appears that the applicant has failed to demand such a hearing or that the chief judge, after hearing, has ordered him delivered over, unless it also appears that the remedy by hearing is inadequate or ineffective to test the legality of his detention.

“(f) Nothing contained in this subsection shall prevent a person from waiving his right to appear before the chief judge of the Superior Court and voluntarily returning in custody of a proper official to the jurisdiction of the State which is demanding him.

“(g) No person demanded by the Governor of a State pursuant to this section shall be released upon bond or other obligation except pursuant to an order of a court of the demanding State.

“(h) Any associate judge designated by the chief judge or acting chief judge shall have the same power to act pursuant to this section as the chief judge.

“§ 23-705. Removal proceedings and returns to foreign countries not affected

“Nothing contained in this chapter shall repeal, modify, or in any way affect existing law concerning the procedure for the return of any person apprehended in the District of Columbia to a Federal judicial district to answer a Federal charge, or repeal, modify, or affect existing law or treaty concerning the return to a foreign country of a person apprehended or detained in the District of Columbia as a fugitive from a foreign country.

“§ 23-706. Confinement

“(a) The agent of the demanding State to whom the prisoner may have been delivered in accordance with the provisions of section 23-704, may, when necessary, confine the prisoner in a facility of the District of Columbia Department of Corrections, and the Department of Corrections must receive and safely keep the prisoner for such reasonable time as will enable the officer or person having charge of him to proceed on his route, such officer or person being chargeable with the expense of keeping.

“(b) The officer or agent of a demanding State to whom a prisoner may have been delivered following extradition proceedings in another State, or to whom a prisoner may have been delivered after waiving extradition in the other State, and who is passing through the District of Columbia with a prisoner for the purpose of immediately returning the prisoner to the demanding State, may, when necessary, confine the prisoner in a facility of the Department of Corrections.

The Department of Corrections must receive and safely keep the prisoner for such reasonable time as will enable the officer or agent to proceed on his route, such officer or agent being chargeable with the expense of keeping. That officer or agent shall produce and show to the Department of Corrections satisfactory written evidence of the fact that he is actually transporting the prisoner to the demanding State after a requisition by the executive authority of the demanding State. The prisoner shall not be entitled to demand a new requisition while in the District of Columbia.

“§ 23-707. Definitions

“For purposes of this chapter—

“(1) the term ‘State’ includes any territory or possession of the United States; and

“(2) the term ‘Governor’ means the executive authority of a State.

“Chapter 9.—FRESH PURSUIT

“Sec.

“23-901. Arrests in the District of Columbia by officers of other States.

“23-902. Hearing; commitment; discharge.

“23-903. ‘Fresh pursuit’ defined.

“§ 23-901. Arrests in the District of Columbia by officers of other States

“Any member of a duly organized peace unit of any State (or county or municipality thereof) of the United States who enters the District of Columbia in fresh pursuit and continues within the District of Columbia in fresh pursuit of a person in order to arrest him on the ground that he is believed to have committed a felony in such State shall have the same authority to arrest and hold that person in custody as has any member of any duly organized peace unit of the District of Columbia to arrest and hold in custody a person on the ground that he is believed to have committed a felony in the District of Columbia. This section shall not be construed so as to make unlawful any arrest in the District of Columbia which would otherwise be lawful.

“§ 23-902. Hearing; commitment; discharge

“If an arrest is made in the District of Columbia by an officer of another State in accordance with the provisions of section 23-901, he shall without unnecessary delay take the person arrested before a judge of the Superior Court of the District of Columbia, who shall conduct a hearing for the purpose of determining the lawfulness of the arrest. If the judge determines that the arrest was lawful, he shall order the release or detention of the person arrested, pursuant to section 23-702, to await for a reasonable time a requisition from the Governor of the State demanding the extradition of the person arrested. If the judge determines that the arrest was unlawful he shall order the person discharged.

“§ 23-903. ‘Fresh pursuit’ defined

“For purposes of this chapter, the term ‘fresh pursuit’ shall include fresh pursuit as defined by the common law, also the pursuit of a person who has committed a felony or one whom the pursuing officer has reasonable grounds to believe has committed a felony. It shall also include the pursuit of a person whom the pursuing officer has reasonable grounds to believe has committed a felony, although no felony has actually been committed, if there is reasonable ground for believing that a felony has been committed. Such term shall not necessarily imply an instant pursuit, but pursuit without unreasonable delay.

“Chapter 11.—PROFESSIONAL BONDSMEN

“Sec.

“23-1101. Definitions.

“23-1102. Bonding business impressed with public interest.

“23-1103. Procuring business through official or attorney for a consideration prohibited.

“23-1104. Attorneys procuring employment through official or bondsman for a consideration prohibited.

“23-1105. Receiving other than regular fee for bonding prohibited; bondsmen prohibited from endeavoring to secure dismissal or settlement.

“23-1106. Posting names of authorized bondsmen; list to be furnished prisoners; prisoners may communicate with bondsmen; record to be kept by police.

“23-1107. Bondsmen prohibited from entering place of detention unless requested by prisoner; record of visit to be kept.

“23-1108. Qualifications of bondsmen; rules to be prescribed by courts; list of agents to be furnished; renewal of authority to act; detailed records to be kept; penalties and disqualifications.

“23-1109. Giving advance information of proposed raid prohibited.

“23-1110. Designation of official to take bail or collateral when court is not in session; issuance of citations.

“23-1111. Penalties.

“23-1112. Enforcement.

“§ 23-1101. Definitions

“For purposes of this chapter—

“(1) the term ‘bonding business’ means the business of becoming surety for compensation upon bonds in criminal cases in the District of Columbia; and

“(2) the term ‘bondsman’ means any person or corporation engaged in the bonding business either as a principal or as an agent, clerk, or representative of another engaged in such business.

“§ 23-1102. Bonding business impressed with public interests

“The bonding business is impressed with a public interest.

“§ 23-1103. Procuring business through official or attorney for a consideration prohibited

“It shall be unlawful for any bondsman, either directly or indirectly, to give, donate, lend, contribute, or to promise to give, donate, lend, or contribute any money, property, entertainment, or other thing of value whatsoever to any attorney at law, police officer, deputy United States marshal, jailer, probation officer, clerk, or other attaché of a criminal court, or public official of any character, for procuring or assisting in procuring any person to employ the bondsman to execute as surety any bond for compensation in any criminal case in the District of Columbia. It shall be unlawful for any attorney at law, police officer, deputy United States marshal, jailer, probation officer, clerk, bailiff, or other attaché of a criminal court, or public official of any character, to accept or receive from a bondsman any money, property, entertainment, or other thing of value whatsoever for procuring or assisting in procuring a person to employ a bondsman to execute as surety any bond for compensation in a criminal case in the District of Columbia.

“§ 23-1104. Attorneys procuring employment through official or bondsman for a consideration prohibited

“It shall be unlawful for any attorney at law, either directly or indirectly, to give, loan, donate, contribute, or to promise to give, loan, donate, or contribute any money, property, entertainment, or other thing of value whatsoever to, or to split or divide any fee or commission with, any bondsman, police officer, deputy United States marshal, probation officer, bailiff, clerk, or other attaché of any criminal court for causing or procuring or assisting in causing or procur-

ing a person to employ the attorney to represent him in a criminal case in the District of Columbia.

“§ 23-1105. Receiving other than regular fee for bonding prohibited; bondsmen prohibited from endeavoring to secure dismissal or settlement

“It shall be lawful to charge for executing a bond in a criminal case in the District of Columbia, but it shall be unlawful for a bondsman, either directly or indirectly, to charge, accept, or receive a sum of money, or other thing of value, other than the regular fee for bonding, from a person for whom he has executed bond, for any other service whatever performed in connection with any indictment, information, or charge upon which the person is bailed or held in the District of Columbia. It also shall be unlawful for any bondsman to settle, or attempt to settle, or to procure or attempt to procure the dismissal of any indictment, information, or charge against any person in custody or held upon bond in the District of Columbia, with a court, or with the prosecuting attorney in a court in the District of Columbia.

“§ 23-1106. Posting names of authorized bondsmen; list to be furnished prisoners; prisoners may communicate with bondsmen; record to be kept by police

“A typewritten or printed list alphabetically arranged of all persons engaged under the authority of any of the courts of criminal jurisdiction in the District of Columbia in the business of becoming surety upon bonds for compensation in criminal cases shall be posted in a conspicuous place in each police precinct, jail, prisoner's dock, house of detention, and every other place in the District of Columbia in which persons in custody of the law are detained, and one or more copies thereof kept on hand; and when a person who is detained in custody in a place of detention shall request a person in charge thereof to furnish him the name of a bondsman, or to put him in communication with a bondsman, the list shall be furnished to the person in charge of the place of detention within a reasonable time to put the person detained in communication with the bondsman selected, and the person in charge of the place of detention shall contemporaneously with that transaction make in the blotter or book of record kept in the place of detention, a record showing the name of the person requesting the bondsman, the offense with which the person is charged, the time at which the request was made, the bondsman requested, and the person by whom the bondsman was called, and preserve that as a permanent record in the book or blotter in which entered.

“§ 23-1107. Bondsmen prohibited from entering place of detention unless requested by prisoner; record of visit to be kept

“It shall be unlawful for a bondsman to enter a police precinct, jail, prisoner's dock, house of detention, or other place where persons in the custody of the law are detained in the District of Columbia for the purpose of obtaining employment as a bondsman, without having been previously called by a person detained or by some relative or other authorized person acting for or on behalf of the person detained. Whenever a bondsman enters a police precinct, jail, prisoner's dock, house of detention, or other place where persons in the custody of the law are detained in the District of Columbia, he shall forthwith give to the person in charge thereof his mission there and the name of the person calling him and requesting him to come to such place. That information shall be recorded by the person in charge of the place of detention and preserved as a public record, and the failure of the bondsman to give that information, or the failure of the person in charge

of the place of detention to make and preserve a record of that information, shall constitute a violation of this chapter.

“§ 23-1108. Qualifications of bondsmen; rules to be prescribed by courts; list of agents to be furnished; renewal of authority to act; detailed records to be kept; penalties and disqualifications

“(a) It shall be the duty of the United States District Court for the District of Columbia and the Superior Court of the District of Columbia, each, to provide, under reasonable rules and regulations, the qualifications of persons and corporations applying for authority to engage in the bonding business in criminal cases in the District of Columbia, and the terms and conditions upon which the business shall be carried on, and no person or corporation shall, either as principal, or as agent, clerk, or representative of another, engage in the bonding business in either court until he shall, by order of the court, be authorized to do so. The courts, in making these rules and regulations, and in granting authority to persons to engage in the bonding business, shall take into consideration both the financial responsibility and the moral qualities of the person so applying, and no person shall be permitted to engage, either as principal or agent, in the bonding business, who has ever been convicted of an offense involving moral turpitude, or who is not known to be a person of good moral character. It shall be the duty of each of the courts to require every person qualifying to engage in the bonding business as principal to file with the court a list showing the name, age, and residence of each person employed by the bondsman as agent, clerk, or representative in the bonding business, and require an affidavit from each of these persons stating that he will abide by the terms and provisions of this chapter. Each of the courts shall require the authority of each of those persons to be renewed from time to time at such periods as the court may by rule provide, and before the authority shall be renewed the court shall require from each of those persons an affidavit that since his previous qualification to engage in the bonding business he has abided by the provisions of this chapter, and any person swearing falsely in any of the affidavits shall be guilty of perjury.

“(b) Each court shall prescribe such rules and regulations as may be necessary to insure that whenever a bondsman becomes surety for compensation upon a bond in a criminal case before the court, the bondsman shall make a record, which shall be accurate to the best of the maker's knowledge and belief and shall thereafter be open for inspection by the court or its designated representative, and by the designated representative of other law enforcement agencies of the District of Columbia, of the following matters:

“(1) the full name and address of the person for whom the bond is executed (referred to in this subsection as the ‘defendant’) and the full name and address of his employer, if any;

“(2) the offense with which the defendant is charged;

“(3) the name of the court or officer authorizing the defendant's admission to bail;

“(4) the amount of the bond;

“(5) the name of the person who called the bondsman, if other than the defendant;

“(6) the amount of the bondsman's charge for executing the bond;

“(7) the full name and address of the person to whom the bondsman presented his bill for the charge;

“(8) the full name and address of the person paying the charge; and

“(9) the manner of payment of the charge.

Whoever violates any rule or regulation prescribed under this subsection shall be fined not more than \$500 or imprisoned not more than six months, or both, and if he is a bondsman shall be disqualified from thereafter engaging in any manner in the bonding business for such period of time as the trial judge shall order.

“§ 23-1109. Giving advance information of proposed raid prohibited

“It shall be unlawful for any police officer or other public official, in advance of any raid by police or other peace officers or public officials or the execution of any search warrant or warrant of arrest, to give or furnish, either directly or indirectly, any information concerning the proposed raid or arrest to any person engaged in any manner in the bonding business, or to any attorney at law; but it shall not be unlawful for any police or other peace officer, in conducting any raid or in executing any search warrant or warrant of arrest, to communicate to any attorney at law or person engaged in the bonding business, any fact necessary to enable the officer to obtain from the attorney at law or person engaged in the bonding business information necessary to enable the officer to carry out the raid or execute the process.

“§ 23-1110. Designation of official to take bail or collateral when court is not in session; issuance of citations

“(a) The judges of the Superior Court of the District of Columbia shall have the authority to appoint some official of the Metropolitan Police Department to act as a clerk of the court with authority to take bail or collateral from persons charged with offenses triable in the Superior Court at all times when the court is not open and its clerks accessible. The official so appointed shall have the same authority at those times with reference to taking bonds or collateral as the clerk of the Municipal Court had on March 3, 1933; shall receive no compensation for those services other than his regular salary; shall be subject to the orders and rules of the Superior Court in discharge of his duties, and may be removed as the clerk at any time by the judges of the court. The United States District Court for the District of Columbia shall have power to authorize the official appointed by the Superior Court to take bond of persons arrested upon writs and process from that court in criminal cases between 4 o'clock postmeridian and 9 o'clock antemeridian and upon Sundays and holidays, and shall have power at any time to revoke the authority granted by it.

“(b) (1) An officer or member of the Metropolitan Police Department who arrests without a warrant a person for committing a misdemeanor may, instead of taking him into custody, issue a citation requiring the person to appear before an official of the Metropolitan Police Department designated under subsection (a) of this section to act as a clerk of the Superior Court.

“(2) Whenever a person is arrested without a warrant for committing a misdemeanor and is booked and processed pursuant to law, an official of the Metropolitan Police Department designated under subsection (a) of this section to act as a clerk of the Superior Court may issue a citation to him for an appearance in court or at some other designated place, and release him from custody.

“(3) No citation may be issued under paragraph (1) or (2) unless the person authorized to issue the citation has reason to believe that the arrested person will not cause injury to persons or damage to property and that he will make an appearance in answer to the citation.

“(4) Whoever willfully fails to appear as required in a citation, shall be fined not more than the maximum provided for the misde-

meanor for which such citation was issued or imprisoned for not more than one year, or both. Prosecution under this paragraph shall be by the prosecuting officer responsible for prosecuting the offense for which the citation is issued.

“§ 23-1111. Penalties

“Any person violating any provision of this chapter shall be fined not less than \$50 nor more than \$100, or imprisoned for not less than ten nor more than sixty days, or both, where no other penalty is provided by this chapter; and if the person so convicted is (1) a police officer or other public official, he shall upon recommendation of the trial judge also be forthwith dismissed from office, (2) a bondsman, he shall be disqualified from thereafter engaging in any manner in the bonding business for such a period of time as the trial judge shall order, or (3) an attorney at law, he shall be subject to suspension or disbarment as attorney at law.

“§ 23-1112. Enforcement

“It shall be the duty of the Superior Court and of the United States District Court for the District of Columbia to see that this chapter is enforced, and upon the impaneling of each grand jury in the District of Columbia it shall be the duty of the judge impaneling such jury to charge it to investigate the manner in which this chapter is enforced and all violations thereof in connection with the matter under investigation by such jury.

“Chapter 13.—BAIL AGENCY AND PRETRIAL DETENTION

“SUBCHAPTER I—DISTRICT OF COLUMBIA BAIL AGENCY

“Sec.

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“SUBCHAPTER I—DISTRICT OF COLUMBIA BAIL AGENCY

“§ 23-1301. District of Columbia Bail Agency

“The District of Columbia Bail Agency (hereafter in this subchapter referred to as the ‘agency’) shall continue in the District of Columbia and shall secure pertinent data and provide for any judicial officer in the District of Columbia or any officer or member of the Metropolitan

Police Department issuing citations, reports containing verified information concerning any individual with respect to whom a bail or citation determination is to be made.

“§ 23-1302. Definitions

“As used in this chapter—

“(1) the term ‘judicial officer’ means, unless otherwise indicated, the Supreme Court of the United States, the United States Court of Appeals for the District of Columbia Circuit, the District of Columbia Court of Appeals, United States District Court for the District of Columbia, the Superior Court of the District of Columbia or any justice or judge of those courts or a United States commissioner or magistrate; and

“(2) the term ‘bail determination’ means any order by a judicial officer respecting the terms and conditions of detention or release (including any order setting the amount of bail bond or any other kind of security) made to assure the appearance in court of—

“(A) any person arrested in the District of Columbia, or

“(B) any material witness in any criminal proceeding in a court referred to in paragraph (1).

“§ 23-1303. Interviews with detainees; investigations and reports; information as confidential; consideration and use of reports in making bail determinations

“(a) The agency shall, except when impracticable, interview any person detained pursuant to law or charged with an offense in the District of Columbia who is to appear before a judicial officer or whose case arose in or is before any court named in section 23-1302(1). The interview, when requested by a judicial officer, shall also be undertaken with respect to any person charged with intoxication or a traffic violation. The agency shall seek independent verification of information obtained during the interview, shall secure any such person’s prior criminal record which shall be made available by the Metropolitan Police Department, and shall prepare a written report of the information for submission to the appropriate judicial officer. The report to the judicial officer shall, where appropriate, include a recommendation as to whether such person should be released or detained under any of the conditions specified in subchapter II of this chapter. If the agency does not make a recommendation, it shall submit a report without recommendation. The agency shall provide copies of its report and recommendations (if any) to the United States attorney for the District of Columbia or the Corporation Counsel of the District of Columbia, and to counsel for the person concerning whom the report is made. The report shall include but not be limited to information concerning the person accused, his family, his community ties, residence, employment, and prior criminal record, and may include such additional verified information as may become available to the agency

“(b) With respect to persons seeking review under subchapter II of this chapter of their detention or conditions of release, the agency shall review its report, seek and verify such new information as may be necessary, and modify or supplement its report to the extent appropriate.

“(c) The agency, when requested by any appellate court or a judge or justice thereof, or by any other judicial officer, shall furnish a report as provided in subsection (a) of this section respecting any person whose case is pending before any such appellate court or judicial officer or in whose behalf an application for a bail determination shall have been submitted.

“(d) Any information contained in the agency’s files, presented in its report, or divulged during the course of any hearing shall not be admissible on the issue of guilt in any judicial proceeding, but such information may be used in proceedings under sections 23–1327, 23–1328, and 23–1329, in perjury proceedings, and for the purposes of impeachment in any subsequent proceeding.

“(e) The agency, when requested by a member or officer of the Metropolitan Police Department acting pursuant to court rules governing the issuance of citations in the District of Columbia, shall furnish to such member or officer a report as provided in subsection (a).

“(f) The preparation and the submission by the agency of its report as provided in this section shall be accomplished at the earliest practicable opportunity.

“(g) A judicial officer in making a bail determination shall consider the agency’s report and its accompanying recommendation, if any. The judicial officer may order such detention or may impose such terms and set such conditions upon release, including requiring the execution of a bail bond with sufficient solvent sureties as shall appear warranted by the facts, except that such judicial officer may not order any detention or establish any term or condition for release not otherwise authorized by law.

“(h) The agency shall—

“(1) supervise all persons released on nonsurety release, including release on personal recognizance, personal bond, nonfinancial conditions, or cash deposit or percentage deposit with the registry of the court;

“(2) make reasonable effort to give notice of each required court appearance to each person released by the court;

“(3) serve as coordinator for other agencies and organizations which serve or may be eligible to serve as custodians for persons released under supervision and advise the judicial officer as to the eligibility, availability, and capacity of such agencies and organizations;

“(4) assist persons released pursuant to subchapter II of this chapter in securing employment or necessary medical or social services;

“(5) inform the judicial officer and the United States attorney for the District of Columbia or the Corporation Counsel of the District of Columbia of any failure to comply with pretrial release conditions or the arrest of persons released under its supervision and recommend modifications of release conditions when appropriate;

“(6) prepare, in cooperation with the United States marshal for the District of Columbia and the United States attorney for the District of Columbia, such pretrial detention reports as are required by Rule 46(h) of the Federal Rules of Criminal Procedure; and

“(7) perform such other pretrial functions as the executive committee may, from time to time, assign.

18 USC app.

“§ 23–1304. Executive committee; composition; appointment and qualifications of Director

“(a) The agency shall function under authority of and be responsible to an executive committee of five members of which three shall constitute a quorum. The executive committee shall be composed of the respective chief judges of the United States Court of Appeals for the District of Columbia Circuit, the United States District Court for the District of Columbia, the District of Columbia Court of Ap-

peals, the Superior Court, or if circumstances may require, the designee of any such chief judge, and a fifth member who shall be selected by the chief judges.

“(b) The executive committee shall appoint a Director of the agency who shall be a member of the bar of the District of Columbia.

“§ 23-1305. Duties of Director; compensation; tenure

Ante, p. 198-1.

“The Director of the agency shall be responsible for the supervision and execution of the duties of the agency. The Director shall receive such compensation as may be set by the executive committee but not in excess of the compensation authorized for GS-16 of the General Schedule contained in section 5332 of title 5, United States Code. The Director shall hold office at the pleasure of the executive committee.

“§ 23-1306. Chief assistant and other agency personnel; compensation

5 USC 5301-5365.

“The Director, subject to the approval of the executive committee, shall employ a chief assistant and such assisting and clerical staff and may make assignments of such agency personnel as may be necessary properly to conduct the business of the agency. The staff of the agency, other than clerical, shall be drawn from law students, graduate students, or such other available sources as may be approved by the executive committee. The chief assistant to the Director shall receive compensation as may be set by the executive committee, but in an amount not in excess of the amount authorized for GS-14 of the General Schedule contained in section 5332 of title 5, United States Code, and shall hold office at the pleasure of the executive committee. All other employees of the agency shall receive compensation, as set by the executive committee, which shall be comparable to levels of compensation established in such chapter 53. From time to time, the Director, subject to the approval of the executive committee, may set merit and longevity salary increases.

“§ 23-1307. Annual reports to executive committee, Congress, and Commissioner

“The Director shall on June 15 of each year submit to the executive committee a report as to the agency’s administration of its responsibilities for the previous period of June 1 through May 31, a copy of which report will be transmitted by the executive committee to the Congress of the United States, and to the Commissioner of the District of Columbia. The Director shall include in his report, to be prepared as directed by the Commissioner of the District of Columbia, a statement of financial condition, revenues, and expenses for the past June 1 through May 31 period.

“§ 23-1308. Budget estimates

“Budget estimates for the agency shall be prepared by the Director and shall be subject to the approval of the executive committee.

**“SUBCHAPTER II—RELEASE AND PRETRIAL
DETENTION**

“§ 23-1321. Release in noncapital cases prior to trial

“(a) Any person charged with an offense, other than an offense punishable by death, shall, at his appearance before a judicial officer, be ordered released pending trial on his personal recognizance or upon the execution of an unsecured appearance bond in an amount specified by the judicial officer, unless the officer determines, in the exercise of his discretion, that such a release will not reasonably assure the appearance of the person as required or the safety of any other person

or the community. When such a determination is made, the judicial officer shall, either in lieu of or in addition to the above methods of release, impose the first of the following conditions of release which will reasonably assure the appearance of the person for trial or the safety of any other person or the community, or, if no single condition gives that assurance, any combination of the following conditions:

“(1) Place the person in the custody of a designated person or organization agreeing to supervise him.

“(2) Place restrictions on the travel, association, or place of abode of the person during the period of release.

“(3) Require the execution of an appearance bond in a specified amount and the deposit in the registry of the court, in cash or other security as directed, of a sum not to exceed 10 per centum of the amount of the bond, such deposit to be returned upon the performance of the conditions of release.

“(4) Require the execution of a bail bond with sufficient solvent sureties, or the deposit of cash in lieu thereof.

“(5) Impose any other condition, including a condition requiring that the person return to custody after specified hours of release for employment or other limited purposes.

No financial condition may be imposed to assure the safety of any other person or the community.

“(b) In determining which conditions of release, if any, will reasonably assure the appearance of a person as required or the safety of any other person or the community, the judicial officer shall, on the basis of available information, take into account such matters as the nature and circumstances of the offense charged, the weight of the evidence against such person, his family ties, employment, financial resources, character and mental conditions, past conduct, length of residence in the community, record of convictions, and any record of appearance at court proceedings, flight to avoid prosecution, or failure to appear at court proceedings.

“(c) A judicial officer authorizing the release of a person under this section shall issue an appropriate order containing a statement of the conditions imposed, if any, shall inform such person of the penalties applicable to violations of the conditions of his release, shall advise him that a warrant for his arrest will be issued immediately upon any such violation, and shall warn such person of the penalties provided in section 23-1328.

“(d) A person for whom conditions of release are imposed and who, after twenty-four hours from the time of the release hearing, continues to be detained as a result of his inability to meet the conditions of release, shall, upon application, be entitled to have the conditions reviewed by the judicial officer who imposed them. Unless the conditions of release are amended and the person is thereupon released, the judicial officer shall set forth in writing the reasons for requiring the conditions imposed. A person who is ordered released on a condition which requires that he return to custody after specified hours shall, upon application, be entitled to a review by the judicial officer who imposed the condition. Unless the requirement is removed and the person is thereupon released on another condition, the judicial officer shall set forth in writing the reasons for continuing the requirement. In the event that the judicial officer who imposed conditions of release is not available, any other judicial officer may review such conditions.

“(e) A judicial officer ordering the release of a person on any condition specified in this section may at any time amend his order to impose additional or different conditions of release, except that if the

imposition of such additional or different conditions results in the detention of the person as a result of his inability to meet such conditions or in the release of the person on a condition requiring him to return to custody after specified hours, the provisions of subsection (d) shall apply.

“(f) Information stated in, or offered in connection with, any order entered pursuant to this section need not conform to the rules pertaining to the admissibility of evidence in a court of law.

“(g) Nothing contained in this section shall be construed to prevent the disposition of any case or class of cases by forfeiture of collateral security where such disposition is authorized by the court.

“(h) The following shall be applicable to any person detained pursuant to this subchapter:

“(1) The person shall be confined, to the extent practicable, in facilities separate from convicted persons awaiting or serving sentences or being held in custody pending appeal.

“(2) The person shall be afforded reasonable opportunity for private consultation with counsel and, for good cause shown, shall be released upon order of the judicial officer in the custody of the United States marshal or other appropriate person for limited periods of time to prepare defenses or for other proper reasons.

“§ 23-1322. Detention prior to trial

“(a) Subject to the provisions of this section, a judicial officer may order pretrial detention of—

“(1) a person charged with a dangerous crime, as defined in section 23-1331(3), if the Government certifies by motion that based on such person's pattern of behavior consisting of his past and present conduct, and on the other factors set out in section 23-1321(b), there is no condition or combination of conditions which will reasonably assure the safety of the community;

“(2) a person charged with a crime of violence, as defined in section 23-1331(4), if (i) the person has been convicted of a crime of violence within the ten-year period immediately preceding the alleged crime of violence for which he is presently charged; or (ii) the crime of violence was allegedly committed while the person was, with respect to another crime of violence on bail or other release or on probation, parole, or mandatory release pending completion of a sentence; or

“(3) a person charged with any offense if such person, for the purpose of obstructing or attempting to obstruct justice, threatens, injures, intimidates, or attempts to threaten, injure, or intimidate any prospective witness or juror.

“(b) No person described in subsection (a) of this section shall be ordered detained unless the judicial officer—

“(1) holds a pretrial detention hearing in accordance with the provisions of subsection (c) of this section;

“(2) finds—

“(A) that there is clear and convincing evidence that the person is a person described in paragraph (1), (2), or (3) of subsection (a) of this section;

“(B) that—

“(i) in the case of a person described only in paragraph (1) of subsection (a), based on such person's pattern of behavior consisting of his past and present conduct, and on the other factors set out in section 23-1321(b), or

“(ii) in the case of a person described in paragraph (2) or (3) of such subsection, based on the factors set out in section 23-1321(b), there is no condition or combination of conditions of release which will reasonably assure the safety of any other person or the community; and

“(C) that, except with respect to a person described in paragraph (3) of subsection (a) of this section, on the basis of information presented by proffer or otherwise to the judicial officer there is a substantial probability that the person committed the offense for which he is present before the judicial officer; and

“(3) issues an order of detention accompanied by written findings of fact and the reasons for its entry.

“(c) The following procedures shall apply to pretrial detention hearings held pursuant to this section:

“(1) Whenever the person is before a judicial officer, the hearing may be initiated on oral motion of the United States attorney.

“(2) Whenever the person has been released pursuant to section 23-1321 and it subsequently appears that such person may be subject to pretrial detention, the United States attorney may initiate a pretrial detention hearing by ex parte written motion. Upon such motion the judicial officer may issue a warrant for the arrest of the person and if such person is outside the District of Columbia, he shall be brought before a judicial officer in the district where he is arrested and shall then be transferred to the District of Columbia for proceedings in accordance with this section.

“(3) The pretrial detention hearing shall be held immediately upon the person being brought before the judicial officer for such hearing unless the person or the United States attorney moves for a continuance. A continuance granted on motion of the person shall not exceed five calendar days, unless there are extenuating circumstances. A continuance on motion of the United States attorney shall be granted upon good cause shown and shall not exceed three calendar days. The person may be detained pending the hearing.

“(4) The person shall be entitled to representation by counsel and shall be entitled to present information by proffer or otherwise, to testify, and to present witnesses in his own behalf.

“(5) Information stated in, or offered in connection with, any order entered pursuant to this section need not conform to the rules pertaining to the admissibility of evidence in a court of law.

“(6) Testimony of the person given during the hearing shall not be admissible on the issue of guilt in any other judicial proceeding, but such testimony shall be admissible in proceedings under sections 23-1327, 23-1328, and 23-1329, in perjury proceedings, and for the purposes of impeachment in any subsequent proceedings.

“(7) Appeals from orders of detention may be taken pursuant to section 23-1324.

“(d) The following shall be applicable to persons detained pursuant to this section:

“(1) The case of such person shall be placed on an expedited calendar and, consistent with the sound administration of justice, his trial shall be given priority.

“(2) Such person shall be treated in accordance with section 23-1321—

“(A) upon the expiration of sixty calendar days, unless the trial is in progress or the trial has been delayed at the request of the person other than by the filing of timely motions (excluding motions for continuances); or

“(B) whenever a judicial officer finds that a subsequent event has eliminated the basis for such detention.

“(3) The person shall be deemed detained pursuant to section 23-1325 if he is convicted.

“(e) The judicial officer may detain for a period not to exceed five calendar days a person who comes before him for a bail determination charged with any offense, if it appears that such person is presently on probation, parole, or mandatory release pending completion of sentence for any offense under State or Federal law and that such person may flee or pose a danger to any other person or the community if released. During the five-day period, the United States attorney or the Corporation Counsel for the District of Columbia shall notify the appropriate State or Federal probation or parole officials. If such officials fail or decline to take the person into custody during such period, the person shall be treated in accordance with section 23-1321, unless he is subject to detention under this section. If the person is subsequently convicted of the offense charged, he shall receive credit toward service of sentence for the time he was detained pursuant to this subsection.

“§ 23-1323. Detention of addict

“(a) Whenever it appears that a person charged with a crime of violence, as defined in section 23-1331(4), may be an addict, as defined in section 23-1331(5), the judicial officer may, upon motion of the United States attorney, order such person detained in custody for a period not to exceed three calendar days, under medical supervision, to determine whether the person is an addict.

“(b) Upon or before the expiration of three calendar days, the person shall be brought before a judicial officer and the results of the determination shall be presented to such judicial officer. The judicial officer thereupon (1) shall treat the person in accordance with section 23-1321, or (2) upon motion of the United States attorney, may (A) hold a hearing pursuant to section 23-1322, or (B) hold a hearing pursuant to subsection (c) of this section.

“(c) A person who is an addict may be ordered detained in custody under medical supervision if the judicial officer—

“(1) holds a pretrial detention hearing in accordance with subsection (c) of section 23-1322;

“(2) finds that—

“(A) there is clear and convincing evidence that the person is an addict;

“(B) based on the factors set out in subsection (b) of section 23-1321, there is no condition or combination of conditions of release which will reasonably assure the safety of any other person or the community; and

“(C) on the basis of information presented to the judicial officer by proffer or otherwise, there is a substantial probability that the person committed the offense for which he is present before the judicial officer; and

“(3) issues an order of detention accompanied by written findings of fact and the reasons for its entry.

“(d) The provisions of subsection (d) of section 23-1322 shall apply to this section.

“§ 23-1324. Appeal from conditions of release

“(a) A person who is detained, or whose release on a condition requiring him to return to custody after specified hours is continued, after review of his application pursuant to section 23-1321(d) or section 23-1321(e) by a judicial officer, other than a judge of the court having original jurisdiction over the offense with which he is charged or a judge of a United States court of appeals or a Justice of the Supreme Court, may move the court having original jurisdiction over the offense with which he is charged to amend the order. Such motion shall be determined promptly.

“(b) In any case in which a person is detained after (1) a court denies a motion under subsection (a) to amend an order imposing conditions of release, (2) conditions of release have been imposed or amended by a judge of the court having original jurisdiction over the offense charged, or (3) he is ordered detained or an order for his detention has been permitted to stand by a judge of the court having original jurisdiction over the offense charged, an appeal may be taken to the court having appellate jurisdiction over such court. Any order so appealed shall be affirmed if it is supported by the proceedings below. If the order is not so supported, the court may remand the case for a further hearing, or may, with or without additional evidence, order the person released pursuant to section 23-1321(a). The appeal shall be determined promptly.

“(c) In any case in which a judicial officer other than a judge of the court having original jurisdiction over the offense with which a person is charged orders his release with or without setting terms or conditions of release, or denies a motion for the pretrial detention of a person, the United States attorney may move the court having original jurisdiction over the offense to amend or revoke the order. Such motion shall be considered promptly.

“(d) In any case in which—

“(1) a person is released, with or without the setting of terms or conditions of release, or a motion for the pretrial detention of a person is denied, by a judge of the court having original jurisdiction over the offense with which the person is charged, or

“(2) a judge of a court having such original jurisdiction does not grant the motion of the United States attorney filed pursuant to subsection (c),

the United States attorney may appeal to the court having appellate jurisdiction over such court. Any order so appealed shall be affirmed if it is supported by the proceedings below. If the order is not so supported, (A) the court may remand the case for a further hearing, (B) with or without additional evidence, change the terms or conditions of release, or (C) in cases in which the United States attorney requested pretrial detention pursuant to sections 23-1322 and 23-1323, order such detention.

“§ 23-1325. Release in capital cases or after conviction

“(a) A person who is charged with an offense punishable by death shall be treated in accordance with the provisions of section 23-1321 unless the judicial officer has reason to believe that no one or more conditions of release will reasonably assure that the person will not flee or pose a danger to any other person or to the community. If such a risk of flight or danger is believed to exist, the person may be ordered detained.

“(b) A person who has been convicted of an offense and is awaiting sentence shall be detained unless the judicial officer finds by clear

and convincing evidence that he is not likely to flee or pose a danger to any other person or to the property of others. Upon such finding, the judicial officer shall treat the person in accordance with the provisions of section 23-1321.

“(c) A person who has been convicted of an offense and sentenced to a term of confinement or imprisonment and has filed an appeal or a petition for a writ of certiorari shall be detained unless the judicial officer finds by clear and convincing evidence that (1) the person is not likely to flee or pose a danger to any other person or to the property of others, and (2) the appeal or petition for a writ of certiorari raises a substantial question of law or fact likely to result in a reversal or an order for new trial. Upon such findings, the judicial officer shall treat the person in accordance with the provisions of section 23-1321.

“(d) The provisions of section 23-1324 shall apply to persons detained in accordance with this section, except that the finding of the judicial officer that the appeal or petition for writ of certiorari does not raise by clear and convincing evidence a substantial question of law or fact likely to result in a reversal or order for new trial shall receive de novo consideration in the court in which review is sought.

“§ 23-1326. Release of material witnesses

“If it appears by affidavit that the testimony of a person is material in any criminal proceeding, and if it is shown that it may become impracticable to secure his presence by subpoena, a judicial officer shall impose conditions of release pursuant to section 23-1321. No material witness shall be detained because of inability to comply with any condition of release if the testimony of such witness can adequately be secured by deposition, and further detention is not necessary to prevent a failure of justice. Release may be delayed for a reasonable period of time until the deposition of the witness can be taken pursuant to the Federal Rules of Criminal Procedure.

18 USC app.

“§ 23-1327. Penalties for failure to appear

“(a) Whoever, having been released under this title prior to the commencement of his sentence, willfully fails to appear before any court or judicial officer as required, shall, subject to the provisions of the Federal Rules of Criminal Procedure, incur a forfeiture of any security which was given or pledged for his release, and, in addition, shall, (1) if he was released in connection with a charge of felony, or while awaiting sentence or pending appeal or certiorari prior to commencement of his sentence after conviction of any offense, be fined not more than \$5,000 and imprisoned not less than one year and not more than five years, (2) if he was released in connection with a charge of misdemeanor, be fined not more than the maximum provided for such misdemeanor and imprisoned for not less than ninety days and not more than one year, or (3) if he was released for appearance as a material witness, be fined not more than \$1,000 or imprisoned for not more than one year, or both.

“(b) Any failure to appear after notice of the appearance date shall be prima facie evidence that such failure to appear is willful. Whether the person was warned when released of the penalties for failure to appear shall be a factor in determining whether such failure to appear was willful, but the giving of such warning shall not be a prerequisite to conviction under this section.

“(c) The trier of facts may convict under this section even if the defendant has not received actual notice of the appearance date if (1) reasonable efforts to notify the defendant have been made, and (2) the defendant, by his own actions, has frustrated the receipt of actual notice.

“(d) Any term of imprisonment imposed pursuant to this section shall be consecutive to any other sentence of imprisonment.

“§ 23-1328. Penalties for offenses committed during release

“(a) Any person convicted of an offense committed while released pursuant to section 23-1321 shall be subject to the following penalties in addition to any other applicable penalties:

“(1) A term of imprisonment of not less than one year and not more than five years if convicted of committing a felony while so released; and

“(2) A term of imprisonment of not less than ninety days and not more than one year if convicted of committing a misdemeanor while so released.

“(b) The giving of a warning to the person when released of the penalties imposed by this section shall not be a prerequisite to the application of this section.

“(c) Any term of imprisonment imposed pursuant to this section shall be consecutive to any other sentence of imprisonment.

“§ 23-1329. Penalties for violation of conditions of release

“(a) A person who has been conditionally released pursuant to section 23-1321 and who has violated a condition of release shall be subject to revocation of release, an order of detention, and prosecution for contempt of court.

“(b) Proceedings for revocation of release may be initiated on motion of the United States attorney. A warrant for the arrest of a person charged with violating a condition of release may be issued by a judicial officer and if such person is outside the District of Columbia he shall be brought before a judicial officer in the district where he is arrested and shall then be transferred to the District of Columbia for proceedings in accordance with this section. No order of revocation and detention shall be entered unless, after a hearing, the judicial officer finds that—

“(1) there is clear and convincing evidence that such person has violated a condition of his release; and

“(2) based on the factors set out in subsection (b) of section 23-1321, there is no condition or combination of conditions of release which will reasonably assure that such person will not flee or pose a danger to any other person or the community.

The provisions of subsections (c) and (d) of section 23-1322 shall apply to this subsection.

“(c) Contempt sanctions may be imposed if, upon a hearing and in accordance with principles applicable to proceedings for criminal contempt, it is established that such person has intentionally violated a condition of his release. Such contempt proceedings shall be expedited and heard by the court without a jury. Any person found guilty of criminal contempt for violation of a condition of release shall be imprisoned for not more than six months, or fined not more than \$1,000, or both.

“(d) Any warrant issued by a judge of the Superior Court for violation of release conditions or for contempt of court, for failure to appear as required, or pursuant to subsection (c) (2) of section 23-1322, may be executed at any place within the jurisdiction of the United States. Such warrants shall be executed by a United States marshal or by any other officer authorized by law.

“§ 23-1330. Contempt

“Nothing in this subchapter shall interfere with or prevent the exercise by any court of the United States of its power to punish for contempt.

“§ 23-1331. Definitions

“As used in this subchapter:

62 Stat. 815;
82 Stat. 1115.
18 USC app.

“(1) The term ‘judicial officer’ means, unless otherwise indicated, any person or court in the District of Columbia authorized pursuant to section 3041 of title 18, United States Code, or the Federal Rules of Criminal Procedure, to bail or otherwise release a person before trial or sentencing or pending appeal in a court of the United States, and any judge of the Superior Court.

“(2) The term ‘offense’ means any criminal offense committed in the District of Columbia, other than an offense triable by court-martial, military commission, provost court, or other military tribunal, which is in violation of an Act of Congress.

“(3) The term ‘dangerous crime’ means (A) taking or attempting to take property from another by force or threat of force, (B) unlawfully entering or attempting to enter any premises adapted for overnight accommodation of persons or for carrying on business with the intent to commit an offense therein, (C) arson or attempted arson of any premises adaptable for overnight accommodation of persons or for carrying on business, (D) forcible rape, or assault with intent to commit forcible rape, or (E) unlawful sale or distribution of a narcotic or depressant or stimulant drug (as defined by any Act of Congress) if the offense is punishable by imprisonment for more than one year.

“(4) The term ‘crime of violence’ means murder, forcible rape, carnal knowledge of a female under the age of sixteen, taking or attempting to take immoral, improper, or indecent liberties with a child under the age of sixteen years, mayhem, kidnaping, robbery, burglary, voluntary manslaughter, extortion or blackmail accompanied by threats of violence, arson, assault with intent to commit any offense, assault with a dangerous weapon, or an attempt or conspiracy to commit any of the foregoing offenses, as defined by any Act of Congress or any State law, if the offense is punishable by imprisonment for more than one year.

68A Stat. 557;
74 Stat. 57.
26 USC 4731.

“(5) The term ‘addict’ means any individual who habitually uses any narcotic drug as defined by section 4731 of the Internal Revenue Code of 1954 so as to endanger the public morals, health, safety, or welfare.

“§ 23-1332. Applicability of subchapter

“The provisions of this subchapter shall apply in the District of Columbia in lieu of the provisions of sections 3146 through 3152 of title 18, United States Code.

80 Stat. 214.

“Chapter 15.—OUT-OF-STATE WITNESSES

“Sec.

“23-1501. Definitions.

“23-1502. Hearing on recall of out-of-State witnesses by State courts; determination; travel allowance; penalty.

“23-1503. Certificate providing for attendance of witnesses at criminal prosecutions in the District of Columbia; travel allowance; penalty.

“23-1504. Exemption from arrest.

“§ 23-1501. Definitions

“As used in this chapter—

“(1) The term ‘witness’ includes a person whose testimony is desired in any proceeding or investigation by a grand jury or in a criminal action, prosecution, or proceeding.

“(2) The term ‘State’ includes the Commonwealth of Puerto Rico, the District of Columbia, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States.

“(3) The term ‘summons’ includes a subpoena, order, or other notice requiring the appearance of a witness.

“§ 23-1502. Hearing on recall of out-of-State witnesses by State courts; determination; travel allowance; penalty

“(a) If a judge of a court of record in any State which by its laws has made provision for commanding persons within that State to attend and testify in the District of Columbia certifies under the seal of the court (1) that there is a criminal prosecution pending in that court, or that a grand jury investigation has commenced or is about to commence, (2) that a person within the District of Columbia is a material witness in the prosecution or grand jury investigation, and (3) that his presence will be required for a specified number of days, upon presentation of that certificate to any judge of the Superior Court of the District of Columbia, except as provided in subsection (c), such judge shall fix a time and place for a hearing, and shall make an order directing the witness to appear at a time and place certain for the hearing.

“(b) If at the hearing the judge determines that the witness is material and necessary, that it will not cause undue hardship to the witness to attend and testify in the prosecution or grand jury investigation in the requesting State, and that the laws of such State and of any other State through which the witness may be required to pass by ordinary course of travel, will give to him protection from arrest and the service of civil and criminal process, he shall issue a summons, with a copy of the certificate attached, directing the witness to attend and testify in the prosecution or grand jury investigation, as the case may be, at a time and place specified in the summons. In any such hearing the certificate shall be prima facie evidence of all the facts stated therein.

“(c) If the certificate presented under subsection (a) recommends that the witness be taken into immediate custody and delivered to an officer of the requesting State to assure his attendance, in the requesting State, the judge may in lieu of notification of hearing, direct that the witness be forthwith brought before him for a hearing. If the judge at the hearing is satisfied of the desirability of the custody and delivery of the witness, he may, in lieu of issuing subpoena or summons, order the witness to be forthwith taken into custody and delivered to an officer of the requesting State. The certificate shall be prima facie proof of the desirability of the custody and delivery of the witness.

“(d) Any witness who is summoned as above provided and, after being paid or tendered by some properly authorized person the fees and allowances authorized for witnesses in criminal cases in United States district courts, fails without good cause to attend and testify as directed in the summons, shall be punished in the manner provided for the punishment of any witness who disobeys a summons issued from the Superior Court.

“§ 23-1503. Certificate providing for attendance of witnesses at criminal prosecutions in the District of Columbia; travel allowance; penalty

“(a) If a person in any State, which by its laws has made provision for commanding persons within its borders to attend and testify in criminal prosecutions or grand jury investigations in the District of Columbia, is a material witness in such a prosecution or a grand jury investigation in the District of Columbia which has commenced or is about to commence, a judge may issue a certificate under seal stating these facts and specifying the number of days the witness will be required. The certificate may include a recommendation that the witness be taken into immediate custody and delivered to an officer of the United States or the District of Columbia to assure his attendance in the District of Columbia. This certificate shall be presented to a judge of a court of record in the county in which the witness is found.

“(b) If the witness is summoned to attend and testify in the District of Columbia he shall be tendered the fees and allowances authorized for witnesses in criminal cases in United States district courts. A witness who has appeared in accordance with the provisions of the summons shall not be required to remain within the District of Columbia for a period longer than that specified in the certificate, unless otherwise ordered by the court. If the witness, after coming into the District of Columbia, fails without good cause to attend and testify as directed in the summons, he may be punished in the manner provided for the punishment of any other witness who disobeys a summons issued from the court in the District of Columbia where the prosecution has been instituted or the grand jury investigation has commenced or is about to commence.

“§ 23-1504. Exemption from arrest

“(a) Any person who comes into the District of Columbia in obedience to a summons directing him to attend and testify in the District of Columbia shall not, while in the District of Columbia, pursuant to the summons, be subject to arrest or the service of process, civil or criminal, in connection with any matter which arose before his entrance into the District of Columbia under the summons.

“(b) Any person who is in the process of passing through the District of Columbia for the purpose of proceeding to or returning from a State which has summoned him to attend and testify shall not be subject to arrest or the service of process, civil or criminal, in connection with any matter which arose at some other time.

“Chapter 17.—DEATH PENALTY

“Sec.

“23-1701. Capital punishment.

“23-1702. Provision for death chamber; appointment of executioner and assistants; fees.

“23-1703. Sentences to be in writing and certified copy furnished.

“23-1704. Who may be present at execution; fact of execution to be certified to clerk of court.

“23-1705. Place of execution.

“§ 23-1701. Capital punishment

“The mode of capital punishment in the District of Columbia shall be by the process commonly known as electrocution. The punishment of death shall be inflicted by causing to pass through the body of the convict a current of electricity of sufficient intensity to cause death, and the application of the current shall be continued until the convict is dead. The time fixed for the execution of the sentence shall not be considered an essential part of the sentence, and if it be not executed at the time therein appointed, by reason of the pendency of an appeal or for other cause, the court may appoint another day for carrying the same into execution.

“§ 23-1702. Provision for death chamber; appointment of executioner and assistants; fees

“The Commissioner of the District of Columbia shall provide a death chamber and necessary apparatus for inflicting the death penalty by electrocution and designate an executioner and necessary assistants, not exceeding three in number. The District of Columbia Council shall fix the fees for the executioner and his assistants.

“§ 23-1703. Sentences to be in writing and certified copy furnished

“If a person is sentenced to death for a conviction in the District of Columbia the presiding judge shall sentence the convicted person to death according to the terms of this chapter, and make the sentence

in writing, such sentence shall be filed with the papers in the case against the convicted person, and a certified copy thereof shall be transmitted, by the clerk of the court in which such sentence is pronounced, to the District of Columbia Department of Corrections not less than ten days prior to the time fixed in the sentence of the court for the execution.

“§ 23-1704. Who may be present at execution; fact of execution to be certified to clerk of court

“At the execution of the death penalty there shall be present only the following persons: The executioner and his assistant; the prison physician and one other physician if the condemned person so desires; the condemned person’s counsel and relatives, not exceeding three, if they so desire; the prison chaplain and such other ministers of the Gospel, not exceeding two, as may attend by desire of the condemned; the superintendent of the prison, or, in the event of his disability, a deputy designated by him; and not fewer than three nor more than five respectable citizens whom the superintendent of the prison shall designate, and, if necessary to insure their attendance, shall subpoena to be present. The fact of execution shall be certified by the prison physician and the executioner to the clerk of the court in which sentence was pronounced, which certificate shall be filed by the clerk with the papers in the case. No person under the age of twenty-one years shall be allowed to witness any execution.

“§ 23-1705. Place of execution

“Any person adjudged to suffer death shall be executed within the walls of the designated facility of the Department of Corrections, or within the yard or inclosure thereof, and not elsewhere.”

(b) The following provisions of law are repealed on the effective date of this Act, except with respect to rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this Act:

Repeals.

(1) Sections 397 and 398 of the Revised Statutes of the District of Columbia (D.C. Code, secs. 4-140, 4-141).

81 Stat. 734.

(2) The following provision of British law in effect in the District of Columbia: 23 Geo. II, chapter 11, sections 1 and 2 (D.C. Code, secs. 23-204, 23-205).

(3) The following sections of the Act entitled “An Act to establish a code of law for the District of Columbia”, approved March 3, 1901:

(A) Sections 911 to 914 (D.C. Code, secs. 23-301 to 23-304).

31 Stat. 1337;
52 Stat. 199.

(B) Sections 915 to 917 (D.C. Code, secs. 23-201 to 23-203).

(C) Sections 918 to 924 (D.C. Code, secs. 23-107 to 23-113).

(D) Section 926 (D.C. Code, sec. 23-114).

(E) Sections 930 and 931 (D.C. Code, secs. 23-401, 23-402).

67 Stat. 106.

(F) Sections 932 and 933 (D.C. Code, secs. 23-101, 23-102).

(G) Sections 935 and 938 (D.C. Code, secs. 23-105, 23-106).

82 Stat. 238.

(H) Section 939 (D.C. Code, sec. 23-104).

(I) Section 1200 (D.C. Code, sec. 23-706).

31 Stat. 1379.

(J) Section 1203 (D.C. Code, sec. 23-705).

(4) Act of January 30, 1925 (43 Stat. 798; D.C. Code, secs. 23-701 to 23-704).

(5) Act of April 21, 1928 (45 Stat. 440; D.C. Code, secs. 23-403 to 23-410).

(6) Act of March 3, 1933 (47 Stat. 1482; D.C. Code, secs. 23-601 to 23-612).

(7) Section 5 of the Act of April 5, 1938 (52 Stat. 198, 199; D.C. Code, sec. 23-305).

(8) Uniform Act on Fresh Pursuit (53 Stat. 1124; D.C. Code, secs. 23-501 to 23-504).

(9) Act of March 5, 1952 (66 Stat. 15; D.C. Code, secs. 23-801 to 23-804).

(10) Sections 207, 402, and 407(b) of the District of Columbia Law Enforcement Act of 1953 (67 Stat. 90, 96, 102, 106; D.C. Code, secs. 23-306, 23-115, and 23-411).

81 Stat. 740. (11) The District of Columbia Bail Agency Act (80 Stat. 327; D.C. Code, secs. 23-901 to 23-909).

(12) Act of July 30, 1968 (82 Stat. 460; D.C. Code, sec. 23-101a).

CONFORMING AMENDMENTS

82 Stat. 213.

SEC. 211. (a) Section 2511(2)(a) of title 18, United States Code, is amended (1) by inserting "(i)" immediately after "(2)(a)"; and (2) by adding at the end thereof the following:

"(ii) It shall not be unlawful under this chapter for an officer, employee, or agent of any communication common carrier to provide information, facilities, or technical assistance to an investigative or law enforcement officer who, pursuant to this chapter, is authorized to intercept a wire or oral communication."

(b) Section 2518(4) of title 18, United States Code, is amended by adding after and below paragraph (e) the following:

"An order authorizing the interception of a wire or oral communication shall, upon request of the applicant, direct that a communication common carrier, landlord, custodian or other person shall furnish the applicant forthwith all information, facilities, and technical assistance necessary to accomplish the interception unobtrusively and with a minimum of interference with the services that such carrier, landlord, custodian, or person is according the person whose communications are to be intercepted. Any communication common carrier, landlord, custodian or other person furnishing such facilities or technical assistance shall be compensated therefor by the applicant at the prevailing rates."

(c) The last sentence of section 2520 of title 18, United States Code, is amended to read as follows: "A good faith reliance on a court order or legislative authorization shall constitute a complete defense to any civil or criminal action brought under this chapter or under any other law."

TITLE III—PUBLIC DEFENDER SERVICE

REDESIGNATION OF LEGAL AID AGENCY AS PUBLIC DEFENDER SERVICE

SEC. 301. The Legal Aid Agency for the District of Columbia is redesignated the District of Columbia Public Defender Service (hereafter in this title referred to as the "Service").

AUTHORITY OF SERVICE

SEC. 302. (a) The Service is authorized to represent any person in the District of Columbia who is a person described in any of the following categories and who is financially unable to obtain adequate representation:

(1) Persons charged with an offense punishable by imprisonment for a term of six months, or more.

(2) Persons charged with violating a condition of probation or parole.

(3) Persons subject to proceedings pursuant to chapter 5 of title 21 of the District of Columbia Code (Hospitalization of the Mentally Ill).

(4) Persons for whom civil commitment is sought pursuant to title III of the Narcotic Addict Rehabilitation Act of 1966 (42 U.S.C. 3411, et seq.) or the provisions of the Hospital Treatment for Drug Addicts Act for the District of Columbia (D.C. Code, sec. 24-601, et seq.).

80 Stat. 1444.

(5) Juveniles alleged to be delinquent or in need of supervision.

70 Stat. 609.

(6) Persons subject to proceedings pursuant to section 7 of the Act of August 4, 1947 (D.C. Code, sec. 24-527) (relating to commitment of chronic alcoholics by court order for treatment).

82 Stat. 621.

(7) Persons subject to proceedings pursuant to section 927 of the Act of March 3, 1901 (D.C. Code, sec. 24-301) (relating to confinement of persons acquitted on the ground of insanity).

Ante, p. 601.

Representation may be furnished at any stage of a proceeding, including appellate, ancillary, and collateral proceedings. Not more than 60 per centum of the persons who are annually determined to be financially unable to obtain adequate representation and who are persons described in the above categories may be represented by the Service, but the Service may furnish technical and other assistance to private attorneys appointed to represent persons described in the above categories. The Service shall determine the best practicable allocation of its staff personnel to the courts where it furnishes representation.

(b) The Service shall establish and coordinate the operation of an effective and adequate system for appointment of private attorneys to represent persons described in subsection (a), but the courts shall have final authority to make such appointments. The Service shall report to the courts at least quarterly on matters relating to the operation of the appointment system and shall consult with the courts on the need for modifications and improvements.

(c) Upon approval of its Board of Trustees, the Service may perform such other functions as are necessary and appropriate to the duties described above.

(d) The determination whether a person is financially unable to obtain adequate representation shall be based on information provided by the person to be represented and such other persons or agencies as the court in its discretion shall require. Whoever in providing this information knowingly falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious, or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

BOARD OF TRUSTEES OF SERVICE

SEC. 303. (a) The powers of the Service shall be vested in a Board of Trustees composed of seven members. The Board of Trustees shall establish general policy for the Service but shall not direct the conduct of particular cases.

(b) (1) Members of the Board of Trustees shall be appointed by a panel consisting of—

(A) the chief judge of the United States Court of Appeals for the District of Columbia Circuit;

(B) the chief judge of the United States District Court for the District of Columbia;

(C) the chief judge of the District of Columbia Court of Appeals;

(D) the chief judge of the Superior Court of the District of Columbia; and

(E) the Commissioner of the District of Columbia.

The panel shall be presided over by the chief judge of the United States Court of Appeals for the District of Columbia Circuit (or in his absence, the designee of such judge). A quorum of the panel shall be four members.

(2) Judges of the United States courts in the District of Columbia and of District of Columbia courts may not be appointed to serve as members of the Board of Trustees.

(3) The term of office of a member of the Board of Trustees shall be three years. No person shall serve more than two consecutive terms as a member of the Board of Trustees. A vacancy in the Board of Trustees shall be filled in the same manner as the original appointment. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term.

(c) The trustees of the Legal Aid Agency for the District of Columbia in office on the date of enactment of this Act shall serve the unexpired portions of their terms as trustees of the Service.

(d) For the purposes of any action brought against the trustees of the Service, they shall be deemed to be employees of the District of Columbia.

DIRECTOR AND DEPUTY DIRECTOR OF SERVICE

SEC. 304. The Board of Trustees shall appoint a Director and Deputy Director of the Service, each of whom shall serve at the pleasure of the Board. The Director shall be responsible for the supervision of the work of the Service and shall perform such other duties as the Board of Trustees may prescribe. The Deputy Director shall assist the Director and shall perform such duties as he may prescribe. The Director and Deputy Director shall be members of the bar of the District of Columbia. The Board of Trustees shall fix the compensation to be paid to the Director and the Deputy Director without regard to chapter 51 and subchapter III of chapter 53 of title 5 of the United States Code, but compensation for the Director shall not exceed the rate prescribed for GS-18 of the General Schedule and compensation for the Deputy Director shall not exceed the maximum rate prescribed for GS-17 of the General Schedule.

80 Stat. 443,
467.
5 USC 5101,
5331.
Ante, p. 198-1.

STAFF

SEC. 305. (a) The Director shall employ a staff of attorneys and clerical and other personnel necessary to provide adequate and effective defense services. The Director shall make assignments of the personnel of the Service. The compensation of all employees of the Service, other than the Director and the Deputy Director, shall be fixed by the Director without regard to chapter 51 and subchapter III of chapter 53 of title 5 of the United States Code, but shall not exceed the compensation which may be paid to persons of similar qualifications and experience in the Office of the United States Attorney for the District of Columbia. All attorneys employed by the Service to represent persons shall be members of the bar of the District of Columbia.

(b) No attorney employed by the Service shall engage in the private practice of law or receive a fee for representing any person.

FISCAL REPORTS

SEC. 306. (a) The Board of Trustees of the Agency shall submit a fiscal year report of the Service's operations to the Congress of the United States, to the chief judges of the Federal courts in the District of Columbia and of the District of Columbia courts, and to the Commissioner of the District of Columbia. The report shall include a statement of the financial condition of the Service and a summary of services performed during the year.

Report to
Congress.

(b) The Board of Trustees shall annually arrange for an independent audit to be prepared by a certified public accountant or by a designee of the Administrative Office of the United States Courts.

APPROPRIATIONS, GRANTS, AND CONTRIBUTIONS

SEC. 307. (a) For the purpose of carrying out the provisions of this title, there are authorized to be appropriated for each fiscal year, out of any moneys in the Treasury to the credit of the District of Columbia, such sums as may be necessary to implement the purposes of this title. Such sums shall be appropriated for the judiciary to be disbursed by the Administrative Office of the United States Courts to carry on the business of the Service. The Administrative Office, in disbursing and accounting for such sums, shall follow, so far as possible, its standard fiscal practices. The budget estimates for the Service shall be prepared in consultation with the Commissioner of the District of Columbia.

(b) Upon approval of the Board of Trustees, the Service may accept public grants and private contributions made to assist it in carrying out the provisions of this title.

TRANSITION PROVISION

SEC. 308. All employees of the Legal Aid Agency for the District of Columbia on the date of enactment of this Act shall be deemed to be employees of the Service and shall be entitled to the same compensation and benefits as they are entitled to as employees of the Legal Aid Agency for the District of Columbia.

REPEAL

SEC. 309. The District of Columbia Legal Aid Act (D.C. Code, secs. 2-2201 to 2-2210) is repealed.

74 Stat. 229.

TITLE IV—INTERSTATE COMPACT ON JUVENILES

FINDINGS AND PURPOSE

SEC. 401. (a) The Congress finds that (1) juveniles who are not under proper supervision and control, or who have absconded, escaped, or run away, are likely to endanger their own health, morals, and welfare, and the health, morals, and welfare of others, and (2) the cooperation of the District of Columbia with the States is necessary to provide for the welfare and protection of juveniles and other persons in the District of Columbia.

(b) The Congress intends, in authorizing the District of Columbia to adopt the Interstate Compact on Juveniles, to have the District of Columbia cooperate fully with the States (1) in returning juveniles to those States requesting their return, and (2) in accepting and providing for the return of juveniles who are residents of the District of Columbia and who are found or apprehended in a State.

AUTHORITY TO ENTER INTO COMPACT

SEC. 402. (a) The Commissioner of the District of Columbia (hereafter in this title referred to as the "Commissioner") is authorized to enter into and execute on behalf of the District of Columbia a compact with any State or States legally joining therein in the form substantially as follows:

"THE INTERSTATE COMPACT ON JUVENILES

"The contracting states solemnly agree :

"ARTICLE I—Findings and Purposes

"That juveniles who are not under proper supervision and control, or who have absconded, escaped or run away, are likely to endanger their own health, morals and welfare, and the health, morals and welfare of others. The cooperation of the states party to this compact is therefore necessary to provide for the welfare and protection of juveniles and of the public with respect to (1) cooperative supervision of delinquent juveniles on probation or parole; (2) the return, from one state to another, of delinquent juveniles who have escaped or absconded; (3) the return, from one state to another, of non-delinquent juveniles who have run away from home; and (4) additional measures for the protection of juveniles and of the public, which any two or more of the party states may find desirable to undertake cooperatively. In carrying out the provisions of this compact the party states shall be guided by the non-criminal, reformatory and protective policies which guide their laws concerning delinquent, neglected or dependent juveniles generally. It shall be the policy of the states party to this compact to cooperate and observe their respective responsibilities for the prompt return and acceptance of juveniles and delinquent juveniles who become subject to the provisions of this compact. The provisions of this compact shall be reasonably and liberally construed to accomplish the foregoing purposes.

"ARTICLE II—Existing Rights and Remedies

"That all remedies and procedures provided by this compact shall be in addition to and not in substitution for other rights, remedies and procedures, and shall not be in derogation of parental rights and responsibilities.

"ARTICLE III—Definitions

"That, for the purposes of this compact, 'delinquent juvenile' means any juvenile who has been adjudged delinquent and who, at the time the provisions of this compact are invoked, is still subject to the jurisdiction of the court that has made such adjudication or to the jurisdiction or supervision of any agency or institution pursuant to an order of such court; 'probation or parole' means any kind of conditional release of juveniles authorized under the laws of the states party hereto; 'court' means any court having jurisdiction over delinquent, neglected or dependent children; 'state' means any state, territory or possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico; and 'residence' or any variant thereof means a place at which a home or regular place of abode is maintained.

“ARTICLE IV—Return of Runaways

“(a) That the parent, guardian, person or agency entitled to legal custody of a juvenile who has not been adjudged delinquent but who has run away without the consent of such parent, guardian, person or agency may petition the appropriate court in the demanding state for the issuance of a requisition for his return. The petition shall state the name and age of the juvenile, the name of the petitioner and the basis of entitlement to the juvenile's custody, the circumstances of his running away, his location if known at the time application is made, and such other facts as may tend to show that the juvenile who has run away is endangering his own welfare or the welfare of others and is not an emancipated minor. The petition shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the document or documents on which the petitioner's entitlement to the juvenile's custody is based, such as birth certificates, letters of guardianship, or custody decrees. Such further affidavits and other documents as may be deemed proper may be submitted with such petition. The judge of the court to which this application is made may hold a hearing thereon to determine whether for the purposes of this compact the petitioner is entitled to the legal custody of the juvenile, whether or not it appears that the juvenile has in fact run away without consent, whether or not he is an emancipated minor, and whether or not it is in the best interest of the juvenile to compel his return to the state. If the judge determines, either with or without a hearing, that the juvenile should be returned, he shall present the appropriate court or to the executive authority of the state where the juvenile is alleged to be located a written requisition for the return of such juvenile. Such requisition shall set forth the name and age of the juvenile, the determination of the court that the juvenile has run away without the consent of a parent, guardian, person or agency entitled to his legal custody, and that it is in the best interest and for the protection of such juvenile that he be returned. In the event that a proceeding for the adjudication of the juvenile as a delinquent, neglected or dependent juvenile is pending in the court at the time when such juvenile runs away, the court may issue a requisition for the return of such juvenile upon its own motion, regardless of the consent of the parent, guardian, person or agency entitled to legal custody, reciting therein the nature and circumstances of the pending proceeding. The requisition shall in every case be executed in duplicate and shall be signed by the judge. One copy of the requisition shall be filed with the compact administrator of the demanding state, there to remain on file subject to the provisions of law governing records of such court. Upon the receipt of a requisition demanding the return of a juvenile who has run away, the court or the executive authority to whom the requisition is addressed shall issue an order to any peace officer or other appropriate person directing him to take into custody and detain such juvenile. Such detention order must substantially recite the facts necessary to the validity of its issuance hereunder. No juvenile detained upon such order shall be delivered over to the officer whom the court demanding him shall have appointed to receive him, unless he shall first be taken forthwith before a judge of a court in the state, who shall inform him of the demand made for his return and who may appoint counsel or guardian ad litem for him. If the judge of such court shall find that the requisition is in order, he shall deliver such juvenile over to the officer whom the court demanding him shall have appointed to receive him. The judge, however, may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding.

"Upon reasonable information that a person is a juvenile who has run away from another state party to this compact without the consent of a parent, guardian, person or agency entitled to his legal custody, such juvenile may be taken into custody without a requisition and brought forthwith before a judge of the appropriate court who may appoint counsel or guardian ad litem for such juvenile and who shall determine after a hearing whether sufficient cause exists to hold the person, subject to the order of the court, for his own protection and welfare, for such a time not exceeding 90 days as will enable his return to another state party to this compact pursuant to a requisition for his return from a court of that state. If, at the time when a state seeks the return of a juvenile who has run away, there is pending in the state wherein he is found any criminal charge, or any proceeding to have him adjudicated a delinquent juvenile for an act committed in such State, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of such state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the juvenile being returned, shall be permitted to transport such juvenile through any and all states party to this compact, without interference. Upon his return to the state from which he ran away, the juvenile shall be subject to such further proceedings as may be appropriate under the laws of that state.

"(b) That the state to which a juvenile is returned under this Article shall be responsible for payment of the transportation costs of such return.

"(c) That 'juvenile' as used in this Article means any person who is a minor under the law of the state of residence of the parent, guardian, person or agency entitled to the legal custody of such minor.

"ARTICLE V—Return of Escapees and Absconders

"(a) That the appropriate person or authority from whose probation or parole supervision a delinquent juvenile has absconded or from whose institutional custody he has escaped shall present to the appropriate court or to the executive authority of the state where the delinquent juvenile is alleged to be located a written requisition for the return of such delinquent juvenile. Such requisition shall state the name and age of the delinquent juvenile, the particulars of his adjudication as a delinquent juvenile, the circumstances of the breach of the terms of his probation or parole or of his escape from an institution or agency vested with his legal custody or supervision, and the location of such delinquent juvenile, if known, at the time the requisition is made. The requisition shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the judgment, formal adjudication, or order of commitment which subjects such delinquent juvenile to probation or parole or to the legal custody of the institution or agency concerned. Such further affidavits and other documents as may be deemed proper may be submitted with such requisition. One copy of the requisition shall be filed with the compact administrator of the demanding state, there to remain on file subject to the provisions of law governing records of the appropriate court. Upon the receipt of a requisition demanding the return of a delinquent juvenile who has absconded or escaped, the court or the executive authority to whom the requisition is addressed shall

issue an order to any peace officer or other appropriate person directing him to take into custody and detain such delinquent juvenile. Such detention order must substantially recite the facts necessary to the validity of its issuance hereunder. No delinquent juvenile detained upon such order shall be delivered over to the officer whom the appropriate person or authority demanding him shall have appointed to receive him, unless he shall first be taken forthwith before a judge of an appropriate court in the state, who shall inform him of the demand made for his return and who may appoint counsel or guardian ad litem for him. If the judge of such court shall find that the requisition is in order, he shall deliver such delinquent juvenile over to the officer whom the appropriate person or authority demanding him shall have appointed to receive him. The judge, however, may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding.

“Upon reasonable information that a person is a delinquent juvenile who has absconded while on probation or parole, or escaped from an institution or agency vested with his legal custody or supervision in any state party to this compact, such person may be taken into custody in any other state party to this compact without a requisition. But in such event, he must be taken forthwith before a judge of the appropriate court, who may appoint counsel or guardian ad litem for such person and who shall determine, after a hearing, whether sufficient cause exists to hold the person subject to the order of the court for such a time, not exceeding 90 days, as will enable his detention under a detention order issued on a requisition pursuant to this Article. If, at the time when a state seeks the return of a delinquent juvenile who has either absconded while on probation or parole or escaped from an institution or agency vested with his legal custody or supervision, there is pending in the state wherein he is detained any criminal charge or any proceeding to have him adjudicated a delinquent juvenile for an act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of such state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the delinquent juvenile being returned, shall be permitted to transport such delinquent juvenile through any and all states party to this compact, without interference. Upon his return to the state from which he escaped or absconded, the delinquent juvenile shall be subject to such further proceedings as may be appropriate under the laws of that state.

“(b) That the state to which a delinquent juvenile is returned under this Article shall be responsible for the payment of the transportation costs of such return.

“ARTICLE VI—Voluntary Return Procedure

“That any delinquent juvenile who has absconded while on probation or parole, or escaped from an institution or agency vested with his legal custody or supervision in any state party to this compact, and any juvenile who has run away from any state party to this compact, who is taken into custody without a requisition in another state party to this compact under the provisions of Article IV(a) or of Article V(a), may consent to his immediate return to the state from which he absconded, escaped or ran away. Such consent shall be given

by the juvenile or delinquent juvenile and his counsel or guardian ad litem if any, by executing or subscribing a writing, in the presence of a judge of the appropriate court, which states that the juvenile or delinquent juvenile and his counsel or guardian ad litem, if any, consent to his return to the demanding state. Before such consent shall be executed or subscribed, however, the judge, in the presence of counsel or guardian ad litem, if any, shall inform the juvenile or delinquent juvenile of his rights under this compact. When the consent has been duly executed, it shall be forwarded to and filed with the compact administrator of the state in which the court is located and the judge shall direct the officer having the juvenile or delinquent juvenile in custody to deliver him to the duly accredited officer or officers of the state demanding his return, and shall cause to be delivered to such officer or officers a copy of the consent. The court may, however, upon the request of the state to which the juvenile or delinquent juvenile is being returned, order him to return unaccompanied to such state and shall provide him with a copy of such court order; in such event a copy of the consent shall be forwarded to the compact administrator of the state to which said juvenile or delinquent juvenile is ordered to return.

“ARTICLE VII—Cooperative Supervision of Probationers and Parolees

“(a) That the duly constituted judicial and administrative authorities of a state party to this compact (herein called ‘sending state’) may permit any delinquent juvenile within such state, placed on probation or parole, to reside in any other state party to this compact (herein called ‘receiving state’) while on probation or parole, and the receiving state shall accept such delinquent juvenile, if the parent, guardian or person entitled to the legal custody of such delinquent juvenile is residing or undertakes to reside within the receiving state. Before granting such permission, opportunity shall be given to the receiving state to make such investigations as it deems necessary. The authorities of the sending state shall send to the authorities of the receiving state copies of pertinent court orders, social case studies and all other available information which may be of value to and assist the receiving state in supervising a probationer or parolee under this compact. A receiving state, in its discretion, may agree to accept supervision of a probationer or parolee in cases where the parent, guardian or person entitled to the legal custody of the delinquent juvenile is not a resident of the receiving state, and if so accepted the sending state may transfer supervision accordingly.

“(b) That each receiving state will assume the duties of visitation and of supervision over any such delinquent juvenile and in the exercise of those duties will be governed by the same standards of visitation and supervision that prevail for its own delinquent juveniles released on probation or parole.

“(c) That, after consultation between the appropriate authorities of the sending state and of the receiving state as to the desirability and necessity of returning such a delinquent juvenile, the duly accredited officers of a sending state may enter a receiving state and there apprehend and retake any such delinquent juvenile on probation or parole. For that purpose, no formalities will be required, other than establishing the authority of the officer and the identity of the delinquent juvenile to be retaken and returned. The decision of the sending state to retake a delinquent juvenile on probation or parole shall be conclusive upon and not reviewable within the receiving state, but if,

at the time the sending state seeks to retake a delinquent juvenile on probation or parole, there is pending against him within the receiving state any criminal charge or any proceeding to have him adjudicated a delinquent juvenile for any act committed in such state or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of the receiving state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of the sending state shall be permitted to transport delinquent juveniles being so returned through any and all states party to this compact, without interference.

“(d) That the sending state shall be responsible under this Article for paying the costs of transporting any delinquent juvenile to the receiving state or of returning any delinquent juvenile to the sending state.

“ARTICLE VIII—Responsibility for Costs

“(a) That the provisions of Articles IV(b), V(b) and VII(d) of this compact shall not be construed to alter or affect any internal relationship among the departments, agencies and officers of and in the government of a party state, or between a party state and its subdivisions, as to the payment of costs, or responsibilities therefor.

“(b) That nothing in this compact shall be construed to prevent any party state or subdivision thereof from asserting any right against any person, agency or other entity in regard to costs for which such party state or subdivision thereof may be responsible pursuant to Articles IV(b), V(b) or VII(d) of this compact.

“ARTICLE IX—Detention Practices

“That, to every extent possible, it shall be the policy of states party to this compact that no juvenile or delinquent juvenile shall be placed or detained in any prison, jail or lockup nor be detained or transported in association with criminal, vicious or dissolute persons.

“ARTICLE X—Supplementary Agreements

“That the duly constituted administrative authorities of a state party to this compact may enter into supplementary agreements with any other state or states party hereto for the cooperative care, treatment and rehabilitation of delinquent juveniles whenever they shall find that such agreements will improve the facilities or programs available for such care, treatment, and rehabilitation. Such care, treatment and rehabilitation may be provided in an institution located within any state entering into such supplementary agreement. Such supplementary agreements shall (1) provide the rates to be paid for the care, treatment and custody of such delinquent juveniles, taking into consideration the character of facilities, services and subsistence furnished; (2) provide that the delinquent juvenile shall be given a court hearing prior to his being sent to another state for care, treatment and custody; (3) provide that the state receiving such a delinquent juvenile in one of its institutions shall act solely as agent for the state sending such delinquent juvenile; (4) provide that the sending state shall at all times retain jurisdiction over delinquent juveniles sent to an institution in another state; (5) provide for reasonable inspection of such institutions by the sending state; (6) provide that the consent of the parent, guardian, person or agency entitled to the

legal custody of said delinquent juvenile shall be secured prior to his being sent to another state; and (7) make provision for such other matters and details as shall be necessary to protect the rights and equities of such delinquent juveniles and of the cooperating states.

“ARTICLE XI—Acceptance of Federal and Other Aid

“That any state party to this compact may accept any and all donations: gifts and grants of money, equipment and services from the federal or any local government, or any agency thereof and from any person, firm or corporation, for any of the purposes and functions of this compact, and may receive and utilize the same subject to the terms, conditions and regulations governing such donations, gifts and grants.

“ARTICLE XII—Compact Administrators

“That the governor of each state party to this compact shall designate an officer who, acting jointly with like officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms and provisions of this compact.

“ARTICLE XIII—Execution of Compact

“That this compact shall become operative immediately upon its execution by any state as between it and any other state or states so executing. When executed it shall have the full force and effect of law within such state, the form or execution to be in accordance with the laws of the executing state.

“ARTICLE XIV—Renunciation

“That this compact shall continue in force and remain binding upon each executing state until renounced by it. Renunciation of this compact shall be by the same authority which executed it, by sending six months' notice in writing of its intention to withdraw from the compact to the other states party hereto. The duties and obligations of a renouncing state under Article VII hereof shall continue as to parolees and probationers residing therein at the time of withdrawal until retaken or finally discharged. Supplementary agreements entered into under Article X hereof shall be subject to renunciation as provided by such supplementary agreements, and shall not be subject to the six months' renunciation notice of the present Article.

“ARTICLE XV—Severability

“That the provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstances shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.”

(b) The Commissioner may enter into and execute on behalf of the District of Columbia the following additional articles to the Interstate Compact on Juveniles:

**“ARTICLE XVI—Additional Provision Relating to Return of
Minor Children**

“This article shall provide additional remedies, and shall be binding only as among and between those party states which specifically execute the same.

“For the purposes of this article, ‘child’, as used herein, means any minor within the jurisdictional age limits of any court in the home state.

“When any child is brought before a court of a state of which such child is not a resident, and such state is willing to permit such child’s return to the home state of such child, such home state, upon being so advised by the state in which such proceeding is pending, shall immediately institute proceedings to determine the residence and jurisdictional facts as to such child in such home state, and upon finding that such child is in fact a resident of said state and subject to the jurisdiction of the court thereof, shall within five days authorize the return of such child to the home state, and to the parent or custodial agency legally authorized to accept such custody in such home state, and at the expense of such home state, to be paid from such funds as such home state may procure, designate, or provide, prompt action being of the essence.

**“ARTICLE XVII—Additional Provision Concerning Interstate
Rendition of Juveniles Alleged to be Delinquent**

“This article shall provide additional remedies, and shall be binding only as among and between those party states which specifically execute the same.

“All provisions and procedures of Articles V and VI of the Interstate Compact on Juveniles shall be construed to apply to any juvenile charged with being a delinquent by reason of a violation of any criminal law. Any juvenile, charged with being a delinquent by reason of violating any criminal law shall be returned to the requesting state upon a requisition to the state where the juvenile may be found. A petition in such case shall be filed in a court of competent jurisdiction in the requesting state where the violation of criminal law is alleged to have been committed. The petition may be filed regardless of whether the juvenile has left the state before or after the filing of the petition. The requisition described in Article V of the compact shall be forwarded by the judge of the court in which the petition has been filed.”

COMPACT ADMINISTRATOR

SEC. 403. (a) The Commissioner shall appoint or designate an officer of the government of the District of Columbia (hereafter in this section referred to as the “compact administrator”) to administer the compact. The compact administrator shall serve at the pleasure of the Commissioner.

(b) The compact administrator, acting jointly with like officers of party States, shall promulgate rules and regulations to carry out more effectively the terms of the compact. The compact administrator shall cooperate with all departments, agencies, and officers of the govern-

ment of the District of Columbia in facilitating the proper administration of the compact or of any supplementary agreement entered into by the compact administrator under subsection (c) of this section.

(c) Subject to the approval of the Commissioner, the compact administrator may enter into supplementary agreements with appropriate State officials for the purpose of administering the compact.

(d) Subject to the approval of the Commissioner, the compact administrator may make or arrange for any payments necessary to discharge any financial obligations imposed upon the District of Columbia by the compact or by any supplementary agreement entered into under subsection (c) of this section.

ENFORCEMENT

SEC. 404. The courts, departments, agencies, and officers of the District of Columbia shall enforce the compact and shall take such action as may be necessary to carry out the purposes and intent of the compact which may be within their respective jurisdictions.

CONSTRUCTION OF COMPACT

SEC. 405. The compact shall not be construed to prohibit the adoption of any other plan or procedure for the District of Columbia for the return of any runaway juvenile.

CONGRESSIONAL AUTHORITY

SEC. 406. The right to alter, amend, or repeal this title is expressly reserved by the Congress.

TITLE V—LEGAL ASSISTANCE FOR OFFICERS OR MEMBERS OF THE METROPOLITAN POLICE DEPARTMENT IN ACTIONS FOR WRONGFUL ARREST

LEGAL ASSISTANCE FOR POLICE IN WRONGFUL ARREST ACTIONS

SEC. 501. (a) In accordance with regulations prescribed by the Council of the District of Columbia, the Corporation Counsel of the District of Columbia shall represent any officer or member of the Metropolitan Police Department, if he so requests, in any civil action for damages resulting from an alleged wrongful arrest by such officer or member.

(b) If the Corporation Counsel fails or is unable to represent such officer or member when requested to do so, the Commissioner of the District of Columbia shall compensate such officer or member for reasonable attorney's fees (as determined by the court) incurred by him in his defense of the action against him.

EFFECTIVE DATE

SEC. 502. The amendments made by this title shall take effect with respect to civil actions in the United States District Court for the District of Columbia or any District of Columbia court brought after the date of enactment of this Act against a member or officer of the Metropolitan Police Department for damages resulting from an alleged wrongful arrest by such officer or member.

TITLE VI—ABOLITION OF COMMISSION ON REVISION OF THE CRIMINAL LAWS OF THE DISTRICT OF COLUMBIA

ABOLITION OF COMMISSION

SEC. 601. Title IX of the Act entitled “An Act relating to crime and criminal procedure in the District of Columbia”, approved December 27, 1967 (Public Law 90-226), is repealed.

81 Stat. 742.
D.C. Code
22-1122.

TITLE VII—FEDERAL PAYMENT AUTHORIZATION

FEDERAL PAYMENT AUTHORIZATION

SEC. 701. For the fiscal year ending June 30, 1971, there are authorized to be appropriated to the District of Columbia, in addition to any other amounts authorized to be appropriated to the District of Columbia for such fiscal year, the following amounts:

(1) Not to exceed \$3,010,000 for the reorganization of the District of Columbia court system and the District of Columbia Legal Aid Agency provided by titles I and III of this Act.

Ante, p. 475,
654.

(2) Not to exceed \$580,000 for facilities for the increased number of court personnel authorized by this Act to be added to the District of Columbia court system.

(3) Not to exceed \$350,000 for the expansion of the District of Columbia Bail Agency required to carry out the purposes of chapter 13 of title 23 of the District of Columbia Code (as provided in title II of this Act).

Ante, p. 639.

(4) Not to exceed \$1,060,000 (plus any amounts not appropriated under paragraph (1), (2), or (3)) for any other purpose of this Act and for study, prevention, and treatment programs relating to drug users (as defined in section 3 of the Hospital Treatment for Drug Addicts for the District of Columbia (D.C. Code, sec. 24-602)) in the District of Columbia.

70 Stat. 609.

TITLE VIII—MISCELLANEOUS

POLICE MUTUAL AID

SEC. 801. The first section of the Act of October 17, 1968 (Public Law 90-587; D.C. Code, sec. 1-820), is amended by striking out all after “equipment” and inserting in lieu thereof a period.

82 Stat. 1150.

REPEAL OF KITE FLYING PROHIBITION

SEC. 802. Section 4 of the Act of July 29, 1892 (27 Stat. 322; D.C. Code, sec. 22-1117), is amended by striking out “set up or fly any kite, or”.

TITLE IX—EFFECTIVE DATE

EFFECTIVE DATE

SEC. 901. (a) Except as provided in part E of title I, section 502, and subsection (b) of this section, this Act and the amendments made by this Act shall take effect on the first day of the seventh calendar month which begins after the date of its enactment.

Ante, p. 592,
666.

Ante, p. 654.

(b) (1) Title III shall take effect on the date of the enactment of this Act. In the administration of section 303(b) of title III during the period beginning on the date of the enactment of this Act and ending on the effective date specified in subsection (a), the reference to the Superior Court of the District of Columbia shall be considered a reference to the District of Columbia Court of General Sessions.

Ante, pp. 657, 667.

(2) Titles IV, VI, VII, and VIII shall take effect on the date of the enactment of this Act.

Ante, p. 598.

(3) The amendments made by sections 201 and 205 of this Act shall apply with respect to any person who commits an offense after the effective date of this Act.

Approved July 29, 1970.

Public Law 91-359

July 31, 1970
[H. R. 14452]

AN ACT

To provide for the designation of special policemen at the Government Printing Office, and for other purposes.

G.P.O.
Special police-
men, designation.
82 Stat. 1239.
44 USC 301-316.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 3 of title 44, United States Code, is amended by adding at the end thereof the following new section:

“§ 317. Special policemen

“The Public Printer or his delegate may designate employees of the Government Printing Office to serve as special policemen to protect persons and property in premises and adjacent areas occupied by or under the control of the Government Printing Office. Under regulations to be prescribed by the Public Printer, employees designated as special policemen are authorized to bear and use arms in the performance of their duties; make arrest for violations of laws of the United States, the several States, and the District of Columbia; and enforce the regulations of the Public Printer, including the removal from Government Printing Office premises of individuals who violate such regulations. The jurisdiction of special policemen in premises occupied by or under the control of the Government Printing Office and adjacent areas shall be concurrent with the jurisdiction of the respective law enforcement agencies where the premises are located.”

(b) The table of sections of chapter 3 of title 44, United States Code, is amended by adding at the end thereof:

“317. Special policemen.”.

Approved July 31, 1970.

Public Law 91-360

July 31, 1970
[S. 3889]

AN ACT

To amend section 14(b) of the Federal Reserve Act, as amended, to extend for one year the authority of Federal Reserve banks to purchase United States obligations directly from the Treasury.

Federal Reserve
Act, amendment.
61 Stat. 56;
82 Stat. 113.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 14(b) of the Federal Reserve Act, as amended (12 U.S.C. 355), is amended by striking out “July 1, 1970” and inserting in lieu thereof “July 1, 1971” and by striking out “June 30, 1970” and inserting in lieu thereof “June 30, 1971”.

Approved July 31, 1970.

Public Law 91-361

AN ACT

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

July 31, 1970
[H. R. 17619]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending June 30, 1971, and for other purposes, namely:

Department of
the Interior and
Related Agencies
Appropriation
Act, 1971.

TITLE I—DEPARTMENT OF THE INTERIOR

PUBLIC LAND MANAGEMENT

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, and performance of other functions, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, \$58,605,000.

CONSTRUCTION AND MAINTENANCE

For acquisition, construction and maintenance of buildings, appurtenant facilities, and other improvements, and maintenance of access roads, \$3,310,000, to remain available until expended.

PUBLIC LANDS DEVELOPMENT ROADS AND TRAILS

(LIQUIDATION OF CONTRACT AUTHORITY)

For liquidation of obligations incurred pursuant to authority contained in title 23, United States Code, section 203, \$3,500,000, to remain available until expended.

72 Stat. 906;
76 Stat. 1147.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of rights-of-way and of existing connecting roads on or adjacent to such lands; an amount equivalent to 25 per centum of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands, to remain available until expended: *Provided*, That the amount appropriated herein for the purposes of this appropriation on lands administered by the Forest Service shall be transferred to the Forest Service, Department of Agriculture: *Provided further*, That the amount appropriated herein for road construction on lands other than those administered by the Forest Service shall be transferred to the Federal Highway Administration, Department of Transportation: *Provided further*, That the amount appropriated herein is hereby made a reimbursable charge against the Oregon and California land-

grant fund and shall be reimbursed to the general fund in the Treasury in accordance with the provisions of the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

43 USC 1181f.

RANGE IMPROVEMENTS

For construction, purchase, and maintenance of range improvements pursuant to the provisions of sections 3 and 10 of the Act of June 28, 1934, as amended (43 U.S.C. 315), sums equal to the aggregate of all moneys received, during the current fiscal year, as range improvements fees under section 3 of said Act, 25 per centum of all moneys received, during the current fiscal year, under section 15 of said Act, and the amount designated for range improvements from grazing fees from Bankhead-Jones lands transferred to the Department of the Interior by Executive Order 10787, dated November 6, 1958, to remain available until expended.

48 Stat. 1270;
61 Stat. 790.
43 USC 315b,
315i.

49 Stat. 1978.
43 USC 315m.

3 CFR, 1954-
1958 Comp.,
p. 424.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase of one aircraft for replacement only; purchase, erection, and dismantlement of temporary structures; and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title: *Provided*, That of appropriations herein made for the Bureau of Land Management expenditures in connection with the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands (other than expenditures made under the appropriation "Oregon and California grant lands") shall be reimbursed to the general fund of the Treasury from the 25 per centum referred to in subsection (c), title II, of the Act approved August 28, 1937 (50 Stat. 876), of the special fund designated the "Oregon and California land-grant fund" and section 4 of the Act approved May 24, 1939 (53 Stat. 754), of the special fund designated the "Coos Bay Wagon Road grant fund": *Provided further*, That appropriations herein made may be expended on a reimbursable basis for (1) surveys of lands other than those under the jurisdiction of the Bureau of Land Management and (2) protection and leasing of lands and mineral resources for the State of Alaska.

BUREAU OF INDIAN AFFAIRS

EDUCATION AND WELFARE SERVICES

For expenses necessary to provide education and welfare services for Indians, either directly or in cooperation with States and other organizations, including payment (in advance or from date of admission), of care, tuition, assistance, and other expenses of Indians in boarding homes, institutions, or schools; grants and other assistance to needy Indians; maintenance of law and order, and payment of rewards for information or evidence concerning violations of law on Indian reservations or lands; and operation of Indian arts and crafts shops; \$217,615,000.

RESOURCES MANAGEMENT

For expenses necessary for management, development, improvement, and protection of resources and appurtenant facilities under the jurisdiction of the Bureau of Indian Affairs, including payment of irrigation assessments and charges; acquisition of water rights; advances for Indian industrial and business enterprises; operation of Indian arts and crafts shops and museums; and development of Indian arts and crafts, as authorized by law; \$64,622,000.

CONSTRUCTION

For construction, major repair, and improvement of irrigation and power systems, buildings, utilities, and other facilities; acquisition of lands and interests in lands; preparation of lands for farming; and architectural and engineering services by contract; \$19,885,000, to remain available until expended: *Provided*, That no part of the sum herein appropriated shall be used for the acquisition of land within the States of Arizona, California, Colorado, New Mexico, South Dakota, and Utah outside of the boundaries of existing Indian reservations except lands authorized by law to be acquired for the Navajo Indian Irrigation Project: *Provided further*, That no part of this appropriation shall be used for the acquisition of land or water rights within the States of Nevada, Oregon, and Washington either inside or outside the boundaries of existing reservations except such lands as may be required for replacement of the Wild Horse Dam in the State of Nevada: *Provided further*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided further*, That not to exceed \$150,000 shall be for assistance to the Wagner, South Dakota, East Charles Mix Independent School District No. 102, for planning an addition to the district school facilities: *Provided further*, That not to exceed \$365,000 may be used for enlargement, remodeling, and improving the Sioux Indian Museum and Crafts Center, Rapid City, South Dakota.

ROAD CONSTRUCTION (LIQUIDATION OF CONTRACT AUTHORITY)

For liquidation of obligations incurred pursuant to authority contained in title 23, United States Code, section 203, \$20,200,000, to remain available until expended.

72 Stat. 906;
76 Stat. 1147.

GENERAL ADMINISTRATIVE EXPENSES

For expenses necessary for the general administration of the Bureau of Indian Affairs, including such expenses in field offices, \$5,600,000.

TRIBAL FUNDS

In addition to the tribal funds authorized to be expended by existing law, there is hereby appropriated \$3,000,000 from tribal funds not otherwise available for expenditure for the benefit of Indians and Indian tribes, including pay and travel expenses of employees; care, tuition, and other assistance to Indian children attending public and private schools (which may be paid in advance or from date of admission); purchase of land and improvements on land, title to which shall be taken in the name of the United States in trust for the tribe for which purchased; lease of lands and water rights; compensation and expenses of attorneys and other persons employed by Indian tribes under approved contracts; pay, travel, and other expenses of tribal officers, councils, and committees thereof, or other tribal organizations, including mileage for use of privately owned automobiles and per diem in lieu of subsistence at rates established administratively but not to exceed those applicable to civilian employees of the Government; relief of Indians, without regard to section 7 of the Act of May 27, 1930 (46 Stat. 391), including cash grants; and employment of a curator for the Osage Museum, who shall be appointed with the approval of the Osage Tribal Council and without regard to the classification laws: *Provided*, That in addition to the amount appropriated herein, tribal funds may be advanced to Indian tribes during the

18 USC 4124
and note.

current fiscal year for such purposes as may be designated by the governing body of the particular tribe involved and approved by the Secretary: *Provided further*, That nothing contained in this paragraph or in any other provision of law shall be construed to authorize the expenditure of funds derived from appropriations in satisfaction of awards of the Indian Claims Commission and the Court of Claims, except for such amounts as may be necessary to pay attorney fees, expenses of litigation, and expenses of program planning, until after legislation has been enacted that sets forth the purposes for which said funds will be used: *Provided further*, That the limitations contained in the foregoing paragraph shall not apply to any judgment proceeds or other funds, revenues or receipts, due the Shoshone Indian Tribe of the Wind River Reservation, Wyoming, and any such funds may be distributed to them under the provisions of the Act of May 19, 1947, as amended (25 U.S.C. 611–613): *Provided, however*, That no part of this appropriation or other tribal funds shall be used for the acquisition of land or water rights within the States of Nevada and Oregon, either inside or outside the boundaries of existing Indian reservations, if such acquisition results in the property being exempted from local taxation.

61 Stat. 102;
72 Stat. 541.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans) shall be available for expenses of exhibits; purchase of not to exceed thirty-one passenger motor vehicles for replacement only, including thirty for police-type use which may exceed by \$400 each the general purchase price limitation for the current year, which may be used for the transportation of Indians; advance payments for service (including services which may extend beyond the current fiscal year) under contracts executed pursuant to the Act of June 4, 1936 (25 U.S.C. 452), the Act of August 3, 1956 (70 Stat. 986), and legislation terminating Federal supervision over certain Indian tribes; and expenses required by continuing or permanent treaty provisions.

49 Stat. 1458.
82 Stat. 4.
25 USC 309,
309a.

BUREAU OF OUTDOOR RECREATION

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Outdoor Recreation, not otherwise provided for, \$3,895,000.

LAND AND WATER CONSERVATION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965 as amended (82 Stat. 354), including \$4,159,000 for administrative expenses of the Bureau of Outdoor Recreation during the current fiscal year, and acquisition of land or waters, or interest therein, in accordance with the statutory authority applicable to the State or Federal agency concerned, to be derived from the Land and Water Conservation Fund, established by section 2 of said Act as amended, and to remain available until expended, not to exceed \$357,400,000, of which (1) not to exceed \$185,400,000 shall be available for payments to the States to be matched by the individual States with an equal amount; (2) not to exceed \$96,600,000 shall be available to the National Park Service; (3) not to exceed \$32,741,000 shall be available to the Forest Service; (4) not to exceed \$8,000,000 shall be available to the Bureau of Sport Fisheries and Wildlife; (5) not to exceed \$500,000 shall be available to the Bureau of Land Management; and (6) \$30,000,000 is for

78 Stat. 897,
16 USC 4601-4
note.

liquidation of obligations incurred pursuant to section 8 of said Act.

82 Stat. 355,
16 USC 4601-
10a.

OFFICE OF TERRITORIES

ADMINISTRATION OF TERRITORIES

For expenses necessary for the administration of Territories and for the departmental administration of the Trust Territory of the Pacific Islands, under the jurisdiction of the Department of the Interior, including not to exceed \$509,000 for the Office of Territories; expenses of the offices of the Governors of Guam and American Samoa, as authorized by law (48 U.S.C. 1422, 1661(c)); salaries of the Governor of the Virgin Islands, the Government Secretary, and the members of the immediate staffs as authorized by law (48 U.S.C. 1591, 72 Stat. 1095); compensation and mileage of members of the legislature in American Samoa as authorized by law (48 U.S.C. 1661(c)); compensation and expenses of the judiciary in American Samoa as authorized by law (48 U.S.C. 1661(c)); grants to American Samoa, in addition to current local revenues, for support of governmental functions; loans and grants to Guam, as authorized by law (Public Law 88-170, as amended. 82 Stat. 863); and personal services, household equipment and furnishings, and utilities necessary in the operation of the houses of the Governors of Guam and American Samoa: \$17,350,000, together with \$367,000 for expenses of the office of the Government Comptroller for the Virgin Islands to be derived by transfer from "Internal Revenue Collections for Virgin Islands", as authorized by law (Public Law 90-496) and \$118,000 for expenses of the office of the Government Comptroller for Guam, including the purchase of not to exceed two passenger motor vehicles, to be derived from duties and taxes which would otherwise be covered into the Treasury of Guam, as authorized by law (Public Law 90-497), to remain available until expended: *Provided*, That the Territorial and local government herein provided for are authorized to make purchases through the General Services Administration: *Provided further*, That appropriations available for the administration of Territories may be expended for the purchase, charter, maintenance, and operation of aircraft and surface vessels for official purposes and for commercial transportation purposes found by the Secretary to be necessary.

82 Stat. 842;
45 Stat. 1253.

82 Stat. 837,
841,
48 USC 1641.

77 Stat. 302.

82 Stat. 840.
48 USC 1599.

82 Stat. 845.
48 USC 1422d.

TRUST TERRITORY OF THE PACIFIC ISLANDS

For expenses necessary for the Department of the Interior in administration of the Trust Territory of the Pacific Islands pursuant to the Trusteeship Agreement approved by joint resolution of July 18, 1947 (61 Stat. 397), and the Act of June 30, 1954 (68 Stat. 330), as amended (82 Stat. 1213), including the expenses of the High Commissioner of the Trust Territory of the Pacific Islands; compensation and expenses of the Judiciary of the Trust Territory of the Pacific Islands; grants to the Trust Territory of the Pacific Islands in addition to local revenues, for support of governmental functions: \$49,750,000, to remain available until expended: *Provided*, That all financial transactions of the Trust Territory, including such transactions of all agencies or instrumentalities established or utilized by such Trust Territory, shall be audited by the General Accounting Office in accordance with the provisions of the Budget and Accounting Act, 1921 (42 Stat. 23), as amended, and the Accounting and Auditing Act of 1950 (64 Stat. 834): *Provided further*, That the government of the Trust Territory of the Pacific Islands is authorized to make purchases through the General Services Administration: *Provided further*, That appropria-

61 Stat. 3301,
48 USC 1681
and notes.

GAO audit.

31 USC 1.
31 USC 65 note.

tions available for the administration of the Trust Territory of the Pacific Islands may be expended for the purchase, charter, maintenance, and operation of aircraft and surface vessels for official purposes and for commercial transportation purposes found by the Secretary to be necessary in carrying out the provisions of article 6(2) of the Trusteeship Agreement approved by Congress.

61 Stat. 3302.

MINERAL RESOURCES

GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the Geological Survey to perform surveys, investigations, and research covering topography, geology, and the mineral and water resources of the United States, its Territories and possessions, and other areas as authorized by law (72 Stat. 837 and 76 Stat. 427); classify lands as to mineral character and water and power resources; give engineering supervision to power permits and Federal Power Commission licenses; enforce departmental regulations applicable to oil, gas, and other mining leases, permits, licenses, and operating contracts; control the interstate shipment of contraband oil as required by law (15 U.S.C. 715); administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; \$106,392,000, of which \$17,867,000 shall be available only for cooperation with States or municipalities for water resources investigations, and \$79,000 shall remain available until expended, to provide financial assistance to participants in minerals exploration projects, as authorized by law (30 U.S.C. 641-646), including administration of contracts entered into prior to June 30, 1958, under section 303 of the Defense Production Act of 1950, as amended: *Provided*, That no part of this appropriation shall be used to pay more than one-half the cost of any topographic mapping or water resources investigations carried on in cooperation with any State or municipality.

43 USC 31.

49 Stat. 30.

72 Stat. 700.

65 Stat. 133.
50 USC app.
2093.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the Geological Survey shall be available for purchase of not to exceed thirty-three passenger motor vehicles, for replacement only; reimbursement of the General Services Administration for security guard service for protection of confidential files; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gaging stations and observation wells; expenses of the U.S. National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Geological Survey appointed, as authorized by law, to represent the United States in the negotiation and administration of interstate compacts.

BUREAU OF MINES

CONSERVATION AND DEVELOPMENT OF MINERAL RESOURCES

For expenses necessary for promoting the conservation, exploration, development, production, and utilization of mineral resources,

including fuels, in the United States, its Territories, and possessions; and developing synthetics and substitutes; \$46,422,000.

HEALTH AND SAFETY

For expenses necessary for promotion of health and safety in mines and in the minerals industries, and controlling fires in coal deposits, as authorized by law; \$54,395,000.

GENERAL ADMINISTRATIVE EXPENSES

For expenses necessary for general administration of the Bureau of Mines; \$1,799,000.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the Bureau of Mines may be expended for purchase of not to exceed one hundred twenty-one passenger motor vehicles for replacement only; purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work: *Provided*, That the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private: *Provided further*, That the Bureau of Mines is authorized during the current fiscal year, to sell directly or through any Government agency, including corporations, any metal or mineral product that may be manufactured in pilot plants operated by the Bureau of Mines, and the proceeds of such sales shall be covered into the Treasury as miscellaneous receipts.

OFFICE OF COAL RESEARCH

SALARIES AND EXPENSES

For necessary expenses to encourage and stimulate the production and conservation of coal in the United States through research and development, as authorized by law (74 Stat. 337), \$17,160,000, to remain available until expended, of which not to exceed \$495,000 shall be available for administration and supervision.

30 USC 661-668.

OFFICE OF OIL AND GAS

SALARIES AND EXPENSES

For necessary expenses to enable the Secretary to discharge his responsibilities with respect to oil and gas, including cooperation with the petroleum industry and State authorities in the production, processing, and utilization of petroleum and its products, and natural gas, \$1,181,000.

BUREAU OF COMMERCIAL FISHERIES

MANAGEMENT AND INVESTIGATIONS OF RESOURCES

For expenses necessary for scientific and economic studies, conservation, management, investigation, protection, and utilization of commercial fishery resources, including whales, sea lions, and related aquatic plants and products; collection, compilation, and publication of information concerning such resources; promotion of education and training of fishery personnel; and the performance of other functions related thereto, as authorized by law; \$27,893,000.

MANAGEMENT AND INVESTIGATIONS OF RESOURCES

(SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department shall determine to be excess to the normal requirements of the United States, for necessary expenses of the Bureau of Commercial Fisheries, as authorized by law, \$15,000, to remain available until expended: *Provided*, That this appropriation shall be available, in addition to other appropriations to such agency, for payments in the foregoing currencies.

CONSTRUCTION OF FISHING VESSELS

46 USC 1401
note.

For expenses necessary to carry out the provisions of the Act of June 12, 1960 (74 Stat. 212), as amended by the Act of August 30, 1964 (78 Stat. 614), to assist in the construction of fishing vessels, \$200,000, to remain available until expended.

FEDERAL AID FOR COMMERCIAL FISHERIES RESEARCH AND DEVELOPMENT

16 USC 779
note, 779b.

For expenses necessary to carry out the provisions of the Commercial Fisheries Research and Development Act of 1964 (78 Stat. 197) as amended by the Act of October 4, 1968 (82 Stat. 957), \$4,040,000, of which not to exceed \$240,000, shall be available for program administration: *Provided*, That the sum of \$3,800,000 available for apportionment to the States pursuant to section 5(a) of the Act shall remain available until the close of the fiscal year following the year for which appropriated: *Provided further*, That the unexpended balance on June 30, 1970, of the amount appropriated under this head in fiscal year 1970 for disaster aid pursuant to section 4(b) of the Act shall remain available until expended.

ANADROMOUS AND GREAT LAKES FISHERIES CONSERVATION

79 Stat. 1125.

For expenses necessary to carry out the provisions of the Act of October 30, 1965 (16 U.S.C. 757a-757f), as amended by the Act of May 14, 1970 (84 Stat. 214), \$2,168,000, to remain available until expended.

FISHERMEN'S PROTECTIVE FUND

22 USC 1971-
1977.

For payment to the Fishermen's Protective Fund, established pursuant to the Act of August 12, 1968 (82 Stat. 729), \$60,000, to remain available until expended.

ADMINISTRATION OF PRIBILOF ISLANDS

16 USC 1151
note.

For carrying out the provisions of the Act of November 2, 1966 (80 Stat. 1091-1099), \$2,774,000, of which so much as may become available during the current fiscal year shall be derived from the Pribilof Islands fund.

GENERAL ADMINISTRATIVE EXPENSES

For expenses necessary for general administration of the Bureau of Commercial Fisheries, including such expenses in the regional offices, \$896,000.

LIMITATION ON ADMINISTRATIVE EXPENSES, FISHERIES LOAN FUND

During the current fiscal year not to exceed \$385,000 of the Fisheries loan fund shall be available for administrative expenses.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the Bureau of Commercial Fisheries shall be available for purchase of not to exceed twelve passenger motor vehicles, of which eleven shall be for replacement only (including one for police-type use which may exceed by \$400 the general purchase price limitation for the current fiscal year); publication and distribution of bulletins as authorized by law (7 U.S.C. 417); rations or commutation of rations for officers and crews of vessels at rates not to exceed \$6.50 per man per day; options for the purchase of land at not to exceed \$1 for each option; and maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Bureau of Commercial Fisheries to which the United States has title, and which are utilized pursuant to law in connection with management and investigations of fishery resources.

34 Stat. 690.

BUREAU OF SPORT FISHERIES AND WILDLIFE

MANAGEMENT AND INVESTIGATIONS OF RESOURCES

For expenses necessary for scientific and economic studies, conservation, management, investigation, protection, and utilization of sport fishery and wildlife resources, except whales, seals, and sea lions, and for the performance of other authorized functions related to such resources; operation of the industrial properties within the Crab Orchard National Wildlife Refuge (61 Stat. 770); and maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge; \$56,840,000.

CONSTRUCTION

For construction and acquisition of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of sport fishery and wildlife resources, and the acquisition of lands and interests therein, \$4,983,000, to remain available until expended.

MIGRATORY BIRD CONSERVATION ACCOUNT

For an advance to the migratory bird conservation account, as authorized by the Act of October 4, 1961, as amended (16 U.S.C. 715k-3, 5; 81 Stat. 612), \$7,500,000, to remain available until expended.

75 Stat. 813.

ANADROMOUS AND GREAT LAKES FISHERIES CONSERVATION

For expenses necessary to carry out the provisions of the Act of October 30, 1965 (16 U.S.C. 757a-757f), as amended by the Act of May 14, 1970 (84 Stat. 214), \$2,311,000, to remain available until expended.

79 Stat. 1125.

GENERAL ADMINISTRATIVE EXPENSES

For expenses necessary for general administration of the Bureau of Sport Fisheries and Wildlife, including such expenses in the regional offices, \$1,875,000.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the Bureau of Sport Fisheries and Wildlife shall be available for purchase of not to exceed one hundred and twenty-three passenger motor vehicles, of which one

34 Stat., 690.

hundred and six are for replacement only (including sixty-three for police-type use which may exceed by \$400 each the general purchase price limitation for the current fiscal year); purchase of not to exceed three aircraft, of which one is for replacement only; not to exceed \$50,000 for payment, in the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau of Sport Fisheries and Wildlife; publication and distribution of bulletins as authorized by law (7 U.S.C. 417); rations or commutation of rations for officers and crews of vessels at rates not to exceed \$6.50 per man per day; insurance on official motor vehicles, aircraft and boats operated by the Bureau of Sport Fisheries and Wildlife in foreign countries; repair of damage to public roads within and adjacent to reservation areas caused by operations of the Bureau of Sport Fisheries and Wildlife; options for the purchase of land at not to exceed \$1 for each option; facilities incident to such public recreational uses on conservation areas as are not inconsistent with their primary purposes; and the maintenance and improvement of aquaria, buildings and other facilities under the jurisdiction of the Bureau of Sport Fisheries and Wildlife and to which the United States has title, and which are utilized pursuant to law in connection with management and investigation of fish and wildlife resources.

NATIONAL PARK SERVICE

MANAGEMENT AND PROTECTION

Ante, p. 472.*Post*, p. 1065.

For expenses necessary for the management and protection of the areas and facilities administered by the National Park Service, including protection of lands in process of condemnation; plans, investigations, and studies of the recreational resources (exclusive of preparation of detail plans and working drawings) and archeological values in river basins of the United States (except the Missouri River Basin); and not to exceed \$88,000 for the Roosevelt Campobello International Park Commission, \$57,990,000: *Provided*, That \$54,000 of the funds herein provided shall be available only upon enactment into law of H.R. 12758, Ninety-first Congress, or similar legislation: *Provided further*, That not to exceed \$100,000 shall be advanced to the Plymouth-Provincetown Celebration Commission upon enactment into law of S. 2916, Ninety-first Congress, or similar legislation.

MAINTENANCE AND REHABILITATION OF PHYSICAL FACILITIES

For expenses necessary for the operation, maintenance, and rehabilitation of roads (including furnishing special road maintenance service to trucking permittees on a reimbursable basis), trails, buildings, utilities, and other physical facilities essential to the operation of areas administered pursuant to law by the National Park Service, \$48,543,000.

CONSTRUCTION

37 Stat., 460;
54 Stat., 36.

For construction and improvement, without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451), of buildings, utilities, and other physical facilities; the repair or replacement of roads, trails, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, or storm, or the construction of projects deferred by reason of the use of funds for such purposes; and the acquisition of water rights; \$16,259,000, to remain available until expended.

PARKWAY AND ROAD CONSTRUCTION (LIQUIDATION OF CONTRACT
AUTHORITY)

For liquidation of obligations incurred pursuant to authority contained in title 23, United States Code, section 203, \$17,650,000, to remain available until expended: *Provided*, That none of the funds herein provided shall be expended for planning or construction on the following: Fort Washington and Greenbelt Park, Maryland, and Great Falls Park, Virginia, except minor roads and trails; and Daingerfield Island Marina, Virginia, and extension of the George Washington Memorial Parkway from vicinity of Brickyard Road to Great Falls, Maryland, or in Prince Georges County, Maryland. 72 Stat. 906;
76 Stat. 1147.

PRESERVATION OF HISTORIC PROPERTIES

For expenses necessary in carrying out a program for the preservation of additional historic properties throughout the Nation, as authorized by law (80 Stat. 915), \$6,801,000, to remain available until expended. Ante, p. 204.

GENERAL ADMINISTRATIVE EXPENSES

For expenses necessary for general administration of the National Park Service, including such expenses in the regional offices, \$3,580,000.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed one hundred and thirty-nine passenger motor vehicles of which one hundred and twenty-four shall be for replacement only, including not to exceed eighty-seven for police-type use which may exceed by \$400 each the general purchase price limitation for the current fiscal year; and to provide, notwithstanding any other provision of law, at a cost not exceeding \$50,000, transportation for children in nearby communities to and from any unit of the National Park System used in connection with organized recreation and interpretive programs of the National Park Service.

OFFICE OF SALINE WATER

SALINE WATER CONVERSION

For expenses necessary to carry out the provisions of the Act of July 3, 1952, as amended (42 U.S.C. 1951 et seq.), authorizing studies for the conversion of saline water for beneficial consumptive uses, including not to exceed \$2,378,000 for administration and coordination expenses during the current fiscal year, \$28,573,000, to remain available until expended. 75 Stat. 628;
82 Stat. 110.

OFFICE OF WATER RESOURCES RESEARCH

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Water Resources Research Act of 1964, as amended (42 U.S.C. 1961-1961c-7), \$13,181,000, of which not to exceed \$765,000 shall be available for administrative expenses. 78 Stat. 329;
80 Stat. 129, 130.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, \$7,074,000, and in addition, not to exceed \$164,000 may be reimbursed or transferred to this appropriation from other accounts available to the Department of the Interior.

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary of the Interior, including teletype rentals and service, and not to exceed \$2,000 for official reception and representation expenses, \$11,563,000.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

Emergency re-
construction.

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted.

Forest or range
fires.

SEC. 102. The Secretary may authorize the expenditure or transfer of any appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under jurisdiction of the Department of the Interior: *Provided*, That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft or other equipment in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof.

Operation of
warehouses, etc.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, whenever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by the Act of June 30, 1932 (31 U.S.C. 686): *Provided*, That reimbursements for costs of supplies, materials and equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

47 Stat. 417.

Employment of
experts, etc.

SEC. 104. Appropriations made to the Department of the Interior in this title or in the Public Works for Water, Pollution Control, and Power Development and Atomic Energy Commission Appropriation Act, 1971, shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed \$300,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; air-conditioning equipment for passenger motor vehicles authorized to be purchased during the current fiscal year in excess of the general purchase price limitation; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to mem-

Post, p. 890.

80 Stat. 416.

bers only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902 and D.C. Code 4-204).

Uniforms.

80 Stat. 508;
81 Stat. 206.
43 Stat. 175.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST PROTECTION AND UTILIZATION

For expenses necessary for forest protection and utilization, as follows:

Forest land management: For necessary expenses of the Forest Service, not otherwise provided for, including the administration, improvement, development, and management of lands under Forest Service administration, fighting and preventing forest fires on or threatening such lands and for liquidation of obligations incurred in the preceding fiscal year for such purposes, control of white pine blister rust and other forest diseases and insects on Federal and non-Federal lands; \$199,617,000 of which \$4,275,000 for fighting and preventing forest fires and \$1,910,000 for insect and disease control shall be apportioned for use, pursuant to section 3679 of the Revised Statutes, as amended, to the extent necessary under the then existing conditions: *Provided*, That funds appropriated for "Cooperative range improvements", pursuant to section 12 of the Act of April 24, 1950 (16 U.S.C. 580h), may be advanced to this appropriation.

31 USC 665.

64 Stat. 85.

Forest research: For forest research at forest and range experiment stations, the Forest Products Laboratory, or elsewhere, as authorized by law; \$45,591,000.

State and private forestry cooperation: For cooperation with States in forest-fire prevention and suppression, in forest tree planting on non-Federal public and private lands, and in forest management and processing, and for advising timberland owners, associations, wood-using industries, and others in the application of forest management principles and processing of forest products, as authorized by law; \$23,939,000.

CONSTRUCTION

For construction and acquisition of buildings and other facilities required in the conservation, management, investigation, protection and utilization of national forest resources and the acquisition of lands and interests therein necessary to these objectives, \$15,467,700, to remain available until expended: *Provided*, That not more than \$1,300,000 of this appropriation may be used for acquisition of land under the Act of March 1, 1911, as amended (16 U.S.C. 513-519).

36 Stat. 962.

FOREST ROADS AND TRAILS (LIQUIDATION OF CONTRACT AUTHORITY)

For expenses necessary for carrying out the provisions of title 23, United States Code, sections 203 and 205, relating to the construction and maintenance of forest development roads and trails, \$115,000,000, to remain available until expended, for liquidation of obligations incurred pursuant to authority contained in title 23, United States Code, section 203: *Provided*, That funds available under the Act of March 4, 1913 (16 U.S.C. 501), shall be merged with and made a part of this appropriation: *Provided further*, That not less than the amount made available under the provisions of the Act of March 4, 1913, shall be expended under the provisions of such Act.

72 Stat. 906;
82 Stat. 820.

37 Stat. 843.

ACQUISITION OF LANDS FOR NATIONAL FORESTS

SPECIAL ACTS

58 Stat., 227.

For acquisition of land to facilitate the control of soil erosion and flood damage originating within the exterior boundaries of the following national forests, in accordance with the provisions of the following Acts, authorizing annual appropriations of forest receipts for such purposes, and in not to exceed the following amounts from such receipts, Cache National Forest, Utah, Act of May 11, 1938 (52 Stat. 347), as amended, \$20,000; Uinta and Wasatch National Forests, Utah, Act of August 26, 1935 (49 Stat. 866), as amended, \$20,000; Toiyabe National Forest, Nevada, Act of June 25, 1938 (52 Stat. 1205), as amended, \$8,000; Angeles National Forest, California, Act of June 11, 1940 (54 Stat. 299), \$32,000; in all, \$80,000: *Provided*, That no part of this appropriation shall be used for acquisition of any land which is not within the boundaries of the national forests and/or for the acquisition of any land without the approval of the local government concerned.

COOPERATIVE RANGE IMPROVEMENTS

64 Stat., 85.

For artificial revegetation, construction, and maintenance of range improvements, control of rodents, and eradication of poisonous and noxious plants on national forests in accordance with section 12 of the Act of April 24, 1950 (16 U.S.C. 580h), to be derived from grazing fees as authorized by said section, \$700,000, to remain available until expended.

ASSISTANCE TO STATES FOR TREE PLANTING

70 Stat., 207.

For expenses necessary to carry out section 401 of the Agricultural Act of 1956, approved May 28, 1956 (16 U.S.C. 568e), \$1,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

58 Stat., 742.

80 Stat., 416.

80 Stat., 508;

81 Stat., 206.

58 Stat., 742.

36 Stat., 963.

70 Stat., 1034.

Appropriations to the Forest Service for the current fiscal year shall be available for: (a) purchase of not to exceed one hundred and ninety passenger motor vehicles of which one hundred and seventy shall be for replacement only, and hire of such vehicles; operation and maintenance of aircraft and the purchase of not to exceed four for replacement only; (b) employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$25,000 for employment under 5 U.S.C. 3109; (c) uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); (d) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (e) expenses of the National Forest Reservation Commission as authorized by section 14 of the Act of March 1, 1911 (16 U.S.C. 514); and (f) acquisition of land and interests therein for sites for administrative and not to exceed \$75,000 for research purposes, pursuant to the Act of August 3, 1956 (7 U.S.C. 428a).

Except to provide materials required in or incident to research or experimental work where no suitable domestic product is available, no part of the funds appropriated to the Forest Service shall be expended in the purchase of twine manufactured from commodities or materials produced outside of the United States.

Funds appropriated under this Act shall not be used for acquisition of forest lands under the provisions of the Act approved March 1,

1911, as amended (16 U.S.C. 513–519, 521), where such land is not within the boundaries of an established national forest or purchase unit.

36 Stat. 962.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), \$115,000.

36 Stat. 371.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

INDIAN HEALTH SERVICES

For expenses necessary to enable the Secretary of Health, Education, and Welfare to carry out the purposes of the Act of August 5, 1954 (68 Stat. 674), as amended; hire of passenger motor vehicles and aircraft; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the purposes set forth in sections 301 (with respect to research conducted at facilities financed by this appropriation), 311, 321, 322(d), 324, 328, and 509 of the Public Health Service Act; \$117,986,000.

42 USC 2001-2004a.

INDIAN HEALTH FACILITIES

For construction, major repair, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites; purchase and erection of portable buildings; purchase of trailers; and provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a); \$18,715,000, to remain available until expended.

58 Stat. 691;
81 Stat. 539,
42 USC 241, 243,
248, 249, 251,
254a, 227.

73 Stat. 267.

ADMINISTRATIVE PROVISIONS, HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

SEC. 1001. Appropriations contained in this Act, available for salaries and expenses, shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem equivalent to the rate for GS-18.

80 Stat. 416.

Ante, p. 198-1.

SEC. 1002. Appropriations contained in this Act available for salaries and expenses shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902).

80 Stat. 508;
81 Stat. 206.

SEC. 1003. Appropriations contained in this Act available for salaries and expenses shall be available for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

INDIAN CLAIMS COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the purposes of the Act of August 13, 1946 (25 U.S.C. 70), as amended (81 Stat. 11), creating an Indian Claims Commission, \$1,000,000, of which not to exceed \$45,000 shall be available for expenses of travel.

60 Stat. 1049.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

66 Stat. 781.
80 Stat. 416.
80 Stat. 508;
81 Stat. 206.

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); \$891,000, and in addition \$229,000 of the balance of the appropriation granted under “Land acquisition, National Capital park, parkway, and playground system” are transferred to and shall be available for salaries and expenses: *Provided*, That none of the funds provided herein shall be used for the Temporary Pennsylvania Avenue Commission: *Provided further*, That none of the funds provided herein shall be used for foreign travel.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

SALARIES AND EXPENSES

79 Stat. 845;
Anfo, p. 443.
20 USC 951
note.

For expenses necessary to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$31,310,000, of which \$8,465,000 shall be available until expended to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to groups and individuals pursuant to section 5(c) of the Act and for support of the functions of the National Council on the Arts set forth in section 6; \$4,125,000 shall be available until expended to the National Endowment for the Arts for assistance pursuant to section 5(g) of the Act; \$11,060,000 shall be available until expended to the National Endowment for the Humanities for support of activities in the humanities pursuant to section 7(c) of the Act; and \$2,660,000 shall be available for administering the provisions of the Act: *Provided*, That in addition, there is appropriated in accordance with the authorization contained in section 11(b) of the Act, to remain available until expended, amounts equal to the total amounts of gifts, bequests, and devises of money, and other property received by each endowment during the current and preceding fiscal years, under the provisions of section 10(a)(2) of the Act, for which equal amounts have not previously been appropriated, but not to exceed a total of \$5,000,000: *Provided further*, That not to exceed 3 per centum of the funds appropriated to the National Endowment for the Arts for the purposes of sections 5(c), 5(g), and 6 and not to exceed 3 per centum of the funds appropriated to the National Endowment for the Humanities for the purposes of section 7(c) shall be available for program development and evaluation.

PUBLIC LAND LAW REVIEW COMMISSION

SALARIES AND EXPENSES

78 Stat. 982;
81 Stat. 660.
43 USC 1391-
1400.

For necessary expenses of the Public Land Law Review Commission, established by Public Law 88–606, approved September 19, 1964, including services as authorized by 5 U.S.C. 3109, and not to exceed \$750 for official reception and representation expenses, \$171,000, to remain available until expended.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, including research; preservation, exhibition, and increase of collections from Government and other sources; international exchanges; anthropo-

logical research; maintenance of the Astrophysical Observatory and making necessary observations in high altitudes; administration of the National Collection of Fine Arts and the National Portrait Gallery; and operation and maintenance of the National Zoological Park, including purchase, acquisition, and transportation of specimens; including not to exceed \$100,000 for services as authorized by 5 U.S.C. 3109; purchase or rental of two passenger motor vehicles; purchase, repair, and cleaning of uniforms for guards, policemen, animal keepers, and elevator operators, and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902), for other employees; repairs and alterations of buildings and approaches; and preparation of manuscripts, drawings, and illustrations for publications; \$34,702,000.

80 Stat. 416.

80 Stat. 508;
81 Stat. 206.

MUSEUM PROGRAMS AND RELATED RESEARCH (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department shall determine to be excess to the normal requirements of the United States, for necessary expenses for carrying out museum programs and related research in the natural sciences and cultural history under the provisions of section 104(b)(3) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704(b)(3)), \$2,500,000, to remain available until expended and to be available only to United States institutions: *Provided*, That this appropriation shall be available, in addition to other appropriations to the Smithsonian Institution, for payments in the foregoing currencies.

80 Stat. 1529.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

For necessary expenses of planning, construction, remodeling, and equipping of buildings and facilities at the National Zoological Park, \$200,000, to remain available until expended.

RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of restoration and renovation of buildings owned or occupied by the Smithsonian Institution, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed \$10,000 for services as authorized by 5 U.S.C. 3109, \$950,000, to remain available until expended.

20 USC 53a.

CONSTRUCTION

For an additional amount for necessary expenses of the preparation of plans and specifications and for the construction of the Joseph H. Hirshhorn Museum and Sculpture Garden, to remain available until expended, \$5,200,000, for liquidation of obligations incurred under the contract authorization granted under this head in the Department of the Interior and Related Agencies Appropriation Act, 1969: *Provided*, That such sums as are necessary may be transferred to the General Services Administration for execution of the work.

82 Stat. 443.

SALARIES AND EXPENSES, NATIONAL GALLERY OF ART

For the upkeep and operation of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939

53 Stat. 577.
20 USC 71-74,
75.
80 Stat. 416.

(Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards and elevator operators and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901-5902); purchase, or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and not to exceed \$20,000 for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, \$3,716,000.

SALARIES AND EXPENSES, WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

20 USC 80e
note.

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356), including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, \$750,000, to remain available until expended.

FEDERAL FIELD COMMITTEE FOR DEVELOPMENT PLANNING IN ALASKA

SALARIES AND EXPENSES

3 CFR, 1964-
1965 Comp.,
p. 252.

For necessary expenses of the Federal Field Committee for Development Planning in Alaska, established by Executive Order 11182 of October 2, 1964, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, \$214,000.

AMERICAN REVOLUTION BICENTENNIAL COMMISSION

SALARIES AND EXPENSES

80 Stat. 259;
83 Stat. 132.

For expenses necessary to carry out the provisions of the Act of July 4, 1966 (Public Law 89-491), as amended, establishing the American Revolution Bicentennial Commission, \$373,000: *Provided*, That this appropriation shall be available only upon enactment into law of H.R. 16408 or S. 3630, Ninety-first Congress, or similar legislation.

Post, p. 1389.

NATIONAL COUNCIL ON INDIAN OPPORTUNITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Indian Opportunity, including services as authorized by 5 U.S.C. 3109, \$275,000.

FEDERAL METAL AND NONMETALLIC MINE SAFETY BOARD OF REVIEW

SALARIES AND EXPENSES

80 Stat. 772.

For necessary expenses of the Federal Metal and Nonmetallic Mine Safety Board of Review, as authorized by law (30 U.S.C. 721) including services as authorized by 5 U.S.C. 3109, \$167,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 302. No part of the funds appropriated by this Act shall be used to pay the salary of any Federal employee who is convicted in any Federal, State, or local court of competent jurisdiction, of inciting, promoting, or carrying on a riot, or any group activity resulting in material damage to property or injury to persons, found to be in violation of Federal, State, or local laws designed to protect persons or property in the community concerned.

This Act may be cited as the "Department of the Interior and Related Agencies Appropriation Act, 1971".

Approved July 31, 1970.

Convicted
rioters, payment
prohibition.

Short title.

Public Law 91-362

AN ACT

To declare that the United States holds in trust for the Washoe Tribe of Indians certain lands in Alpine County, California.

July 31, 1970
[S. 759]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all of the right, title, and interest of the United States in the following described public domain land located in Alpine County, California, are hereby declared to be held by the United States in trust for the Washoe Tribe of Nevada and California:

Washoe Indian
Tribe, Calif.
Lands in trust.

Southeast quarter southeast quarter of section 20 and the northeast quarter northeast quarter of section 29, all in township 11 north, range 20 east, Mount Diablo base and meridian, Alpine County, California, containing 80 acres.

SEC. 2. The amount expended by the United States to acquire the land granted by this Act, as determined by the Secretary of the Interior, shall be deducted from any appropriation that is made to satisfy a judgment by the Indian Claims Commission in docket numbered 288 in which the Washoe Tribe of Nevada and California is entitled to share, and the amount deducted shall be deposited in the miscellaneous receipts of the Treasury.

Approved July 31, 1970.

Public Law 91-363

AN ACT

To amend section 8c(6)(I) of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 and subsequent legislation, so as to permit marketing orders applicable to apples to provide for paid advertising.

July 31, 1970
[S. 1456]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proviso at the end of section 8c(6)(I) of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 and subsequent legislation, is amended by striking out "or avocados" and inserting in lieu thereof "avocados, or apples".

Agriculture.
Marketing
orders, paid ad-
vertising.
68 Stat. 906;
79 Stat. 1270.
7 USC 608c.

Approved July 31, 1970.

Public Law 91-364

July 31, 1970
[S. 885]

AN ACT

To authorize the preparation of a roll of persons whose lineal ancestors were members of the Confederated Tribes of Weas, Piankashaws, Peorias, and Kaskaskias, merged under the Treaty of May 30, 1854 (10 Stat. 1082), and to provide for the disposition of funds appropriated to pay a judgment in Indian Claims Commission Dockets Numbered 314, amended, 314-E and 65, and for other purposes.

Indians,
Confederated
Tribes of Weas,
Piankashaws,
Peorias, and
Kaskaskias, roll
of descendants.

25 USC 821-826.

10 Stat. 1082.

Judgment funds,
disposition.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Interior shall prepare a roll of all persons who meet the following requirements: (1) they were born on or prior to and were living on the date of this Act; (2) their names or the name of a lineal ancestor from whom they claim eligibility appears on (a) the final roll of the Peoria Tribe of Indians of Oklahoma, pursuant to the Act of August 2, 1956 (70 Stat. 937), or (b) the January 1, 1937, census of the Peoria Tribe, or (c) the 1920 census of the Peoria Tribe, or (d) the Indian or Citizen Class lists pursuant to the Treaty of February 23, 1867 (15 Stat. 520), or (e) the Schedule of Persons or Families composing the United Tribes of Weas, Piankashaws, Peorias, and Kaskaskias, annexed to the Treaty of May 30, 1854.

(b) Applications for enrollment must be filed with the area director of the Bureau of Indian Affairs, Muskogee, Oklahoma, in the manner and within the time limits prescribed for that purpose by the Secretary of the Interior. The determination of the Secretary regarding the eligibility of an applicant shall be final.

SEC. 2. After the deduction of attorneys' fees and expenses and the administrative costs involved in the preparation of the roll and the distribution of the individual shares, the remaining funds on deposit in the United States Treasury to the credit of the Peoria Tribe on behalf of the Wea Nation that were appropriated by the Acts of May 13, 1966 (80 Stat. 141, 150), and June 19, 1968 (82 Stat. 239), in satisfaction of judgments that were obtained by the Peoria Tribe on behalf of the Wea Nation in Indian Claims Commission dockets numbered 314, amended, and 314-E, respectively, and the funds to the credit of the Peoria Tribe of Oklahoma on behalf of the Wea, Piankashaw, Peoria, and Kaskaskia Nations that were appropriated by the Act of July 22, 1969 (83 Stat. 49, 62), in satisfaction of a judgment in docket numbered 65, shall be disposed of in the following manner: The Secretary shall pay \$3,000 of such funds to the Peoria Tribe of Oklahoma for improvement and maintenance of the Peoria Indian Cemetery located approximately ten miles northeast of Miami, Oklahoma, and shall distribute the balance of such funds in equal shares to those persons whose names appear on the roll prepared pursuant to section 1 of this Act.

SEC. 3. (a) Except as provided in subsection (b) of this section, the Secretary shall distribute a share payable to a living enrollee directly to such enrollee and the Secretary shall distribute a per capita share of a deceased enrollee directly to his heirs or legatees upon proof of death and inheritance satisfactory to the Secretary, whose findings upon such proof shall be final and conclusive.

(b) A share payable to a person under twenty-one years of age or to a person under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines will adequately protect the best interest of such person.

SEC. 4. Funds that may hereafter be deposited in the United States Treasury to the credit of the Peoria Tribe on behalf of the Wea, Kaskaskia, Piankashaw, or Peoria Nation, to pay any judgment arising

Subsequent
judgment funds,
distribution.

ing out of proceedings presently pending before the Indian Claims Commission in dockets numbered 99, 289, 313, 314-A, B, C, and D, and 338 and the interest accrued thereon, after payment of attorneys' fees and expenses and all costs incident to bringing the roll current as provided in this section and distributing the shares, shall be distributed on a per capita basis in accordance with section 3 of this Act to persons whose names appear on the roll prepared under section 1, after the roll has been brought current to the date the funds are appropriated by adding names of persons to the roll who were born after the date of this Act, but on or prior to and living on the date the funds are appropriated, and by deleting names of enrollees who died between the effective date of this Act and the date the funds are appropriated.

SEC. 5. The funds distributed under the provisions of this Act shall not be subject to Federal or State income taxes.

Income tax
exemption.

SEC. 6. Any per capita share, whether payable to a living enrollee or to the heirs or legatees of a deceased enrollee, which the Secretary of the Interior is unable to deliver within two years after the date the check is issued, and all unexpended tribal and judgment funds set aside for tribal roll preparation and distribution, shall revert to the Peoria Tribe, and all claims for such per capita shall thereafter be barred forever.

SEC. 7. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

Regulations.

Approved July 31, 1970.

Public Law 91-365

AN ACT

To authorize the Secretary of the Interior to convey certain lands in New Mexico to the Cuba Independent Schools and to the village of Cuba.

July 31, 1970
[S. 417]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to convey to the Cuba Independent Schools, District 20, Sandoval County, Cuba, New Mexico under the Recreation and Public Purposes Act, as amended (43 U.S.C. 869—869-4) the following lands:

Cuba, N. Mex.
Land convey-
ance.

Township 21 north, range 1 west, New Mexico principal meridian, section 21, lots 4, 5, and 6; section 28, northeast quarter northeast quarter and lot 1;

68 Stat. 173;
73 Stat. 111;
80 Stat. 210.

SEC. 2. The Secretary of the Interior is authorized to convey to the Village of Cuba, Sandoval County, Cuba, New Mexico, under the Recreation and Public Purposes Act, as amended (43 U.S.C. 869—869-4) the following lands:

Township 21 north, range 1 west, New Mexico principal meridian, section 22, northwest quarter southwest quarter.

Approved July 31, 1970.

Public Law 91-366

July 31, 1970.
[S. 1046]

AN ACT

To protect consumers by providing a civil remedy for misrepresentation of the quality of articles composed in whole or in part of gold or silver and for other purposes.

Gold and silver
articles,
Consumer pro-
tection.

75 Stat. 775.
Civil injunctive
relief.
15 USC 298.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act forbidding the importation, exportation, or carriage in interstate commerce of falsely stamped articles of merchandise made of gold or silver or their alloys, and for other purposes", approved June 13, 1906 (34 Stat. 260), as amended October 4, 1961 (75 Stat. 776; 15 U.S.C. 294 et seq.), is amended by—

(a) Inserting immediately after the section number "SEC. 5." the subsection designation "(a)".

(b) Adding at the end of the newly designated subsection "SEC. 5. (a)" the following new subsections:

"(b) Any competitor, customer, or competitor of a customer of any person in violation of section 1, 2, 3, or 4 of this Act, or any subsequent purchaser of an article of merchandise which has been the subject of a violation of section 1, 2, 3, or 4 of this Act, shall be entitled to injunctive relief restraining further violation of this Act and may sue therefor in any district court of the United States in the district in which the defendant resides or has an agent, without respect to the amount in controversy, and shall recover damages and the cost of suit, including a reasonable attorney's fee.

"(c) Any duly organized and existing jewelry trade association shall be entitled to injunctive relief restraining any person in violation of section 1, 2, 3, or 4 of this Act from further violation of this Act and may sue therefor as the real party in interest in any district court of the United States in the district in which the defendant resides or has an agent, without respect to the amount in controversy, and if successful shall recover the cost of suit, including a reasonable attorney's fee. If the court determines that the action has been brought frivolously, for purposes of harassment, or in implementation of any scheme in restraint of trade, it may award punitive damages to the defendant.

"(d) Any defendant against whom a civil action is brought under the provisions of this Act shall be entitled to recover the cost of defending the suit, including a reasonable attorney's fee, in the event such action is terminated without a finding by the court that such defendant is or has been in violation of this Act.

"(e) The district courts shall have exclusive original jurisdiction of any civil action arising under the provisions of this Act."

(c) Inserting immediately after the section number "SEC. 6." the subsection designation "(a)".

(d) Adding at the end of the newly designated subsection "SEC. 6. (a)" the following new subsections:

"(b) The term 'person' means an individual, partnership, corporation, or any other form of business enterprise, capable of being in violation of this Act.

"(c) The term 'jewelry trade association' means an organization, consisting primarily of persons actively engaged in the jewelry or a related business, the purposes and activities of which are primarily directed to the improvement of business conditions in the jewelry or related businesses."

Costs, re-
covery.

15 USC 299.

"Person,"

"Jewelry trade
association,"

(e) Changing paragraph (A), subsection (b), of section 4 to read as follows:

75 Stat. 775.
15 USC 297.

“(A) Apply or cause to be applied to that article a trademark of such person, which has been duly registered or applied for registration under the laws of the United States within thirty days after an article bearing the trademark is placed in commerce or imported into the United States, or the name of such person; and”.

SEC. 2. If any provision of this Act or any amendment made thereby, or the application thereof to any person, as that term is herein defined, is held invalid, the remainder of the Act or amendment and the application of the remaining provisions of the Act or amendment to any person shall not be affected thereby.

SEC. 3. The provisions of this Act and amendments made thereby shall be held to be in addition to, and not in substitution for or limitation of, the provisions of any other Act of the United States.

SEC. 4. This Act shall take effect three months after enactment.

Effective date.

Approved July 31, 1970.

Public Law 91-367

AN ACT

To amend the 1964 amendments to the Alaska Omnibus Act.

July 31, 1970
[S. 778]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 5 of the 1964 amendments to the Alaska Omnibus Act (78 Stat. 505) is amended by striking out the period and inserting in lieu thereof the following: “, except that any sums so appropriated to carry out section 53 of the Alaska Omnibus Act shall be available after such date for obligation in connection with one or more of the following urban renewal projects authorized for execution prior to June 30, 1967: Alaska R-8, Westchester; Alaska R-19, Kodiak; Alaska R-20, downtown Anchorage; Alaska R-21, Seward; Alaska R-22, Valdez; Alaska R-25, Mineral Creek; Alaska R-26, Seldovia; Alaska R-28, Cordova.”

1964 Amendments to the Alaska Omnibus Act, amendments, 48 USC prec. 21 note.

SEC. 2. Section 6 of the 1964 amendments to the Alaska Omnibus Act is amended to read as follows:

“TERMINATION DATE

“SEC. 6. The authority contained in this Act shall expire on June 30, 1967, except that such expiration shall not affect—

“(1) the authority conferred by section 53 of the Alaska Omnibus Act until the completion of the following urban renewal projects authorized for execution prior to June 30, 1967: Alaska R-8, Westchester; Alaska R-19, Kodiak; Alaska R-20, downtown Anchorage; Alaska R-21, Seward; Alaska R-22, Valdez; Alaska R-25, Mineral Creek; Alaska R-26, Seldovia; Alaska R-28, Cordova; or

“(2) the payment of expenditures for any obligation or commitment entered into under this Act prior to June 30, 1967.”

Approved July 31, 1970.

Public Law 91-368

AN ACT

July 31, 1970
[S. 3274]

To implement the Convention on the Recognition and Enforcement of Foreign Arbitral Awards.

Convention on
the Recognition
and Enforcement
of Foreign Arbitral
Awards.
Implementation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 9, United States Code, is amended by adding:

“Chapter 2.—CONVENTION ON THE RECOGNITION AND ENFORCEMENT OF FOREIGN ARBITRAL AWARDS

“Sec.

“201. Enforcement of Convention.

“202. Agreement or award falling under the Convention.

“203. Jurisdiction; amount in controversy.

“204. Venue.

“205. Removal of cases from State courts.

“206. Order to compel arbitration; appointment of arbitrators.

“207. Award of arbitrators; confirmation; jurisdiction; proceeding.

“208. Chapter 1; residual application.

“§ 201. Enforcement of Convention

“The Convention on the Recognition and Enforcement of Foreign Arbitral Awards of June 10, 1958, shall be enforced in United States courts in accordance with this chapter.

“§ 202. Agreement or award falling under the Convention

“An arbitration agreement or arbitral award arising out of a legal relationship, whether contractual or not, which is considered as commercial, including a transaction, contract, or agreement described in section 2 of this title, falls under the Convention. An agreement or award arising out of such a relationship which is entirely between citizens of the United States shall be deemed not to fall under the Convention unless that relationship involves property located abroad, envisages performance or enforcement abroad, or has some other reasonable relation with one or more foreign states. For the purpose of this section a corporation is a citizen of the United States if it is incorporated or has its principal place of business in the United States.

61 Stat. 670.
9 USC 2.

“§ 203. Jurisdiction; amount in controversy

“An action or proceeding falling under the Convention shall be deemed to arise under the laws and treaties of the United States. The district courts of the United States (including the courts enumerated in section 460 of title 28) shall have original jurisdiction over such an action or proceeding, regardless of the amount in controversy.

65 Stat. 725;
72 Stat. 348.

“§ 204. Venue

“An action or proceeding over which the district courts have jurisdiction pursuant to section 203 of this title may be brought in any such court in which save for the arbitration agreement an action or proceeding with respect to the controversy between the parties could be brought, or in such court for the district and division which embraces the place designated in the agreement as the place of arbitration if such place is within the United States.

“§ 205. Removal of cases from State courts

“Where the subject matter of an action or proceeding pending in a State court relates to an arbitration agreement or award falling under the Convention, the defendant or the defendants may, at any time before the trial thereof, remove such action or proceeding to the district court of the United States for the district and division embracing the place where the action or proceeding is pending. The procedure for removal of causes otherwise provided by law shall apply, except

that the ground for removal provided in this section need not appear on the face of the complaint but may be shown in the petition for removal. For the purposes of Chapter 1 of this title any action or proceeding removed under this section shall be deemed to have been brought in the district court to which it is removed.

61 Stat. 670.
9 USC 1-14.

“§ 206. Order to compel arbitration ; appointment of arbitrators

“A court having jurisdiction under this chapter may direct that arbitration be held in accordance with the agreement at any place therein provided for, whether that place is within or without the United States. Such court may also appoint arbitrators in accordance with the provisions of the agreement.

“§ 207. Award of arbitrators; confirmation; jurisdiction; proceeding

“Within three years after an arbitral award falling under the Convention is made, any party to the arbitration may apply to any court having jurisdiction under this chapter for an order confirming the award as against any other party to the arbitration. The court shall confirm the award unless it finds one of the grounds for refusal or deferral of recognition or enforcement of the award specified in the said Convention.

“§ 208. Chapter 1 ; residual application

“Chapter 1 applies to actions and proceedings brought under this chapter to the extent that chapter is not in conflict with this chapter or the Convention as ratified by the United States.”

SEC. 2. Title 9, United States Code, is further amended by inserting at the beginning:

“Chapter	Sec.
1. General provisions.....	1
2. Convention on the Recognition and Enforcement of Foreign Arbitral Awards.....	201”

SEC. 3. Sections 1 through 14 of title 9, United States Code, are designated “Chapter 1” and the following heading is added immediately preceding the analysis of sections 1 through 14:

“Chapter 1.—GENERAL PROVISIONS”

SEC. 4. This Act shall be effective upon the entry into force of the Convention on Recognition and Enforcement of Foreign Arbitral Awards with respect to the United States.

Effective date.

Approved July 31, 1970.

Public Law 91-369

AN ACT

To authorize the Public Printer to grant time off as compensation for overtime worked by certain employees of the Government Printing Office, and for other purposes.

July 31, 1970
[H. R. 14453]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 305 of title 44, United States Code, is amended—

G.P.O. employ-
ees,
Compensatory
time.
82 Stat. 1240.

(1) by inserting “(a)” immediately before “The Public Printer may employ journeymen”; and

(2) by adding at the end thereof the following new subsection:

“(b) The Public Printer may grant an employee paid on an annual basis compensatory time off from duty instead of overtime pay for overtime work.”

Approved July 31, 1970.

Public Law 91-370

JOINT RESOLUTION

August 1, 1970
[H. J. Res. 1328]

Making further continuing appropriations for the fiscal year 1971, and for other purposes.

Continuing ap-
propriations, 1971.
Ante, p. 335.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (c) of section 102 of the joint resolution of June 29, 1970 (Public Law 91-294), is hereby amended by striking out "July 31, 1970" and inserting in lieu thereof "October 15, 1970".

Approved August 1, 1970.

Public Law 91-371

JOINT RESOLUTION

August 1, 1970
[H. J. Res. 1336]

To extend the effectiveness of the Defense Production Act of 1950 to August 15, 1970.

Defense Produc-
tion Act of 1950,
extension.
Ante, p. 367;
Post, p. 796.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 717(a) of the Defense Production Act of 1950 is amended by striking out "July 30, 1970" in the first sentence and inserting in lieu thereof "August 15, 1970".

Approved August 1, 1970.

Public Law 91-372

AN ACT

August 5, 1970
[S. 3279]

To extend the boundaries of the Toiyabe National Forest in Nevada, and for other purposes.

Toiyabe
National Forest,
Nev.
Boundary exten-
sion.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to aid in the protection and management of the various resources of the area, including the protection, improvement, and maintenance of the watershed, wildlife, recreation, and natural environment values of the lands in the Lake Tahoe Basin, and to promote the management and protection of these lands under principles of multiple use and sustained yield, the boundaries of the Toiyabe National Forest are hereby extended to include the area described in section 2 hereof. Subject to any valid claims now existing and hereafter maintained, any lands of the United States within such area are hereby added to such national forest and shall be subject to laws and regulations applicable to the national forests.

SEC. 2. This Act shall be applicable to the following described lands:

Mount Diablo Meridian, Nevada

Township 13 north range 18 east: Section 2, lot 1 of the northeast quarter, lot 1 of the northwest quarter, south half; section 3, lots 1 and 2 of northeast quarter, lots 5, 6, and 7, northeast quarter southwest quarter, southeast quarter; section 10, lot 1, east half; section 11, all; section 14, north half, southwest quarter, north half southeast quarter, southwest quarter southeast quarter; section 23, west half northeast quarter, northeast quarter northwest quarter; section 24, north half north half, south half northwest quarter, northwest quarter southwest quarter.

Township 14 north, range 18 east: Sections 1 and 2, all; section 3, lots 1 and 2 of northeast quarter, lots 1 and 2 of northwest quarter, northeast quarter southeast quarter; section 4, lots 1 and 2; section 11, northeast quarter, north half northwest quarter, southeast quarter northwest quarter, east half southwest quarter, southeast quarter; section 12, all; section 14, west half; section 15, east half northeast quarter, northeast quarter southeast quarter; section 22, lots 2, 3, and 4, east half southeast quarter; section 23, west half; section 26, west half; section 34, southeast quarter; section 35, northeast quarter northwest quarter.

Township 15 north, range 18 east: Section 13, south half; section 14, lots 3 and 4, east half southwest quarter, southeast quarter; sections 22, 23, 24, 25, 26, 27, 33, 34, 35, and 36, all.

Township 15 north, range 19 east: Section 18, lot 2 of the southwest quarter; section 19, lot 2 of the northwest quarter, lots 1 and 2 of the southwest quarter; section 30, lot 2 of the northwest quarter.

The area described aggregates 12,919.78 acres, more or less.

SEC. 3. Not to exceed \$12,500,000 of the funds appropriated and available for acquisition of lands, waters, and interests therein, in the National Forest System pursuant to section 6 of the Act of September 3, 1964 (78 Stat. 903), shall be available for the acquisition of any lands, waters, and interests therein, within the area described in section 2 of this Act.

Approved August 5, 1970.

Funds, limita-
tion.

16 USC 4601-9.

Public Law 91-373

AN ACT

To extend and improve the Federal-State unemployment compensation program.

August 10, 1970
[H. R. 14705]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Employment Security Amendments of 1970".

Employment
Security Amend-
ments of 1970.

TITLE I—UNEMPLOYMENT COMPENSATION AMENDMENTS

PART A—COVERAGE

SEC. 101. DEFINITION OF EMPLOYER.

83 Stat. 91.
26 USC 3306.

(a) Section 3306(a) of the Internal Revenue Code of 1954 is amended to read as follows:

“(a) **EMPLOYER.**—For purposes of this chapter, the term ‘employer’ means, with respect to any calendar year, any person who—

“(1) during any calendar quarter in the calendar year or the preceding calendar year paid wages of \$1,500 or more, or

“(2) on each of some 20 days during the calendar year or during the preceding calendar year, each day being in a different calendar week, employed at least one individual in employment for some portion of the day.”

(b)(1) Section 6157(a)(1) of such Code (relating to payment of Federal unemployment tax on quarterly or other time period basis) is amended to read as follows:

“(1) if the person—

“(A) during any calendar quarter in the preceding calendar year paid wages of \$1,500 or more, or

“(B) on each of some 20 days during the preceding calendar year, each day being in a different calendar week, employed at least one individual in employment,

Post, p. 713.

compute the tax imposed by section 3301 for each of the first three calendar quarters in the calendar year, and”.

(2) Section 6157(b) of such Code is amended by striking out “the number of percentage points (including fractional points) by which the rate of tax specified in section 3301 exceeds 2.7 percent” and inserting in lieu thereof “0.5 percent”.

Effective dates.

(c)(1) The amendments made by subsections (a) and (b)(1) shall apply with respect to calendar years beginning after December 31, 1971.

(2) The amendment made by subsection (b)(2) shall apply with respect to calendar years beginning after December 31, 1969.

SEC. 102. DEFINITION OF EMPLOYEE.

68A Stat. 452.

(a) Section 3306(i) of the Internal Revenue Code of 1954 is amended to read as follows:

“(i) **EMPLOYEE.**—For purposes of this chapter, the term ‘employee’ has the meaning assigned to such term by section 3121(d), except that subparagraphs (B) and (C) of paragraph (3) shall not apply.”

78 Stat. 124.

(b) Section 1563(f)(1) of such Code (relating to surtax exemption in case of certain controlled corporations) is amended by striking out “in section 3306(i)” and inserting in lieu thereof “by paragraphs (1) and (2) of section 3121(d)”.

Effective date.

(c) The amendment made by subsection (a) shall apply with respect to remuneration paid after December 31, 1971, for services performed after such date.

SEC. 103. DEFINITION OF AGRICULTURAL LABOR.

(a) Section 3306(k) of the Internal Revenue Code of 1954 is amended to read as follows:

68A Stat. 453.
26 USC 3306.

“(k) **AGRICULTURAL LABOR.**—For purposes of this chapter, the term ‘agricultural labor’ has the meaning assigned to such term by subsection (g) of section 3121, except that for purposes of this chapter subparagraph (B) of paragraph (4) of such subsection (g) shall be treated as reading:

“(B) in the employ of a group of operators of farms (or a cooperative organization of which such operators are members) in the performance of service described in subparagraph (A), but only if such operators produced more than one-half of the commodity with respect to which such service is performed;”.

(b) The amendment made by subsection (a) shall apply with respect to remuneration paid after December 31, 1971, for services performed after such date.

Effective date.

SEC. 104. STATE LAW COVERAGE OF CERTAIN EMPLOYEES OF NON-PROFIT ORGANIZATIONS AND OF STATE HOSPITALS AND INSTITUTIONS OF HIGHER EDUCATION.

(a) Section 3304(a) of the Internal Revenue Code of 1954 is amended by redesignating paragraph (6) as paragraph (13) and by inserting after paragraph (5) the following new paragraph:

68A Stat. 443.

“(6) (A) compensation is payable on the basis of service to which section 3309(a)(1) applies, in the same amount, on the same terms, and subject to the same conditions as compensation payable on the basis of other service subject to such law; except that, with respect to service in an instructional, research, or principal administrative capacity for an institution of higher education to which section 3309(a)(1) applies, compensation shall not be payable based on such service for any week commencing during the period between two successive academic years (or, when the contract provides instead for a similar period between two regular but not successive terms, during such period) to any individual who has a contract to perform services in any such capacity for any institution or institutions of higher education for both of such academic years or both of such terms, and

Infra.

“(B) payments (in lieu of contributions) with respect to service to which section 3309(a)(1)(A) applies may be made into the State unemployment fund on the basis set forth in section 3309(a)(2);”.

(b)(1) Chapter 23 of the Internal Revenue Code of 1954 is amended by redesignating section 3309 as section 3311, and by inserting after section 3308 the following new section:

68A Stat. 454;
74 Stat. 983.

“SEC. 3309. STATE LAW COVERAGE OF CERTAIN SERVICES PERFORMED FOR NONPROFIT ORGANIZATIONS AND FOR STATE HOSPITALS AND INSTITUTIONS OF HIGHER EDUCATION.

“(a) **STATE LAW REQUIREMENTS.**—For purposes of section 3304(a)(6)—

Supra.

“(1) except as otherwise provided in subsections (b) and (c), the services to which this paragraph applies are—

“(A) service excluded from the term ‘employment’ solely by reason of paragraph (8) of section 3306(c), and

74 Stat. 984.

“(B) service performed in the employ of the State, or any instrumentality of the State or of the State and one or more other States, for a hospital or institution of higher education

68A Stat. 449.
26 USC 3306.

located in the State, if such service is excluded from the term 'employment' solely by reason of paragraph (7) of section 3306(c); and

"(2) the State law shall provide that an organization (or group of organizations) which, but for the requirements of this paragraph, would be liable for contributions with respect to service to which paragraph (1)(A) applies may elect, for such minimum period and at such time as may be provided by State law, to pay (in lieu of such contributions) into the State unemployment fund amounts equal to the amounts of compensation attributable under the State law to such service. The State law may provide safeguards to ensure that organizations so electing will make the payments required under such elections.

"(b) SECTION NOT TO APPLY TO CERTAIN SERVICE.—This section shall not apply to service performed—

"(1) in the employ of (A) a church or convention or association of churches, or (B) an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches;

"(2) by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order;

"(3) in the employ of a school which is not an institution of higher education;

"(4) in a facility conducted for the purpose of carrying out a program of—

"(A) rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, or

"(B) providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market, by an individual receiving such rehabilitation or remunerative work;

"(5) as part of an unemployment work-relief or work-training program assisted or financed in whole or in part by any Federal agency or an agency of a State or political subdivision thereof, by an individual receiving such work relief or work training; and

"(6) for a hospital in a State prison or other State correctional institution by an inmate of the prison or correctional institution.

"(c) NONPROFIT ORGANIZATIONS MUST EMPLOY 4 OR MORE.—This section shall not apply to service performed during any calendar year in the employ of any organization unless on each of some 20 days during such calendar year or the preceding calendar year, each day being in a different calendar week, the total number of individuals who were employed by such organization in employment (determined without regard to section 3306(c)(8) and by excluding service to which this section does not apply by reason of subsection (b)) for some portion of the day (whether or not at the same moment of time) was 4 or more.

"(d) DEFINITION OF INSTITUTION OF HIGHER EDUCATION.—For purposes of this section, the term 'institution of higher education' means an educational institution in any State which—

"(1) admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

"(2) is legally authorized within such State to provide a program of education beyond high school;

74 Stat. 984.

“(3) provides an educational program for which it awards a bachelor’s or higher degree, or provides a program which is acceptable for full credit toward such a degree, or offers a program of training to prepare students for gainful employment in a recognized occupation; and

“(4) is a public or other nonprofit institution.”

(2) The table of sections for such chapter 23 is amended by redesignating the last item as section 3311 and by inserting after the item for section 3308 the following new item:

“Sec. 3309. State law coverage of certain services performed for nonprofit organizations and for State hospitals and institutions of higher education.”

(c) Section 3303 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new subsections:

68A Stat. 440;
68 Stat. 1130.
26 USC 3303.

“(e) PAYMENTS BY CERTAIN NONPROFIT ORGANIZATIONS.—A State may, without being deemed to violate the standards set forth in subsection (a), permit an organization (or a group of organizations) described in section 501(c)(3) which is exempt from income tax under section 501(a) to elect (in lieu of paying contributions) to pay into the State unemployment fund amounts equal to the amounts of compensation attributable under the State law to service performed in the employ of such organization (or group).

“(f) TRANSITION.—To facilitate the orderly transition to coverage of service to which section 3309(a)(1)(A) applies, a State law may provide that an organization (or group of organizations) which elects, when such election first becomes available under the State law, to make payments (in lieu of contributions) into the State unemployment fund as provided in section 3309(a)(2), and which had paid contributions into such fund under the State law with respect to such service performed in its employ before January 1, 1969, is not required to make any such payment (in lieu of contributions) on account of compensation paid after its election as heretofore described which is attributable under the State law to service performed in its employ, until the total of such compensation equals the amount—

Ante, p. 697.

“(1) by which the contributions paid by such organization (or group) with respect to a period before the election provided by section 3309(a)(2), exceed

“(2) the unemployment compensation for the same period which was charged to the experience-rating account of such organization (or group) or paid under the State law on the basis of wages paid by it or service performed in its employ, whichever is appropriate.”

(d) (1) Subject to the provisions of paragraph (2), the amendments made by subsections (a) and (b) shall apply with respect to certifications of State laws for 1972 and subsequent years, but only with respect to service performed after December 31, 1971. The amendment made by subsection (c) shall take effect January 1, 1970.

Effective date.

(2) Section 3304(a)(6) of the Internal Revenue Code of 1954 (as added by subsection (a) of this section) shall not be a requirement for the State law of any State prior to July 1, 1972, if the legislature of such State does not meet in a regular session which closes during the calendar year 1971.

SEC. 105. COVERAGE OF CERTAIN SERVICES PERFORMED OUTSIDE THE UNITED STATES.

(a) That portion of section 3306(c) of the Internal Revenue Code of 1954 which precedes paragraph (1) thereof is amended to read as follows:

68A Stat. 449;
74 Stat. 984.

53 Stat. 183.

“(c) **EMPLOYMENT.**—For purposes of this chapter, the term ‘employment’ means any service performed prior to 1955, which was employment for purposes of subchapter C of chapter 9 of the Internal Revenue Code of 1939 under the law applicable to the period in which such service was performed, and (A) any service, of whatever nature, performed after 1954 by an employee for the person employing him, irrespective of the citizenship or residence of either, (i) within the United States, or (ii) on or in connection with an American vessel or American aircraft under a contract of service which is entered into within the United States or during the performance of which and while the employee is employed on the vessel or aircraft it touches at a port in the United States, if the employee is employed on and in connection with such vessel or aircraft when outside the United States, and (B) any service, of whatever nature, performed after 1971 outside the United States (except in a contiguous country with which the United States has an agreement relating to unemployment compensation or in the Virgin Islands) by a citizen of the United States as an employee of an American employer (as defined in subsection (j) (3)), except—”.

*Infra.*74 Stat. 986.
26 USC 3306.

(b) Section 3306(j) of the Internal Revenue Code of 1954 is amended by inserting after paragraph (2) the following new paragraph:

“(3) **AMERICAN EMPLOYER.**—The term ‘American employer’ means a person who is—

(A) an individual who is a resident of the United States,

(B) a partnership, if two-thirds or more of the partners are residents of the United States,

(C) a trust, if all of the trustees are residents of the United States, or

(D) a corporation organized under the laws of the United States or of any State.”

Effective date.

(c) The amendments made by this section shall apply with respect to service performed after December 31, 1971.

SEC. 106. STUDENTS AND THEIR SPOUSES ENGAGED IN CERTAIN PROGRAMS; HOSPITAL PATIENTS.

74 Stat. 985.

(a) Paragraph (10) of section 3306(c) of the Internal Revenue Code of 1954 is amended by striking out subparagraph (B) and inserting in lieu thereof the following new subparagraphs:

“(B) service performed in the employ of a school, college, or university, if such service is performed (i) by a student who is enrolled and is regularly attending classes at such school, college, or university, or (ii) by the spouse of such a student, if such spouse is advised, at the time such spouse commences to perform such service, that (I) the employment of such spouse to perform such service is provided under a program to provide financial assistance to such student by such school, college, or university, and (II) such employment will not be covered by any program of unemployment insurance, or

“(C) service performed by an individual under the age of 22 who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full-time program, taken for credit at such institution, which combines academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to

the employer, except that this subparagraph shall not apply to service performed in a program established for or on behalf of an employer or group of employers, or

“(D) service performed in the employ of a hospital, if such service is performed by a patient of such hospital;”.

(b) Subsection (a) shall apply with respect to remuneration paid after December 31, 1969.

Effective date.

SEC. 107. EX-SERVICEMEN ACCRUED LEAVE TO BE TREATED IN ACCORDANCE WITH STATE LAWS.

Effective with respect to benefit years which begin more than 30 days after the date of the enactment of this Act, section 8524 of title 5 of the United States Code is repealed.

Repeal.

80 Stat. 591.

SEC. 108. COVERAGE OF EMPLOYEES OF HOSPITALS AND INSTITUTIONS OF HIGHER EDUCATION OPERATED BY POLITICAL SUBDIVISIONS OF STATES.

(a) Section 3304(a) of the Internal Revenue Code of 1954 (as amended by sections 104, 121(a), and 206 of this Act) is further amended by adding after paragraph (11) (as added by section 206 of this Act) the following new paragraph:

“(12) each political subdivision of the State shall have the right to elect to have compensation payable to employees thereof (whose services are not otherwise subject to such law) based on service performed by such employees in the hospitals and institutions of higher education (as defined in section 3309(d)) operated by such political subdivision; and, if any such political subdivision does elect to have compensation payable to such employees thereof (A) the political subdivision shall pay into the State unemployment fund, with respect to the service of such employees, payments (in lieu of contributions), and (B) such employees will be entitled to receive, on the basis of such service, compensation payable on the same basis, in the same amount, on the same terms, and subject to the same conditions as compensation which is payable on the basis of similar service for the State which is subject to such law;”.

Ante, p. 698.

(b) The amendment made by subsection (a) shall apply with respect to certification of State laws for 1972 and subsequent years; except that section 3304(a) (12) of the Internal Revenue Code of 1954 (as added by subsection (a)) shall not be a requirement for the State law of any State prior to July 1, 1972, if the legislature of such State does not meet in a regular session which closes during the calendar year 1971, or prior to January 1, 1975, if compliance with such requirement would necessitate a change in the constitution of such State.

Applicability,
exception.

PART B—PROVISIONS OF STATE LAW

SEC. 121. PROVISIONS REQUIRED TO BE INCLUDED IN STATE LAWS.

(a) Section 3304(a) of the Internal Revenue Code of 1954 is amended by inserting after paragraph (6) (added by section 104(a) of this Act) the following new paragraphs:

“(7) an individual who has received compensation during his benefit year is required to have had work since the beginning of such year in order to qualify for compensation in his next benefit year;

“(8) compensation shall not be denied to an individual for any week because he is in training with the approval of the State agency (or because of the application, to any such week in training, of State law provisions relating to availability for work, active search for work, or refusal to accept work);

“(9)(A) compensation shall not be denied or reduced to an individual solely because he files a claim in another State (or a contiguous country with which the United States has an agreement with respect to unemployment compensation) or because he resides in another State (or such a contiguous country) at the time he files a claim for unemployment compensation;

“(B) the State shall participate in any arrangements for the payment of compensation on the basis of combining an individual’s wages and employment covered under the State law with his wages and employment covered under the unemployment compensation law of other States which are approved by the Secretary of Labor in consultation with the State unemployment compensation agencies as reasonably calculated to assure the prompt and full payment of compensation in such situations. Any such arrangement shall include provisions for (i) applying the base period of a single State law to a claim involving the combining of an individual’s wages and employment covered under two or more State laws, and (ii) avoiding duplicate use of wages and employment by reason of such combining;

“(10) compensation shall not be denied to any individual by reason of cancellation of wage credits or total reduction of his benefit rights for any cause other than discharge for misconduct connected with his work, fraud in connection with a claim for compensation, or receipt of disqualifying income;”.

Effective date.

(b) (1) Subject to the provisions of paragraph (2), the amendments made by subsection (a) shall take effect January 1, 1972, and shall apply to the taxable year 1972 and taxable years thereafter.

Exception.

(2) Paragraphs (7) through (10) of section 3304(a) of the Internal Revenue Code of 1954 (as added by subsection (a) of this section) shall not be requirements for the State law of any State prior to July 1, 1972, if the legislature of such State does not meet in a regular session which closes during the calendar year 1971.

SEC. 122. ADDITIONAL CREDIT BASED ON REDUCED RATE FOR NEW EMPLOYERS.

68A Stat. 440;
68 Stat. 1130,
26 USC 3303.

(a) Section 3303(a) of the Internal Revenue Code of 1954 is amended by striking out “on a 3-year basis,” in the sentence following paragraph (3) and inserting in lieu thereof “on a 3-year basis (i)” and by striking out the period at the end of such sentence and inserting in lieu thereof “, or (ii) a reduced rate (not less than 1 percent) may be permitted by the State law on a reasonable basis other than as permitted by paragraph (1), (2), or (3).”

Effective date.

(b) The amendments made by subsection (a) shall apply with respect to taxable years beginning after December 31, 1971.

SEC. 123. CREDITS ALLOWABLE TO CERTAIN EMPLOYERS.

68A Stat. 445.

Section 3305 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new subsection:

“(j) DENIAL OF CREDITS IN CERTAIN CASES.—Any person required, pursuant to the permission granted by this section, to make contributions to an unemployment fund under a State unemployment compensation law approved by the Secretary of Labor under section 3304 shall not be entitled to the credits permitted, with respect to the unemployment compensation law of a State, by subsections (a) and (b) of section 3302 against the tax imposed by section 3301 for any taxable year after December 31, 1971, if, on October 31 of such taxable year, the Secretary of Labor certifies to the Secretary his finding, after reasonable notice and opportunity for hearing to the State agency, that the unemployment compensation law of such State is inconsistent with any one or more of the conditions on the basis of which such permission is granted or that, in the application of the State law with

Ante, p. 697.

respect to the 12-month period ending on such October 31, there has been a substantial failure to comply with any one or more of such conditions. For purposes of section 3310, a finding of the Secretary of Labor under this subsection shall be treated as a finding under section 3304(c).”

Post, p. 704.

PART C—JUDICIAL REVIEW

SEC. 131. (a) Title III of the Social Security Act is amended by adding at the end thereof the following new section:

49 Stat. 626;
74 Stat. 982.
42 USC 501.

“JUDICIAL REVIEW

“SEC. 304. (a) Whenever the Secretary of Labor—

“(1) finds that a State law does not include any provision specified in section 303(a), or

68 Stat. 673.
42 USC 503.

“(2) makes a finding with respect to a State under subsection (b) or (c) of section 303,

64 Stat. 560;
52 Stat. 1112.

such State may, within 60 days after the Governor of the State has been notified of such action, file with the United States court of appeals for the circuit in which such State is located or with the United States Court of Appeals for the District of Columbia, a petition for review of such action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary of Labor. The Secretary of Labor thereupon shall file in the court the record of the proceedings on which he based his action as provided in section 2112 of title 28, United States Code.

“(b) The findings of fact by the Secretary of Labor, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary of Labor to take further evidence and the Secretary of Labor may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

72 Stat. 941;
80 Stat. 1323.

“(c) The court shall have jurisdiction to affirm the action of the Secretary of Labor or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28 of the United States Code.

62 Stat. 928.

“(d) (1) The Secretary of Labor shall not withhold any certification for payment to any State under section 302 until the expiration of 60 days after the Governor of the State has been notified of the action referred to in paragraph (1) or (2) of subsection (a) or until the State has filed a petition for review of such action, whichever is earlier.

49 Stat. 626.
42 USC 502.

“(2) The commencement of judicial proceedings under this section shall stay the Secretary's action for a period of 30 days, and the court may thereafter grant interim relief if warranted, including a further stay of the Secretary's action and including such other relief as may be necessary to preserve status or rights.

“(e) Any judicial proceedings under this section shall be entitled to, and, upon request of the Secretary or the State, shall receive a preference and shall be heard and determined as expeditiously as possible.”

(b) (1) Chapter 23 of the Internal Revenue Code of 1954 is amended by inserting after section 3309 (added by section 104(b)(1) of this Act) the following new section:

Ante, p. 697.

"SEC. 3310. JUDICIAL REVIEW.*Post*, p. 707.*Infra*.

"(a) **IN GENERAL.**—Whenever under section 3303(b) or section 3304(c) the Secretary of Labor makes a finding pursuant to which he is required to withhold a certification with respect to a State under such section, such State may, within 60 days after the Governor of the State has been notified of such action, file with the United States court of appeals for the circuit in which such State is located or with the United States Court of Appeals for the District of Columbia, a petition for review of such action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary of Labor. The Secretary of Labor thereupon shall file in the court the record of the proceedings on which he based his action as provided in section 2112 of title 28 of the United States Code.

72 Stat. 941;
80 Stat. 1323.

"(b) **FINDINGS OF FACT.**—The findings of fact by the Secretary of Labor, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary of Labor to take further evidence, and the Secretary of Labor may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(c) **JURISDICTION OF COURT; REVIEW.**—The court shall have jurisdiction to affirm the action of the Secretary of Labor or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28 of the United States Code.

62 Stat. 928.

"(d) **STAY OF SECRETARY OF LABOR'S ACTION.**—

"(1) The Secretary of Labor shall not withhold any certification under section 3303(b) or section 3304(c) until the expiration of 60 days after the Governor of the State has been notified of the action referred to in subsection (a) or until the State has filed a petition for review of such action, whichever is earlier.

"(2) The commencement of judicial proceedings under this section shall stay the Secretary's action for a period of 30 days, and the court may thereafter grant interim relief if warranted, including a further stay of the Secretary's action and including such other relief as may be necessary to preserve status or rights.

"(e) **PREFERENCE.**—Any judicial proceedings under this section shall be entitled to, and, upon request of the Secretary or the State, shall receive a preference and shall be heard and determined as expeditiously as possible."

68A Stat. 444;
Post, p. 707.
26 USC 3304.

"(2) Section 3304(c) of the Internal Revenue Code of 1954 is amended to read as follows:

"(c) **CERTIFICATION.**—On December 31 of each taxable year the Secretary of Labor shall certify to the Secretary each State whose law he has previously approved, except that he shall not certify any State which, after reasonable notice and opportunity for hearing to the State agency, the Secretary of Labor finds has amended its law so that it no longer contains the provisions specified in subsection (a) or has with respect to the taxable year failed to comply substantially with any such provision in such subsection. No finding of a failure to comply substantially with any provision in paragraph (5) of subsection (a) shall be based on an application or interpretation of State law (1) until all administrative review provided for under the laws of the State has been exhausted, or (2) with respect to which the time for judicial review provided by the laws of the State has not expired, or (3) with respect to which any judicial review is pending."

(3) The table of sections for such chapter 23 is amended by adding after the item relating to section 3309 (added by section 104(b) (2) of this Act) the following:

“Sec. 3310. Judicial review.”

PART D—ADMINISTRATION

SEC. 141. RESEARCH PROGRAM, TRAINING GRANTS AND FEDERAL ADVISORY COUNCIL.

Title IX of the Social Security Act is amended by adding at the end thereof the following new sections:

74 Stat. 970;
75 Stat. 14.
42 USC 1101-
1105.

“UNEMPLOYMENT COMPENSATION RESEARCH PROGRAM

“SEC. 906. (a) The Secretary of Labor shall—

“(1) establish a continuing and comprehensive program of research to evaluate the unemployment compensation system. Such research shall include, but not be limited to, a program of factual studies covering the role of unemployment compensation under varying patterns of unemployment including those in seasonal industries, the relationship between the unemployment compensation and other social insurance programs, the effect of State eligibility and disqualification provisions, the personal characteristics, family situations, employment background and experience of claimants, with the results of such studies to be made public; and

“(2) establish a program of research to develop information (which shall be made public) as to the effect and impact of extending coverage to excluded groups with first attention to agricultural labor.

“(b) To assist in the establishment and provide for the continuation of the comprehensive research program relating to the unemployment compensation system, there are hereby authorized to be appropriated for the fiscal year ending June 30, 1971, and for each fiscal year thereafter, such sums, not to exceed \$8,000,000, as may be necessary to carry out the purposes of this section. From the sums authorized to be appropriated by this subsection the Secretary may provide for the conduct of such research through grants or contracts.

Appropriation.

Contract
authority.

“PERSONNEL TRAINING

“SEC. 907. (a) In order to assist in increasing the effectiveness and efficiency of administration of the unemployment compensation program by increasing the number of adequately trained personnel, the Secretary of Labor shall—

“(1) provide directly, through State agencies, or through contracts with institutions of higher education or other qualified agencies, organizations, or institutions, programs and courses designed to train individuals to prepare them, or improve their qualifications, for service in the administration of the unemployment compensation program, including claims determinations and adjudication, with such stipends and allowances as may be permitted under regulations of the Secretary;

“(2) develop training materials for and provide technical assistance to the State agencies in the operation of their training programs;

“(3) under such regulations as he may prescribe, award fellowships and traineeships to persons in the Federal-State employment security agencies, in order to prepare them or improve

Regulations.

their qualifications for service in the administration of the unemployment compensation program.

Repayment.

“(b) The Secretary may, to the extent that he finds such action to be necessary, prescribe requirements to assure that any person receiving a fellowship, traineeship, stipend or allowance shall repay the costs thereof to the extent that such person fails to serve in the Federal-State employment security program for the period prescribed by the Secretary. The Secretary may relieve any individual of his obligation to so repay, in whole or in part, whenever and to the extent that such repayment would, in his judgment, be inequitable or would be contrary to the purposes of any of the programs established by this section.

Federal and
State employees,
detail.

“(c) The Secretary, with the concurrence of the State, may detail Federal employees to State unemployment compensation administration and the Secretary may concur in the detailing of State employees to the United States Department of Labor for temporary periods for training or for purposes of unemployment compensation administration, and the provisions of section 507 of the Elementary and Secondary Education Act of 1965 (79 Stat. 27) or any more general program of interchange enacted by a law amending, supplementing, or replacing section 507 shall apply to any such assignment.

79 Stat. 51;
Ante, p. 142.
20 USC 867.

Appropriation.

“(d) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1971, and for each fiscal year thereafter such sums, not to exceed \$5,000,000, as may be necessary to carry out the purposes of this section.

“FEDERAL ADVISORY COUNCIL

Members.

“SEC. 908. (a) The Secretary of Labor shall establish a Federal Advisory Council, of not to exceed 16 members including the chairman, for the purpose of reviewing the Federal-State program of unemployment compensation and making recommendations to him for improvement of the system.

Appointment.

“(b) The Council shall be appointed by the Secretary without regard to the civil service laws and shall consist of men and women who shall be representatives of employers and employees in equal numbers, and the public.

“(c) The Secretary may make available to the Council an Executive Secretary and secretarial, clerical, and other assistance, and such pertinent data prepared by the Department of Labor, as it may require to carry out its functions.

Compensation.

“(d) Members of the Council shall, while serving on business of the Council, be entitled to receive compensation at rates fixed by the Secretary, but not exceeding \$100 per day, including travel time; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by 5 U.S.C. 5703(b) for persons in government service employed intermittently.

80 Stat. 499;
83 Stat. 190.

“(e) The Secretary shall encourage the organization of similar State advisory councils.

Appropriation.

“(f) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1971, and for each fiscal year thereafter such sums, not to exceed \$100,000, as may be necessary to carry out the purposes of this section.”

SEC. 142. CHANGE IN CERTIFICATION DATE.

(a) Section 3302(a)(1) of the Internal Revenue Code of 1954 is amended by—

68A Stat. 439.
26 USC 3302.

- (1) striking out “for the taxable year” after “certified”; and
- (2) inserting before the period at the end thereof the following: “for the 12-month period ending on October 31 of such year (10-month period in the case of October 31, 1972)”.

(b) Section 3302(b) of such Code is amended by—

- (1) striking out “for the taxable year” after “certified”; and
- (2) striking out “(or with respect to any provisions thereof so certified),” and inserting in lieu thereof the following: “for the 12-month period ending on October 31 of such year (10-month period in the case of October 31, 1972), or with respect to any provisions thereof so certified,”; and
- (3) striking out “the taxable year” the last place it appears and inserting in lieu thereof “such 12 or 10-month period, as the case may be,”.

(c) Section 3303(b)(1) of such Code is amended to read as follows:

“(1) On October 31 of each calendar year, the Secretary of Labor shall certify to the Secretary the law of each State (certified by the Secretary of Labor as provided in section 3304 for the 12-month period ending on such October 31 (10-month period in the case of October 31, 1972)), with respect to which he finds that reduced rates of contributions were allowable with respect to such 12- or 10-month period, as the case may be, only in accordance with the provisions of subsection (a).”

Intra.

(d) Section 3303(b)(2) of such Code is amended by—

- (1) striking out “taxable year” where it first appears and inserting in lieu thereof “12-month period ending on October 31 (10-month period in the case of October 31, 1972)”;
- (2) striking out “on December 31 of such taxable year” following the words “the Secretary of Labor shall” and inserting in lieu thereof “on such October 31”; and
- (3) striking out “taxable year” after “contributions were allowable with respect to such” and inserting in lieu thereof “12- or 10-month period, as the case may be,”.

(e) Section 3303(b)(3) of such Code is amended by—

- (1) striking out “taxable year” where it first appears and inserting in lieu thereof “12-month period ending on October 31 (10-month period in the case of October 31, 1972)”;
- (2) striking out “taxable year,” where it next appears and inserting in lieu thereof “12 or 10-month period, as the case may be,”.

(f) Section 3304(c) of such Code, as amended by section 131(b)(2) of this Act, is further amended to read as follows:

Ante, p. 704.

“(c) **CERTIFICATION.**—On October 31 of each taxable year the Secretary of Labor shall certify to the Secretary each State whose law he has previously approved, except that he shall not certify any State which, after reasonable notice and opportunity for hearing to the State agency, the Secretary of Labor finds has amended its law so that it no longer contains the provisions specified in subsection (a) or has with respect to the 12-month period ending on such October 31 failed to comply substantially with any such provision in such subsection. No finding of a failure to comply substantially with any provision in paragraph (5) of subsection (a) shall be based on an application or interpretation of State law (1) until all administrative review provided for under the laws of the State has been exhausted, or (2) with respect to which the time for judicial review provided by the laws of the State has not expired, or (3) with respect to which any judicial review is pending. On October 31 of any taxable year after 1971, the

Secretary shall not certify any State which, after reasonable notice and opportunity for hearing to the State agency, the Secretary of Labor finds has failed to amend its law so that it contains each of the provisions required by reason of the enactment of the Employment Security Amendments of 1970 to be included therein, or has with respect to the 12-month period (10-month period in the case of October 31, 1972) ending on such October 31, failed to comply substantially with any such provision."

68A Stat. 445.
26 USC 3304.

(g) Section 3304(d) of such Code is amended by striking out "If, at any time during the taxable year," and inserting in lieu thereof "If at any time".

(h) Section 3304 of such Code is amended by adding at the end thereof the following new subsection:

"(e) CHANGE OF LAW DURING 12-MONTH PERIOD.—Whenever—

"(1) any provision of this section, section 3302, or section 3303 refers to a 12-month period ending on October 31 of a year, and

"(2) the law applicable to one portion of such period differs from the law applicable to another portion of such period, then such provision shall be applied by taking into account for each such portion the law applicable to such portion."

Effective date.

(i) The amendments made by this section shall apply with respect to the taxable year 1972 and taxable years thereafter.

TITLE II—FEDERAL-STATE EXTENDED UNEMPLOYMENT COMPENSATION PROGRAM

SHORT TITLE

Citation of
title.

SEC. 201. This title may be cited as the "Federal-State Extended Unemployment Compensation Act of 1970".

PAYMENT OF EXTENDED COMPENSATION

State Law Requirements

Post, p. 712.

SEC. 202. (a) (1) For purposes of section 3304(a) (11) of the Internal Revenue Code of 1954, a State law shall provide that payment of extended compensation shall be made, for any week of unemployment which begins in the individual's eligibility period, to individuals who have exhausted all rights to regular compensation under the State law and who have no rights to regular compensation with respect to such week under such law or any other State unemployment compensation law or to compensation under any other Federal law and are not receiving compensation with respect to such week under the unemployment compensation law of the Virgin Islands or Canada. For purposes of the preceding sentence, an individual shall have exhausted his rights to regular compensation under a State law (A) when no payments of regular compensation can be made under such law because such individual has received all regular compensation available to him based on employment or wages during his base period, or (B) when his rights to such compensation have terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(2) Except where inconsistent with the provisions of this title, the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall apply to claims for extended compensation and to the payment thereof.

Individuals' Compensation Accounts

(b) (1) The State law shall provide that the State will establish, for each eligible individual who files an application therefor, an extended compensation account with respect to such individual's benefit year. The amount established in such account shall be not less than whichever of the following is the least:

(A) 50 per centum of the total amount of regular compensation (including dependents' allowances) payable to him during such benefit year under such law,

(B) thirteen times his average weekly benefit amount, or

(C) thirty-nine times his average weekly benefit amount, reduced by the regular compensation paid (or deemed paid) to him during such benefit year under such law;

except that the amount so determined shall (if the State law so provides) be reduced by the aggregate amount of additional compensation paid (or deemed paid) to him under such law for prior weeks of unemployment in such benefit year which did not begin in an extended benefit period.

(2) For purposes of paragraph (1), an individual's weekly benefit amount for a week is the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for such week for total unemployment.

EXTENDED BENEFIT PERIOD

Beginning and Ending

SEC. 203. (a) For purposes of this title, in the case of any State, an extended benefit period—

(1) shall begin with the third week after whichever of the following weeks first occurs:

(A) a week for which there is a national "on" indicator, or

(B) a week for which there is a State "on" indicator; and

(2) shall end with the third week after the first week for which there is both a national "off" indicator and a State "off" indicator.

Special Rules

(b) (1) In the case of any State—

(A) no extended benefit period shall last for a period of less than thirteen consecutive weeks, and

(B) no extended benefit period may begin by reason of a State "on" indicator before the fourteenth week after the close of a prior extended benefit period with respect to such State.

(2) When a determination has been made that an extended benefit period is beginning or ending with respect to a State (or all the States), the Secretary shall cause notice of such determination to be published in the Federal Register.

Publication in
Federal Register.

Eligibility Period

(c) For purposes of this title, an individual's eligibility period under the State law shall consist of the weeks in his benefit year which begin in an extended benefit period and, if his benefit year ends within such extended benefit period, any weeks thereafter which begin in such extended benefit period.

National "On" and "Off" Indicators

(d) For purposes of this section—

(1) There is a national "on" indicator for a week if for each of the three most recent calendar months ending before such week, the rate of insured unemployment (seasonally adjusted) for all States equaled or exceeded 4.5 per centum (determined by reference to the average monthly covered employment for the first four of the most recent six calendar quarters ending before the month in question).

(2) There is a national "off" indicator for a week if for each of the three most recent calendar months ending before such week, the rate of insured unemployment (seasonally adjusted) for all States was less than 4.5 per centum (determined by reference to the average monthly covered employment for the first four of the most recent six calendar quarters ending before the month in question).

State "On" and "Off" Indicators

(e) For purposes of this section—

(1) There is a State "on" indicator for a week if the rate of insured unemployment under the State law for the period consisting of such week and the immediately preceding twelve weeks—

(A) equaled or exceeded 120 per centum of the average of such rates for the corresponding thirteen-week period ending in each of the preceding two calendar years, and

(B) equaled or exceeded 4 per centum.

(2) There is a State "off" indicator for a week if, for the period consisting of such week and the immediately preceding twelve weeks, either subparagraph (A) or subparagraph (B) of paragraph (1) was not satisfied.

For purposes of this subsection, the rate of insured unemployment for any 13-week period shall be determined by reference to the average monthly covered employment under the State law for the first four of the most recent six calendar quarters ending before the close of such period.

Rate of Insured Unemployment; Covered Employment

(f) (1) For purposes of subsections (d) and (e), the term "rate of insured unemployment" means the percentage arrived at by dividing—

(A) the average weekly number of individuals filing claims for weeks of unemployment with respect to the specified period, as determined on the basis of the reports made by all State agencies (or, in the case of subsection (e), by the State agency) to the Secretary, by

(B) the average monthly covered employment for the specified period.

(2) Determinations under subsection (d) shall be made by the Secretary in accordance with regulations prescribed by him.

(3) Determinations under subsection (e) shall be made by the State agency in accordance with regulations prescribed by the Secretary.

PAYMENTS TO STATES

Amount Payable

SEC. 204. (a) (1) There shall be paid to each State an amount equal to one-half of the sum of—

(A) the sharable extended compensation, and

(B) the sharable regular compensation,
paid to individuals under the State law.

(2) No payment shall be made to any State under this subsection in respect of compensation for which the State is entitled to reimbursement under the provisions of any Federal law other than this Act.

Sharable Extended Compensation

(b) For purposes of subsection (a) (1) (A), extended compensation paid to an individual for weeks of unemployment in such individual's eligibility period is sharable extended compensation to the extent that the aggregate extended compensation paid to such individual with respect to any benefit year does not exceed the smallest of the amounts referred to in subparagraphs (A), (B), and (C) of section 202(b) (1).

Sharable Regular Compensation

(c) For purposes of subsection (a) (1) (B), regular compensation paid to an individual for a week of unemployment is sharable regular compensation—

(1) if such week is in such individual's eligibility period (determined under section 203(c)), and

(2) to the extent that the sum of such compensation, plus the regular compensation paid (or deemed paid) to him with respect to prior weeks of unemployment in the benefit year, exceeds twenty-six times (and does not exceed thirty-nine times) the average weekly benefit amount (including allowances for dependents) for weeks of total unemployment payable to such individual under the State law in such benefit year.

Payment on Calendar Month Basis

(d) There shall be paid to each State either in advance or by way of reimbursement, as may be determined by the Secretary, such sum as the Secretary estimates the State will be entitled to receive under this title for each calendar month, reduced or increased, as the case may be, by any sum by which the Secretary finds that his estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made upon the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency.

Certification

(e) The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this section. The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payment to the State in accordance with such certification, by transfers from the extended unemployment compensation account to the account of such State in the Unemployment Trust Fund.

DEFINITIONS

SEC. 205. For purposes of this title—

(1) The term “compensation” means cash benefits payable to individuals with respect to their unemployment.

(2) The term “regular compensation” means compensation payable to an individual under any State unemployment compensation law (including compensation payable pursuant to 5 U.S.C. chapter 85), other than extended compensation and additional compensation.

(3) The term “extended compensation” means compensation (including additional compensation and compensation payable pursuant to 5 U.S.C. chapter 85) payable for weeks of unemployment beginning in an extended benefit period to an individual under those provisions of the State law which satisfy the requirements of this title with respect to the payment of extended compensation.

(4) The term “additional compensation” means compensation payable to exhaustees by reason of conditions of high unemployment or by reason of other special factors.

(5) The term “benefit year” means the benefit year as defined in the applicable State law.

(6) The term “base period” means the base period as determined under applicable State law for the benefit year.

(7) The term “Secretary” means the Secretary of Labor of the United States.

(8) The term “State” includes the District of Columbia and the Commonwealth of Puerto Rico.

(9) The term “State agency” means the agency of the State which administers its State law.

(10) The term “State law” means the unemployment compensation law of the State, approved by the Secretary under section 3304 of the Internal Revenue Code of 1954.

(11) The term “week” means a week as defined in the applicable State law.

APPROVAL OF STATE LAWS

SEC. 206. Section 3304(a) of the Internal Revenue Code of 1954 is amended by inserting after paragraph (10) (added by section 121(a) of this Act) the following new paragraph:

“(11) extended compensation shall be payable as provided by the Federal-State Extended Unemployment Compensation Act of 1970;”.

EFFECTIVE DATES

SEC. 207. (a) Except as provided in subsection (b)—

(1) in applying section 203, no extended benefit period may begin with a week beginning before January 1, 1972; and

(2) section 204 shall apply only with respect to weeks of unemployment beginning after December 31, 1971.

(b) (1) In the case of a State law approved under section 3304(a) (11) of the Internal Revenue Code of 1954, such State law may also provide that an extended benefit period may begin with a week established pursuant to such law which begins earlier than January 1, 1972, but not earlier than 60 days after the date of the enactment of this Act.

(2) For purposes of paragraph (1) with respect to weeks beginning before January 1, 1972, the extended benefit period for the State shall be determined under section 203(a) solely by reference to the State “on” indicator and the State “off” indicator.

80 Stat. 585;
81 Stat. 218.
5 USC 8501.

26 USC 3304.

Ante, p. 701.

Ante, p. 708.

(3) In the case of a State law containing a provision described in paragraph (1), section 204 shall also apply with respect to weeks of unemployment in extended benefit periods determined pursuant to paragraph (1).

(c) Section 3304(a) (11) of the Internal Revenue Code of 1954 (as added by section 206) shall not be a requirement for the State law of any State—

Exception.

(1) in the case of any State the legislature of which does not meet in a regular session which closes during the calendar year 1971, with respect to any week of unemployment which begins prior to July 1, 1972; or

(2) in the case of any other State, with respect to any week of unemployment which begins prior to January 1, 1972.

TITLE III—FINANCING PROVISIONS

SEC. 301. RATE OF TAX.

(a) Effective with respect to remuneration paid after December 31, 1969, section 3301 of the Internal Revenue Code of 1954 is amended to read as follows:

68A Stat. 439;
77 Stat. 51.
26 USC 3301.

“SEC. 3301. RATE OF TAX.

“There is hereby imposed on every employer (as defined in section 3306(a)) for the calendar year 1970 and each calendar year thereafter an excise tax, with respect to having individuals in his employ, equal to 3.2 percent of the total wages (as defined in section 3306(b)) paid by him during the calendar year with respect to employment (as defined in section 3306(c)).”

Ante, p. 696.

68A Stat. 447;
81 Stat. 935.

Ante, p. 699.

(b) For purposes of section 6157 of the Internal Revenue Code of 1954 (relating to payment of Federal unemployment tax on quarterly or other time period basis), in computing tax as required by subsections (a) (1) and (2) of such section, the percentage contained in subsection (b) of such section applicable with respect to wages paid in any calendar quarter in 1970 ending before the date of the enactment of this Act shall be treated as being 0.4 percent.

83 Stat. 91.
26 USC 6157.

Ante, p. 696.

SEC. 302. INCREASE IN WAGE BASE.

Effective with respect to remuneration paid after December 31, 1971, section 3306(b) (1) of the Internal Revenue Code of 1954 is amended by striking out “\$3,000” each place it appears and inserting in lieu thereof “\$4,200”.

Effective date.

SEC. 303. CHANGES IN EMPLOYMENT SECURITY ADMINISTRATION ACCOUNT.

(a) Section 901(c) of the Social Security Act is amended, effective with respect to fiscal years after June 30, 1970, by—

77 Stat. 51;
83 Stat. 93.
42 USC 1101.

(1) changing paragraph (1) to read as follows:

“(1) There are hereby authorized to be made available for expenditure out of the employment security administration account for the fiscal year ending June 30, 1971, and for each fiscal year thereafter—

“(A) such amounts (not in excess of the applicable limit provided by paragraph (3) and, with respect to clause (ii), not in excess of the limit provided by paragraph (4)) as the Congress may deem appropriate for the purpose of—

“(i) assisting the States in the administration of their unemployment compensation laws as provided in title III (including administration pursuant to agreements under any Federal unemployment compensation law),

Ante, p. 703.

48 Stat. 113.

72 Stat. 1221;
76 Stat. 558.

49 Stat. 626;
74 Stat. 978, 982;
Ante, p. 703.
42 USC 501,
1321.
68A Stat. 439;
74 Stat. 983;
83 Stat. 91.
26 USC 3301,
48 Stat. 113.
29 USC 49.
72 Stat. 221;
76 Stat. 558.
38 USC 2001.

Post, p. 715.

Post, p. 716.

74 Stat. 974;
83 Stat. 93.
42 USC 1101.

“(ii) the establishment and maintenance of systems of public employment offices in accordance with the Act of June 6, 1933, as amended (29 U.S.C., secs. 49–49n), and

“(iii) carrying into effect section 2003 of title 38 of the United States Code;

“(B) such amounts (not in excess of the limit provided by paragraph (4) with respect to clause (iii)) as the Congress may deem appropriate for the necessary expenses of the Department of Labor for the performance of its functions under—

“(i) this title and titles III and XII of this Act,

“(ii) the Federal Unemployment Tax Act,

“(iii) the provisions of the Act of June 6, 1933, as amended,

“(iv) chapter 41 (except section 2003) of title 38 of the United States Code, and

“(v) any Federal unemployment compensation law.

The term ‘necessary expenses’ as used in this subparagraph (B) shall include the expense of reimbursing a State for salaries and other expenses of employees of such State temporarily assigned or detailed to duty with the Department of Labor and of paying such employees for travel expenses, transportation of household goods, and per diem in lieu of subsistence while away from their regular duty stations in the State, at rates authorized by law for civilian employees of the Federal Government.”

(2) deleting the sentence commencing with the words “In determining” in paragraph (2);

(3) amending paragraph (3) to read as follows:

“(3) (A) For purposes of paragraph (1) (A), the limitation on the amount authorized to be made available for any fiscal year after June 30, 1970, is, except as provided in subparagraph (B) and in the second sentence of section 901(f) (3) (A), an amount equal to 95 percent of the amount estimated and set forth in the budget of the United States Government for such fiscal year as the amount by which the net receipts during such year under the Federal Unemployment Tax Act will exceed the amount transferred under section 905 (b) during such year to the extended unemployment compensation account.

“(B) The limitation established by subparagraph (A) is increased by any unexpended amount retained in the employment security administration account in accordance with section 901(f) (2) (B).

“(C) Each estimate of net receipts under this paragraph shall be based upon a tax rate of 0.5 percent.”

(4) adding a new paragraph (4) as follows:

“(4) For purposes of paragraph (1) (A) (ii) and (1) (B) (iii) the amount authorized to be made available out of the employment security administration account for any fiscal year after June 30, 1972, shall reflect the proportion of the total cost of administering the system of public employment offices in accordance with the Act of June 6, 1933, as amended, and of the necessary expenses of the Department of Labor for the performance of its functions under the provisions of such Act, as the President determines is an appropriate charge to the employment security administration account, and reflects in his annual budget for such year. The President’s determination, after consultation with the Secretary, shall take into account such factors as the relationship between employment subject to State laws and the total labor force in the United States, the number of claimants and the number of job applicants, and such other factors as he finds relevant.”

(b) Section 901(d) of the Social Security Act is amended by—

74 Stat. 972.
42 USC 1101.

(1) deleting the reference to “section 3302(c)(2) or (3)” in subparagraph (A)(i) and inserting in place thereof “section 3302(c)(3)”;

(2) deleting the final sentence in paragraph (1);

(3) deleting paragraph (2) and redesignating paragraph (3) as paragraph (2).

(c) Section 901(e)(2) of the Social Security Act is amended effective July 1, 1972, by deleting “is \$250,000,000” and inserting in lieu thereof “equals 40 percent of the amount of the total appropriation by the Congress out of the employment security administration account for the preceding fiscal year”.

(d) Effective with respect to fiscal years after June 30, 1972, section 901(f) of the Social Security Act is amended—

74 Stat. 973.

(1) by inserting “and section 901(f)(3)(C)” after “section 902(b)” in paragraph (2)(A); and

83 Stat. 93.

(2) by revising paragraph (3) to read as follows:

“(3)(A) The excess determined as provided in paragraph (2) as of the close of any fiscal year after June 30, 1972, shall be retained (as of the beginning of the succeeding fiscal year) in the employment security administration account until the amount in such account is equal to 40 percent of the amount of the total appropriation by the Congress out of the employment security administration account for the fiscal year for which the excess is determined. Three-eighths of the amount in the employment security administration account as of the beginning of any fiscal year after June 30, 1972, or \$150 million, whichever is the lesser, is authorized to be made available for such fiscal year pursuant to subsection (c)(1) for additional costs of administration due to an increase in the rate of insured unemployment for a calendar quarter of at least 15 percent over the rate of insured unemployment for the corresponding calendar quarter in the immediately preceding fiscal year.

“(B) If the entire amount of the excess determined as provided in paragraph (2) as of the close of any fiscal year after June 30, 1972, is not retained in the employment security administration account, there shall be transferred (as of the beginning of the succeeding fiscal year) to the extended unemployment compensation account the balance of such excess or so much thereof as is required to increase the amount in the extended unemployment compensation account to the limit provided in section 905(b)(2).

75 Stat. 15;
77 Stat. 51.
42 USC 1105.

“(C) If as of the close of any fiscal year after June 30, 1972, the amount in the extended unemployment compensation account exceeds the limit provided in section 905(b)(2), such excess shall be transferred to the employment security administration account as of the close of such fiscal year.”

SEC. 304. TRANSFERS TO FEDERAL UNEMPLOYMENT ACCOUNT AND REPORT TO CONGRESS.

(a) So much of section 902 of the Social Security Act as precedes subsection (b) is amended to read as follows:

74 Stat. 974.
42 USC 1102.

“TRANSFERS TO FEDERAL UNEMPLOYMENT ACCOUNT AND
REPORT TO CONGRESS

“TRANSFERS TO FEDERAL UNEMPLOYMENT ACCOUNT

74 Stat. 973.
42 USC 1101.

Ante, p. 715.

“SEC. 902. (a) Whenever the Secretary of the Treasury determines pursuant to section 901(f) that there is an excess in the employment security administration account as of the close of any fiscal year and the entire amount of such excess is not retained in the employment security administration account or transferred to the extended unemployment compensation account as provided in section 901(f)(3), there shall be transferred (as of the beginning of the succeeding fiscal year) to the Federal unemployment account the balance of such excess or so much thereof as is required to increase the amount in the Federal unemployment account to whichever of the following is the greater:

“(1) \$550 million, or

“(2) the amount (determined by the Secretary of Labor and certified by him to the Secretary of the Treasury) equal to one-eighth of 1 percent of the total wages subject (determined without any limitation on amount) to contributions under all State unemployment compensation laws for the calendar year ending during the fiscal year for which the excess is determined.”

74 Stat. 974.
42 USC 1102.

(b) Such section 902 is further amended by adding at the end thereof the following:

“REPORT TO THE CONGRESS

Supra.

Post, p. 717.

74 Stat. 979.
42 USC 1323.

“(c) Whenever the Secretary of Labor has reason to believe that in the next fiscal year the employment security administration account will reach the limit provided for such account in section 901(f)(3)(A), and the Federal unemployment account will reach the limit provided for such account in section 902(a), and the extended unemployment compensation account will reach the limit provided for such account in section 905(b)(2), he shall, after consultation with the Secretary of the Treasury, so report to the Congress with a recommendation for appropriate action by the Congress.”

(c) Section 1203 of the Social Security Act is amended by striking out “section 901(f)(3)” and inserting in lieu thereof “sections 901(f)(3) and 902(a)”.

SEC. 305. EXTENDED UNEMPLOYMENT COMPENSATION ACCOUNT.

Ante, p. 705.

(a) Title IX of the Social Security Act is amended by striking out section 905 and inserting in lieu thereof the following new section:

“EXTENDED UNEMPLOYMENT COMPENSATION ACCOUNT

“ESTABLISHMENT OF ACCOUNT

“SEC. 905. (a) There is hereby established in the Unemployment Trust Fund an extended unemployment compensation account. For the purposes provided for in section 904(e), such account shall be maintained as a separate book account.

“TRANSFERS TO ACCOUNT

“(b)(1) Except as provided by paragraph (3), the Secretary of the Treasury shall transfer (as of the close of July 1970, and each month thereafter), from the employment security administration account to the extended unemployment compensation account established by subsection (a), an amount determined by him to be equal, in

the case of any month before April 1972, to one-fifth, and in the case of any month after March 1972, to one-tenth, of the amount by which—

“(A) transfers to the employment security administration account pursuant to section 901(b)(2) during such month, exceed

74 Stat. 970.
42 USC 1101.

“(B) payments during such month from the employment security administration account pursuant to section 901(b)(3) and (d).

If for any such month the payments referred to in subparagraph (B) exceed the transfers referred to in subparagraph (A), proper adjustments shall be made in the amounts subsequently transferred.

“(2) Whenever the Secretary of the Treasury determines pursuant to section 901(f) that there is an excess in the employment security administration account as of the close of any fiscal year beginning after June 30, 1972, there shall be transferred (as of the beginning of the succeeding fiscal year) to the extended unemployment compensation account the total amount of such excess or so much thereof as is required to increase the amount in the extended unemployment compensation account to whichever of the following is the greater:

Ante, p. 715.

“(A) \$750,000,000, or

“(B) the amount (determined by the Secretary of Labor and certified by him to the Secretary of the Treasury) equal to one-eighth of 1 percent of the total wages subject (determined without any limitation on amount) to contributions under all State unemployment compensation laws for the calendar year ending during the fiscal year for which the excess is determined.

“(3) The Secretary of the Treasury shall make no transfer pursuant to paragraph (1) as of the close of any month if he determines that the amount in the extended unemployment compensation account is equal to (or in excess of) the limitation provided in paragraph (2).

“TRANSFERS TO STATE ACCOUNTS

“(c) Amounts in the extended unemployment compensation account shall be available for transfer to the accounts of the States in the Unemployment Trust Fund as provided in section 204(e) of the Federal-State Extended Unemployment Compensation Act of 1970.

Ante, p. 711.

“ADVANCES TO EXTENDED UNEMPLOYMENT COMPENSATION ACCOUNT AND REPAYMENT

“(d) There are hereby authorized to be appropriated, without fiscal year limitation, to the extended unemployment compensation account, as repayable advances (without interest), such sums as may be necessary to carry out the purposes of the Federal-State Extended Unemployment Compensation Act of 1970. Amounts appropriated as repayable advances shall be repaid, without interest, by transfers from the extended unemployment compensation account to the general fund of the Treasury, at such times as the amount in the extended unemployment compensation account is determined by the Secretary of the Treasury, in consultation with the Secretary of Labor, to be adequate for such purpose. Any amount transferred as a repayment under this subsection shall be credited against, and shall operate to reduce, any balance of advances repayable under this subsection.”

Appropriation.

Ante, p. 708.

(b) Section 903(a)(1) of the Social Security Act is amended to read as follows: “(1) If as of the close of any fiscal year after the fiscal year ending June 30, 1972, the amount in the extended unemployment compensation account has reached the limit provided in section 905(b)(2) and the amount in the Federal unemployment account has reached the limit provided in section 902(a) and all advances pursuant to section 905(d) and section 1203 have been repaid, and there remains

74 Stat. 974.
42 USC 1103.

Supra.

74 Stat. 979.
42 USC 1323.

Ante, p. 715.

in the employment security administration account any amount over the amount provided in section 901(f)(3)(A), such excess amount, except as provided in subsection (b), shall be transferred (as of the beginning of the succeeding fiscal year) to the accounts of the States in the Unemployment Trust Fund."

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. EXEMPTION OF CERTAIN INDUSTRIAL DEVELOPMENT BONDS FROM REGISTRATION, ETC., REQUIREMENTS.

Post, pp. 1434, 1498.

82 Stat. 266.
26 USC 103.

(a) Section 3(a) of the Securities Act of 1933 (15 U.S.C. 77c) (relating to exempted securities) is amended by adding at the end of paragraph (2) the following: "or any security which is an industrial development bond (as defined in section 103(c)(2) of the Internal Revenue Code of 1954) the interest on which is excludable from gross income under section 103(a)(1) of such Code if, by reason of the application of paragraph (4) or (6) of section 103(c) of such Code (determined as if paragraphs (4)(A), (5), and (7) were not included in such section 103(c)), paragraph (1) of such section 103(c) does not apply to such security;"

Post, pp. 1435, 1499.

(b) Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c) (relating to exempted securities) is amended by inserting after "any municipal corporate instrumentality of one or more States;" in paragraph (12) the following: "or any security which is an industrial development bond (as defined in section 103(c)(2) of the Internal Revenue Code of 1954) the interest on which is excludable from gross income under section 103(a)(1) of such Code if, by reason of the application of paragraph (4) or (6) of section 103(c) of such Code (determined as if paragraphs (4)(A), (5), and (7) were not included in such section 103(c)), paragraph (1) of such section 103(c) does not apply to such security;"

Effective date.

(c) The amendments made by this section shall apply with respect to securities sold after January 1, 1970.

Approved August 10, 1970.

Public Law 91-374

August 11, 1970
[H. R. 914]

AN ACT

For the relief of Hood River County, Oregon.

Hood River
County, Oreg.
Relief.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Hood River County, Oregon, is relieved of all liability to the United States for any amounts owed by such county to the United States for amounts claimed by the United States Forest Service, Department of Agriculture, for alleged timber trespass arising out of timber sales during the period 1946 through 1961, inclusive, from the land described as follows:

One hundred and sixty acres of land, more or less, located in Hood River County which land is more fully described as the northwest quarter of the northeast quarter and the north half of the northwest quarter and the southeast quarter of the northwest quarter of section 9, township 1 south, range 8 east, of the Willamette meridian.

Approved August 11, 1970.

Public Law 91-375

AN ACT

To improve and modernize the postal service, to reorganize the Post Office Department, and for other purposes.

August 12, 1970
[H. R. 17070]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Postal Reorganization Act".

Postal Reorganization Act.

UNITED STATES POSTAL SERVICE

SEC. 2. Title 39, United States Code, is revised and reenacted, and the sections thereof may be cited as "39 U.S.C. §", as follows:

74 Stat. 578.

"TITLE 39--POSTAL SERVICE

"Part	Sec.
"I. GENERAL	101
"II. PERSONNEL	1001
"III. MODERNIZATION AND FISCAL ADMINISTRATION	2001
"IV. MAIL MATTER	3001
"V. TRANSPORTATION OF MAIL	5001

"PART I--GENERAL

"CHAPTER	Sec.
"1. POSTAL POLICY AND DEFINITIONS	101
"2. ORGANIZATION	201
"4. GENERAL AUTHORITY	401
"6. PRIVATE CARRIAGE OF LETTERS	601

"Chapter 1.--POSTAL POLICY AND DEFINITIONS

- "Sec.
"101. Postal policy.
"102. Definitions.

"§ 101. Postal policy

"(a) The United States Postal Service shall be operated as a basic and fundamental service provided to the people by the Government of the United States, authorized by the Constitution, created by Act of Congress, and supported by the people. The Postal Service shall have as its basic function the obligation to provide postal services to bind the Nation together through the personal, educational, literary, and business correspondence of the people. It shall provide prompt, reliable, and efficient services to patrons in all areas and shall render postal services to all communities. The costs of establishing and maintaining the Postal Service shall not be apportioned to impair the overall value of such service to the people.

"(b) The Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining. No small post office shall be closed solely for operating at a deficit, it being the specific intent of the Congress that effective postal services be insured to residents of both urban and rural communities.

"(c) As an employer, the Postal Service shall achieve and maintain compensation for its officers and employees comparable to the rates and types of compensation paid in the private sector of the economy of the United States. It shall place particular emphasis upon opportunities for career advancements of all officers and employees and the achievement of worthwhile and satisfying careers in the service of the United States.

"(d) Postal rates shall be established to apportion the costs of all postal operations to all users of the mail on a fair and equitable basis.

“(e) In determining all policies for postal services, the Postal Service shall give the highest consideration to the requirement for the most expeditious collection, transportation, and delivery of important letter mail.

“(f) In selecting modes of transportation, the Postal Service shall give highest consideration to the prompt and economical delivery of all mail and shall make a fair and equitable distribution of mail business to carriers providing similar modes of transportation services to the Postal Service. Modern methods of transporting mail by containerization and programs designed to achieve overnight transportation to the destination of important letter mail to all parts of the Nation shall be a primary goal of postal operations.

“(g) In planning and building new postal facilities, the Postal Service shall emphasize the need for facilities and equipment designed to create desirable working conditions for its officers and employees, a maximum degree of convenience for efficient postal services, proper access to existing and future air and surface transportation facilities, and control of costs to the Postal Service.

“§ 102. Definitions

“As used in this title—

“(1) ‘Postal Service’ means the United States Postal Service established by section 201 of this title;

“(2) ‘Board of Governors’, and ‘Board’, unless the context otherwise requires, mean the Board of Governors established under section 202 of this title; and

“(3) ‘Governors’ means the 9 members of the Board of Governors appointed by the President, by and with the advice and consent of the Senate, under section 202(a) of this title.

“Chapter 2.—ORGANIZATION

“Sec.

“201. United States Postal Service.

“202. Board of Governors.

“203. Postmaster General; Deputy Postmaster General.

“204. Assistant Postmasters General; General Counsel; Judicial Officer.

“205. Procedures of the Board of Governors.

“206. Advisory Council.

“207. Seal.

“208. Reservation of powers.

“§ 201. United States Postal Service

“There is established, as an independent establishment of the executive branch of the Government of the United States, the United States Postal Service.

“§ 202. Board of Governors

“(a) The exercise of the power of the Postal Service shall be directed by a Board of Governors composed of 11 members appointed in accordance with this section. Nine of the members, to be known as Governors, shall be appointed by the President, by and with the advice and consent of the Senate, not more than 5 of whom may be adherents of the same political party. The Governors shall elect a Chairman from among the members of the Board. The Governors shall be chosen to represent the public interest generally, and shall not be representatives of specific interests using the Postal Service, and may be removed only for cause. Each Governor shall receive a salary of \$10,000 a year plus \$300 a day for not more than 30 days of meetings each year and shall be reimbursed for travel and reasonable expenses incurred in attending meetings of the Board. Nothing in the preceding sentence shall be construed to limit the number of days of meetings each year to 30 days.

“(b) The terms of the 9 Governors shall be 9 years, except that the terms of the 9 Governors first taking office shall expire as designated by the President at the time of appointment, 1 at the end of 1 year, 1 at the end of 2 years, 1 at the end of 3 years, 1 at the end of 4 years, 1 at the end of 5 years, 1 at the end of 6 years, 1 at the end of 7 years, 1 at the end of 8 years, and 1 at the end of 9 years, following the appointment of the first of them. Any Governor appointed to fill a vacancy before the expiration of the term for which his predecessor was appointed shall serve for the remainder of such term.

Term of office.

“(c) The Governors shall appoint and shall have the power to remove the Postmaster General, who shall be a voting member of the Board. His pay and term of service shall be fixed by the Governors.

Postmaster General, appointment, etc.

“(d) The Governors and the Postmaster General shall appoint and shall have the power to remove the Deputy Postmaster General, who shall be a voting member of the Board. His term of service shall be fixed by the Governors and the Postmaster General and his pay by the Governors.

“§ 203. Postmaster General; Deputy Postmaster General

“The chief executive officer of the Postal Service is the Postmaster General appointed under section 202(c) of this title. The alternate chief executive officer of the Postal Service is the Deputy Postmaster General appointed under section 202(d) of this title.

“§ 204. Assistant Postmasters General; General Counsel; Judicial Officer

“There shall be within the Postal Service a General Counsel, such number of Assistant Postmasters General as the Board shall consider appropriate, and a Judicial Officer. The General Counsel, the Assistant Postmasters General, and the Judicial Officer shall be appointed by, and serve at the pleasure of, the Postmaster General. The Judicial Officer shall perform such quasi-judicial duties, not inconsistent with chapter 36 of this title, as the Postmaster General may designate. The Judicial Officer shall be the agency for the purposes of the requirements of chapter 5 of title 5, to the extent that functions are delegated to him by the Postmaster General.

Post, p. 758.

80 Stat. 380;
81 Stat. 195;
83 Stat. 446.
5 USC 500.

“§ 205. Procedures of the Board of Governors

“(a) The Board shall direct and control the expenditures and review the practices and policies of the Postal Service, and perform other functions and duties prescribed by this title.

Policy review.

“(b) Vacancies in the Board, as long as there are sufficient members to form a quorum, shall not impair the powers of the Board under this title.

“(c) The Board shall act upon majority vote of those members who are present, and any 6 members present shall constitute a quorum for the transaction of business by the Board, except—

Majority vote; quorum, exceptions.

“(1) that in the appointment or removal of the Postmaster General, and in setting the compensation of the Postmaster General and Deputy Postmaster General, a favorable vote of an absolute majority of the Governors in office shall be required;

“(2) that in the appointment or removal of the Deputy Postmaster General, a favorable vote of an absolute majority of the Governors in office and the member serving as Postmaster General shall be required; and

“(3) as otherwise provided in this title.

“(d) No officer or employee of the United States may serve concurrently as a Governor. A Governor may hold any other office or employment not inconsistent or in conflict with his duties, responsibilities, and powers as an officer of the Government of the United States in the Postal Service

“§ 206. Advisory Council

Membership.

“(a) There shall be a Postal Service Advisory Council of which the Postmaster General shall be the Chairman and the Deputy Postmaster General shall be the Vice Chairman. The Advisory Council shall have 11 additional members appointed by the President. He shall appoint as such members (1) 4 persons from among persons nominated by those labor organizations recognized as collective-bargaining representatives for employees of the Postal Service in one or more collective-bargaining units, (2) 4 persons as representatives of major mail users, and (3) 3 persons as representatives of the public at large. All members shall be appointed for terms of 2 years except that, of those first appointed, 2 of the members representative of labor organizations, 2 of the members representative of major postal users, and 1 member representing the public at large shall be appointed for 1 year. Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall serve for the remainder of such term.

Compensation.

“(b) The Postal Service shall consult with and receive the advice of the Advisory Council regarding all aspects of postal operations.

“(c) The members of the Council representative of the public at large shall receive for each meeting of the Council an amount equal to the daily rate applicable to level V of the Executive Schedule under section 5316 of title 5. All members of the Council shall be reimbursed for necessary travel and reasonable expenses incurred in attending meetings of the Council.

80 Stat. 463;
83 Stat. 864.

“§ 207. Seal

“The seal of the Postal Service shall be filed by the Board in the Office of the Secretary of State, judicially noticed, affixed to all commissions of officers of the Postal Service, and used to authenticate records of the Postal Service.

“§ 208. Reservation of powers

“Congress reserves the power to alter, amend, or repeal any or all of the sections of this title, but no such alteration, amendment, or repeal shall impair the obligation of any contract made by the Postal Service under any power conferred by this title.

“Chapter 4.—GENERAL AUTHORITY

“Sec.

“401. General powers of the Postal Service.

“402. Delegation of authority.

“403. General duties.

“404. Specific powers.

“405. Printing of illustrations of United States postage stamps.

“406. Postal services at Armed Forces installations.

“407. International postal arrangements.

“408. International money-order exchanges.

“409. Suits by and against the Postal Service.

“410. Application of other laws.

“411. Cooperation with other Government agencies.

“412. Nondisclosure of lists of names and addresses.

“§ 401. General powers of the Postal Service

“The Postal Service shall have the following general powers:

“(1) to sue and be sued in its official name;

“(2) to adopt, amend, and repeal such rules and regulations as it deems necessary to accomplish the objectives of this title;

“(3) to enter into and perform contracts, execute instruments, and determine the character of, and necessity for, its expenditures;

“(4) to determine and keep its own system of accounts and the forms and contents of its contracts and other business documents, except as otherwise provided in this title;

“(5) to acquire, in any lawful manner, such personal or real property, or any interest therein, as it deems necessary or convenient in the transaction of its business; to hold, maintain, sell, lease, or otherwise dispose of such property or any interest therein; and to provide services in connection therewith and charges therefor;

“(6) to construct, operate, lease, and maintain buildings, facilities, equipment, and other improvements on any property owned or controlled by it, including, without limitation, any property or interest therein transferred to it under section 2002 of this title;

Post, p. 738.

“(7) to accept gifts or donations of services or property, real or personal, as it deems, necessary or convenient in the transaction of its business;

“(8) to settle and compromise claims by or against it;

“(9) to exercise, in the name of the United States, the right of eminent domain for the furtherance of its official purposes; and to have the priority of the United States with respect to the payment of debts out of bankrupt, insolvent, and decedents' estates; and

“(10) to have all other powers incidental, necessary, or appropriate to the carrying on of its functions or the exercise of its specific powers.

“§ 402. Delegation of authority

“Except for those powers, duties, or obligations specifically vested in the Governors, as distinguished from the Board of Governors, the Board may delegate the authority vested in it to the Postmaster General under such terms, conditions, and limitations, including the power of redelegation, as it deems desirable. The Board may establish such committees of the Board, and delegate such powers to any committee, as the Board determines appropriate to carry out its functions and duties. Delegations to the Postmaster General or committees shall be consistent with other provisions of this title, shall not relieve the Board of full responsibility for the carrying out of its duties and functions, and shall be revocable by the Governors in their exclusive judgment.

“§ 403. General duties

“(a) The Postal Service shall plan, develop, promote, and provide adequate and efficient postal services at fair and reasonable rates and fees. Except as provided in the Canal Zone Code, the Postal Service shall receive, transmit, and deliver throughout the United States, its territories and possessions, and, pursuant to arrangements entered into under sections 406 and 411 of this title, throughout the world, written and printed matter, parcels, and like materials and provide such other services incidental thereto as it finds appropriate to its functions and in the public interest. The Postal Service shall serve as nearly as practicable the entire population of the United States.

76A Stat. 1.

“(b) It shall be the responsibility of the Postal Service—

“(1) to maintain an efficient system of collection, sorting, and delivery of the mail nationwide;

“(2) to provide types of mail service to meet the needs of different categories of mail and mail users; and

“(3) to establish and maintain postal facilities of such character and in such locations that postal patrons throughout the Nation will, consistent with reasonable economies of postal operations, have ready access to essential postal services.

“(c) In providing services and in establishing classifications, rates, and fees under this title, the Postal Service shall not, except as specifically authorized in this title, make any undue or unreasonable discrimination among users of the mails, nor shall it grant any undue or unreasonable preferences to any such user.

“§ 404. Specific powers

“Without limitation of the generality of its powers, the Postal Service shall have the following specific powers, among others:

“(1) to provide for the collection, handling, transportation, delivery, forwarding, returning, and holding of mail, and for the disposition of undeliverable mail;

“(2) to prescribe, in accordance with this title, the amount of postage and the manner in which it is to be paid;

“(3) to determine the need for post offices, postal and training facilities and equipment, and to provide such offices, facilities, and equipment as it determines are needed;

“(4) to provide and sell postage stamps and other stamped paper, cards, and envelopes and to provide such other evidences of payment of postage and fees as may be necessary or desirable;

“(5) to provide philatelic services;

“(6) to provide, establish, change, or abolish special nonpostal or similar services;

“(7) to investigate postal offenses and civil matters relating to the Postal Service;

“(8) to offer and pay rewards for information and services in connection with violations of the postal laws, and, unless a different disposal is expressly prescribed, to pay one-half of all penalties and forfeitures imposed for violations of law affecting the Postal Service, its revenues, or property, to the person informing for the same, and to pay the other one-half into the Postal Service Fund; and

“(9) to authorize the issuance of a substitute check for a lost, stolen, or destroyed check of the Postal Service.

“§ 405. Printing of illustrations of United States postage stamps

“(a) When requested by the Postal Service, the Public Printer shall print, as a public document for sale by the Superintendent of Documents, illustrations in black and white or in color of postage stamps of the United States, together with such descriptive, historical, and philatelic information with regard to the stamps as the Postal Service deems suitable.

82 Stat. 1244.

“(b) Notwithstanding the provisions of section 505 of title 44, stereotype or electrotype plates, or duplicates thereof, used in the publications authorized to be printed by this section may not be sold or otherwise disposed of.

“§ 406. Postal services at Armed Forces installations

“(a) The Postal Service may establish branch post offices at camps, posts, bases, or stations of the Armed Forces and at defense or other strategic installations.

“(b) The Secretaries of Defense and Transportation shall make arrangements with the Postal Service to perform postal services through personnel designated by them at or through branch post offices established under subsection (a) of this section.

“§ 407. International postal arrangements

“(a) The Postal Service, with the consent of the President, may negotiate and conclude postal treaties or conventions, and may establish the rates of postage or other charges on mail matter conveyed between the United States and other countries. The decisions of the Postal Service construing or interpreting the provisions of any treaty or convention which has been or may be negotiated and concluded shall, if approved by the President, be conclusive upon all officers of the Government of the United States.

“(b) The Postal Service shall transmit a copy of each postal convention concluded with other governments to the Secretary of State, who shall furnish a copy of the same to the Public Printer for publication.

“§ 408. International money-order exchanges

“The Postal Service may make arrangements with other governments, with which postal conventions are or may be concluded, for the exchange of sums of money by means of postal orders. It shall fix limitations on the amount which may be so exchanged and the rates of exchange.

“§ 409. Suits by and against the Postal Service

“(a) Except as provided in section 3628 of this title, the United States district courts shall have original but not exclusive jurisdiction over all actions brought by or against the Postal Service. Any action brought in a State court to which the Postal Service is a party may be removed to the appropriate United States district court under the provisions of chapter 89 of title 28.

Post, p. 763.

“(b) Unless otherwise provided in this title, the provisions of title 28 relating to service of process, venue, and limitations of time for bringing action in suits in which the United States, its officers, or employees are parties, and the rules of procedure adopted under title 28 for suits in which the United States, its officers, or employees are parties, shall apply in like manner to suits in which the Postal Service, its officers, or employees are parties.

62 Stat. 937;
Ante, p. 591.
28 USC 1441.

“(c) The provisions of chapter 171 and all other provisions of title 28 relating to tort claims shall apply to tort claims arising out of activities of the Postal Service.

62 Stat. 982;
80 Stat. 306.
28 USC 2671.

“(d) The Department of Justice shall furnish, under section 411 of this title, the Postal Service such legal representation as it may require, but with the prior consent of the Attorney General the Postal Service may employ attorneys by contract or otherwise to conduct litigation brought by or against the Postal Service or its officers or employees in matters affecting the Postal Service.

“§ 410. Application of other laws

“(a) Except as provided by subsection (b) of this section, and except as otherwise provided in this title or insofar as such laws remain in force as rules or regulations of the Postal Service, no Federal law dealing with public or Federal contracts, property, works, officers, employees, budgets, or funds, including the provisions of chapters 5 and 7 of title 5, shall apply to the exercise of the powers of the Postal Service.

80 Stat. 380,
392; 81 Stat. 195,
5 USC 500, 701.

“(b) The following provisions shall apply to the Postal Service:

“(1) section 552 (public information), section 3333 and chapters 71 (employee policies) and 73 (suitability, security, and conduct of employees), and section 5532 (dual pay) of title 5, except that not regulation issued under such chapters or sections shall apply to the Postal Service unless expressly made applicable;

81 Stat. 54;
80 Stat. 424.
5 USC 7101,
7301.

“(2) all provisions of title 18 dealing with the Postal Service, the mails, and officers or employees of the Government of the United States;

62 Stat. 683.
18 USC 1.

“(3) section 107 of title 20 (known as the Randolph-Sheppard Act, relating to vending machines operated by the blind);

68 Stat. 663.

“(4) the following provisions of title 40:

“(A) sections 258a–258e (relating to condemnation proceedings);

46 Stat. 1421;
Post, p. 835.

“(B) sections 270a–270e (known as the Miller Act, relating to performance bonds);

49 Stat. 793;
80 Stat. 1139;
69 Stat. 83.

49 Stat. 1011;
55 Stat. 49.
63 Stat. 108.

76 Stat. 357;
83 Stat. 96.

50 Stat. 479.
40 USC 721.

49 Stat. 2036;
66 Stat. 308.

79 Stat. 1034.
41 USC 351.

78 Stat. 252.

“(C) sections 276a—276a-7 (known as the Davis-Bacon Act, relating to prevailing wages);

“(D) section 276c (relating to wage payments of certain contractors);

“(E) chapter 5 (the Contract Work Hours Standards Act); and

“(F) chapter 15 (the Government Losses in Shipment Act);

“(5) the following provisions of title 41:

“(A) sections 35-45 (known as the Walsh-Healey Act, relating to wages and hours); and

“(B) chapter 6 (the Service Contract Act of 1965); and

“(6) sections 2000d, 2000d-1—2000d-4 of title 42 (title VI, the Civil Rights Act of 1964).

“(c) Subsection (b) (1) of this section shall not require the disclosure of—

“(1) the name or address, past or present, of any postal patron;

“(2) information of a commercial nature, including trade secrets, whether or not obtained from a person outside the Postal Service, which under good business practice would not be publicly disclosed;

“(3) information prepared for use in connection with the negotiation of collective-bargaining agreements under chapter 12 of this title or minutes of, or notes kept during, negotiating sessions conducted under such chapter;

“(4) information prepared for use in connection with proceedings under chapter 36 of this title;

“(5) the reports and memoranda of consultants or independent contractors except to the extent that they would be required to be disclosed if prepared within the Postal Service; and

“(6) investigatory files, whether or not considered closed, compiled for law enforcement purposes except to the extent available by law to a party other than the Postal Service.

“(d) (1) A lease agreement by the Postal Service for rent of net interior space in excess of 6,500 square feet in any building or facility, or part of a building or facility, to be occupied for purposes of the Postal Service shall include a provision that all laborers and mechanics employed in the construction, modification, alteration, repair, painting, decoration, or other improvement of the building or space covered by the agreement, or improvement at the site of such building or facility, shall be paid wages at not less than those prevailing for similar work in the locality as determined by the Secretary of Labor under section 276a of title 40.

“(2) The authority and functions of the Secretary of Labor with respect to labor standards enforcement under Reorganization Plan Numbered 14 of 1950 (title 5, appendix), and regulations for contractors and subcontractors under section 276c of title 40, shall apply to the work under paragraph (1) of this subsection.

“(3) Paragraph (2) of this subsection shall not be construed to give the Secretary of Labor authority to direct the cancellation of the lease agreement referred to in paragraph (1) of this subsection.

“§ 411. Cooperation with other Government agencies

“Executive agencies within the meaning of section 105 of title 5 and the Government Printing Office are authorized to furnish property, both real and personal, and personal and nonpersonal services to the Postal Service, and the Postal Service is authorized to furnish property and services to them. The furnishing of property and services under this section shall be under such terms and conditions, including reimbursability, as the Postal Service and the head of the agency concerned shall deem appropriate.

Post, p. 733.

Post, p. 758.

64 Stat. 1267.

80 Stat. 379.

“§ 412. Nondisclosure of lists of names and addresses

“Except as specifically provided by law, no officer or employee of the Postal Service shall make available to the public by any means or for any purpose any mailing or other list of names or addresses (past or present) of postal patrons or other persons.

“Chapter 6.—PRIVATE CARRIAGE OF LETTERS

“Sec.

“601. Letters carried out of the mail.

“602. Foreign letters out of the mails.

“603. Searches authorized.

“604. Seizing and detaining letters.

“605. Searching vessels for letters.

“606. Disposition of seized mail.

“§ 601. Letters carried out of the mail

“(a) A letter may be carried out of the mails when—

“(1) it is enclosed in an envelope;

“(2) the amount of postage which would have been charged on the letter if it had been sent by mail is paid by stamps, or postage meter stamps, on the envelope;

“(3) the envelope is properly addressed;

“(4) the envelope is so sealed that the letter cannot be taken from it without defacing the envelope;

“(5) any stamps on the envelope are canceled in ink by the sender; and

“(6) the date of the letter, of its transmission or receipt by the carrier is endorsed on the envelope in ink.

“(b) The Postal Service may suspend the operation of any part of this section upon any mail route where the public interest requires the suspension.

“§ 602. Foreign letters out of the mails

“(a) Except as provided in section 601 of this title, the master of a vessel departing from the United States for foreign ports may not receive on board or transport any letter which originated in the United States that—

“(1) has not been regularly received from a United States post office; or

“(2) does not relate to the cargo of the vessel.

“(b) The officer of the port empowered to grant clearances shall require from the master of such a vessel, as a condition of clearance, an oath that he does not have under his care or control, and will not receive or transport, any letter contrary to the provisions of this section.

“(c) Except as provided in section 1699 of title 18, the master of a vessel arriving at a port of the United States carrying letters not regularly in the mails shall deposit them in the post office at the port of arrival.

62 Stat. 777;
66 Stat. 325.

“§ 603. Searches authorized

“The Postal Service may authorize any officer or employee of the Postal Service to make searches for mail matter transported in violation of law. When the authorized officer has reason to believe that mailable matter transported contrary to law may be found therein, he may open and search any—

“(1) vehicle passing, or having lately passed, from a place at which there is a post office of the United States;

“(2) article being, or having lately been, in the vehicle; or

“(3) store or office, other than a dwelling house, used or occupied by a common carrier or transportation company, in which an article may be contained.

“§ 604. Seizing and detaining letters

“An officer or employee of the Postal Service performing duties related to the inspection of postal matters, a customs officer, or United States marshal or his deputy, may seize at any time, letters and bags, packets, or parcels containing letters which are being carried contrary to law on board any vessel or on any post road. The officer or employee who makes the seizure shall convey the articles seized to the nearest post office, or, by direction of the Postal Service or the Secretary of the Treasury, he may detain them until 2 months after the final determination of all suits and proceedings which may be brought within 6 months after the seizure against any person for sending or carrying the letters.

“§ 605. Searching vessels for letters

“An officer or employee of the Postal Service performing duties related to the inspection of postal matters, when instructed by the Postal Service to make examinations and seizures, and any customs officer without special instructions shall search vessels for letters which may be on board, or which may have been conveyed contrary to law.

“§ 606. Disposition of seized mail

“Every package or parcel seized by an officer or employee of the Postal Service performing duties related to the inspection of postal matters, a customs officer, or United States marshal or his deputies, in which a letter is unlawfully concealed, shall be forfeited to the United States. The same proceedings may be used to enforce forfeitures as are authorized in respect of goods, wares, and merchandise forfeited for violation of the revenue laws. Laws for the benefit and protection of customs officers making seizures for violating revenue laws apply to officers and employees making seizures for violating the postal laws.

“PART II—PERSONNEL**“CHAPTER**

“10. EMPLOYMENT WITHIN THE POSTAL SERVICE_____	1001
“12. EMPLOYEE-MANAGEMENT AGREEMENTS_____	1201

Sec.

“Chapter 10.—EMPLOYMENT WITHIN THE POSTAL SERVICE**“Sec.**

- “1001. Appointment and status.
- “1002. Political recommendations.
- “1003. Employment policy.
- “1004. Supervisory and other managerial organizations.
- “1005. Applicability of laws relating to Federal employees.
- “1006. Right of transfer.
- “1007. Seniority for employees in rural service.
- “1008. Temporary employees or carriers.
- “1009. Personnel not to receive fees.
- “1010. Administration of oaths related to postal inspection matters.
- “1011. Oath of office.

“§ 1001. Appointment and status

“(a) Except as otherwise provided in this title, the Postal Service shall appoint all officers and employees of the Postal Service.

“(b) Officers and employees of the Postal Service (other than those individuals appointed under sections 202, 204, and 1001(c) of this title) shall be in the postal career service, which shall be a part of the civil service. Such appointments and promotions shall be in accordance with the procedures established by the Postal Service. The Postal Service shall establish procedures, in accordance with this title, to assure its officers and employees meaningful opportunities for promotion and career development and to assure its officers and employees full protection of their employment rights by guaranteeing them an

opportunity for a fair hearing on adverse actions, with representatives of their own choosing.

“(c) The Postal Service may hire individuals as executives under employment contracts for periods not in excess of 5 years. Notwithstanding any such contract, the Postal Service may at its discretion and at any time remove any such individual without prejudice to his contract rights.

Executives, employment contracts.

“(d) Notwithstanding section 5533, 5535, or 5536 of title 5, or any other provision of law, any officer or employee of the Government of the United States is eligible to serve and receive pay concurrently as an officer or employee of the Postal Service (other than as a member of the Board or of the Postal Rate Commission) and as an officer or employee of any other department, agency, or establishment of the Government of the United States.

Dual employment.
80 Stat. 483, 484.

“(e) The Postal Service shall have the right, consistent with section 1003 and chapter 12 of this title and applicable laws, regulations, and collective-bargaining agreements—

Post, p. 733.

“(1) to direct officers and employees of the Postal Service in the performance of official duties;

“(2) to hire, promote, transfer, assign, and retain officers and employees in positions within the Postal Service, and to suspend, demote, discharge, or take other disciplinary action against such officers and employees;

“(3) to relieve officers and employees from duties because of lack of work or for other legitimate reasons;

“(4) to maintain the efficiency of the operations entrusted to it;

“(5) to determine the methods, means, and personnel by which such operations are to be conducted;

“(6) to prescribe a uniform dress to be worn by letter carriers and other designated employees; and

“(7) to take whatever actions may be necessary to carry out its mission in emergency situations.

“§ 1002. Political recommendations

“(a) Except as provided in subsection (e) of this section, each appointment, promotion, assignment, transfer, or designation, interim or otherwise, of an officer or employee in the Postal Service (except a Governor or member of the Postal Rate Commission) shall be made without regard to any recommendation or statement, oral or written, with respect to any person who requests or is under consideration for such appointment, promotion, assignment, transfer, or designation, made by—

“(1) any Member of the Senate or House of Representatives (including the Resident Commissioner from Puerto Rico);

“(2) any elected official of the government of any State (including the Commonwealth of Puerto Rico) or of any county, city, or other political subdivision of such State or Commonwealth;

“(3) any official of a national political party or of a political party of any State (including the Commonwealth of Puerto Rico), county, city, or other subdivision of such State or Commonwealth; or

“(4) any other individual or organization.

“(b) Except as provided in subsection (e) of this section, a person or organization referred to in clause (1), (2), (3), or (4) of subsection (a) of this section is prohibited from making or transmitting to the Postal Service, or to any other officer or employee of the Government of the United States, any recommendation or statement, oral or written, with respect to any person who requests or is under consideration for any such appointment, promotion, assignment, transfer, or designation. The Postal Service and any officer or employee of the

Prohibition, exception.

Government of the United States, subject to subsection (e) of this section—

“(1) shall not solicit, request, consider, or accept any such recommendation or statement; and

“(2) shall return any such written recommendation or statement received by him, appropriately marked as in violation of this section, to the person or organization making or transmitting the same.

“(c) A person who requests or is under consideration for any such appointment, promotion, assignment, transfer, or designation is prohibited from requesting or soliciting any such recommendation or statement from any person or organization except a statement of the type referred to in subsection (e) (2) of this section.

“(d) Each employment form of the Postal Service used in connection with any such appointment, promotion, assignment, transfer, or designation shall contain appropriate language in boldface type informing all persons concerned of the provisions of this section. During the time any such appointment, promotion, assignment, transfer, or designation is under consideration, appropriate notice of the provisions of this section printed in boldface type shall be posted in the post office concerned.

“(e) The Postal Service or any authorized officer or employee of the Government of the United States may solicit, accept, and consider, and any other individual or organization may furnish or transmit to the Postal Service or such authorized officer or employee, any statement with respect to a person who requests or is under consideration for such appointment, promotion, assignment, transfer, or designation, if—

“(1) the statement is furnished pursuant to a request or requirement of the Postal Service and consists solely of an evaluation of the work performance, ability, aptitude, and general qualifications of such person;

“(2) the statement relates solely to the character and residence of such person;

“(3) the statement is furnished pursuant to a request made by an authorized representative of the Government of the United States solely in order to determine whether such person meets the loyalty, suitability, and character requirements for employment with the Government of the United States; or

“(4) the statement is furnished by a former employer of such person pursuant to a request of the Postal Service, and consists solely of an evaluation of the work performance, ability, aptitude, and general qualifications of such person during his employment with such former employer.

“(f) The Postal Service shall take any action it determines necessary and proper, including but not limited to suspension, removal from office, or disqualification from the Postal Service, to enforce the provisions of this section.

“(g) The provisions of this section shall not affect the right of an officer or employee of the Postal Service to petition Congress as authorized by section 7102 of title 5.

“§ 1003. Employment policy

“(a) Except as provided under chapters 2 and 12 of this title or other provision of law, the Postal Service shall classify and fix the compensation and benefits of all officers and employees in the Postal Service. It shall be the policy of the Postal Service to maintain compensation and benefits for all officers and employees on a standard of comparability to the compensation and benefits paid for comparable levels of work in the private sector of the economy. No

80 Stat. 523.

Ante, p. 720.
Post, p. 733.

officer or employee shall be paid compensation at a rate in excess of the rate for level I of the Executive Schedule under section 5312 of title 5.

80 Stat. 460;
83 Stat. 864.

“(b) The Postal Service shall follow an employment policy designed, without compromising the policy of section 101(a) of this title, to extend opportunity to the disadvantaged and the handicapped.

“§ 1004. Supervisory and other managerial organizations

“(a) It shall be the policy of the Postal Service to provide compensation, working conditions, and career opportunities that will assure the attraction and retention of qualified and capable supervisory and other managerial personnel; to provide adequate and reasonable differentials in rates of pay between employees in the clerk and carrier grades in the line work force and supervisory and other managerial personnel; to establish and maintain continuously a program for all such personnel that reflects the essential importance of a well-trained and well-motivated force to improve the effectiveness of postal operations; and to promote the leadership status of such personnel with respect to rank-and-file employees, recognizing that the role of such personnel in primary level management is particularly vital to the process of converting general postal policies into successful postal operations.

“(b) The Postal Service shall provide a program for consultation with recognized organizations of supervisory and other managerial personnel who are not subject to collective-bargaining agreements under chapter 12 of this title. Upon presentation of evidence satisfactory to the Postal Service that a supervisory organization represents a majority of supervisors, or that a managerial organization (other than an organization representing supervisors) represents a substantial percentage of managerial employees, such organization or organizations shall be entitled to participate directly in the planning and development of pay policies and schedules, fringe benefit programs, and other programs relating to supervisory and other managerial employees.

Post, p. 733.

“§ 1005. Applicability of laws relating to Federal employees

“(a) (1) Except as otherwise provided in this subsection, the provisions of chapter 75 of title 5 shall apply to officers and employees of the Postal Service except to the extent of any inconsistency with—

80 Stat. 527.
5 USC 7501.

“(A) the provisions of any collective-bargaining agreement negotiated on behalf of and applicable to them; or

“(B) procedures established by the Postal Service and approved by the Civil Service Commission.

“(2) The provisions of title 5 relating to a preference eligible (as that term is defined under section 2108(3) of such title) shall apply to an applicant for appointment and any officer or employee of the Postal Service in the same manner and under the same conditions as if the applicant, officer, or employee were subject to the competitive service under such title. The provisions of this paragraph shall not be modified by any program developed under section 1004 of this title or any collective-bargaining agreement entered into under chapter 12 of this title.

80 Stat. 410;
81 Stat. 196.

“(3) The provisions of this subsection shall not apply to those individuals appointed under sections 202, 204, and 1001(c) of this title.

“(b) Section 5941 of title 5 shall apply to the Postal Service. For purposes of such section, the pay of officers and employees of the Postal Service shall be considered to be fixed by statute, and the basic pay of an employee shall be the pay (but not any allowance or benefit) of that officer or employee established in accordance with the provisions of this title.

80 Stat. 512.

80 Stat. 532;
81 Stat. 209.
5 USC 8101.

80 Stat. 556;
83 Stat. 136;
Post, p. 776.
5 USC 8301.

"(c) Officers and employees of the Postal Service shall be covered by subchapter I of chapter 81 of title 5, relating to compensation for work injuries.

"(d) Officers and employees of the Postal Service (other than the Governors) shall be covered by chapter 83 of title 5 relating to civil service retirement. The Postal Service shall withhold from pay and shall pay into the Civil Service Retirement and Disability Fund the amounts specified in such chapter. The Postal Service, upon request of the Civil Service Commission, but not less frequently than annually, shall pay to the Civil Service Commission the costs reasonably related to the administration of Fund activities for officers and employees of the Postal Service.

"(e) Sick and annual leave, and compensatory time of officers and employees of the Postal Service, whether accrued prior to or after commencement of operations of the Postal Service, shall be obligations of the Postal Service under the provisions of this chapter.

"(f) Compensation, benefits, and other terms and conditions of employment in effect immediately prior to the effective date of this section, whether provided by statute or by rules and regulations of the former Post Office Department or the executive branch of the Government of the United States, shall continue to apply to officers and employees of the Postal Service, until changed by the Postal Service in accordance with this chapter and chapter 12 of this title. Subject to the provisions of this chapter and chapter 12 of this title, the provisions of subchapter I of chapter 85 and chapters 87 and 89 of title 5 shall apply to officers and employees of the Postal Service, unless varied, added to, or substituted for, under this subsection. No variation, addition, or substitution with respect to fringe benefits shall result in a program of fringe benefits which on the whole is less favorable to the officers and employees than fringe benefits in effect on the effective date of this section, and as to officers and employees for whom there is a collective-bargaining representative, no such variation, addition, or substitution shall be made except by agreement between the collective-bargaining representative and the Postal Service.

5 USC 8501,
8701, 8901.

"§ 1006. Right of transfer

"Officers and employees in the postal career service of the Postal Service shall be eligible for promotion or transfer to any other position in the Postal Service or the executive branch of the Government of the United States for which they are qualified. The authority given by this section shall be used to provide a maximum degree of career promotion opportunities for officers and employees and to insure continued improvement of postal services.

"§ 1007. Seniority for employees in rural service

"Subject to agreements made under chapter 12 of this title, the seniority of an employee of the Postal Service occupying a position whose regular duty involves the collection and delivery of mail on a rural route shall be preserved. Seniority for such employee shall commence on the first day of his service in such a position, or, in the event such an employee transfers to another such position, on the day he enters duty in the other position. Upon initial assignment, such an employee shall be assigned to the least desirable route and shall attain assignment to more desirable routes by seniority. Promotions and assignments for such an employee in such position shall be based on seniority and ability. If ability be sufficient, seniority shall govern.

"§ 1008. Temporary employees or carriers

"(a) A person temporarily employed to deliver mail is deemed an employee of the Postal Service and is subject to the provisions of

chapter 83 of title 18 to the same extent as other employees of the Postal Service.

62 Stat. 776.

“(b) Any person, when engaged in carrying mail under contract with the Postal Service, or employed by the Postal Service, is deemed a carrier or person entrusted with the mail and having custody thereof, within the meaning of sections 1701, 1708, and 2114 of title 18.

“§ 1009. Personnel not to receive fees

“An officer or employee of the Postal Service may not receive any fee or perquisite from a patron of the Postal Service on account of the duties performed by virtue of his appointment, except as authorized by law.

“§ 1010. Administration of oaths related to postal inspection matters

“Officers and employees of the Postal Service performing duties related to the inspection of postal matters may administer oaths required or authorized by law or regulation with respect to any matter coming before them in the performance of their official duties.

“§ 1011. Oath of office

“Before entering upon their duties and before receiving any salary, all officers and employees of the Postal Service shall take and subscribe the following oath or affirmation:

“‘I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter.’

A person authorized to administer oaths by the laws of the United States, including section 2903 of title 5, or of a State or territory, or an officer, civil or military, holding a commission under the United States, or any officer or employee of the Postal Service designated by the Board may administer and certify the oath or affirmation.

80 Stat. 411.

“Chapter 12.—EMPLOYEE-MANAGEMENT AGREEMENTS

“Sec.

“1201. Definition.

“1202. Bargaining units.

“1203. Recognition of labor organizations.

“1204. Elections.

“1205. Deductions of dues.

“1206. Collective-bargaining agreements.

“1207. Labor disputes.

“1208. Suits.

“1209. Applicability of Federal labor laws.

“§ 1201. Definition

“As used in this chapter, ‘guards’ means—

“(1) maintenance guards who, on the effective date of this chapter, are in key position KP-5 under the provisions of former section 3514 of title 39; and

“(2) security guards, who may be employed in the Postal Service and whose primary duties shall include the exercise of authority to enforce rules to protect the safety of property, mail, or persons on the premises.

74 Stat. 617;
81 Stat. 627.

“§ 1202. Bargaining units

“The National Labor Relations Board shall decide in each case the unit appropriate for collective bargaining in the Postal Service. The

National Labor Relations Board shall not include in any bargaining unit—

- “(1) any management official or supervisor;
- “(2) any employee engaged in personnel work in other than a purely nonconfidential clerical capacity;
- “(3) both professional employees and employees who are not professional employees unless a majority of such professional employees vote for inclusion in such unit; or
- “(4) together with other employees, any individual employed as a security guard to enforce against employees and other persons, rules to protect property of the Postal Service or to protect the safety of property, mail, or persons on the premises of the Postal Service; but no labor organization shall be certified as the representative of employees in a bargaining unit of security guards if such organization admits to membership, or is affiliated directly or indirectly with an organization which admits to membership, employees other than guards.

“§ 1203. Recognition of labor organizations

“(a) The Postal Service shall accord exclusive recognition to a labor organization when the organization has been selected by a majority of the employees in an appropriate unit as their representative.

“(b) Agreements and supplements in effect on the date of enactment of this section covering employees in the former Post Office Department shall continue to be recognized by the Postal Service until altered or amended pursuant to law.

“(c) When a petition has been filed, in accordance with such regulations as may be prescribed by the National Labor Relations Board—

“(1) by an employee, a group of employees, or any labor organization acting in their behalf, alleging that (A) a substantial number of employees wish to be represented for collective bargaining by a labor organization and that the Postal Service declines to recognize such labor organization as the representative; or (B) the labor organization which has been certified or is being currently recognized by the Postal Service as the bargaining representative is no longer a representative; or

“(2) by the Postal Service, alleging that one or more labor organizations has presented to it a claim to be recognized as the representative;

the National Labor Relations Board shall investigate such petition and, if it has reasonable cause to believe that a question of representation exists, shall provide for an appropriate hearing upon due notice. Such hearing may be conducted by an officer or employee of the National Labor Relations Board, who shall not make any recommendations with respect thereto. If the National Labor Relations Board finds upon the record of such hearing that such a question of representation exists, it shall direct an election by secret ballot and shall certify the results thereof.

“(d) A petition filed under subsection (c) (1) of this section shall be accompanied by a statement signed by at least 30 percent of the employees in the appropriate unit stating that they desire that an election be conducted for either of the purposes set forth in such subsection.

“(e) Nothing in this section shall be construed to prohibit the waiving of hearings by stipulation for the purpose of a consent election in conformity with regulations and rules of decision of the National Labor Relations Board.

“§ 1204. Elections

“(a) All elections authorized under this chapter shall be conducted under the supervision of the National Labor Relations Board, or persons designated by it, and shall be by secret ballot. Each employee eligible to vote shall be provided the opportunity to choose the labor organization he wishes to represent him, from among those on the ballot, or ‘no union’.

“(b) In any election where none of the choices on the ballot receives a majority, a runoff shall be conducted, the ballot providing for a selection between the 2 choices receiving the largest and second largest number of valid votes cast in the election. In the event of a tie vote, additional runoff elections shall be conducted until one of the choices has received a majority of the votes.

“(c) No election shall be held in any bargaining unit within which, in the preceding 12-month period, a valid election has been held.

“§ 1205. Deductions of dues

“(a) When a labor organization holds exclusive recognition, or when an organization of personnel not subject to collective-bargaining agreements has consultation rights under section 1004 of this title, the Postal Service shall deduct the regular and periodic dues of the organization from the pay of all members of the organization in the unit of recognition if the Post Office Department or the Postal Service has received from each employee, on whose account such deductions are made, a written assignment which shall be irrevocable for a period of not more than one year.

“(b) Any agreement in effect immediately prior to the date of enactment of the Postal Reorganization Act between the Post Office Department and any organization of postal employees which provides for deduction by the Department of the regular and periodic dues of the organization from the pay of its members, shall continue in full force and effect and the obligation for such deductions shall be assumed by the Postal Service. No such deduction shall be made from the pay of any employee except on his written assignment, which shall be irrevocable for a period of not more than one year.

“§ 1206. Collective-bargaining agreements

“(a) Collective-bargaining agreements between the Postal Service and bargaining representatives recognized under section 1203 of this title shall be effective for not less than 2 years.

“(b) Collective-bargaining agreements between the Postal Service and bargaining representatives recognized under section 1203 may include any procedures for resolution by the parties of grievances and adverse actions arising under the agreement, including procedures culminating in binding third-party arbitration, or the parties may adopt any such procedures by mutual agreement in the event of a dispute.

“(c) The Postal Service and bargaining representatives recognized under section 1203 may by mutual agreement adopt procedures for the resolution of disputes or impasses arising in the negotiation of a collective-bargaining agreement.

“§ 1207. Labor disputes

“(a) If there is a collective-bargaining agreement in effect, no party to such agreement shall terminate or modify such agreement unless the party desiring such termination or modification serves written notice upon the other party to the agreement of the proposed termination or modification not less than 90 days prior to the expiration

date thereof, or not less than 90 days prior to the time it is proposed to make such termination or modification. The party serving such notice shall notify the Federal Mediation and Conciliation Service of the existence of a dispute within 45 days of such notice, if no agreement has been reached by that time.

Factfinding
panel.

“(b) If the parties fail to reach agreement or to adopt a procedure providing for a binding resolution of a dispute by the expiration date of the agreement in effect, or the date of the proposed termination or modification, the Director of the Federal Mediation and Conciliation Service shall direct the establishment of a factfinding panel consisting of 3 persons. For this purpose, he shall submit to the parties a list of not less than 15 names, from which list each party, within 10 days, shall select 1 person. The 2 so selected shall then choose from the list a third person who shall serve as chairman of the factfinding panel. If either of the parties fails to select a person or if the 2 members are unable to agree on the third person within 3 days, the selection shall be made by the Director. The factfinding panel shall issue after due investigation a report of its findings, with or without recommendations, to the parties no later than 45 days from the date the list of names is submitted.

Arbitration
board.

“(c) (1) If no agreement is reached within 90 days after the expiration or termination of the agreement or the date on which the agreement became subject to modification under subsection (a) of this section, or if the parties decide upon arbitration but do not agree upon the procedures therefor, an arbitration board shall be established consisting of 3 members, not members of the factfinding panel, 1 of whom shall be selected by the Postal Service, 1 by the bargaining representative of the employees, and the third by the 2 thus selected. If either of the parties fails to select a member, or if the members chosen by the parties fail to agree on the third person within 5 days after their first meeting, the selection shall be made by the Director. If the parties do not agree on the framing of the issues to be submitted, the factfinding panel shall frame the issues and submit them to the arbitration board.

Full hearing
opportunity.

“(2) The arbitration board shall give the parties a full and fair hearing, including an opportunity to present evidence in support of their claims, and an opportunity to present their case in person, by counsel or by other representative as they may elect. Decisions of the arbitration board shall be conclusive and binding upon the parties. The arbitration board shall render its decision within 45 days after its appointment.

Costs.

“(3) Costs of the arbitration board and factfinding panel shall be shared equally by the Postal Service and the bargaining representative.

“(d) In the case of a bargaining unit whose recognized collective-bargaining representative does not have an agreement with the Postal Service, if the parties fail to reach agreement within 90 days of the commencement of collective bargaining, a factfinding panel will be established in accordance with the terms of subsection (b) of this section, unless the parties have previously agreed to another procedure for a binding resolution of their differences. If the parties fail to reach agreement within 180 days of the commencement of collective bargaining, and if they have not agreed to another procedure for binding resolution, an arbitration board shall be established to provide conclusive and binding arbitration in accordance with the terms of subsection (c) of this section.

“§ 1208. Suits

“(a) The courts of the United States shall have jurisdiction with respect to actions brought by the National Labor Relations Board

under this chapter to the same extent that they have jurisdiction with respect to actions under title 29.

“(b) Suits for violation of contracts between the Postal Service and a labor organization representing Postal Service employees, or between any such labor organizations, may be brought in any district court of the United States having jurisdiction of the parties, without respect to the amount in controversy.

61 Stat. 136.
29 USC 167.
Contract viola-
tion.

“(c) A labor organization and the Postal Service shall be bound by the authorized acts of their agents. Any labor organization may sue or be sued as an entity and in behalf of the employees whom it represents in the courts of the United States. Any money judgment against a labor organization in a district court of the United States shall be enforceable only against the organization as an entity and against its assets, and shall not be enforceable against any individual member or his assets.

Labor organi-
zations.

“(d) For the purposes of actions and proceedings by or against labor organizations in the district courts of the United States, district courts shall be deemed to have jurisdiction of a labor organization (1) in the district in which such organization maintains its principal offices, or (2) in any district in which its duly authorized officers or agents are engaged in representing or acting for employee members.

Courts, juris-
diction.

“(e) The service of summons, subpoena, or other legal process of any court of the United States upon an officer or agent of a labor organization, in his capacity as such, shall constitute service upon the labor organization.

“§ 1209. Applicability of Federal labor laws

“(a) Employee-management relations shall, to the extent not inconsistent with provisions of this title, be subject to the provisions of subchapter II of chapter 7 of title 29.

“(b) The provisions of chapter 11 of title 29 shall be applicable to labor organizations that have or are seeking to attain recognition under section 1203 of this title, and to such organizations’ officers, agents, shop stewards, other representatives, and members to the extent to which such provisions would be applicable if the Postal Service were an employer under section 402 of title 29. In addition to the authority conferred on him under section 438 of title 29, the Secretary of Labor shall have authority, by regulation issued with the written concurrence of the Postal Service, to prescribe simplified reports for any such labor organization. The Secretary of Labor may revoke such provision for simplified forms of any such labor organization if he determines, after such investigation as he deems proper and after due notice and opportunity for a hearing, that the purposes of this chapter and of chapter 11 of title 29 would be served thereby.

73 Stat. 519.
29 USC 401
note.

“(c) Each employee of the Postal Service shall have the right, freely and without fear of penalty or reprisal, to form, join, and assist a labor organization or to refrain from any such activity, and each employee shall be protected in the exercise of this right.

Labor unions,
employee partici-
pation.

“PART III—MODERNIZATION AND FISCAL
ADMINISTRATION

“CHAPTER	Sec.
“20. FINANCE-----	2001
“22. CONVICT LABOR-----	2201
“24. APPROPRIATIONS AND ANNUAL REPORT-----	2401
“26. DEBTS AND COLLECTION-----	2601

“Chapter 20.—FINANCE

“Sec.

“2001. Definitions.

“2002. Capital of the Postal Service.

“2003. The Postal Service Fund.

“2004. Transitional appropriations.

“2005. Obligations.

“2006. Relationship between the Treasury and the Postal Service.

“2007. Public debt character of the obligations of the Postal Service.

“2008. Audit and expenditures.

“2009. Annual budget.

“2010. Restrictions on agreements.

“§ 2001. Definitions

“As used in this chapter—

“(1) ‘Fund’ means the Postal Service Fund established by section 2003 of this chapter; and

“(2) ‘obligations’, when referring to debt instruments issued by the Postal Service, means notes, bonds, debentures, mortgages, and any other evidence of indebtedness.

“§ 2002. Capital of the Postal Service

“(a) The initial capital of the Postal Service shall consist of the equity, as reflected in the budget of the President, of the Government of the United States in the former Post Office Department. The value of assets and the amount of liabilities transferred to the Postal Service upon the commencement of operations of the Postal Service shall be determined by the Postal Service subject to the approval of the Comptroller General, in accordance with the following guidelines:

“(1) Assets shall be valued on the basis of original cost less depreciation, to the extent that such value can be determined. The value recorded on the former Post Office Department’s books of account shall be prima facie evidence of asset value.

“(2) All liabilities attributable to operations of the former Post Office Department shall remain liabilities of the Government of the United States, except that upon commencement of operations of the Postal Service, the unexpended balances of appropriations made to, held or used by, or available to the former Post Office Department and all liabilities chargeable thereto shall become assets and liabilities, respectively, of the Postal Service.

“(b) The capital of the Postal Service at any time shall consist of its assets, including the balance in the Fund, less its liabilities.

“(c) The Postal Service, and the Administrator of General Services where properties under the jurisdiction of the Administrator are involved, with the approval of the Director of the Office of Management and Budget, shall determine which Federal properties shall be transferred to the Postal Service and which shall remain under the jurisdiction of any other department, agency, or establishment of the Government of the United States upon the commencement of operations of the Postal Service. The transfer shall be accomplished at the time of or as near as possible to the commencement of operations of the Postal Service and the valuation of the assets and capital of the Postal Service shall be adjusted accordingly. The following properties shall be included in the transfer:

“(1) the mail equipment shops located in Washington, District of Columbia;

“(2) all machinery, equipment, and appurtenances of the former Post Office Department;

“(3) all real property whose ownership was acquired by the Postmaster General under former section 2103 of this title, as in effect immediately prior to the effective date of this section, or which immediately prior to such effective date, is under the

Property
transfer.

administration of the former Post Office Department for the purpose of constructing a postal building from funds appropriated or transferred to the former Post Office Department, together with all funds appropriated or allocated therefor;

“(4) all real property 55 percent or more of which is occupied by or under control of the former Post Office Department immediately prior to the effective date of this section;

“(5) all contracts, records, and documents relating to the operation of the departmental service and the postal field service of the former Post Office Department; and

“(6) all other property and assets of the former Post Office Department.

“(d) After the commencement of operations of the Postal Service, the President is authorized to transfer to the Postal Service, and the Postal Service is authorized to transfer to other departments, agencies, or independent establishments of the Government of the United States, with or without reimbursement, any property of that department, agency, or independent establishment and the Postal Service, respectively, when the public interest would be served by such transfer.

“§ 2003. The Postal Service Fund

“(a) There is established in the Treasury of the United States a revolving fund to be called the Postal Service Fund which shall be available to the Postal Service without fiscal-year limitation to carry out the purposes, functions, and powers authorized by this title.

“(b) There shall be deposited in the Fund, subject to withdrawal by check by the Postal Service—

“(1) revenues from postal and nonpostal services rendered by the Postal Service;

“(2) amounts received from obligations issued by the Postal Service;

“(3) amounts appropriated for the use of the Postal Service;

“(4) interest which may be earned on investments of the Fund;

“(5) any other receipts of the Postal Service; and

“(6) the balance in the Post Office Department Fund established under former section 2202 of title 39 as of the commencement of operations of the Postal Service.

“(c) If the Postal Service determines that the moneys of the Fund are in excess of current needs, it may request the investment of such amounts as it deems advisable by the Secretary of the Treasury in obligations of, or obligations guaranteed by, the Government of the United States, and, with the approval of the Secretary, in such other obligations or securities as it deems appropriate.

“(d) With the approval of the Secretary of the Treasury, the Postal Service may deposit moneys of the Fund in any Federal Reserve bank, any depository for public funds, or in such other places and in such manner as the Postal Service and the Secretary may mutually agree.

“(e) The Fund shall be available for the payment of all expenses incurred by the Postal Service in carrying out its functions under this title and, subject to the provisions of section 3604 of this title, all of the expenses of the Postal Rate Commission. Neither the Fund nor any of the funds credited to it shall be subject to apportionment under the provisions of section 665 of title 31.

“§ 2004. Transitional appropriations

“Such sums as are necessary to insure a sound financial transition for the Postal Service and a rate policy consistent with chapter 36 of this title are hereby authorized to be appropriated to the Fund without regard to fiscal-year limitation.

74 Stat. 594.

Excess funds,
investment.

Post, p. 759.

“§ 2005. Obligations

“(a) The Postal Service is authorized to borrow money and to issue and sell such obligations as it determines necessary to carry out the purposes of this title. The aggregate amount of any such obligations outstanding at any one time shall not exceed \$10,000,000,000. In any one fiscal year the net increase in the amount of obligations outstanding issued for the purpose of capital improvements shall not exceed \$1,500,000,000, and the net increase in the amount of obligations outstanding issued for the purpose of defraying operating expenses of the Postal Service shall not exceed \$500,000,000.

“(b) The Postal Service may pledge the assets of the Postal Service and pledge and use its revenues and receipts for the payment of the principal of or interest on such obligations, for the purchase or redemption thereof, and for other purposes incidental thereto, including creation of reserve, sinking, and other funds which may be similarly pledged and used, to such extent and in such manner as it deems necessary or desirable. The Postal Service is authorized to enter into binding covenants with the holders of such obligations, and with the trustee, if any, under any agreement entered into in connection with the issuance thereof with respect to the establishment of reserve, sinking, and other funds, application and use of revenues and receipts of the Postal Service, stipulations concerning the subsequent issuance of obligations or the execution of leases or lease purchases relating to properties of the Postal Service and such other matters as the Postal Service deems necessary or desirable to enhance the marketability of such obligations.

Issuance, forms,
etc.

“(c) Obligations issued by the Postal Service under this section—

“(1) shall be in such forms and denominations;

“(2) shall be sold at such times and in such amounts;

“(3) shall mature at such time or times;

“(4) shall be sold at such prices;

“(5) shall bear such rates of interest;

“(6) may be redeemable before maturity in such manner, at such times, and at such redemption premiums;

“(7) may be entitled to such relative priorities of claim on the assets of the Postal Service with respect to principal and interest payments; and

“(8) shall be subject to such other terms and conditions; as the Postal Service determines.

Negotiability,
etc.

“(d) Obligations issued by the Postal Service under this section shall—

“(1) be negotiable or nonnegotiable and bearer or registered instruments, as specified therein and in any indenture or covenant relating thereto;

“(2) contain a recital that they are issued under this section, and such recital shall be conclusive evidence of the regularity of the issuance and sale of such obligations and of their validity;

“(3) be lawful investments and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority or control of any officer or agency of the Government of the United States, and the Secretary of the Treasury or any other officer or agency having authority over or control of any such fiduciary, trust, or public funds, may at any time sell any of the obligations of the Postal Service acquired under this section;

Tax exemption,
exception.

“(4) be exempt both as to principal and interest from all taxation now or hereafter imposed by any State or local taxing authority except estate, inheritance, and gift taxes; and

“(5) not be obligations of, nor shall payment of the principal thereof or interest thereon be guaranteed by, the Government of the United States, except as provided in section 2006(c) of this title.

“§ 2006. Relationship between the Treasury and the Postal Service

“(a) At least 15 days before selling any issue of obligations under section 2005 of this title, the Postal Service shall advise the Secretary of the Treasury of the amount, proposed date of sale, maturities, terms and conditions, and expected maximum rates of interest of the proposed issue in appropriate detail and shall consult with him or his designee thereon. The Secretary may elect to purchase such obligations under such terms, including rates of interest, as he and the Postal Service may agree, but at a rate of yield no less than the prevailing yield on outstanding marketable Treasury securities of comparable maturity, as determined by the Secretary. If the Secretary does not purchase such obligations, the Postal Service may proceed to issue and sell them to a party or parties other than the Secretary upon notice to the Secretary and upon consultation as to the date of issuance, maximum rates of interest, and other terms and conditions.

“(b) Subject to the conditions of subsection (a) of this section, the Postal Service may require the Secretary of the Treasury to purchase obligations of the Postal Service in such amounts as will not cause the holding by the Secretary of the Treasury resulting from such required purchases to exceed \$2,000,000,000 at any one time. This subsection shall not be construed as limiting the authority of the Secretary to purchase obligations of the Postal Service in excess of such amount.

“(c) Notwithstanding section 2005(d) (5) of this title, obligations issued by the Postal Service shall be obligations of the Government of the United States, and payment of principal and interest thereon shall be fully guaranteed by the Government of the United States, such guaranty being expressed on the face thereof, if and to the extent that—

Postal Service
obligations, U.S.
Government guar-
anty.

“(1) the Postal Service requests the Secretary of the Treasury to pledge the full faith and credit of the Government of the United States for the payment of principal and interest thereon; and

“(2) the Secretary, in his discretion, determines that it would be in the public interest to do so.

“§ 2007. Public debt character of the obligations of the Postal Service

“For the purpose of any purchase of the obligations of the Postal Service, the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as now or hereafter in force, and the purposes for which securities may be issued under the Second Liberty Bond Act, as now or hereafter in force, are extended to include any purchases of the obligations of the Postal Service under this chapter. The Secretary of the Treasury may, at any time, sell any of the obligations of the Postal Service acquired by him under this chapter. All redemptions, purchases, and sales by the Secretary of the obligations of the Postal Service shall be treated as public debt transactions of the United States.

40 Stat. 288.
31 USC 774.

“§ 2008. Audit and expenditures

“(a) The accounts and operations of the Postal Service shall be audited by the Comptroller General and reports thereon made to the Congress to the extent and at such times as he may determine.

Reports to
Congress.

“(b) The Postal Service shall maintain an adequate internal audit of the financial transactions of the Postal Service.

“(c) Subject only to the provisions of this chapter, the Postal Service is authorized to make such expenditures and to enter into such contracts, agreements, and arrangements, upon such terms and conditions and in such manner as it deems necessary, including the final settlement of all claims and litigation by or against the Postal Service.

“(d) Nothing in this section shall be construed as denying to the Postal Service the power to obtain audits of the accounts of the Postal Service and reports concerning its financial condition and operations by certified public accounting firms. Such audits and reports shall be in addition to those required by this section.

“(e) At least once each year beginning with the fiscal year commencing after June 30, 1971, the Postal Service shall obtain a certification from an independent, certified public accounting firm of the accuracy of any financial statements of the Postal Service used in determining and establishing postal rates.

“§ 2009. Annual budget

“The Postal Service shall cause to be prepared annually a budget program which shall be submitted to the Office of Management and Budget, under such rules and regulations as the President may establish as to the date of submission, the form and content, the classifications of data, and the manner in which such budget program shall be prepared and presented. The budget program shall be a business-type budget, or plan of operations, with due allowance given to the need for flexibility, including provision for emergencies and contingencies, in order that the Postal Service may properly carry out its activities as authorized by law. The budget program shall contain estimates of the financial condition and operations of the Postal Service for the current and ensuing fiscal years and the actual condition and results of operation for the last completed fiscal year. Such budget program shall include a statement of financial condition, a statement of income and expense, an analysis of surplus or deficit, a statement of sources and application of funds, and such other supplementary statements and information as are necessary or desirable to make known the financial condition and operations of the Postal Service. Such statements shall include estimates of operations by major types of activities, together with estimates of administrative expenses and estimates of borrowings.

“§ 2010. Restrictions on agreements

“The Postal Service shall promote modern and efficient operations and should refrain from expending any funds, engaging in any practice, or entering into any agreement or contract, other than an agreement or contract under chapter 12 of this title, which restricts the use of new equipment or devices which may reduce the cost or improve the quality of postal services, except where such restriction is necessary to insure safe and healthful employment conditions.

Ante, p. 733.

“Chapter 22.—CONVICT LABOR

“Sec.

“2201. No postal equipment or supplies manufactured by convict labor.

“§ 2201. No postal equipment or supplies manufactured by convict labor

“Except as provided in chapter 307 of title 18, the Postal Service may not make a contract for the purchase of equipment or supplies to be manufactured by convict labor.

62 Stat. 851.
18 USC 4121.

“Chapter 24.—APPROPRIATIONS AND ANNUAL REPORT

“Sec.

“2401. Appropriations.

“2402. Annual report.

“§ 2401. Appropriations

“(a) There are appropriated to the Postal Service all revenues received by the Postal Service.

“(b) (1) As reimbursement to the Postal Service for public service costs incurred by it in providing a maximum degree of effective and regular postal service nationwide, in communities where post offices may not be deemed self-sustaining, as elsewhere, there are authorized to be appropriated to the Postal Service the following amounts:

“(A) for each of the fiscal years 1972 through 1979, an amount equal to 10 percent of the sum appropriated to the former Post Office Department by Act of Congress for its use in fiscal year 1971;

“(B) for fiscal year 1980, an amount equal to 9 percent of such sum for fiscal year 1971;

“(C) for fiscal year 1981, an amount equal to 8 percent of such sum for fiscal year 1971;

“(D) for fiscal year 1982, an amount equal to 7 percent of such sum for fiscal year 1971;

“(E) for fiscal year 1983, an amount equal to 6 percent of such sum for fiscal year 1971;

“(F) for fiscal year 1984, an amount equal to 5 percent of such sum for fiscal year 1971; and

“(G) except as provided in paragraph (2) of this subsection, for each fiscal year thereafter an amount equal to 5 percent of such sum for fiscal year 1971.

“(2) After fiscal year 1984, the Postal Service may reduce the percentage figure in paragraph (1) (G) of this subsection, including a reduction to 0, if the Postal Service finds that the amounts determined under such paragraph are no longer required to operate the Postal Service in accordance with the policies of this title.

“(3) The Postal Service, in requesting amounts to be appropriated under this subsection, shall present to the appropriate committees of the Congress a comprehensive statement of its compliance with the public service cost policy established under section 101(b) of this title.

Ante, p. 719.

“(c) There are authorized to be appropriated to the Postal Service each year a sum determined by the Postal Service to be equal to the difference between the revenues the Postal Service would have received if sections 3217, 3403–3405, and 3626 of this title and the Federal Voting Assistance Act of 1955 had not been enacted and the estimated revenues to be received on mail carried under such sections and Act.

Post, pp. 755–762.
69 Stat. 584;
82 Stat. 181.
50 USC 1451.

“§ 2402. Annual report

“The Postmaster General shall render an annual report to the Board concerning the operations of the Postal Service under this title. Upon approval thereof, or after making such changes as it considers appropriate, the Board shall transmit such report to the President and the Congress.

Report, trans-
mittal to Presi-
dent and Con-
gress.

“Chapter 26.—DEBTS AND COLLECTION

“Sec.

“2601. Collection and adjustment of debts.

“2602. Transportation of international mail by air carriers of the United States.

“2603. Settlement of claims for damages caused by the Postal Service.

“2604. Delivery of stolen money to owner.

“2605. Suits to recover wrongful or fraudulent payments.

“§ 2601. Collection and adjustment of debts

“(a) The Postal Service—

- “(1) shall collect debts due the Postal Service;
- “(2) shall collect and remit fines, penalties, and forfeitures arising out of matters affecting the Postal Service;
- “(3) may adjust, pay, or credit the account of a postmaster or of an enlisted person of an Armed Force performing postal duties, for any loss of Postal Service funds, papers, postage, or other stamped stock or accountable paper; and
- “(4) may prescribe penalties for failure to render accounts.

The Postal Service may refer any matter, which is uncollectable through administrative action, to the General Accounting Office for collection. This subsection does not affect the authority of the Attorney General in cases in which judicial proceedings are instituted.

“(b) In all cases of disability or alleged liability for any sum of money by way of damages or otherwise, under any provision of law in relation to the officers, employees, operations, or business of the Postal Service, the Postal Service shall determine whether the interests of the Postal Service probably require the exercise of its powers over the same. Upon the determination, the Postal Service on such terms as it deems just and expedient, may—

- “(1) remove the disability; or
- “(2) compromise, release, or discharge the claim for such sum of money and damages.

“§ 2602. Transportation of international mail by air carriers of the United States

“(a) The Postal Service may offset against any balances due another country resulting from the transaction of international money order business, or otherwise, amounts due from that country to the United States, or to the United States for the account of air carriers of the United States transporting mail of that country, when—

- “(1) the Postal Service puts into effect rates of compensation to be charged another country for transportation; and
- “(2) the United States is required to collect from another country the amounts owed for transportation for the account of the air carriers.

“(b) When the Postal Service has proceeded under authority of subsection (a) of this section, it shall—

- “(1) give appropriate credit to the country involved;
- “(2) pay to the air carrier the portion of the amount so credited which is owed to the air carrier for its services in transporting the mail of the other country; and
- “(3) deposit in the Postal Service Fund that portion of the amount so credited which is due the United States on its own account.

“(c) The Postal Service, may advance to an air carrier, out of funds available for payment of balances due other countries, the amounts determined by the Postal Service to be due from another country to an air carrier for the transportation of its mails when—

- “(1) collections are to be made by the United States for the account of air carriers; and
- “(2) the Postal Service determines that the balance of funds available is such that the advances may be made therefrom.

Collection from another country of the amount so advanced shall be made by offset, or otherwise, and the appropriation from which the advance is made shall be reimbursed by the collections made by the United States.

“(d) If the United States is unable to collect from the debtor country an amount paid or advanced to an air carrier within 12 months after payment or advance has been made, the United States may deduct the uncollected amount from any sums owed by it to the air carrier.

“(e) The Postal Service shall adopt such accounting procedures as may be necessary to conform to and carry out the purposes of this section.

“§ 2603. Settlement of claims for damages caused by the Postal Service

“When the Postal Service finds a claim for damage to persons or property resulting from the operation of the Postal Service to be a proper charge against the United States, and it is not cognizable under section 2672 of title 28, it may adjust and settle the claim.

62 Stat. 983;
80 Stat. 306.

“§ 2604. Delivery of stolen money to owner

“When the Postal Service is satisfied that money or property in the possession of the Postal Service represents money or property stolen from the mails, or the proceeds thereof, it may deliver it to the person it finds to be the rightful owner.

“§ 2605. Suits to recover wrongful or fraudulent payments

“The Postal Service shall request the Attorney General to bring a suit to recover with interest any payment made from moneys of, or credit granted by, the Postal Service as a result of—

- “(1) mistake;
- “(2) fraudulent representations;
- “(3) collusion; or
- “(4) misconduct of an officer or employee of the Postal Service.

“PART IV—MAIL MATTER

“CHAPTER	Sec.
“30. NONMAILABLE MATTER-----	3001
“32. PENALTY AND FRANKED MAIL-----	3201
“34. ARMED FORCES AND FREE POSTAGE-----	3401
“36. POSTAL RATES, CLASSES, AND SERVICES-----	3601

“Chapter 30.—NONMAILABLE MATTER

- “Sec.
- “3001. Nonmailable matter.
 - “3002. Nonmailable motor vehicle master keys.
 - “3003. Mail bearing a fictitious name or address.
 - “3004. Delivery of mail to persons not residents of the place of address.
 - “3005. False representations; lotteries.
 - “3006. Unlawful matter.
 - “3007. Detention of mail for temporary periods.
 - “3008. Prohibition of pandering advertisements.
 - “3009. Mailing of unordered merchandise.
 - “3010. Mailing of sexually oriented advertisements.
 - “3011. Judicial enforcement.

“§ 3001. Nonmailable matter

“(a) Matter the deposit of which in the mails is punishable under section 1302, 1341, 1342, 1461, 1463, 1714, 1715, 1716, 1717 or 1718 of title 18 is nonmailable.

62 Stat. 762-
782.

“(b) Except as provided in subsection (c) of this section, nonmailable matter which reaches the office of delivery, or which may be seized or detained for violation of law, shall be disposed of as the Postal Service shall direct.

- “(c) (1) Matter which—
- “(A) exceeds the size and weight limits prescribed for the particular class of mail; or

“(B) is of a character perishable within the period required for transportation and delivery;

is nonmailable.

“(2) Matter made nonmailable by this subsection which reaches the office of destination may be delivered in accordance with its address, if the party addressed furnishes the name and address of the sender.

“(d) Matter otherwise legally acceptable in the mails which—

“(1) is in the form of, and reasonably could be interpreted or construed as, a bill, invoice, or statement of account due; but

“(2) constitutes, in fact, a solicitation for the order by the addressee of goods or services, or both;

is nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Postal Service directs, unless such matter bears on its face, in conspicuous and legible type in contrast by typography, layout, or color with other printing on its face, in accordance with regulations which the Postal Service shall prescribe—

“(A) the following notice: ‘This is a solicitation for the order of goods or services, or both, and not a bill, invoice, or statement of account due. You are under no obligation to make any payments on account of this offer unless you accept this offer.’; or

“(B) in lieu thereof, a notice to the same effect in words which the Postal Service may prescribe.

“(e) Except as otherwise provided by law, proceedings concerning the mailable matter under this chapter and chapters 71 and 83 of title 18 shall be conducted in accordance with chapters 5 and 7 of title 5.

“§ 3002. Nonmailable motor vehicle master keys

“(a) Except as provided in subsection (b) of this section, any motor vehicle master key, any pattern, impression, or mold from which a motor vehicle master key may be made, or any advertisement for the sale of any such key, pattern, impression, or mold, is nonmailable matter and shall not be carried or delivered by mail.

“(b) The Postal Service is authorized to make such exemptions from the provisions of subsection (a) of this section as it deems necessary.

“(c) For the purposes of this section, ‘motor vehicle master key’ means any key (other than the key furnished by the manufacturer with the motor vehicle, or the key furnished with a replacement lock, or any exact duplicate of such keys) designed to operate 2 or more motor vehicle ignition, door, or trunk locks of different combinations.

“§ 3003. Mail bearing a fictitious name or address

“(a) Upon evidence satisfactory to the Postal Service that any person is using a fictitious, false, or assumed name, title, or address in conducting, promoting, or carrying on or assisting therein, by means of the postal services of the United States, an activity in violation of sections 1302, 1341, and 1342 of title 18, it may—

“(1) withhold mail so addressed from delivery; and

“(2) require the party claiming the mail to furnish proof to it of the claimant’s identity and right to receive the mail.

“(b) The Postal Service may issue an order directing that mail, covered by subsection (a) of this section, be forwarded to a dead letter office as fictitious matter, or be returned to the sender when—

“(1) the party claiming the mail fails to furnish proof of his identity and right to receive the mail; or

“(2) the Postal Service determines that the mail is addressed to a fictitious, false, or assumed name, title, or address.

62 Stat. 768,
776.
18 USC 1461,
1691.
80 Stat. 380,
392; 81 Stat. 195.
5 USC 500, 701.

“Motor vehicle
master key.”

62 Stat. 762.

“§ 3004. Delivery of mail to persons not residents of the place of address

“Whenever the Postal Service determines that letters or parcels sent in the mail are addressed to places not the residence or regular business address of the person for whom they are intended, to enable the person to escape identification, the Postal Service may deliver the mail only upon identification of the person so addressed.

“§ 3005. False representations; lotteries

“(a) Upon evidence satisfactory to the Postal Service that any person is engaged in conducting a scheme or device for obtaining money or property through the mail by means of false representations, or is engaged in conducting a lottery, gift enterprise, or scheme for the distribution of money or of real or personal property, by lottery, chance, or drawing of any kind, the Postal Service may issue an order which—

“(1) directs the postmaster of the post office at which mail arrives, addressed to such a person or to his representative, to return such mail to the sender appropriately marked as in violation of this section, if the person, or his representative, is first notified and given reasonable opportunity to be present at the receiving post office to survey the mail before the postmaster returns the mail to the sender; and

“(2) forbids the payment by a postmaster to the person or his representative of any money order or postal note drawn to the order of either and provides for the return to the remitter of the sum named in the money order or postal note.

“(b) The public advertisement by a person engaged in activities covered by subsection (a) of this section, that remittances may be made by mail to a person named in the advertisement, is prima facie evidence that the latter is the agent or representative of the advertiser for the receipt of remittances on behalf of the advertiser. The Postal Service may ascertain the existence of the agency in any other legal way satisfactory to it.

“(c) As used in this section and section 3006 of this title, the term ‘representative’ includes an agent or representative acting as an individual or as a firm, bank, corporation, or association of any kind.

“‘Representative.’”

“§ 3006. Unlawful matter

“Upon evidence satisfactory to the Postal Service that a person is obtaining or attempting to obtain remittances of money or property of any kind through the mail for an obscene, lewd, lascivious, indecent, filthy, or vile thing or is depositing or causing to be deposited in the United States mail information as to where, how, or from whom such a thing may be obtained, the Postal Service may—

“(1) direct any postmaster at an office at which mail arrives, addressed to such a person or to his representative, to return the mail to the sender marked ‘Unlawful’; and

“(2) forbid the payment by a postmaster to such a person or his representative of any money order or postal note drawn to the order of either and provide for the return to the remitter of the sum named in the money order.

“§ 3007. Detention of mail for temporary periods

“(a) In preparation for or during the pendency of proceedings under sections 3005 and 3006 of this title, the United States district court in the district in which the defendant receives his mail shall, upon application therefor by the Postal Service and upon a showing of probable cause to believe either section is being violated, enter a temporary restraining order and preliminary injunction pursuant to

28 USC app.

rule 65 of the Federal Rules of Civil Procedure directing the detention of the defendant's incoming mail by the postmaster pending the conclusion of the statutory proceedings and any appeal therefrom. The district court may provide in the order that the detained mail be open to examination by the defendant and such mail be delivered as is clearly not connected with the alleged unlawful activity. An action taken by a court hereunder does not affect or determine any fact at issue in the statutory proceedings.

"(b) This section does not apply to mail addressed to publishers of newspapers and other periodical publications entitled to a periodical publication rate or to mail addressed to the agents of those publishers.

"§ 3008. Prohibition of pandering advertisements

"(a) Whoever for himself, or by his agents or assigns, mails or causes to be mailed any pandering advertisement which offers for sale matter which the addressee in his sole discretion believes to be erotically arousing or sexually provocative shall be subject to an order of the Postal Service to refrain from further mailings of such materials to designated addresses thereof.

Refraining order
to cease mailing.

"(b) Upon receipt of notice from an addressee that he has received such mail matter, determined by the addressee in his sole discretion to be of the character described in subsection (a) of this section, the Postal Service shall issue an order, if requested by the addressee, to the sender thereof, directing the sender and his agents or assigns to refrain from further mailings to the named addressees.

"(c) The order of the Postal Service shall expressly prohibit the sender and his agents or assigns from making any further mailings to the designated addresses, effective on the thirtieth calendar day after receipt of the order. The order shall also direct the sender and his agents or assigns to delete immediately the names of the designated addressees from all mailing lists owned or controlled by the sender or his agents or assigns and, further, shall prohibit the sender and his agents or assigns from the sale, rental, exchange, or other transaction involving mailing lists bearing the names of the designated addressees.

Complaint
notice.

"(d) Whenever the Postal Service believes that the sender or anyone acting on his behalf has violated or is violating the order given under this section, it shall serve upon the sender, by registered or certified mail, a complaint stating the reasons for its belief and request that any response thereto be filed in writing with the Postal Service within 15 days after the date of such service. If the Postal Service, after appropriate hearing if requested by the sender, and without a hearing if such a hearing is not requested, thereafter determines that the order given has been or is being violated, it is authorized to request the Attorney General to make application, and the Attorney General is authorized to make application, to a district court of the United States for an order directing compliance with such notice.

Court order.

"(e) Any district court of the United States within the jurisdiction of which any mail matter shall have been sent or received in violation of the order provided for by this section shall have jurisdiction, upon application by the Attorney General, to issue an order commanding compliance with such notice. Failure to observe such order may be punishable by the court as contempt thereof.

Penalty.

"(f) Receipt of mail matter 30 days or more after the effective date of the order provided for by this section shall create a rebuttable presumption that such mail was sent after such effective date.

Minor children.

"(g) Upon request of any addressee, the order of the Postal Service shall include the names of any of his minor children who have not attained their nineteenth birthday, and who reside with the addressee.

“(h) The provisions of subchapter II of chapter 5, relating to administrative procedure, and chapter 7, relating to judicial review, of title 5, shall not apply to any provisions of this section.

80 Stat. 381,
392.
5 USC 551, 701.

“(i) For purposes of this section—

“(1) mail matter, directed to a specific address covered in the order of the Postal Service, without designation of a specific addressee thereon, shall be considered as addressed to the person named in the Postal Service's order; and

“(2) the term ‘children’ includes natural children, stepchildren, adopted children, and children who are wards of or in custody of the addressee or who are living with such addressee in a regular parent-child relationship.

“Children.”

“§ 3009. Mailing of unordered merchandise

“(a) Except for (1) free samples clearly and conspicuously marked as such, and (2) merchandise mailed by a charitable organization soliciting contributions, the mailing of unordered merchandise or of communications prohibited by subsection (c) of this section constitutes an unfair method of competition and an unfair trade practice in violation of section 45(a)(1) of title 15.

Unfair trade
practice.

“(b) Any merchandise mailed in violation of subsection (a) of this section, or within the exceptions contained therein, may be treated as a gift by the recipient, who shall have the right to retain, use, discard, or dispose of it in any manner he sees fit without any obligation whatsoever to the sender. All such merchandise shall have attached to it a clear and conspicuous statement informing the recipient that he may treat the merchandise as a gift to him and has the right to retain, use, discard, or dispose of it in any manner he sees fit without any obligation whatsoever to the sender.

66 Stat. 632.
Recipient, relief
from any obliga-
tion.

“(c) No mailer of any merchandise mailed in violation of subsection (a) of this section, or within the exceptions contained therein, shall mail to any recipient of such merchandise a bill for such merchandise or any dunning communications.

Bills or dun-
ning communica-
tions, prohibition.

“(d) For the purposes of this section, ‘unordered merchandise’ means merchandise mailed without the prior expressed request or consent of the recipient.

“Unordered
merchandise.”

“§ 3010. Mailing of sexually oriented advertisements

“(a) Any person who mails or causes to be mailed any sexually oriented advertisement shall place on the envelope or cover thereof his name and address as the sender thereof and such mark or notice as the Postal Service may prescribe.

Identity of
sender.

“(b) Any person, on his own behalf or on the behalf of any of his children who has not attained the age of 19 years and who resides with him or is under his care, custody, or supervision, may file with the Postal Service a statement, in such form and manner as the Postal Service may prescribe, that he desires to receive no sexually oriented advertisements through the mails. The Postal Service shall maintain and keep current, insofar as practicable, a list of the names and addresses of such persons and shall make the list (including portions thereof or changes therein) available to any person, upon such reasonable terms and conditions as it may prescribe, including the payment of such service charge as it determines to be necessary to defray the cost of compiling and maintaining the list and making it available as provided in this sentence. No person shall mail or cause to be mailed any sexually oriented advertisement to any individual whose name and address has been on the list for more than 30 days.

Minor children.

List, mainte-
nance.

“(c) No person shall sell, lease, lend, exchange, or license the use of, or, except for the purpose expressly authorized by this section, use

List, sale,
prohibition.

any mailing list compiled in whole or in part from the list maintained by the Postal Service pursuant to this section.

“Sexually oriented advertisement.”

“(d) ‘Sexually oriented advertisement’ means any advertisement that depicts, in actual or simulated form, or explicitly describes, in a predominantly sexual context, human genitalia, any act of natural or unnatural sexual intercourse, any act of sadism or masochism, or any other erotic subject directly related to the foregoing. Material otherwise within the definition of this subsection shall be deemed not to constitute a sexually oriented advertisement if it constitutes only a small and insignificant part of the whole of a single catalog, book, periodical, or other work the remainder of which is not primarily devoted to sexual matters.

“§ 3011. Judicial enforcement

Court order.

“(a) Whenever the Postal Service believes that any person is mailing or causing to be mailed any sexually oriented advertisement in violation of section 3010 of this title, it may request the Attorney General to commence a civil action against such person in a district court of the United States. Upon a finding by the court of a violation of that section, the court may issue an order including one or more of the following provisions as the court deems just under the circumstances:

“(1) a direction to the defendant to refrain from mailing any sexually oriented advertisement to a specific addressee, to any group of addressees, or to all persons;

“(2) a direction to any postmaster to whom sexually oriented advertisements originating with such defendant are tendered for transmission through the mails to refuse to accept such advertisements for mailing; or

“(3) a direction to any postmaster at the office at which registered or certified letters or other letters or mail arrive, addressed to the defendant or his representative, to return the registered or certified letters or other letters or mail to the sender appropriately marked as being in response to mail in violation of section 3010 of this title, after the defendant, or his representative, has been notified and given reasonable opportunity to examine such letters or mail and to obtain delivery of mail which is clearly not connected with activity alleged to be in violation of section 3010 of this title.

Agent or representative.

“(b) The statement that remittances may be made to a person named in a sexually oriented advertisement is prima facie evidence that such named person is the principal, agent, or representative of the mailer for the receipt of remittances on his behalf. The court is not precluded from ascertaining the existence of the agency on the basis of any other evidence.

Temporary restraining order.

“(c) In preparation for, or during the pendency of, a civil action under subsection (a) of this section, a district court of the United States, upon application therefor by the Attorney General and upon a showing of probable cause to believe the statute is being violated, may enter a temporary restraining order or preliminary injunction containing such terms as the court deems just, including, but not limited to, provisions enjoining the defendant from mailing any sexually oriented advertisement to any person or class of persons, directing any postmaster to refuse to accept such defendant's sexually oriented advertisements for mailing, and directing the detention of the defendant's incoming mail by any postmaster pending the conclusion of the judicial proceedings. Any action taken by a court under this subsection does not affect or determine any fact at issue in any other proceeding under this section.

“(d) A civil action under this section may be brought in the judicial district in which the defendant resides, or has his principal place of business, or in any judicial district in which any sexually oriented advertisement mailed in violation of section 3010 has been delivered by mail according to the direction thereon.

“(e) Nothing in this section or in section 3010 shall be construed as amending, preempting, limiting, modifying, or otherwise in any way affecting section 1461 or 1463 of title 18 or section 3006, 3007, or 3008 of this title.

62 Stat. 768.

“Chapter 32.—PENALTY AND FRANKED MAIL

“Sec.

“3201. Definitions.

“3202. Penalty mail.

“3203. Endorsements on penalty covers.

“3204. Restrictions on use of penalty mail.

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“3214. Mailing privilege of former Presidents.

“3215. Lending or permitting use of frank unlawful.

“3216. Reimbursement for franked mailings.

“3217. Correspondence of members of diplomatic corps and consuls of countries of Postal Union of Americas and Spain.

“3218. Franked mail for surviving spouses of Members of Congress.

“§ 3201. Definitions

“As used in this chapter—

“(1) ‘penalty mail’ means official mail, other than franked mail, which is authorized by law to be transmitted in the mail without prepayment of postage;

“(2) ‘penalty cover’ means envelopes, wrappers, labels, or cards used to transmit penalty mail;

“(3) ‘frank’ means the autographic or facsimile signature of persons authorized by sections 3210–3216 and 3218 of this title to transmit matter through the mail without prepayment of postage or other indicia contemplated by sections 733 and 907 of title 44;

“(4) ‘franked mail’ means mail which is transmitted in the mail under a frank; and

“(5) ‘Members of Congress’ includes Senators, Representatives, Delegates, and Resident Commissioners.

82 Stat. 1253,
1259.

“§ 3202. Penalty mail

“(a) Subject to the limitations imposed by sections 3204 and 3207 of this title, there may be transmitted as penalty mail—

“(1) official mail of—

“(A) officers of the Government of the United States other than Members of Congress;

“(B) the Smithsonian Institution;

“(C) the Pan American Union;

“(D) the Pan American Sanitary Bureau;

“(E) the United States Employment Service and the system of employment offices operated by it in conformity with the provisions of sections 49–49c, 49d, 49e–49k of title 29, and all State employment systems which receive funds appropriated under authority of those sections; and

48 Stat. 113;
64 Stat. 822.

“(F) any college officer or other person connected with the extension department of the college as the Secretary of Agriculture may designate to the Postal Service to the extent that the official mail consists of correspondence, bulletins, and reports for the furtherance of the purpose of sections 341–343 and 344–348 of title 7;

67 Stat. 83;
76 Stat. 745.

“(2) mail relating to naturalization to be sent to the Immigration and Naturalization Service by clerks of courts addressed to the Department of Justice or the Immigration and Naturalization Service, or any official thereof;

68 Stat. 1015.
13 USC 41 *et*
seq.

“(3) mail relating to a collection of statistics, survey, or census authorized by title 13 and addressed to the Department of Commerce or a bureau or agency thereof;

26 Stat. 418;
69 Stat. 673.

“(4) mail of State agriculture experiment stations pursuant to sections 325 and 361f of title 7; and

“(5) articles for copyright deposited with postmasters and addressed to the Register of Copyrights pursuant to section 15 of title 17.

61 Stat. 657.

“(b) A department or officer authorized to use penalty covers may enclose them with return address to any person from or through whom official information is desired. The penalty cover may be used only to transmit the official information and endorsements relating thereto.

“(c) This section does not apply to officers who receive a fixed allowance as compensation for their services including expenses of postage.

“§ 3203. Endorsements on penalty covers

“(a) Except as otherwise provided in this section, penalty covers shall bear, over the words ‘Official Business’ an endorsement showing the name of the department, bureau, or office from which, or officer from whom, it is transmitted. The penalty for the unlawful use of all penalty covers shall be printed thereon.

“(b) The Postal Service shall prescribe the endorsement to be placed on covers mailed under clauses (1) (E), (2), and (3) of section 3202(a) of this title.

“§ 3204. Restrictions on use of penalty mail

“(a) Except as otherwise provided in this section, an officer, executive department, or independent establishment of the Government of the United States may not mail, as penalty mail, any article or document unless—

“(1) a request therefor has been previously received by the department or establishment; or

“(2) its mailings is required by law.

“(b) Subsection (a) of this section does not prohibit the mailing, as penalty mail, by an officer, executive department, or independent agency of—

“(1) enclosures reasonably related to the subject matter of official correspondence;

“(2) informational releases relating to the census of the United States and authorized by title 13;

“(3) matter concerning the sale of Government securities;

“(4) forms, blanks, and copies of statutes, rules, regulations, instructions, administrative orders, and interpretations necessary in the administration of the department or establishment;

“(5) agricultural bulletins;

“(6) lists of public documents offered for sale by the Superintendent of Documents;

“(7) announcements of the publication of maps, atlases, and statistical and other reports offered for sale by the Federal Power Commission as authorized by section 825k of title 16; or

49 Stat. 859.

“(8) articles or documents to educational institutions or public libraries, or to Federal, State, or other public authorities.

“§ 3205. Accounting for penalty covers

“Executive departments and agencies, independent establishments of the Government of the United States, and organizations and persons authorized by law to use penalty mail, shall account for all penalty covers through the Postal Service.

“§ 3206. Reimbursement for penalty mail service

“(a) Except as provided in subsections (b) and (c) of this section, executive departments and agencies, independent establishments of the Government of the United States, and Government corporations concerned, shall transfer to the Postal Service as postal revenue out of any appropriations or funds available to them, as a necessary expense of the appropriations or funds and of the activities concerned, the equivalent amount of postage due, as determined by the Postal Service, for matter sent in the mails by or to them as penalty mail under authority of section 3202 of this title.

“(b) The Department of Agriculture shall transfer to the Postal Service as postal revenues out of any appropriations made to it for that purpose the equivalent amount of postage, as determined by the Postal Service, for penalty mailings under clauses (1)(F) and (4) of section 3202(a) of this title.

“(c) The Library of Congress shall transfer to the Postal Service as postal revenues out of any appropriations made to the Library for that purpose the equivalent amount of postage, as determined by the Postal Service, for penalty mailings under clause (5) of section 3202(a) of this title.

“§ 3207. Limit of weight of penalty mail; postage on overweight matter

“(a) Penalty mail is restricted to articles not in excess of the weight and size prescribed for that class of mail receiving high priority in handling and delivery, except—

“(1) stamped paper and supplies sold or used by the Postal Service; and

“(2) books and documents published or circulated by order of Congress when mailed by the Superintendent of Documents.

“(b) A penalty mail article which is—

“(1) over 4 pounds in weight;

“(2) not in excess of the weight and size prescribed for mail matter; and

“(3) otherwise mailable;

is mailable at rates for that class of mail entitled to the lowest priority in handling and delivery, even though it may include written matter and may be sealed.

“§ 3208. Shipment by most economical means

“Shipments of official matter other than franked mail shall be sent by the most economical means of transportation practicable. The Postal Service may refuse to accept official matter for shipment by mail when in its judgment it may be shipped by other means at less expense, or it may provide for its transportation by freight or express whenever a saving to the Government of the United States will result therefrom without detriment to the public service.

“§ 3209. Executive departments to supply information

“Persons and governmental organizations authorized to use penalty mail shall supply all information requested by the Postal Service necessary to carry out the provisions of this chapter as soon as practicable after request therefor.

“§ 3210. Official correspondence of Vice President and Members of Congress

“The Vice President, Members, and Members-elect of Congress, Secretary of the Senate, Sergeant at Arms of the Senate, Clerk of the House of Representatives, and Sergeant at Arms of the House of Representatives, until the thirtieth day of June following the expiration of their respective terms of office, may send as franked mail—

“(1) matter, not exceeding 4 pounds in weight, upon official or departmental business, to a Government official; and

“(2) correspondence, not exceeding 4 ounces in weight, upon official business to any person.

In the event of a vacancy in the office of the Secretary of the Senate, Sergeant at Arms of the Senate, Clerk of the House of Representatives, or Sergeant at Arms of the House of Representatives, any authorized person may exercise this privilege in the officer's name during the period of the vacancy.

“§ 3211. Public documents

“The Vice President, Members of Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, the Clerk of the House of Representatives, and the Sergeant at Arms of the House of Representatives, until the thirtieth day of June following the expiration of their respective terms of office, may send and receive as franked mail all public documents printed by order of Congress.

“§ 3212. Congressional Record under frank of Members of Congress

“Members of Congress may send as franked mail the Congressional Record, or any part thereof, or speeches or reports therein contained.

“§ 3213. Seeds and reports from Department of Agriculture

“Seeds and agricultural reports emanating from the Department of Agriculture may be mailed—

“(1) as penalty mail by the Secretary of Agriculture; and

“(2) until the thirtieth day of June following the expiration of their terms of office, as franked mail by Members of Congress.

“§ 3214. Mailing privilege of former Presidents

“A former President may send all his mail within the United States and its territories and possessions as franked mail.

“§ 3215. Lending or permitting use of frank unlawful

“A person entitled to use a frank may not lend it or permit its use by any committee, organization, or association, or permit its use by any person for the benefit or use of any committee, organization, or association. This section does not apply to any committee composed of Members of Congress.

“§ 3216. Reimbursement for franked mailings

“(a) The postage on mail matter sent and received through the mails under the franking privilege by the Vice President, Members and Members-elect of Congress, the Secretary of the Senate, Sergeant at Arms of the Senate, Clerk of the House of Representatives, and the Sergeant at Arms of the House of Representatives, including registry fees if registration is required, and postage on correspondence

sent by the surviving spouse of a Member under section 3218 of this title, shall be paid by a lump-sum appropriation to the legislative branch for the purpose, and then paid to the Postal Service as postal revenue.

“(b) The postage on mail matter sent through the mails under the franking privilege by former Presidents shall be paid by reimbursement of the postal revenues each fiscal year out of the general funds of the Treasury in an amount equivalent to the postage which would otherwise be payable on the mail matter.

“§ 3217. Correspondence of members of diplomatic corps and consuls of countries of Postal Union of Americas and Spain

“Correspondence of the members of the diplomatic corps of the countries of the Postal Union of the Americas and Spain stationed in the United States may be reciprocally transmitted in the domestic mails free of postage, and be entitled to free registration without right to indemnity in case of loss. The same privilege is accorded consuls and vice consuls when they are discharging the function of consuls of countries stationed in the United States, for official correspondence among themselves, and with the Government of the United States.

“§ 3218. Franked mail for surviving spouses of Members of Congress

“Upon the death of a Member of Congress during his term of office, the surviving spouse of such Member may send, for a period not to exceed 180 days after his death, as franked mail, correspondence relating to the death of the Member.

“Chapter 34.—ARMED FORCES AND FREE POSTAGE

“Sec.

“3401. Mailing privileges of members of Armed Forces of the United States and of friendly foreign nations.

“3402. Mailing privileges of members of Armed Forces of the United States and of friendly foreign nations in the Canal Zone.

“3403. Matter for blind and other handicapped persons.

“3404. Unsealed letters sent by blind or physically handicapped persons.

“3405. Markings.

“§ 3401. Mailing privileges of members of Armed Forces of the United States and of friendly foreign nations

“(a) Letter mail or sound-recorded communications having the character of personal correspondence shall be carried, at no cost to the sender, in the manner provided by this section, when mailed by—

“(1) a member of the Armed Forces of the United States on active duty, as defined in section 101 (4) and (22) of title 10, and addressed to a place within the delivery limits of a United States post office, if—

70A Stat. 3, 5.

“(A) such letter mail or sound-recorded communication is mailed by the member at an Armed Forces post office established in an overseas area, as designated by the President, where the Armed Forces of the United States are engaged in action against an enemy of the United States, engaged in military operations involving armed conflict with a hostile foreign force, or serving with a friendly foreign force in an armed conflict in which the United States is not a belligerent; or

“(B) the member is hospitalized in a facility under the jurisdiction of the Armed Forces of the United States as a result of disease or injury incurred as a result of service in

an overseas area designated by the President under clause (A) of this paragraph; or

“(2) a member of an armed force of a friendly foreign nation at an Armed Forces post office and addressed to a place within the delivery limits of a United States post office, or a post office of the nation in whose armed forces the sender is a member, if—

“(A) the member is accorded free mailing privileges by his own government;

“(B) the foreign nation extends similar free mailing privileges to a member of the Armed Forces of the United States serving with, or in, a unit under the control of a command of that foreign nation;

“(C) the member is serving with, or in, a unit under the operational control of a command of the Armed Forces of the United States;

“(D) such letter mail or sound-recorded communication is mailed by the member—

“(i) at an Armed Forces post office established in an overseas area, as designated by the President, where the Armed Forces of the United States are engaged in action against an enemy of the United States, engaged in military operations involving armed conflict with a hostile foreign force, or serving with a friendly foreign force in an armed conflict in which the United States is not a belligerent; or

“(ii) while hospitalized in a facility under the jurisdiction of the Armed Forces of the United States as a result of disease or injury incurred as a result of services in an overseas area designated by the President under clause (D) (i) of this paragraph; and

“(E) the nation in whose armed forces the sender is a member has agreed to assume all international postal transportation charges incurred.

“(b) There shall be transported by air, between Armed Forces post offices which are located outside the 48 contiguous States of the United States or between any such Armed Forces post office and the point of embarkation or debarkation within the United States, the territories and possessions of the United States in the Pacific area, the Commonwealth of Puerto Rico, the Virgin Islands, or the Canal Zone, on a space available basis, on scheduled United States air carriers at rates fixed and determined by the Civil Aeronautics Board in accordance with section 1376 of title 49, the following categories of mail matter:

“(1) (A) letter mail or sound-recorded communications having the character of personal correspondence; and

“(B) parcels not exceeding 5 pounds in weight and 60 inches in length and girth combined;

which are mailed at or addressed to any such Armed Forces post office;

“(2) publications (entitled to a periodical publication rate, published once each week or more frequently, and featuring principally current news of interest to members of the Armed Forces and the general public) which are mailed at or addressed to any such Armed Forces post office (A) in an overseas area designated by the President under subsection (a) of this section, or (B) in an isolated, hardship, or combat support area overseas, or where adequate surface transportation is not available; and

“(3) parcels exceeding 5 pounds but not exceeding 70 pounds in weight and not exceeding 100 inches in length and girth com-

bined, including surface-type official mail, which are mailed at or addressed to any such Armed Forces post office where adequate surface transportation is not available.

Whenever adequate service by scheduled United States air carriers is not available to provide transportation of mail matter by air in accordance with this subsection, the transportation of such mail may be authorized by other than scheduled United States air carriers.

“(c) The Department of Defense shall transfer to the Postal Service as postal revenues, out of any appropriations or funds available to the Department of Defense, as a necessary expense of the appropriations or funds and of the activities concerned, the equivalent amount of postage due, as determined by the Postal Service, for matter sent in the mails under authority of subsection (a) of this section.

“(d) The Department of Defense shall transfer to the Postal Service as postal revenues, out of any appropriations or funds available to the Department of Defense, as a necessary expense of the appropriations or funds and of the activities concerned, sums equal to the expenses incurred by the Postal Service, as determined by the Postal Service, in providing air transportation for mail mailed at or addressed to Armed Forces post offices established under section 406 of this title, but reimbursement under this subsection shall not include the expense of air transportation (1) for which the Postal Service collects a special charge to the extent the special charge covers the additional expense of air transportation or (2) that is provided by the Postal Service at the same postage rate or charge for mail which is neither mailed at nor addressed to an Armed Forces post office.

“(e) This section shall be administered under such conditions, and under such regulations, as the Postal Service and the Secretary of Defense jointly may prescribe.

“§ 3402. Mailing privileges of members of Armed Forces of the United States and of friendly foreign nations in the Canal Zone

“(a) For the purpose of section 3401 of this title, each post office in the Canal Zone postal service, to the extent that it provides mail service for members of the Armed Forces of the United States and of friendly foreign nations, shall be considered to be an Armed Forces post office established in an overseas area.

“(b) The Department of Defense shall reimburse the postal service of the Canal Zone, out of any appropriations or funds available to the Department of Defense, as a necessary expense of the appropriations or funds and of the activities concerned, the equivalent amount of postage due, and sums equal to the expenses incurred by, the postal service of the Canal Zone, as determined by the Governor of the Canal Zone, for matter sent in the mails, and in providing air transportation of mail, under section 3401 of this title.

“§ 3403. Matter for blind and other handicapped persons

“(a) The matter described in subsection (b) of this section (other than matter mailed under section 3404 of this title) may be mailed free of postage, if—

“(1) the matter is for the use of the blind or other persons who cannot use or read conventionally printed material because of a physical impairment and who are certified by competent authority as unable to read normal reading material in accordance with the provisions of sections 135a and 135b of title 2;

“(2) no charge, or rental, subscription, or other fee, is required for such matter or a charge, or rental, subscription, or other fee is required for such matter not in excess of the cost thereof;

“(3) the matter may be opened by the Postal Service for inspection; and

“(4) the matter contains no advertising.

“(b) The free mailing privilege provided by subsection (a) of this section is extended to—

“(1) reading matter and musical scores;

“(2) sound reproductions;

“(3) paper, records, tapes, and other material for the production of reading matter, musical scores, or sound reproductions;

“(4) reproducers or parts thereof, for sound reproductions; and

“(5) braille writers, typewriters, educational or other materials or devices, or parts thereof, used for writing by, or specifically designed or adapted for use of, a blind person or a person having a physical impairment as described in subsection (a)(1) of this section.

“§ 3404. Unsealed letters sent by blind or physically handicapped persons

“Unsealed letters sent by a blind person or a person having a physical impairment, as described in section 3403(a)(1) of this title, in raised characters or sightsaving type, or in the form of sound recordings, may be mailed free of postage.

“§ 3405. Markings

“All matter relating to blind or other handicapped persons mailed under section 3403 or 3404 of this title, shall bear the words ‘Free Matter for the Blind or Handicapped’, or words to that effect specified by the Postal Service, in the upper right-hand corner of the address area.

“Chapter 36.—POSTAL RATES, CLASSES, AND SERVICES

“SUBCHAPTER I—POSTAL RATE COMMISSION

“Sec.

“3601. Establishment.

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“SUBCHAPTER II—PERMANENT RATES AND CLASSES OF MAIL

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“SUBCHAPTER III—TEMPORARY RATES AND CLASSES

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“SUBCHAPTER I—POSTAL RATE COMMISSION**“§ 3601. Establishment**

“There is established, as an independent establishment of the executive branch of the Government of the United States, the Postal Rate Commission composed of 5 Commissioners appointed by the President, not more than 3 of whom may be adherents of the same political party. One of the Commissioners shall be designated as Chairman by, and shall serve in the position of Chairman at the pleasure of, the President. The Commissioners shall be chosen on the basis of their professional qualifications and may be removed only in accordance with section 7521 of title 5.

80 Stat. 528.

“§ 3602. Terms of office

“The Commissioners of the Postal Rate Commission shall serve for terms of 6 years except that—

“(1) the terms of the Commissioners first taking office shall expire as designated by the President at the time of appointment, 1 at the end of 2 years, 2 at the end of 4 years, and 2 at the end of 6 years, following the appointment of the first of them; and

“(2) any Commissioner appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall serve for the remainder of such term.

“§ 3603. Rules; regulations; procedures

“The Postal Rate Commission shall promulgate rules and regulations and establish procedures, subject to chapters 5 and 7 of title 5, and take any other action they deem necessary and proper to carry out their functions and obligations to the Government of the United States and the people as prescribed under this chapter. Such rules, regulations, procedures, and actions shall not be subject to any change or supervision by the Postal Service.

80 Stat. 381,
392; 81 Stat. 195.
5 USC 500, 701.

“§ 3604. Administration

“(a) The Chairman of the Postal Rate Commission shall have the administrative responsibility for assigning the business of the Commission to the other Commissioners and to the officers and employees of the Commission. All final acts of the Commissioners shall be by a vote of an absolute majority thereof.

“(b) The Commission may obtain such facilities and supplies, and appoint and fix the compensation of such officers and employees, as may be necessary to permit the Commission to carry out its functions. The officers and employees so appointed (1) shall be paid at rates of compensation, and shall be entitled to programs offering employee benefits, established under chapter 10 or 12 of this title, as appropriate, and (2) shall be responsible solely to the Commissioners.

Ante, pp. 728,
733.

“(c)(1) The Commission shall periodically prepare and submit to the Postal Service a budget of the Commission's expenses, including but not limited to expenses for facilities, supplies, compensation, and employee benefits. The budget shall be considered approved—

“(A) as submitted if the Governors fail to act in accordance with clause (B) of this paragraph; or

“(B) as adjusted if the Governors holding office, by unanimous written decision, adjust the total amount of money requested in the budget.

Clause (B) shall not be construed to authorize the Governors to adjust any item included within the budget.

“(2) Expenses incurred under any budget approved under paragraph (1) of this subsection shall be paid out of the Postal Service Fund established under section 2003 of this title.

Ante, p. 739.

Ante, pp. 725, 728.

“(d) The provisions of section 410 and chapter 10 of this title shall apply to the Commission, as appropriate.

“SUBCHAPTER II—PERMANENT RATES AND CLASSES OF MAIL

“§ 3621. Authority to fix rates and classes

“Except as otherwise provided, the Governors are authorized to establish reasonable and equitable classes of mail and reasonable and equitable rates of postage and fees for postal services in accordance with the provisions of this chapter. Postal rates and fees shall be reasonable and equitable and sufficient to enable the Postal Service under honest, efficient, and economical management to maintain and continue the development of postal services of the kind and quality adapted to the needs of the United States. Postal rates and fees shall provide sufficient revenues so that the total estimated income and appropriations to the Postal Service will equal as nearly as practicable total estimated costs of the Postal Service. For purposes of this section, ‘total estimated costs’ shall include (without limitation) operating expenses, depreciation on capital facilities and equipment, debt service (including interest, amortization of debt discount and expense, and provision for sinking funds or other retirements of obligations to the extent that such provision exceeds applicable depreciation charges), and a reasonable provision for contingencies.

“Total estimated costs.”

“§ 3622. Rates and fees

“(a) From time to time the Postal Service shall request the Postal Rate Commission to submit a recommended decision on changes in a rate or rates of postage or in a fee or fees for postal services if the Postal Service determines that such changes would be in the public interest and in accordance with the policies of this title. The Postal Service may submit such suggestions for rate adjustments as it deems suitable.

“(b) Upon receiving a request, the Commission shall make a recommended decision on the request for changes in rates or fees in each class of mail or type of service in accordance with the policies of this title and the following factors:

“(1) the establishment and maintenance of a fair and equitable schedule;

“(2) the value of the mail service actually provided each class or type of mail service to both the sender and the recipient, including but not limited to the collection, mode of transportation, and priority of delivery;

“(3) the requirement that each class of mail or type of mail service bear the direct and indirect postal costs attributable to that class or type plus that portion of all other costs of the Postal Service reasonably assignable to such class or type;

“(4) the effect of rate increases upon the general public, business mail users, and enterprises in the private sector of the economy engaged in the delivery of mail matter other than letters;

“(5) the available alternative means of sending and receiving letters and other mail matter at reasonable costs;

“(6) the degree of preparation of mail for delivery into the postal system performed by the mailer and its effect upon reducing costs to the Postal Service;

“(7) simplicity of structure for the entire schedule and simple, identifiable relationships between the rates or fees charged the various classes of mail for postal services; and

“(8) such other factors as the Commission deems appropriate.

“§ 3623. Mail classification

“(a) Within 2 years after the effective date of this subchapter, the Postal Service shall request the Postal Rate Commission to make a recommended decision on establishing a mail classification schedule in accordance with the provisions of this section.

“(b) Following the establishment of the mail classification schedule requested under subsection (a) of this section, the Postal Service may from time to time request that the Commission submit, or the Commission may submit to the Postal Service on its own initiative, a recommended decision on changes in the mail classification schedule.

“(c) The Commission shall make a recommended decision on establishing or changing the schedule in accordance with the policies of this title and the following factors:

“(1) the establishment and maintenance of a fair and equitable classification system for all mail;

“(2) the relative value to the people of the kinds of mail matter entered into the postal system and the desirability and justification for special classifications and services of mail;

“(3) the importance of providing classifications with extremely high degrees of reliability and speed of delivery;

“(4) the importance of providing classifications which do not require an extremely high degree of reliability and speed of delivery;

“(5) the desirability of special classifications from the point of view of both the user and of the Postal Service; and

“(6) such other factors as the Commission may deem appropriate.

“(d) The Postal Service shall maintain one or more classes of mail for the transmission of letters sealed against inspection. The rate for each such class shall be uniform throughout the United States, its territories, and possessions. One such class shall provide for the most expeditious handling and transportation afforded mail matter by the Postal Service. No letter of such a class of domestic origin shall be opened except under authority of a search warrant authorized by law, or by an officer or employee of the Postal Service for the sole purpose of determining an address at which the letter can be delivered, or pursuant to the authorization of the addressee.

“§ 3624. Recommended decisions of Commission

“(a) The Postal Rate Commission shall promptly consider a request made under section 3622 or 3623 of this title, except that the Commission shall not recommend a decision until the opportunity for a hearing on the record under sections 556 and 557 of title 5 has been accorded to the Postal Service, users of the mails, and an officer of the Commission who shall be required to represent the interests of the general public.

“(b) In order to conduct its proceedings with utmost expedition consistent with procedural fairness to the parties, the Commission may (without limitation) adopt rules which provide for—

“(1) the advance submission of written direct testimony;

“(2) the conduct of prehearing conferences to define issues, and for other purposes to insure orderly and expeditious proceedings;

“(3) discovery both from the Postal Service and the parties to the proceedings;

“(4) limitation of testimony; and

“(5) the conduct of the entire proceedings off the record with the consent of the parties.

“(c) The Commission shall transmit its recommended decision in a rate, fee, or classification matter to the Governors. The recommended decision shall include a statement specifically responsive to the criteria established under section 3622 or 3623, as the case may be.

“§ 3625. Action of the Governors

“(a) Upon receiving a recommended decision from the Postal Rate Commission, the Governors may approve, allow under protest, reject, or modify that decision in accordance with the provisions of this section.

“(b) The Governors may approve the recommended decision and order the decision placed in effect.

“(c) The Governors may, under protest, allow a recommended decision of the Commission to take effect and (1) seek judicial review thereof under section 3628 of this title, or (2) return the recommended decision to the Commission for reconsideration and a further recommended decision, which shall be acted upon under this section and subject to review in accordance with section 3628 of this title.

“(d) The Governors may reject the recommended decision of the Commission and the Postal Service may resubmit its request to the Commission for reconsideration. Upon resubmission, the request shall be reconsidered, and a further recommended decision of the Commission shall be acted upon under this section and subject to review in accordance with section 3628 of this title. However, with the unanimous written concurrence of all of the Governors then holding office, the Governors may modify any such further recommended decision of the Commission under this subsection if the Governors expressly find that (1) such modification is in accord with the record and the policies of this chapter, and (2) the rates recommended by the Commission are not adequate to provide sufficient total revenues so that total estimated income and appropriations will equal as nearly as practicable estimated total costs.

“(e) The decision of the Governors to approve, allow under protest, reject, or modify a recommended decision of the Commission shall be in writing and shall include an estimate of anticipated revenue and a statement of explanation and justification. The decision, the record of the Commission's hearings, and the Commission's recommended decision shall be made generally available at the time the decision is issued and shall be printed and made available for sale by the Public Printer within 10 days following the day the decision is issued.

“(f) The Board shall determine the date on which the new rates, fees, the mail classification schedule, and changes in such schedule under this subchapter shall become effective.

“§ 3626. Reduced rates

“If the rates of postage for any class of mail or kind of mailer under former sections 4358, 4359, 4421, 4422, 4452, or 4554 of this title, as such rates existed on the effective date of this subchapter, are, on the effective date of the first rate decision under this subchapter affecting that class or kind, less than the rates established by such decision, a separate rate schedule shall be adopted for that class or kind effective each time rates are established or changed under this subchapter, with annual increases as nearly equal as practicable, so that—

“(1) the revenues received from rates for mail under former sections 4358, 4452 (b) and (c), and 4554 (b) and (c) shall not, on and after the first day of the tenth year following the effective

date of the first rate decision applicable to that class or kind, exceed the direct and indirect postal costs attributable to mail of such class or kind (excluding all other costs of the Postal Service); and

“(2) the rates for mail under sections 4359, 4421, 4422, 4452(a), and 4554(a) shall be equal, on and after the first day of the fifth year following the effective date of the first rate decision applicable to that class or kind, to the rates that would have been in effect for such mail if this subsection had not been enacted.

81 Stat. 617-620;
74 Stat. 672.

No person who would have been entitled to mail matter under former section 4359 of this title shall mail such matter at the rates provided under this subsection unless he files annually with the Postal Service a written request for permission to mail matter at such rates.

“§ 3627. Adjusting free and reduced rates

“If Congress fails to appropriate an amount authorized under section 2401(c) of this title for any class of mail sent at a free or reduced rate under section 3217, 3403-3405, or 3626 of this title, or under the Federal Voting Assistance Act of 1955, the rate for that class may be adjusted in accordance with the provisions of this subchapter so that the increased revenues received from the users of such class will equal the amount for that class that the Congress was to appropriate.

Ante, p. 743.

69 Stat. 584;
82 Stat. 181,
50 USC 1451.

“§ 3628. Appellate review

“A decision of the Governors to approve, allow under protest, or modify the recommended decision of the Postal Rate Commission may be appealed to any court of appeals of the United States, within 15 days after its publication by the Public Printer, by an aggrieved party who appeared in the proceedings under section 3624(a) of this title. The court shall review the decision, in accordance with section 706 of title 5, and chapter 158 and section 2112 of title 28, except as otherwise provided in this section, on the basis of the record before the Commission and the Governors. The court may affirm the decision or order that the entire matter be returned for further consideration, but the court may not modify the decision. The court shall make the matter a preferred cause and shall expedite judgment in every way. The court may not suspend the effectiveness of the changes, or otherwise prevent them from taking effect until final disposition of the suit by the court. No court shall have jurisdiction to review a decision made by the Commission or Governors under this chapter except as provided in this section.

80 Stat. 393,
622.
28 USC 2341.
72 Stat. 941;
80 Stat. 1323.

“SUBCHAPTER III—TEMPORARY RATES AND CLASSES

“§ 3641. Temporary changes in rates and classes

“(a) If the Postal Rate Commission does not transmit to the Governors within 90 days after the Postal Service has submitted, or within 30 days after the Postal Service has resubmitted, to the Commission a request for a recommended decision on a change in rates of postage or in fees for postal services, or on a change in the mail classification schedule (after such schedule is established under section 3623 of this title), the Postal Service, upon 10 days' notice in the Federal Register, may place into effect temporary changes in rates of postage, in fees for postal service, or in the mail classification schedule it considers appropriate to carry out the provisions of this title. Any temporary change shall be effective for a period ending not later than 30 days after the Commission has transmitted its recommended decision to the Governors.

Publication in
Federal Register.

“(b) If, under section 3628 of this title, a court orders a matter returned to the Commission for further consideration, the Postal Serv-

ice, with the consent of the Commission, may place into effect temporary changes in rates of postage, in fees for postal services, or in the mail classification schedule.

“(c) A rate of postage for a class of mail or a fee for a postal service under a temporary change under this section may not exceed the lesser of (1) the rate or fee requested for such class or service, or (2) a rate or fee which is more than one-third greater than the permanent rate or fee in effect for that class or service at the time a permanent change in the rate or fee of such class or service is requested under section 3622 of this title.

“SUBCHAPTER IV—POSTAL SERVICES AND COMPLAINTS

“§ 3661. Postal services

“(a) The Postal Service shall develop and promote adequate and efficient postal services.

“(b) When the Postal Service determines that there should be a change in the nature of postal services which will generally affect service on a nationwide or substantially nationwide basis, it shall submit a proposal, within a reasonable time prior to the effective date of such proposal, to the Postal Rate Commission requesting an advisory opinion on the change.

80 Stat. 386.

“(c) The Commission shall not issue its opinion on any proposal until an opportunity for hearing on the record under sections 556 and 557 of title 5 has been accorded to the Postal Service, users of the mail, and an officer of the Commission who shall be required to represent the interests of the general public. The opinion shall be in writing and shall include a certification by each Commissioner agreeing with the opinion that in his judgment the opinion conforms to the policies established under this title.

“§ 3662. Rate and service complaints

“Interested parties who believe the Postal Service is charging rates which do not conform to the policies set out in this title or who believe that they are not receiving postal service in accordance with the policies of this title may lodge a complaint with the Postal Rate Commission in such form and in such manner as it may prescribe. The Commission may in its discretion hold hearings on such complaint. If the Commission, in a matter covered by subchapter II of this chapter, determines the complaint to be justified, it shall, after proceedings in conformity with section 3624 of this title, issue a recommended decision which shall be acted upon in accordance with the provisions of section 3625 of this title and subject to review in accordance with the provisions of section 3628 of this title. If a matter not covered by subchapter II of this chapter is involved, and the Commission after hearing finds the complaint to be justified, it shall render a public report thereon to the Postal Service which shall take such action as it deems appropriate.

“SUBCHAPTER V—GENERAL

“§ 3681. Reimbursement

“No mailer may be reimbursed for any amount paid under any rate or fee which, after such payment, is determined to have been unlawful after proceedings in accordance with the provisions of section 3628 of this title, or is superseded by a lower rate or fee established under subchapter II of this chapter.

“§ 3682. Size and weight limits

“(a) Except as provided in subsection (b) of this section—

“(1) the maximum weight of mail other than letter mail is 40 pounds; and

“(2) the maximum size is—

“(A) 78 inches in girth and length combined before July 1, 1971; and

“(B) 84 inches in girth and length combined on and after July 1, 1971.

“(b) The maximum size on mail, other than letter mail, is 100 inches in girth and length combined, and the maximum weight is 70 pounds if the mail—

“(1) is mailed at, or addressed for delivery at, other than first-class post offices or on rural or star routes, as such offices and routes existed on the day prior to the effective date of this section, as determined by the Postal Service;

“(2) contains baby fowl, live plants, trees, shrubs, or agricultural commodities but not the manufactured products of those commodities;

“(3) would have been entitled to be mailed under former section 4554 of this title;

“(4) is addressed to or mailed at any Armed Forces post office outside the 50 States; or

“(5) is addressed to or mailed in the Commonwealth of Puerto Rico, the States of Alaska and Hawaii, or a possession of the United States including the Canal Zone and the Trust Territory of the Pacific Islands.

“(c) The Postal Service may establish size and weight limitations for letter mail in the same manner as prescribed for changes in classification under subchapter II of this chapter.

76 Stat. 445;
81 Stat. 619, 620.

Ante, p. 760.

“§ 3683. Uniform rates for books; films; other materials

“Notwithstanding any other provision of this title, the rates of postage established for mail matter enumerated in former section 4554 of this title shall be uniform for such mail of the same weight, and shall not vary with the distance transported.

“§ 3684. Limitations

“Except as provided in section 3627 of this title, no provision of this chapter shall be construed to give authority to the Governors to make any change in any provision of section 3682 or 3683 or chapter 30, 32, or 34 of this title, or of the Federal Voting Assistance Act of 1955.

Ante, p. 745-
755.
69 Stat. 584;
82 Stat. 181.
50 USC 1451.

“§ 3685. Filing of information relating to periodical publications

“(a) Each owner of a publication having periodical publication mail privileges shall furnish to the Postal Service at least once a year, and shall publish in such publication once a year, information in such form and detail and at such time as the Postal Service may require with respect to—

“(1) the identity of the editor, managing editor, publishers, and owners;

“(2) the identity of the corporation and stockholders thereof, if the publication is owned by a corporation;

“(3) the identity of known bondholders, mortgagees, and other security holders;

“(4) the extent and nature of the circulation of the publication, including, but not limited to, the number of copies distributed, the

methods of distribution, and the extent to which such circulation is paid in whole or in part; and

"(5) such other information as the Postal Service may deem necessary to determine whether the publication meets the standards for periodical publication mail privileges.

The Postal Service shall not require the names of persons owning less than 1 percent of the total amount of stocks, bonds, mortgages, or other securities.

"(b) Each publication having such mail privileges shall furnish to the Postal Service information in such form and detail, and at such times, as the Postal Service requires to determine whether the publication continues to qualify for such privileges.

"(c) The Postal Service shall make appropriate rules and regulations to carry out the purposes of this section, including provision for suspension or revocation of periodical publication mail privileges for failure to furnish the required information.

"PART V—TRANSPORTATION OF MAIL

"CHAPTER	Sec.
"50. GENERAL	5001
"52. TRANSPORTATION OF MAIL BY SURFACE CARRIER	5201
"54. TRANSPORTATION OF MAIL BY AIR	5401
"56. TRANSPORTATION OF MAIL BY VESSEL	5601

"Chapter 50.—GENERAL

"Sec.

"5001. Provisions for carrying mail.

"5002. Transportation of mail of adjoining countries through the United States.

"5003. Establishment of post roads.

"5004. Discontinuance of service on post roads.

"5005. Mail transportation.

"5006. Lien on compensation of contractor.

"5007. Free transportation of postal employees.

"§ 5001. Provisions for carrying mail

"The Postal Service shall provide for the transportation of mail in accordance with the policies established under section 101 (e) and (f) of this title and the provisions of this chapter. Notwithstanding any other provision of this title, the Postal Service may make arrangements on a temporary basis for the transportation of mail when, as determined by the Postal Service, an emergency arises. Such arrangements shall terminate when the emergency ceases and the Postal Service is promptly able to secure transportation services under other provisions of this title.

Ante, p. 720.

"§ 5002. Transportation of mail of adjoining countries through the United States

"The Postal Service, with the consent of the President, may make arrangements to allow the mail of countries adjoining the United States to be transported over the territory of the United States from one point in that country to any other point therein, at the expense of the country to which the mail belongs, upon obtaining a like privilege for the transportation of United States mail through the country to which the privilege is granted.

"§ 5003. Establishment of post roads

"The following are post roads:

"(1) the waters of the United States, during the time the mail is carried thereon;

"(2) railroads or parts of railroads and air routes in operation;

"(3) canals, during the time the mail is carried thereon;

“(4) public roads, highways, and toll roads during the time the mail is carried thereon; and

“(5) letter-carrier routes established for the collection and delivery of mail.

“§ 5004. Discontinuance of service on post roads

“The Postal Service may discontinue service on a post road or part thereof when, in its opinion, the public interest so requires.

“§ 5005. Mail transportation

“(a) The Postal Service may obtain mail transportation service—

“(1) from common carriers by rail and motor vehicle or persons as provided in chapter 52 of this title;

“(2) from air carriers as provided in chapter 54 of this title;

“(3) from water carriers as provided in chapter 56 of this title; and

“(4) by contract from any person (as defined in section 5201(7) of this title) or carrier for surface and water transportation under such terms and conditions as it deems appropriate, subject to the provisions of this section.

“(b) (1) Contracts for the transportation of mail procured under subsection (a) (4) of this section shall be for periods not in excess of 4 years (or where the Postal Service determines that special conditions or the use of special equipment warrants, not in excess of 6 years) and shall be entered into only after advertising a sufficient time previously for proposals. The Postal Service, with the consent of the holder of any such contract, may adjust the compensation allowed under that contract for increased or decreased costs resulting from changed conditions occurring during the term of the contract.

Contracts.

“(2) A contract under subsection (a) (4) of this section may be renewed at the existing rate by mutual agreement between the holder and the Postal Service.

Renewal.

“(3) Any contract between the Postal Service and any carrier or person for the transportation of mail shall be available for inspection in the office of the Postal Service and either the Interstate Commerce Commission or the Civil Aeronautics Board, as appropriate, and in post offices on the post roads involved, as determined by the Postal Service, at least 15 days prior to the effective date of the contract.

Inspection.

“(c) The Postal Service, in determining whether to obtain transportation of mail by carrier or person under subsection (a) (1) of this section, by contract under subsection (a) (4) of this section, or by Government motor vehicle, shall use the mode of transportation which best serves the public interest, due consideration being given to the cost of the transportation service under each mode.

“§ 5006. Lien on compensation of contractor

“(a) A person who—

“(1) performs service for a contractor or subcontractor in the transportation of mail;

“(2) files his contract for service with the Postal Service; and

“(3) files satisfactory evidence of performance with the Postal Service;

shall have a lien on money due the contractor or subcontractor for the service.

“(b) The Postal Service may pay the person establishing a lien under subsection (a) of this section the sum due him, when the contractor or subcontractor fails to pay the person the amount of his lien within 2 months after the expiration of the month in which the

Payment provisions.

service was performed. It shall charge the amount so paid to the contract. The payments may not exceed the annual rate of pay of the contractor or subcontractor.

“§ 5007. Free transportation of postal employees

“Each person or carrier engaged in the transportation of mail shall carry on any vessel, train, motor vehicle, or aircraft he operates, upon exhibiting their credentials and without extra charge therefor, persons on duty in charge of the mails or when traveling to and from such duty.

“Chapter 52.—TRANSPORTATION OF MAIL BY SURFACE CARRIER

“Sec.

“5201. Definitions.

“5202. Applicability.

“5203. Authorization of service by carrier.

“5204. Changes in service; placement of equipment.

“5205. Evidence of service.

“5206. Fines and deductions.

“5207. Interstate Commerce Commission to fix rates.

“5208. Procedures.

“5209. Special rates.

“5210. Intermodal transportation.

“5211. Statistical studies.

“5212. Special contracts.

“5213. Carrier operations; receipts; expenditures.

“5214. Agreements with passenger common carriers by motor vehicle.

“5215. Star route certification.

“§ 5201. Definitions

“For purposes of this chapter—

“(1) ‘Commission’ means the Interstate Commerce Commission;

“(2) ‘carrier’ and ‘regulated surface carrier’ mean a railroad, a freight forwarder, a motor carrier, or an express company;

“(3) ‘railroad’ means a railway common carrier, including an electric urban and interurban railway common carrier;

“(4) ‘freight forwarder’ means any regulated freight forwarder which holds itself out to the general public as a common carrier to transport or provide transportation of property as authorized by a permit issued by the Commission;

“(5) ‘motor carrier’ means any common carrier by motor vehicle, except a passenger-carrying motor vehicle, within the meaning of section 303(a)(14) of title 49, which holds a certificate of public convenience and necessity issued by the Commission;

“(6) ‘express company’ means any express company engaged in transportation as a common carrier for hire under section 1(3) of title 49;

“(7) ‘person’ includes any person other than a carrier holding a certificate of public convenience and necessity issued by the Commission; and

“(8) ‘mail’ includes equipment and supplies of the Postal Service.

“§ 5202. Applicability

“This chapter applies to mail transportation performed by any person or carrier or carrier combination regardless of the mode of transportation actually used to provide the service.

“§ 5203. Authorization of service by carrier

“(a) The Postal Service may establish mail routes and authorize mail transportation service thereon.

54 Stat. 920.

41 Stat. 474;
54 Stat. 899.

“(b) A carrier shall transport mail offered for transportation by the Postal Service in the manner, under the conditions, and with the service prescribed by the Postal Service. A carrier is entitled to receive fair and reasonable compensation for the transportation and service connected therewith.

Compensation.

“(c) The Postal Service shall determine the trains or motor vehicles upon which mail shall be transported, except that no carrier shall be compelled to transport mail on any train or vehicle which is operated exclusively for the transportation of passengers and their baggage.

Transportation
method, exception.

“(d) A carrier shall transport with due speed such mail as the Postal Service directs under this section.

“(e) No carrier shall be required to serve territory it is not otherwise authorized to serve, to provide service for the Postal Service at a rate which is less than compensatory cost, or to provide service at a detriment to the carrier or its other customers.

“(f) Any order or determination of the Postal Service providing for the transportation of mail by a motor carrier shall be filed with the Commission. If the Commission finds, within 90 days after the filing, that the order or determination will be detrimental to the motor carrier or its other customers, or that such carrier does not operate equipment suitable for the transportation of mail, the order or determination shall be terminated.

“(g) An order or determination of the Postal Service under this section shall be consistent with the orders of the Commission under sections 5207 and 5208 of this title.

“§ 5204. Changes in service; placement of equipment

“(a) The Postal Service may authorize, according to the need therefor, new or additional mail transportation service by carriers at the rate or compensation fixed under this chapter. It may reduce or discontinue service with pro rata reductions in compensation and indemnity for the loss of reasonable investment in equipment used exclusively for mail.

“(b) A railroad shall place cars used for full or apartment post office service in position at such times before departure as the Postal Service directs.

“§ 5205. Evidence of service

“A carrier shall submit evidence of its performance of mail transportation service, signed by an authorized official, in such form and at such times as the Postal Service requires. Mail transportation service is considered that of the carrier performing it regardless of the ownership of the property used by the carrier.

“§ 5206. Fines and deductions

“(a) The Postal Service may fine any carrier an amount not to exceed \$500 for each day the carrier refuses to perform mail transportation services required by it at rates or compensation established under this chapter.

“(b) The Postal Service shall fine a carrier an amount it deems reasonable for failure or refusal by that carrier to transport mail as required by the Postal Service under section 5203 of this title.

“(c) The Board may make deductions from the compensation of a carrier for failure to perform mail transportation service as required under section 5203 of this title. If the failure to perform is due to the fault of the carrier, it may deduct a sum not exceeding twice the compensation applying to such service. Such deductions shall not be made prior to the expiration of 60 days following service upon the carrier by the Board of notice of intention to assess a fine or make a deduction and of the basis therefor.

“§ 5207. Interstate Commerce Commission to fix rates

“(a) The Commission shall determine and fix the fair and reasonable rates or compensation for the transportation of mail by carrier and the service connected therewith, and shall prescribe the method of computing such rates or compensation. The Commission shall publish its orders stating its determination under this section which shall remain in force until changed by it after notice and hearing.

“(b) For the purpose of determining and fixing rates or compensation under this section, the Commission may make just and reasonable classifications of carriers and, where just and equitable, fix general rates applicable to carriers in the same classification.

“(c) In determining and fixing fair and reasonable rates or compensation under this section, the Commission shall consider the relation between the Government and carriers as public service corporations, and the nature of public service as distinguished, if there is a distinction, from the ordinary transportation business of the carriers.

“(d) Initial rates or compensation for mail transportation service by any carrier or carriers shall be those agreed to by the Postal Service and the carrier or carriers, and such rates or compensation shall continue in effect until such time as the Commission fixes the rates or compensation under subsection (a) of this section.

“§ 5208. Procedures

“(a) At any time after 6 months from the entry of an order stating the Commission's determination under section 5207 of this title, the Postal Service or an interested carrier may apply for a reexamination and substantially similar proceedings as have theretofore been had shall be followed with respect to the rates of compensation for services covered by the application. At the conclusion of the hearing the Commission shall enter an order stating its determination.

“(b) Except as authorized by sections 5207(d), 5209, 5210, and 5212 of this title, the Postal Service shall pay a carrier the rates or compensation so determined and fixed for application at such stated times as named in the order.

“(c) The Postal Service may file with the Commission a comprehensive plan stating—

“(1) its requirements for the transportation of mail by carrier;

“(2) the character and speed of the trains or motor vehicles which are to carry the various kinds of mail;

“(3) the service, both terminal and en route, which carriers are to render;

“(4) what it believes to be the fair and reasonable rates or compensation for the services required; and

“(5) all other information which may be material to the inquiry, but such other information may be filed at any time in the discretion of the Commission.

“(d) When a comprehensive plan is filed, the Commission shall give notice of not less than 30 days to each carrier required by the Postal Service to transport mail pursuant to such plan. A carrier may file its answer at the time fixed by the Commission, but not later than 30 days after the expiration date fixed by the Commission in the notice, and the Commission shall proceed with the hearing.

“§ 5209. Special rates

“Upon petition by the Postal Service, the Commission shall determine and fix carload or truckload, or less than carload or truckload, rates for the transportation of mail not entitled to high priority in transportation. A carrier shall perform the service at the rates so determined when requested to do so and under the conditions prescribed by the Postal Service.

Comprehensive
plan.

Notice.

Carload or
truckload rates.

“§ 5210. Intermodal transportation

“The Postal Service may permit a carrier to perform mail transportation by any form of transportation it deems appropriate at rates or compensation not exceeding those allowable for similar service by the designated form of transportation.

“§ 5211. Statistical studies

“The Postal Service may arrange for weighing and measuring mail transported on carrier mail routes and make other computations for statistical and administrative purposes to carry out the purposes of this chapter.

“§ 5212. Special contracts

“The Postal Service may enter into special contracts with any carrier or person, without advertising, for bids and for periods not in excess of 4 years. It may contract to pay lower rates or compensation or, where in its judgment conditions warrant, higher rates or compensation than those determined or fixed by the Commission. The fact that the Commission has not prescribed rates or compensation for the carrier involved, under section 5207 of this title, shall not preclude execution of a contract under this section. Such contracts may be negotiated only after reasonable notice has been posted in advance in post offices on the post roads to be served, and other carriers or persons have been given an opportunity to offer to negotiate for the transportation of mail.

Limitation.

“§ 5213. Carrier operations; receipts; expenditures

“The Postal Service shall request any carrier transporting the mails to furnish, under seal, such data relating to the operations, receipts, and expenditures of such carrier as may, in its judgment, be deemed necessary to enable it to ascertain the cost of mail transportation and the proper compensation to be paid for such service.

“§ 5214. Agreements with passenger common carriers by motor vehicle

“The Postal Service may enter into contracts under such terms and conditions as it shall prescribe and without advertising for bids for the transportation of mail, in passenger-carrying motor vehicles, by passenger common carriers, or by motor vehicles over the regular routes on which the carrier is permitted by law to transport passengers.

“§ 5215. Star route certification

“(a) Any person who was a contractor under a star route, mail messenger, or contract motor vehicle service contract on the effective date of this section (or successor in interest to any such person), shall, upon application to the Commission for the territory within which such contractor operated on or before the effective date of this section be issued a certificate of public convenience and necessity as a motor carrier for the transportation of mail by the Commission without the Commission's requiring further proof that the public convenience and necessity will be served by such operation and without further proceedings.

“(b) Applications of persons who were not contractors on the effective date of this section shall be decided in accordance with applicable Commission procedure.

“(c) For purposes of this section, the term ‘person’ has the same meaning given that term under section 1 of title 1.

“Person.”
62 Stat. 859.

“Chapter 54.—TRANSPORTATION OF MAIL BY AIR

“Sec.

“5401. Authorization.

“5402. Contracts for transportation of mail by air.

“5403. Fines.

“§ 5401. Authorization

“(a) The Postal Service is authorized to provide for the safe and expeditious transportation of mail by aircraft.

72 Stat. 737.

“(b) Except as otherwise provided in section 5402 of this title, the Postal Service may make such rules, regulations, and orders consistent with sections 1301–1542 of title 49, or any order, rule, or regulation made by the Civil Aeronautics Board thereunder, as may be necessary for such transportation.

“§ 5402. Contracts for transportation of mail by air

“(a) The Postal Service may contract with any certificated air carrier, without advertising for bids, in such manner and under such terms and conditions as it deems appropriate, for the transportation of mail by aircraft between any of the points between which the carrier is authorized by the Civil Aeronautics Board to engage in the transportation of mail. Such contracts shall be for the transportation of at least 750 pounds of mail per flight, and no more than 10 percent of the domestic mail transported under any such contract or 5 percent, based on weight, of the international mail transported under any such contract shall consist of letter mail. Any such contract shall be filed with the Civil Aeronautics Board not later than 90 days before its effective date. Unless the Civil Aeronautics Board shall determine otherwise (under criteria prescribed by section 1302 of title 49) not later than 10 days prior to the effective date of the contract, such contract shall become effective.

72 Stat. 756,
771.

“(b) When the Postal Service deems that the transportation of mail by aircraft is required between points between which the Civil Aeronautics Board has not authorized an air carrier or combination of air carriers to engage in the transportation of mail, it may contract with any air carrier in such manner and under such terms and conditions as it may deem appropriate for the transportation of any class or classes of mail. The transportation of mail under contracts entered into under this subsection is not, except for sections 1371(k) and 1386 (b) of title 49, air transportation within the provisions of sections 1301–1542 of title 49. The Postal Service shall cancel such contract, in whole or in respect to certain points as the certificate shall require, upon the issuance by the Civil Aeronautics Board of an authorization under sections 1371–1386 of title 49 to any air carrier to engage in the transportation of mail by aircraft between any of the points named in the contract, and the inauguration of scheduled service by such carrier.

Contract re-
newal, adjust-
ment.

Cancellation.

“(c) If the Postal Service determines that service by certificated air carriers or combination of air carriers between any pair or pairs of points is not adequate for its purposes, it may contract for a period of not more than 4 years, without advertising for bids, in such manner and under such terms and conditions as it may deem appropriate, with any air taxi operator or combination thereof for such air transportation service. Contracts made under this subsection may be renewed at the existing rate by mutual agreement between the holder and the Postal Service. The Postal Service, with the consent of the air taxi operator, may adjust the compensation under such contracts for increased or decreased costs occasioned by changed conditions occurring during the contract term. The Postal Service shall cancel such a contract when the Civil Aeronautics Board authorizes an additional cer-

tificated carrier or carriers to provide service between any pair or pairs of points covered by the contract, and such carrier or carriers inaugurate schedules adequate for its purposes.

“§ 5403. Fines

“The Postal Service may impose or remit fines on carriers transporting mail by air on routes extending beyond the borders of the United States for—

- “(1) unreasonable or unnecessary delay to mail; and
- “(2) other delinquencies in the transportation of the mail.

“Chapter 56.—TRANSPORTATION OF MAIL BY VESSEL

“Sec.

“5601. Sea post service.

“5602. Termination of contracts for foreign transportation.

“5603. Transportation of mail by vessel as freight or express.

“5604. Fines on ocean carriers.

“5605. Contracts for transportation of mail by vessel.

“§ 5601. Sea post service

“The Postal Service may maintain sea post service on ocean vessels conveying mail to and from the United States.

“§ 5602. Termination of contracts for foreign transportation

“Contracts for the transportation of mail by vessel between the United States and a foreign port shall be made subject to cancellation by the Postal Service or the Congress.

“§ 5603. Transportation of mail by vessel as freight or express

“The Postal Service may require that mail be transported by freight or express when—

- “(1) there is no competition on a water route and the rate or compensation asked is excessive; or
- “(2) no proposal is received.

A common carrier by water that fails or refuses to transport the mail when required to do so under this section shall be fined not more than \$500 for each day of refusal.

“§ 5604. Fines on ocean carriers

“The Postal Service may impose or remit fines on carriers transporting mail by vessel on routes extending beyond the borders of the United States for—

- “(1) unreasonable or unnecessary delay to the mails; and
- “(2) other delinquencies in the transportation of mail.

“§ 5605. Contracts for transportation of mail by vessel

“The Postal Service may contract for the transportation of mail by vessel without advertising for bids for periods of not in excess of 4 years.”

CONTINUATION OF EXISTING RATES AND FEES

SEC. 3. The classes of mail, the rates of postage, and fees for postal services prescribed by law or regulation made or adopted prior to the effective date of subchapter II of chapter 36 of title 39, United States Code, as enacted by section 2 of this Act, shall be in effect according to the terms of such law or regulation until changed in accordance with such subchapter.

Ante, p. 760.

TRANSITIONAL PROVISIONS

SEC. 4. (a) There are hereby transferred to the United States Postal Service all the functions, powers, and duties of the Post Office Department and the Postmaster General of the Post Office Depart-

ment, and the Post Office Department and the office of Postmaster General of the Post Office Department are abolished.

(b) Postal revenues and fees collected on and after the effective date of this section shall be considered assets of the Postal Service.

SAVING PROVISIONS

SEC. 5. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective—

(A) under any provision of law amended by this Act; or

(B) in the exercise of duties, powers, or functions which are transferred under this Act;

by (i) any department or agency, any functions of which are transferred by this Act, or (ii) any court of competent jurisdiction; and

(2) which are in effect at the time the United States Postal Service commences operations, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Postal Service (in the exercise of any authority vested in it by this Act), by any court of competent jurisdiction, or by operation of law.

(b) The provisions of this Act shall not affect any proceedings pending at the time this section takes effect before any department or agency (or component thereof), the functions of which are transferred by this Act; but such proceedings shall be continued before the Postal Service. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or repealed by the Postal Service (in the exercise of any authority vested in it by this Act), by a court of competent jurisdiction, or by operation of law.

(c) (1) Except as provided in paragraph (2) of this subsection—

(A) the provisions of this Act shall not affect suits commenced prior to the date this section takes effect; and

(B) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this Act had not been enacted.

No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any department or agency, functions of which are transferred by this Act, shall abate by reason of the enactment of this Act. No cause of action by or against any department or agency, functions of which are transferred by this Act, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act. Causes of actions, suits, actions, or other proceedings may be asserted by or against the Postal Service or such official of that Service as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this subsection.

(2) If before the date on which any provision of this Act takes effect, any department or agency, or officer thereof in his official capacity, is a party to a suit, and under this Act—

(A) such department or agency is transferred to the Postal Service; or

(B) any function of such department, agency, or officer is transferred to the Postal Service;

such suit shall be continued by the Postal Service.

(d) The amendment of any statute by this Act shall not release or extinguish any criminal prosecution, penalty, forfeiture, or liability incurred under such statute, unless the amending Act shall so expressly provide, and such statute shall be treated as still remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of such prosecution, penalty, forfeiture, or liability.

(e) With respect to any function, power, or duty transferred by this Act and exercised after the effective date of this Act, reference in any other Federal law to any department or agency, officer, or office so transferred, or functions of which are so transferred, shall be deemed to mean the officer or agency of the Postal Service in which this Act vests such function after such transfer.

(f) Provisions of title 39, United States Code, in effect immediately prior to the effective date of this section, but not reenacted by this Act, shall remain in force as rules or regulations of the Postal Service established by this Act, to the extent the Postal Service is authorized to adopt such provisions as rules or regulations, until they are revoked, amended, or revised by the Postal Service.

(g) Notwithstanding section 202 of title 39, United States Code, as enacted by section 2 of this Act, Governors of the Board of Governors of the Postal Service may be paid \$300 a day for not more than 60 days of meetings in each of the first 2 years following the effective date of such section 202.

Ante, p. 720.

TECHNICAL AMENDMENTS

SEC. 6. (a) Section 225(f) of the Act of December 16, 1967 (81 Stat. 643; 2 U.S.C. 356), is amended—

(1) by striking out the word “and” at the end of paragraph (C);

(2) by striking out the period at the end of paragraph (D) and inserting in lieu thereof “; and”; and

(3) by adding after paragraph (D) a new paragraph (E) as follows:

“(E) the Governors of the Board of Governors of the United States Postal Service appointed under section 202 of title 39, United States Code.”

(b) Subsection (d) (1) of section 19 of title 3, United States Code, is amended by striking out “Postmaster General.”

62 Stat. 677.

(c) Title 5, United States Code, is amended as follows:

(1) Section 101 is amended by striking out—

80 Stat. 378.

“The Post Office Department.”

(2) Section 104(1) is amended by inserting after “executive branch” the following: “(other than the United States Postal Service or the Postal Rate Commission)”.

(3) Section 2104 is amended—

(A) by inserting the subsection designation “(a)” before the word “For”;

(B) by inserting after “except” the following: “as otherwise provided by this section or”; and

(C) by inserting at the end thereof the following new subsection:

“(b) Except as otherwise provided by law, an officer of the United States Postal Service or of the Postal Rate Commission is deemed not an officer for purposes of this title.”

(4) Section 2105 is amended by adding at the end thereof the following new subsection:

“(e) Except as otherwise provided by law, an employee of the United States Postal Service or of the Postal Rate Commission is deemed not an employee for purposes of this title.”

Repeal.
80 Stat. 415.
81 Stat. 273.

(5) Section 3104(a) (5) is repealed.
(6) Section 3304a(a) is amended by striking out “, in the postal field service.”.

Repeal.
80 Stat. 424.

(7) (A) Section 3327 is repealed.
(B) The analysis of subchapter I of chapter 33 is amended by striking out item 3327.

Repeals.
80 Stat. 440.

(8) Section 4301(1) (ii) is repealed.
(9) Section 5102(c) (1) is repealed.
(10) Section 5303(a) (2) is repealed.
(11) The first sentence of section 5304 is amended by striking out “the provisions of part III of title 39 relating to employees in the postal field service.”.

(12) Clause (5) of section 5312 is repealed.

(13) Section 5314 is amended—

(A) by striking out clause (3); and

(B) by inserting at the end thereof the following: “(55) Chairman, Postal Rate Commission.”.

(14) Section 5315 is amended—

(A) by striking out clauses (21) and (45); and

(B) by inserting at the end thereof the following: “(93) Members, Postal Rate Commission (4).”.

Repeals.

(15) Clauses (37), (60), and (123) of section 5316 are repealed.

(16) Section 5541(2) (vi) is repealed.

(17) Section 6301(2) (ii) is amended by striking out the first comma thereof and the phrase “except an hourly employee in the postal field service.”.

(18) Section 6323 is amended—

(A) by striking out of subsections (a) and (c) the phrase “(a substitute employee in the postal field service)” wherever it appears; and

(B) by striking out subsections (b) and (d).

(19) Section 7101 is amended by striking out “postal service” and inserting in lieu thereof “United States Postal Service”.

(20) Section 8344 is amended by adding at the end thereof the following new subsection:

“(c) This section does not apply to an individual appointed to serve as a Governor of the Board of Governors of the United States Postal Service.”.

(d) Paragraph seventh of section 5136 of the Revised Statutes, as amended (12 U.S.C. 24 seventh), is amended by inserting after “nor to bonds, notes, and other obligations issued by the Tennessee Valley Authority” the words “or by the United States Postal Service”.

(e) Section 602(c) of the Act of August 7, 1956 (70 Stat. 1113), as amended (12 U.S.C. 1701d-3(c)), is further amended by striking out “section 306 of the Penalty Mail Act of 1948 (39 U.S.C. 321n)” and inserting in lieu thereof “section 3204 of title 39, United States Code”.

(f) Section 301(a) of the Housing Act of 1948 (63 Stat. 431), as amended (12 U.S.C. 1701e(a)), is further amended by striking out “39 United States Code 321n” and inserting in lieu thereof “39 United States Code 3204”.

(g) Section 8(b) of the Small Business Act, as amended by section 107 of the Act of October 11, 1967 (81 Stat. 269; 15 U.S.C. 637(b) (15)), is further amended by striking out “section 4154 of title 39, United States Code” which appears in paragraph 15 and inserting in lieu thereof “section 3204 of title 39, United States Code”.

(h) Section 2(f) of the Act of May 28, 1963 (77 Stat. 50; 16 U.S.C. 4601-1(f)), is amended by striking out “section 4154, title 39, United

80 Stat. 522;
82 Stat. 1151,
1313.

States Code", and inserting in lieu thereof "section 3204 of title 39, United States Code".

(i) Section 8 of title 17, United States Code, is amended—

76 Stat. 446.

(1) by striking out "Postmaster General" and inserting in lieu thereof "United States Postal Service"; and

(2) by striking out "section 2506 of title 39" and inserting in lieu thereof "section 405 of title 39".

(j) Title 18, United States Code, is amended as follows:

(1) The analysis of chapter 1 is amended by inserting in item 12, before "Postal" the words "United States".

(2) Section 12 is amended to read as follows:

62 Stat. 686.

"§ 12. United States Postal Service defined

"As used in this title, the term 'Postal Service' means the United States Postal Service established under title 39, and every officer and employee of that Service, whether he has taken the oath of office."

(3) Section 440 is amended by striking out "Post Office Department" and inserting in lieu thereof "Postal Service".

(4) Section 441 is amended by striking out "Post Office Department or the".

(5) The first 2 paragraphs of section 500 are amended to read as follows:

"Whoever, with intent to defraud, falsely makes, forges, counterfeits, engraves, or prints any order in imitation of or purporting to be a money order issued by the Post Office Department or Postal Service, or by any officer or employee thereof; or

"Whoever forges or counterfeits the signature of any officer or employee of the Postal Service, upon or to any money order, postal note, or blank therefor provided or issued by or under the direction of the Post Office Department or the Postal Service, or post office department or corporation of any foreign country, and payable in the United States, or any material signature or indorsement thereon, or any material signature to any receipt of certificate of identification thereof; or".

(6) The last 3 paragraphs of section 501 thereof are amended to read as follows:

Post, p. 920.

"Whoever makes or prints, or authorizes to be made or printed, any postage stamp, stamped envelope, or postal card, of the kind authorized and provided by the Post Office Department, or by the Postal Service, without the special authority and direction of the Department or Postal Service; or

"Whoever after such postage stamp, stamped envelope or postal card has been printed, with intent to defraud delivers the same to any person not authorized by an instrument in writing, duly executed under the hand of the Postmaster General and the seal of the Post Office Department or the Postal Service, to receive it—

"Shall be fined not more than \$500 or imprisoned not more than five years, or both."

(7) Sections 612 and 876 are amended by striking out the phrase "Post Office Department" wherever it appears and inserting in lieu thereof "Postal Service".

64 Stat. 475.
62 Stat. 741.

(8) Section 877 is amended by striking out the phrase "Post Office Department of the United States" wherever it appears and inserting in lieu thereof "Postal Service".

(9) Section 1114 is amended by striking out "postal inspector, any postmaster, officer, or employee in the field service of the Post Office Department" and inserting in lieu thereof "officer or employee of the Postal Service".

65 Stat. 721;
82 Stat. 611.

62 Stat. 763.
18 USC 1303.

(10) Section 1303 is amended by striking out "a postmaster or other person employed in" and inserting in lieu thereof "an officer or employee of".

(11) Section 1341 is amended by striking out "Post Office Department" and inserting in lieu thereof "Postal Service".

(12) Section 1342 is amended by striking out "Post Office Department of the United States" and inserting in lieu thereof "Postal Service".

(13) Section 1463 is amended by striking out "Postmaster General" in section 1463 and inserting in lieu thereof "Postal Service".

(14) Section 1696(c) is amended by striking out "section 500 of title 39" and inserting in lieu thereof "section 601 of title 39".

66 Stat. 325.

(15) Section 1699 is amended by striking out "Postmaster General" wherever appearing therein and inserting in lieu thereof "Postal Service".

62 Stat. 778.

(16) (A) Subsection (a) of section 1703 is amended to read as follows:

"(a) Whoever, being a Postal Service officer or employee, unlawfully secretes, destroys, detains, delays, or opens any letter, postal card, package, bag, or mail entrusted to him or which shall come into his possession, and which was intended to be conveyed by mail, or carried or delivered by any carrier or other employee of the Postal Service, or forwarded through or delivered from any post office or station thereof established by authority of the Postmaster General or the Postal Service, shall be fined not more than \$500 or imprisoned not more than five years, or both."

(B) Subsection (b) of section 1703 is amended by striking out the phrase "postmaster or Postal Service employee" wherever it appears and inserting in lieu thereof "Postal Service officer or employee".

(17) Section 1704 is amended by inserting "or the Postal Service" after the words "Post Office Department" wherever they appear.

(18) Section 1707 is amended by striking out "Post Office Department" and inserting in lieu thereof "Postal Service".

(19) (A) Section 1709 is amended to read as follows:

"§ 1709. Theft of mail matter by officer or employee

"Whoever, being a Postal Service officer or employee, embezzles any letter, postal card, package, bag, or mail, or any article or thing contained therein entrusted to him or which comes into his possession intended to be conveyed by mail, or carried or delivered by any carrier, messenger, agent, or other person employed in any department of the Postal Service, or forwarded through or delivered from any post office or station thereof established by authority of the Postmaster General or of the Postal Service; or steals, abstracts, or removes from any such letter, package, bag, or mail, any article or thing contained therein, shall be fined not more than \$2,000 or imprisoned not more than five years, or both."

(B) The analysis of chapter 83 is amended by striking out—

"1709. Theft of mail matter by postmaster or employee."

and inserting in lieu thereof—

"1709. Theft of mail matter by officer or employee."

(20) Section 1710 is amended by striking out "postmaster or Postal Service employee" and inserting in lieu thereof "Postal Service officer or employee".

(21) Section 1711 is amended—

(A) by striking out the phrase "postmaster or Postal Service employee" and inserting in lieu thereof "Postal Service officer or employee";

(B) by striking out "Post Office Department" and inserting in lieu thereof "Postal Service";

(C) by striking out "postmaster" wherever it appears in the second paragraph and inserting in lieu thereof "Postal Service officer or employee"; and

(D) by striking out "Postmaster General" wherever appearing in section 1711, and inserting in lieu thereof "Postal Service".

62 Stat. 780.
18 USC 1711.

(22) Section 1712 is amended—

(A) by striking out the phrase "postmaster or Postal Service employee" and inserting in lieu thereof "Postal Service officer or employee";

(B) by striking out "Post Office Department" and inserting in lieu thereof "Postal Service";

(C) by striking out "postmaster or employee" in the second paragraph and inserting in lieu thereof "Postal Service officer or employee"; and

(D) by striking out "postmaster or other person" in the second paragraph and inserting in lieu thereof "officer or employee".

(23) Section 1713 is amended by striking out "a postmaster or other person employed in any branch of the Postal Service" and inserting in lieu thereof "an officer or employee of the Postal Service".

(24) Section 1715 is amended—

(A) by striking out "Postmaster General" wherever appearing therein and inserting in lieu thereof "Postal Service"; and

(B) by striking out "postmaster, letter carrier, or other person in" and inserting in lieu thereof "officer or employee of".

(25) (A) The second, third, and fourth paragraphs of section 1716 are amended to read as follows:

66 Stat. 67.

"The Postal Service may permit the transmission in the mails, under such rules and regulations as it shall prescribe as to preparation and packing, of any such articles which are not outwardly or of their own force dangerous or injurious to life, health, or property.

"The Postal Service is authorized and directed to permit the transmission in the mails, under regulations to be prescribed by it, of live scorpions which are to be used for purposes of medical research or for the manufacture of antivenom. Such regulations shall include such provisions with respect to the packaging of such live scorpions for transmission in the mails as the Postal Service deems necessary or desirable for the protection of Postal Service personnel and of the public generally and for ease of handling by such personnel and by any individual connected with such research or manufacture. Nothing contained in this paragraph shall be construed to authorize the transmission in the mails of live scorpions by means of aircraft engaged in the carriage of passengers for compensation or hire.

Live scorpions,
mailing.

"The transmission in the mails of poisonous drugs and medicines may be limited by the Postal Service to shipments of such articles from the manufacturer thereof or dealer therein to licensed physicians, surgeons, dentists, pharmacists, druggists, cosmetologists, barbers, and veterinarians under such rules and regulations as it shall prescribe."

(B) Section 1716 is amended—

(i) by striking out "Postmaster General" wherever else appearing therein and inserting in lieu thereof "Postal Service";

(ii) by striking out "letter carrier" in the first paragraph and inserting in lieu thereof "officer or employee of the Postal Service"; and

(iii) by striking out "postmaster, letter carrier, or other person in the postal service" in the seventh paragraph and inserting in lieu thereof "officer or employee of the Postal Service".

72 Stat. 562.

82 Stat. 997.
18 USC 1716A.

62 Stat. 782.

(26) Section 1716A is amended by striking out "section 4010" and inserting in lieu thereof "section 3002".

(27) Section 1717(b) is amended by striking out "of the United States".

(28) Section 1718 is amended by striking out "Postmaster General" and inserting in lieu thereof "Postal Service".

70 Stat. 784.

(29) Section 1721 is amended—

(A) by striking out "postmaster or postal service employee" and inserting in lieu thereof "Postal Service officer or employee";

(B) by striking out the phrase "Post Office Department" wherever it appears and inserting in lieu thereof "Postal Service";

(C) by striking out "postmaster or other person" and inserting in lieu thereof "officer or employee"; and

(D) by striking out "the postmaster or any employee of a post office or station or branch thereof" and inserting in lieu thereof "any such officer or employee".

62 Stat. 783.

(30) Section 1722 is amended by striking out "any postmaster or to the Post Office Department or any officer of the Postal Service" and inserting in lieu thereof "the Postal Service or to any officer or employee of the Postal Service".

(31) Section 1723 is amended by striking out "the Postmaster General" and inserting in lieu thereof "a duly authorized officer of the Postal Service".

(32) Section 1724 is amended to read as follows:

"§ 1724. Postage on mail delivered by foreign vessels

"Except as otherwise provided by treaty or convention the Postal Service may require the transportation by any steamship of mail between the United States and any foreign port at the compensation fixed under authority of law. Upon refusal by the master or the commander of such steamship or vessel to accept the mail, when tendered by the Postal Service or its representative, the collector or other officer of the port empowered to grant clearance, on notice of the refusal aforesaid, shall withhold clearance, until the collector or other officer of the port is informed by the Postal Service or its representative that the master or commander of the steamship or vessel has accepted the mail or that conveyance by his steamship or vessel is no longer required by the Postal Service".

(33) Section 1725 is amended by striking out "Postmaster General" and inserting in lieu thereof "Postal Service".

82 Stat. 396.

(34) Section 1729 is amended by striking out "Postmaster General" and inserting in lieu thereof "Postal Service".

74 Stat. 705.

(35) Section 1730 is amended by striking out "Postmaster General" and inserting in lieu thereof "Postal Service".

(36) (A) Section 1733 is amended to read as follows:

"§ 1733. Mailing periodical publications without prepayment of postage

"Whoever, except as permitted by law, knowingly mails any periodical publication without the prepayment of postage, or, being an officer or employee of the Postal Service, knowingly permits any periodical publication to be mailed without prepayment of postage, shall be fined not more than \$1,000, or imprisoned not more than one year, or both."

(B) The analysis of chapter 83 is amended by striking out—

"1733. Affidavits relating to second-class mail."

and inserting in lieu thereof—

"1733. Mailing periodical publications without prepayment of postage."

(37) (A) Chapter 83 is further amended by adding at the end thereof the following new sections:

62 Stat. 776;
74 Stat. 705,
706.
18 USC 1691-
1734.

“§ 1735. Sexually oriented advertisements

“(a) Whoever—

“(1) willfully uses the mails for the mailing, carriage in the mails, or delivery of any sexually oriented advertisement in violation of section 3010 of title 39, or willfully violates any regulations of the Board of Governors issued under such section; or

Ante, p. 749.

“(2) sells, leases, rents, lends, exchanges, or licenses the use of, or, except for the purpose expressly authorized by section 3010 of title 39, uses a mailing list maintained by the Board of Governors under such section;

shall be fined not more than \$5,000 or imprisoned not more than five years, or both, for the first offense, and shall be fined not more than \$10,000 or imprisoned not more than ten years, or both, for any second or subsequent offense.

“(b) For the purposes of this section, the term ‘sexually oriented advertisement’ shall have the same meaning as given it in section 3010(d) of title 39.

“§ 1736. Restrictive use of information

“(a) No information or evidence obtained by reason of compliance by a natural person with any provision of section 3010 of title 39, or regulations issued thereunder, shall, except as provided in subsection (c) of this section, be used, directly or indirectly, as evidence against that person in a criminal proceeding.

“(b) The fact of the performance of any act by an individual in compliance with any provision of section 3010 of title 39, or regulations issued thereunder, shall not be deemed the admission of any fact, or otherwise be used, directly or indirectly, as evidence against that person in a criminal proceeding, except as provided in subsection (c) of this section.

“(c) Subsections (a) and (b) of this section shall not preclude the use of any such information or evidence in a prosecution or other action under any applicable provision of law with respect to the furnishing of false information.

“§ 1737. Manufacturer of sexually related mail matter

“(a) Whoever shall print, reproduce, or manufacture any sexually related mail matter, intending or knowing that such matter will be deposited for mailing or delivery by mail in violation of section 3008 or 3010 of title 39, or in violation of any regulation of the Postal Service issued under such section, shall be fined not more than \$5,000 or imprisoned not more than five years, or both, for the first offense, and shall be fined not more than \$10,000 or imprisoned not more than ten years, or both, for any second or subsequent offense.

“(b) As used in this section, the term ‘sexually related mail matter’ means any matter which is within the scope of section 3008(a) or 3010(d) of title 39.”.

(B) The table of contents of such chapter is amended by adding at the end thereof the following new items:

“1735. Sexually oriented advertisements.

“1736. Restrictive use of information.

“1737. Manufacturer of sexually related mail matter.”.

(38) (A) Section 3061 is amended—

82 Stat. 998.

(i) by striking out the section heading and inserting in lieu thereof the following:

"§ 3061. Powers of postal personnel";

(ii) by striking out of subsection (a) the words "postal inspectors may, to the extent authorized by the Postmaster General—" and inserting in lieu thereof "officers and employees of the Postal Service performing duties related to the inspection of postal matters may, to the extent authorized by the Board of Governors—"; and

(iii) by striking out of subsection (b) the words "postal service" and inserting in lieu thereof "Postal Service, including property of the Postal Service,".

(B) The analysis of chapter 203 is amended by striking out—

"3061. Powers of postal inspectors."

and inserting in lieu thereof—

"3061. Powers of postal personnel."

(k) Section 1(d) of the Act of June 8, 1938 (52 Stat. 631), as amended (56 Stat. 250; 22 U.S.C. 611(d)), is further amended by striking out "file with the Postmaster General a sworn statement in compliance with section 2 of the Act of August 24, 1912 (37 Stat. 553), as amended", and inserting in lieu thereof, "file with the United States Postal Service information in compliance with section 3611 of title 39, United States Code".

Repeals.

(1) (1) The sixth subdivision of section 7 of the Act of July 31, 1894 (28 Stat. 206; 31 U.S.C. 72 Fifth), and the second proviso of section 10 of the Act of August 24, 1912 (37 Stat. 559; 31 U.S.C. 72 Fifth) are repealed.

(2) Section 1 of the Act of March 6, 1946 (60 Stat. 31), as amended (31 U.S.C. 129), is further amended by inserting after "Postmaster General," the following: "the United States Postal Service,".

70 Stat. 694;
75 Stat. 416.

(3) Section 1302 of the Act of July 27, 1956, as amended (31 U.S.C. 724a), is further amended by adding the following sentence thereto: "Notwithstanding the other provisions of this section, judgments against the United States arising out of activities of the United States Postal Service shall be paid by the Postal Service out of any funds available to it.".

Repeal.

(4) Section 1 of the Act of September 30, 1890 (26 Stat. 511; 31 U.S.C. 1028) is hereby repealed.

(m) (1) Section 411(f) of the Public Buildings Act of 1949, as amended (68 Stat. 520; 40 U.S.C. 356(f)), is further amended by striking out in the third proviso "section 205 of the Post Office Department Property Act of 1954" and inserting in lieu thereof "section 2003 of title 39, United States Code".

79 Stat. 1303.

(2) Item (15) of section 602(d) of the Act of June 30, 1949 (63 Stat. 401), as amended (40 U.S.C. 474(15)) is further amended to read as follows:

"(15) The United States Postal Service;".

(3) Section 16 of the Act of September 9, 1959 (73 Stat. 483; 40 U.S.C. 615) is amended to read as follows:

"Sec. 16. Nothing in this Act shall be construed to limit or repeal—

"(1) existing authorizations for the leasing of buildings by and for the General Services Administration; or

"(2) the authority conferred by law on the United States Postal Service.".

(4) The third proviso of section 3 of the Act of August 10, 1939 (50 Stat. 479), as amended (40 U.S.C. 723), is further amended by striking out "insofar as such loss, destruction, or damage may be adjusted by the Postmaster General under the provisions of the Act of March 17, 1882, as amended (U.S.C. 1934 edition, title 39, sec. 49)", and inserting in lieu thereof the following: "insofar as such loss, destruction, or

damage relates to property of the United States Postal Service chargeable to its officers or employees”.

(5) Section 3a of the Government Losses in Shipment Act as added by section 2 of the Act of August 10, 1939 (53 Stat. 1358; 40 U.S.C. 724), is amended (A) by striking out the colon immediately preceding the proviso and inserting a period in lieu thereof; and (B) by striking out the proviso.

(n) Section 602(i) of the Act of August 20, 1964 (78 Stat. 529; 42 U.S.C. 2942(i)), is amended by striking out “section 4154 of title 39, United States Code” and inserting in lieu thereof “section 3204 of title 39, United States Code”.

(o) Whenever any reference is made in any provision of law (other than this Act or a provision of law amended by this Act), regulation, rule, record, or document to the Post Office Department, the Postal Service, the postal field service, the field postal service, or the departmental service or departmental headquarters of the Post Office Department, such reference shall be considered a reference to the United States Postal Service. Any reference to any officer or employee of the Post Office Department, the Postal Service, the postal field service, the field postal service, or the departmental service or departmental headquarters of the Post Office Department shall be deemed a reference to the appropriate officer or employee of the United States Postal Service.

(p) Whenever reference is made in any provision of law (other than this Act or provision of law amended by this Act), regulation, rule, record, or document to a postal inspector or chief postal inspector of the Post Office Department, such reference shall be deemed to be a reference to the appropriate officer or employee of the United States Postal Service who performs duties related to the inspection of postal matters.

(q) Whenever reference is made in any law to title 39, United States Code, or provision of that title, as such title or provision existed prior to the effective date of this section, that reference shall be considered a reference to the appropriate provision of title 39, as amended by section 2 of this Act, unless no such provision is included therein.

STUDY OF PRIVATE CARRIAGE OF MAIL

SEC. 7. The Congress finds that advances in communications technology, data processing, and the needs of mail users require a complete study and thorough reevaluation of the restrictions on the private carriage of letters and packets contained in chapter 6 of title 39, United States Code (as enacted by section 2 of this Act), and sections 1694–1696 of title 18, United States Code, and the regulations established and administered under these laws. The Board of Governors of the United States Postal Service shall submit to the President and the Congress within 2 years after the effective date of this section a report and recommendation for the modernization of these provisions of law, and such regulations and administrative practices.

Ante, p. 727.
62 Stat. 776.
Reports to
President and
Congress.

TRANSFER OF POST OFFICE DEPARTMENT PERSONNEL

SEC. 8. Officers and employees of the Post Office Department shall become officers and employees of the United States Postal Service on the effective date of this section. The provisions of this section shall not apply to persons occupying the positions of Postmaster General, Deputy Postmaster General, Assistant Postmasters General, General Counsel, or Judicial Officer. This section shall not be construed, however, to prohibit the appointment of such persons to positions in the Postal Service.

COMPENSATION OF EMPLOYEES

SEC. 9. (a) The Postmaster General, under regulations made by him, shall increase the rates of basic pay or compensation of employees in the Post Office Department so that such rates will equal, as nearly as practicable, 108 percent of the rates of basic pay or compensation in effect immediately prior to the date of enactment of this Act. Such increases shall take effect on the first day of the first pay period which begins on or after April 16, 1970.

Retroactive
compensation.

(b) Retroactive pay, compensation, or salary shall be paid by reason of this Act only in the case of an individual in the service of the United States (including service in the Armed Forces of the United States) on the date of enactment of this Act, except that such retroactive pay, compensation, or salary shall be paid—

(1) to an officer or employee who retired, during the period beginning on the first day of the first pay period which began on or after April 16, 1970, and ending on the date of enactment of this Act, for services rendered during such period; and

80 Stat. 495;
82 Stat. 1212.
5 USC 5581.

(2) in accordance with subchapter VIII of chapter 55 of title 5, United States Code, relating to settlement of accounts, for services rendered, during the period beginning on the first day of the first pay period which began on or after April 16, 1970, and ending on the date of enactment of this Act, by an officer or employee who died during such period.

80 Stat. 564;
83 Stat. 136.
5 USC 8331.

Such retroactive pay, compensation, or salary shall not be considered as basic pay for the purposes of subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, or any other retirement law or retirement system, in the case of any such retired or deceased officer or employee.

(c) For the purposes of this section, service in the Armed Forces of the United States, in the case of an individual relieved from training and service in the Armed Forces of the United States or discharged from hospitalization following such training and service, shall include the period provided by law for the mandatory restoration of such individual to a position in or under the Government of the United States.

80 Stat. 592;
81 Stat. 219,
646.
5 USC 8701.

(d) For purposes of determining the amount of insurance for which an individual is eligible under chapter 87 of title 5, United States Code, relating to group life insurance for Government employees, all changes in rates of pay, compensation, and salary which result from the enactment of this section shall be held and considered to become effective as of the date of such enactment.

Ante, p. 198-1.

(e) No rate of basic pay or compensation, in excess of the rate of basic pay for GS-18 of the General Schedule in section 5332 of title 5, United States Code, shall be paid by reason of the enactment of this section.

LABOR AGREEMENTS

SEC. 10. (a) As soon as practicable after the enactment of this Act, the Postmaster General and the labor organizations which as of the effective date of this section hold national exclusive recognition rights granted by the Post Office Department, shall negotiate an agreement or agreements covering wages, hours, and working conditions of the employees represented by such labor organizations. The parties shall commence bargaining for such agreement or agreements not later than 30 days following delivery of a written request therefor by a labor organization to the Postmaster General or by the Postmaster

General to a labor organization. Any agreement made pursuant to this section shall continue in force after the commencement of operations of the United States Postal Service in the same manner and to the same extent as if entered into between the Postal Service and recognized collective-bargaining representatives under chapter 12 of title 39, United States Code.

Ante, p. 733.

(b) Any agreement negotiated under this section shall establish a new wage schedule whereunder postal employees will reach the maximum pay step for their respective labor grades after not more than 8 years of satisfactory service in such grades. The agreements shall provide that where an employee had sufficient satisfactory service in the pay step he occupied on the effective date of this section to have qualified for advancement to the next highest pay step under the new wage schedule, had such schedule been in effect throughout the period of such service, the employee shall be advanced to such next highest pay step in the new schedule on the effective date of the new schedule.

(c) An agreement made under this section shall become effective at any time after the commencement of bargaining, in accordance with the terms thereof. The Postmaster General shall establish wages, hours, and working conditions in accordance with the terms of any agreement or agreements made under this section notwithstanding the provisions of any law other than title 39.

(d) If the parties fail to reach agreement within 90 days of the commencement of collective bargaining, a fact-finding panel will be established in accordance with the terms of section 1207(b) of title 39, United States Code, unless the parties have previously agreed to another procedure for a binding resolution of their differences. If the parties fail to reach agreement within 180 days of the commencement of collective bargaining, and if they have not agreed to another procedure for binding resolution, an arbitration board shall be established to provide conclusive and binding arbitration in accordance with the terms of section 1207(c) of such title.

Ante, p. 735.

(e) Agreements made pursuant to this section and expenditures made under such agreements shall not be subject to the provisions of section 3679 of the Revised Statutes, as amended (31 U.S.C. 665).

(f) For the purposes of this section, references to title 39 and sections of title 39 are references to title 39, United States Code, as enacted by section 2 of this Act.

SEPARABILITY AND LEGISLATIVE CONSTRUCTION

SEC. 11. (a) If a part of title 39, United States Code, as enacted by section 2 of this Act, is held invalid, the remainder of such title shall not be affected thereby; and if any other part of this Act is held to be invalid, the remainder of the Act shall not be affected thereby.

(b) An inference of a legislative construction is not to be drawn by reason of a chapter in title 39, United States Code, as enacted by section 2 of this Act, in which a section is placed nor by reason of the caption or catchline.

TRANSITIONAL EXPENSES

SEC. 12. Expenses of the United States Postal Service and the Postal Rate Commission, established under section 2 of this Act, from the date of enactment of this Act until the date of commencement of operations of the Postal Service and the Commission, shall be deemed to be necessary expenses of the administration of the Post Office Department as now constituted.

APPOINTMENT OF POSTMASTERS AND OTHER EMPLOYEES ON MERIT BASIS

Ante, p. 728.

SEC. 13. (a) Between the date of enactment of this Act and the date on which the Board of Governors of the United States Postal Service determines that section 1001 of title 39, United States Code (as enacted by section 2 of this Act), is effective, the Postmaster General shall appoint postmasters at offices of all classes in the competitive civil service by one of the three following methods which shall be applied in the following order of precedence:

(1) by selection of a qualified employee serving at the post office where the vacancy occurs, including an acting postmaster who was serving on January 1, 1969, who shall acquire a competitive status upon being appointed postmaster;

(2) if no qualified employee serving at the post office where the vacancy occurs is available for, and willing to accept, appointment by the method described in subparagraph (1), by selection of a qualified employee serving in the postal field service; or

(3) if no qualified employee is available for, and willing to accept, appointment by the methods described in subparagraph (1) or (2), by competitive examination in accordance with the provisions of title 5, United States Code, governing appointments in the competitive service.

80 Stat. 417.
5 USC 3301
et seq.

Enactment of this subsection shall not affect the status or tenure of postmasters in office on the date of enactment of this Act.

Political test,
prohibition.

(b) (1) In the selection, appointment, and promotion of employees of the Post Office Department between the date of enactment of this Act and the date on which the Board of Governors of the Postal Service determines that former section 3311 of title 39, United States Code, is no longer effective, no political test or qualification shall be permitted or given consideration, and all such personnel actions shall be taken on the basis of merit and fitness. Any officer or employee of the Post Office Department who violates this subsection shall be removed from office or otherwise disciplined in accordance with procedures for disciplinary action established pursuant to law.

74 Stat. 610.

Exception.

(2) This subsection does not apply to the selection and appointment of officers whose appointment is vested in the President, by and with the advice and consent of the Senate, or to the selection, appointment, or promotion to a position designated by the Civil Service Commission as a position of a confidential or policy-determining character or as a position to be filled by a noncareer executive assignment.

INVASION OF PRIVACY BY MAILING OF SEXUALLY ORIENTED
ADVERTISEMENTS

SEC. 14. (a) The Congress finds—

(1) that the United States mails are being used for the indiscriminate dissemination of advertising matter so designed and so presented as to exploit sexual sensationalism for commercial gain;

(2) that such matter is profoundly shocking and offensive to many persons who receive it, unsolicited, through the mails;

(3) that such use of the mails constitutes a serious threat to the dignity and sanctity of the American home and subjects many persons to an unconscionable and unwarranted intrusion upon their fundamental personal right to privacy;

(4) that such use of the mail reduces the ability of responsible parents to protect their minor children from exposure to material which they as parents believe to be harmful to the normal and healthy ethical, mental, and social development of their children; and

(5) that the traffic in such offensive advertisements is so large that individual citizens will be helpless to protect their privacy or their families without stronger and more effective Federal controls over the mailing of such matter.

(b) On the basis of such findings, the Congress determines that it is contrary to the public policy of the United States for the facilities and services of the United States Postal Service to be used for the distribution of such materials to persons who do not want their privacy invaded in this manner or to persons who wish to protect their minor children from exposure to such material.

EFFECTIVE DATES

SEC. 15. (a) Except as provided in subsection (b) of this section, this section and sections 9 through 13 of this Act, and sections 202, 203, 205 (b) and (c), 206, and 401(2), and subchapter I of chapter 36 of title 39, United States Code, as enacted by section 2 of this Act, shall become effective on the date of enactment of this Act. Except as otherwise provided in this Act, the other provisions of this Act shall become effective within 1 year after the enactment of this Act on the date or dates established therefor by the Board of Governors and published by it in the Federal Register. References to the Postal Service in any provision of this Act (other than a provision referred to in the first sentence of this subsection) which becomes effective before the Postal Service commences operations shall be held and considered to refer to the Post Office Department until the Postal Service commences operations.

(b) Sections 3010 and 3011 of title 39, United States Code, as enacted by section 2 of this Act, and sections 1735, 1736, and 1737 of title 18, United States Code, as enacted by section 6(j) of this Act, shall become effective on the first day of the sixth month which begins after the date of enactment of this Act.

Approved August 12, 1970.

Ante, pp. 784,
720, 722, 758.

Publication in
Federal Register.

Ante, p. 749.

Ante, p. 781.

Public Law 91-376

AN ACT

To amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes.

August 12, 1970
[S. 3348]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 214 of title 38, United States Code, is amended—

(1) by striking out “\$23” in subsection (a) and inserting in lieu thereof “\$25”;

(2) by striking out “\$43” in subsection (b) and inserting in lieu thereof “\$46”;

(3) by striking out “\$65” in subsection (c) and inserting in lieu thereof “\$70”;

(4) by striking out “\$89” in subsection (d) and inserting in lieu thereof “\$96”;

(5) by striking out “\$122” in subsection (e) and inserting in lieu thereof “\$135”;

(6) by striking out “\$147” in subsection (f) and inserting in lieu thereof “\$163”;

Veterans.
Disability
compensation,
increase.
82 Stat. 808.

(7) by striking out "\$174" in subsection (g) and inserting in lieu thereof "\$193";

(8) by striking out "\$201" in subsection (h) and inserting in lieu thereof "\$223";

(9) by striking out "\$226" in subsection (i) and inserting in lieu thereof "\$250";

(10) by striking out "\$400" in subsection (j) and inserting in lieu thereof "\$450";

(11) by striking out "\$500" and "\$700" in subsection (k) and inserting in lieu thereof "\$560" and "\$784", respectively;

(12) by striking out "\$500" in subsection (l) and inserting in lieu thereof "\$560";

(13) by striking out "\$550" in subsection (m) and inserting in lieu thereof "\$616";

(14) by striking out "\$625" in subsection (n) and inserting in lieu thereof "\$700";

(15) by striking out "\$700" in subsections (o) and (p) and inserting in lieu thereof "\$784";

(16) by striking out "\$300" in subsection (r) and inserting in lieu thereof "\$336"; and

(17) by striking out "\$450" in subsection (s) and inserting in lieu thereof "\$504".

(b) The Administrator of Veterans' Affairs may adjust administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 2. Section 315(1) of title 38, United States Code, is amended—

(1) by striking out "\$25" in subparagraph (A) and inserting in lieu thereof "\$28";

(2) by striking out "\$43" in subparagraph (B) and inserting in lieu thereof "\$48";

(3) by striking out "\$55" in subparagraph (C) and inserting in lieu thereof "\$61";

(4) by striking out "\$68" and "\$13" in subparagraph (D) and inserting in lieu thereof "\$75" and "\$14", respectively;

(5) by striking out "\$17" in subparagraph (E) and inserting in lieu thereof "\$19";

(6) by striking out "\$30" in subparagraph (F) and inserting in lieu thereof "\$33";

(7) by striking out "\$43" and "\$13" in subparagraph (G) and inserting in lieu thereof "\$48" and "\$14", respectively;

(8) by striking out "\$21" in subparagraph (H) and inserting in lieu thereof "\$23"; and

(9) by striking out "\$40" in subparagraph (I) and inserting in lieu thereof "\$44".

SEC. 3. (a) Section 312 of title 38, United States Code, is amended by striking out "For" at the beginning of such section and inserting in lieu thereof "(a) For"; and by adding the following new subsections:

"(b) For the purposes of subsection (c) of this section, any veteran who, while serving in the active military, naval, or air service, was held as a prisoner of war for not less than six months by the Imperial Japanese Government or the German Government during World War II, by the Government of North Korea during the Ko-

Rate adjustments.

72 Stat. 1263.
38 USC prec.
101 note.
38 USC 301.
Additional
compensation for
dependents.
79 Stat. 1154.

Certain diseases and disabilities, presumptions.

rean conflict, or by the Government of North Korea, the Government of North Vietnam or the Viet Cong forces during the Vietnam era, or by their respective agents, shall be deemed to have suffered from dietary deficiencies, forced labor, or inhumane treatment in violation of the terms of the Geneva Conventions of July 27, 1929, and August 12, 1949.

47 Stat. 2021.
6 UST 3316.

“(c) For the purposes of section 310 of this title and subject to the provisions of section 313 of this title, in the case of any veteran who, while serving in the active military, naval, or air service and while held as a prisoner of war by an enemy government, or its agents during World War II, the Korean conflict, or the Vietnam era, suffered from dietary deficiencies, forced labor, or inhumane treatment (in violation of the terms of the Geneva Conventions of July 27, 1929, and August 12, 1949), the disease of—

72 Stat. 1119.

- “(1) Avitaminosis,
- Beriberi (including beriberi heart disease),
- Chronic dysentery,
- Helminthiasis,
- Malnutrition (including optic atrophy associated with malnutrition),
- Pellagra, or
- Any other nutritional deficiency,

which became manifest to a degree of 10 per centum or more after such service; or

- “(2) Psychosis which became manifest to a degree of 10 per centum or more within two years from the date of separation from such service;

shall be considered to have been incurred in or aggravated by such service, notwithstanding that there is no record of such disease during the period of service.”

(b) The catchline of section 312 of such title is amended to read as follows:

“§ 312. Presumptions relating to certain diseases and disabilities”

(c) The table of sections at the beginning of chapter 11 of such title is amended by striking out

“312. Presumptions relating to certain diseases.”

and inserting in lieu thereof the following:

“312. Presumptions relating to certain diseases and disabilities.”

SEC. 4. Subsection (d) of section 103 of title 38, United States Code, is amended by inserting “(1)” immediately after “(d)” and by adding at the end thereof the following:

Widows, marital
state, benefit
provisions.
72 Stat. 1109;
76 Stat. 558.

“(2) The remarriage of the widow of a veteran shall not bar the furnishing of benefits to her as the widow of the veteran if the remarriage has been terminated by death or has been dissolved by a court with basic authority to render divorce decrees unless the Veterans' Administration determines that the divorce was secured through fraud by the widow or collusion.

“(3) If a widow ceases living with another man and holding herself out openly to the public as his wife, the bar to granting her benefits as the widow of the veteran shall not apply.”

SEC. 5. (a) If a widow terminates a relationship or conduct which resulted in imposition of a prior restriction on payment of benefits, in the nature of inference or presumption of remarriage, or relating to open and notorious adulterous cohabitation or similar conduct, she shall

Denial of bene-
fits, exception.

not be denied any benefits by the Veterans' Administration, other than insurance, solely because of such prior relationship or conduct.

Effective date.

(b) The effective date of an award of benefits resulting from enactment of subsection (a) of this section shall not be earlier than the date of receipt of application therefor, filed after termination of the particular relationship or conduct and after December 31, 1970.

Duplication,
prohibition.
72 Stat. 1230.

SEC. 6. Subsection (b) of section 3104 of title 38, United States Code, is amended by striking out "paragraph (2)" in paragraph (1) thereof and inserting in lieu thereof "paragraphs (2) and (3)", and by adding at the end thereof the following new paragraph:

"(3) Benefits other than insurance under laws administered by the Veterans' Administration may not be paid to any person by reason of the death of more than one person to whom he or she was married; however, the person may elect one or more times to receive benefits by reason of the death of any one spouse."

Awards, effective dates.
76 Stat. 948.

SEC. 7. Section 3010 of title 38, United States Code, is amended by adding at the end thereof the following new subsections:

"(1) The effective date of an award of benefits to a widow based upon termination of a remarriage by death or divorce shall be the date of death or the date the judicial decree or divorce becomes final, if an application therefor is received within one year from such termination.

"(m) The effective date of an award of benefits to a widow based upon termination of actions described in subsection 103(d)(3) of this title shall not be earlier than the date of receipt of application therefor filed after termination of such actions and after December 31, 1970."

Supra.

Decisions by
Administrator.
72 Stat. 1115.

SEC. 8. (a) Subsection 211(a) of title 38, United States Code, is amended to read as follows:

79 Stat. 886.
38 USC 1801-
1827.

"(a) On and after October 17, 1940, except as provided in sections 775, 784, and as to matters arising under chapter 37 of this title, the decisions of the Administrator on any question of law or fact under any law administered by the Veterans' Administration providing benefits for veterans and their dependents or survivors shall be final and conclusive and no other official or any court of the United States shall have power or jurisdiction to review any such decision by an action in the nature of mandamus or otherwise."

72 Stat. 1229.
38 USC 3101-
3110.

(b) Chapter 53 of title 38, United States Code, is amended by adding at the end the following:

"§ 3111. Prohibition of certain benefit payments

"There shall be no payment of dependency and indemnity compensation, death compensation, or death pension which, because of a widow's relationship with another man before enactment of Public Law 87-674, would not have been payable by the Veterans' Administration under the standard for determining remarriage applied by that agency before said enactment."

76 Stat. 558.

(c) The analysis of such chapter 53 is amended by adding at the end the following:

"§ 3111. Prohibition of certain benefit payments."

Effective
dates.

SEC. 9. The first two sections of this Act take effect July 1, 1970. Sections 4, 5, 6, and 7 take effect January 1, 1971.

Approved August 12, 1970.

Public Law 91-377

AN ACT

To amend the Railroad Retirement Act of 1937 to provide a temporary 15 per centum increase in annuities, to change for a temporary period the method of computing interest on investments of the railroad retirement accounts, and for other purposes.

August 12, 1970
[H. R. 15733]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That section 3(a) of the Railroad Retirement Act of 1937 is amended by inserting at the end thereof the following paragraph:

“(3) The annuity computed under paragraphs (1) and (2) of this subsection and that part of subsection (e) of this section which precedes the first proviso shall be increased by 15 per centum but not by more than \$50. If the individual entitled to such annuity is also entitled to a benefit for the same month under title II of the Social Security Act, there shall be offset against the increase herein provided for any amount by which such individual’s social security benefit was increased by the Social Security Amendments of 1969, but in no case shall such offset operate to reduce the increase below \$10.”

SEC. 2. (a) Section 2(e) of the Railroad Retirement Act of 1937 is amended by inserting “without regard to section 3(a) (3) of this Act” after “of such individual’s annuity” and by inserting “as in effect before 1970” after “or pension” and by inserting at the end thereof the following paragraph:

“The spouse’s annuity computed under other provisions of this section shall be increased by 15 per centum but not by more than \$25. If the individual entitled to such annuity is also entitled to a benefit for the same month under title II of the Social Security Act, there shall be offset against the increase herein provided for any amount by which such individual’s social security benefit was increased by the Social Security Amendments of 1969, but in no case shall such offset operate to reduce the increase below \$5. The two preceding sentences shall not operate to increase the annuity to an amount in excess of the maximum amount of a spouse’s annuity as provided in the first sentence of this subsection.”

(b) Section 2(i) of the Railroad Retirement Act of 1937 is amended by inserting “without regard to the last paragraph of such subsection (e)” after “subsections (e) and (h) of this section”.

SEC. 3. Section 5 of the Railroad Retirement Act of 1937 is amended by striking from subsection (m) the words “other provisions” wherever they appear in such subsection and substituting in lieu thereof in each instance the words “preceding provisions”, and by inserting at the end thereof the following subsection:

“(n) The annuity computed under the preceding provisions of this section shall be increased by 15 per centum but not by more than \$25. If the individual entitled to such annuity is also entitled to a benefit for the same month under title II of the Social Security Act, there shall be offset against the increase herein provided for any amount by which such individual’s social security benefit was increased by the Social Security Amendments of 1969, but in no case shall such offset operate to reduce the increase below \$5.”

SEC. 4. (a) The provisions of this Act shall be effective with respect to annuities accruing for months after December 1969 and with respect to pensions due in calendar months after January 1970. For the purposes of this Act, (i) any increase in an individual’s social security benefit based on recomputations other than for the correction of errors after the first adjustment, or derived from legislation enacted after the Social Security Amendments of 1969, shall be disregarded, and

Railroad Retirement Act of 1937; annuities, increase.

82 Stat. 17.
45 USC 228c.

49 Stat. 622.
42 USC 401-429.
83 Stat. 737.
42 USC 401 note.

65 Stat. 683.
45 USC 228b.

80 Stat. 1075;
82 Stat. 17.
45 USC 228b.

82 Stat. 21.
45 USC 228e.

Effective date.

(ii) the increases, offsets and reductions provided for herein, shall apply before any reduction in an annuity on account of age.

(b) (1) All pensions under section 6 of the Railroad Retirement Act of 1937, and all annuities under the Railroad Retirement Act of 1935 shall be increased by 15 per centum; all survivor annuities deriving from joint and survivor annuities under the Railroad Retirement Act of 1937 and all widows' and widowers' insurance annuities which, in accordance with the proviso in section 5(a) or section 5(b) of the Railroad Retirement Act of 1937 are payable in the amount of the spouse's annuity to which the widow or widower was entitled shall, in cases where the employee died in or before the month in which the increases in annuities provided in section 1 are effective, be increased by 15 per centum: *Provided, however*, That in cases where the individual entitled to such a pension or annuity is entitled also to a benefit under title II of the Social Security Act, the additional amount payable by reason of this subsection shall be reduced by the difference between the amount the individual is entitled to in such a benefit and the amount to which such individual would have been entitled had the Social Security Amendments of 1969 not been enacted: *And provided further*, That (i) the offset required by this subsection shall not operate to reduce the increase herein provided in an annuity under the Railroad Retirement Act of 1935 or a pension to an amount less than \$10, and (ii) the offset required by this section shall not operate to reduce the increase herein provided in such a survivor annuity derived from a joint and survivor annuity and such a widow's or widower's annuity in an amount formerly received as a spouse's annuity to an amount less than \$5. Joint and survivor annuities shall be computed under section 3(a) of the Railroad Retirement Act and reduced by the percentage determined in accordance with the election of such annuity.

(2) All recertifications required by reason of the amendments made by this title shall be made by the Railroad Retirement Board without application therefor.

(c) For the purposes of this Act, the amount of a social security benefit computed under the Social Security Amendments of 1967 shall be deemed to be an amount equal to 87 per centum of such benefit computed under the Social Security Amendments of 1969, and the amount by which an individual's social security benefit was increased by reason of the Social Security Amendments of 1969 shall be deemed to be 13 per centum of such individual's social security benefit as computed under the Social Security Amendments of 1969.

SEC. 5. The fifth sentence of section 15(c) of the Railroad Retirement Act of 1937 is amended by striking out "obligations" the second place it appears and inserting in lieu thereof "notes".

SEC. 6. The first four sections of this Act, and the amendments made by such sections, shall cease to apply as of the close of June 30, 1972. Annuities accruing for months after June 30, 1972, and pensions due in calendar months after June 30, 1972, shall be computed as if the first four sections of this Act, and the amendment made thereby, had not been enacted.

SEC. 7. (a) (1) There is hereby established a Commission on Railroad Retirement (hereinafter in this section referred to as the "Commission") which shall be composed as follows:

(A) Three members shall be appointed by the President in the same manner as provided by section 10(a) of the Railroad Retirement Act of 1937 for the appointment of members of the Railroad Retirement Board: *Provided, however*, That such appointments to the Commission shall not be by and with the advice and consent of the Senate;

50 Stat. 312.
45 USC 228f.
49 Stat. 967.
45 USC 215-228
notes.

60 Stat. 729;
82 Stat. 19;
80 Stat. 1082.
45 USC 228e.

49 Stat. 622.
42 USC 401-429.

83 Stat. 737.
42 USC 401
note.

Ante, p. 791.

81 Stat. 821.
42 USC 302
note.

77 Stat. 220;
80 Stat. 1074.
45 USC 228o.
Annuity in-
crease, ter-
mination date.

Commission on
Railroad Retire-
ment.

50 Stat. 314;
82 Stat. 21.
45 USC 228j.

(B) One public member shall be appointed by the Speaker of the House of Representatives, after consultation with the Committee on Interstate and Foreign Commerce of the House of Representatives;

(C) One public member shall be appointed by the President pro tempore of the Senate, after consultation with the Senate Committee on Labor and Public Welfare.

(2) The President shall designate one member of the Commission to serve as Chairman thereof and one member of the Commission to serve as Vice Chairman thereof.

(3) A majority of the members of the Commission shall constitute a quorum, but a lesser number may conduct hearings.

(b) Members of the Commission shall each receive a per diem rate equivalent to that authorized for GS-18 by section 5332 of title 5, United States Code, for days when engaged in the actual performance of duties vested in the Commission, and shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(c) (1) The Commission shall conduct a study of the railroad retirement system and its financing for the purpose of recommending to the Congress on or before July 1, 1971, changes in such system to provide adequate levels of benefits thereunder on an actuarially sound basis.

(2) Such study shall take into account—

(A) the necessity of providing benefit increases in such system commensurate with past and future benefit increases under title II of the Social Security Act;

(B) the necessity of revising benefits under the railroad retirement system to meet increases in the cost of living;

(C) the question of the adequacy of levels of benefits for the various classes of beneficiaries covered under such system;

(D) the possibility of restructuring benefits under title II of the Social Security Act and under the railroad retirement system so as to provide coverage under such title of various classes of beneficiaries presently covered under the railroad retirement system;

(E) the necessary changes to provide for a continuation of the increased level of benefits provided under the amendments made by the first four sections of this Act;

(F) the possibility of changes in the financing system used to fund railroad retirement benefits including, without limitation, adjustment of the rate of tax, adjustment of the tax base, the use of general revenue financing, and revision of the investment policy of the railroad retirement fund;

(G) the relationship between social security and railroad retirement in the areas of benefits, tax rates, and tax base including, without limitation, the desirability and feasibility of a merger of the two systems; and

(H) such other matters relating to the railroad retirement system as the Commission considers necessary.

(d)(1) The Commission shall appoint an Executive Director and such other personnel as the Commission deems necessary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and shall fix the compensation of such personnel without regard to the provisions of chapter 51 and subtitle II of chapter 53 of such title relating to classification and General Schedule pay rates, except that no personnel so appointed shall receive compensation in excess of the rate authorized for GS-18 by section 5332 of such title.

Ante, p. 198-1.

80 Stat. 499;
83 Stat. 190.

Study.

49 Stat. 622.
42 USC 401-
429.

Executive
Director, etc.,
appointment.

80 Stat. 443,
459.
5 USC 5101,
5311.

Experts and consultants.

80 Stat. 416.

Ante, p. 198-1.

Actuarial consultant.

80 Stat. 443, 467.

5 USC 5101, 5331.

Report to President and Congress.

Termination.

(2) (A) The Executive Director, with the approval of the Commission, is authorized to obtain services of experts and consultants on a temporary or intermittent basis in accordance with the provisions of section 3109 of title 5, United States Code, but at rates for individuals not to exceed the per diem equivalent of the rate authorized for GS-18 by section 5332 of such title.

(B) The Commission shall employ the services of an actuarial consultant holding membership in the American Academy of Actuaries and qualified in the evaluation of pension plans. Such consultant may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(e) The Railroad Retirement Board and any other department, agency, or instrumentality of the Federal Government is authorized to cooperate with and assist the Commission, at its request, in carrying out its duties by furnishing services, information, data, or other material which the Commission feels will be helpful in carrying out its duties.

(f) Funds appropriated to the President shall be available to defray the expenses of the Commission, other than expenses incurred pursuant to subparagraph (e) of this section.

(g) The Commission shall, not later than July 1, 1971, submit to the President and the Congress a full and complete report of the study authorized by this section together with its recommendations for changes in the railroad retirement system designed to provide adequate levels of benefits thereunder on an actuarially sound basis. The Commission shall cease to exist sixty days after the date of the submission of such report.

Approved August 12, 1970.

Public Law 91-378

AN ACT

August 13, 1970

[S. 1076]

To establish a pilot program in the Departments of the Interior and Agriculture designated as the Youth Conservation Corps, and for other purposes.

Youth Conservation Corps.
Establishment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

POLICY AND PURPOSE

SECTION 1. The Congress finds that the gainful employment during the summer months of American youth, representing all segments of society, in the healthful outdoor atmosphere afforded in the national park system, the national forest system, the national wildlife refuge system, and other public land and water areas administered by the Secretary of the Interior and the Secretary of Agriculture creates an opportunity for understanding and appreciation of the Nation's natural environment and heritage. Accordingly, it is the purpose of this Act to further the development and maintenance of the natural resources of the United States by the youth, upon whom will fall the ultimate responsibility for maintaining and managing these resources for the American people.

YOUTH CONSERVATION CORPS

SEC. 2. (a) To carry out the purposes of this Act, there is hereby established in the Department of the Interior and the Department of Agriculture a three-year pilot program designated as the Youth Conservation Corps (hereinafter referred to as the "Corps"). The Corps shall consist of young men and women who are permanent residents of the United States, its territories, or possessions, who have attained age fifteen but have not attained age nineteen, and whom the Secretary of the Interior or the Secretary of Agriculture may employ during the summer months without regard to the civil service or classification laws, rules, or regulations, for the purpose of developing, preserving, or maintaining lands and waters of the United States under the jurisdiction of the appropriate Secretary.

(b) The Corps shall be open to youth of both sexes and youth of all social, economic, and racial classifications, with no person being employed as a member of the Corps for a term in excess of ninety days during any single year.

Participants.

Summer employment.

Equal opportunity and employment; term.

SECRETARIAL DUTIES

SEC. 3. (a) The Secretary of the Interior and the Secretary of Agriculture shall:

(1) determine the areas under their administrative jurisdictions which are appropriate for carrying out programs using employees of the Corps;

(2) determine the rates of pay, hours, and other conditions of employment in the Corps: *Provided*, That members of the Corps shall not be deemed to be Federal employees, other than for the purposes of chapter 171 of title 28, United States Code, and chapter 81 of title 5, United States Code;

(3) provide for such transportation, lodging, subsistence, and other services and equipment as they may deem necessary or appropriate for the needs of members of the Corps in their duties. The Secretary of the Interior and the Secretary of Agriculture may contract with any public agency or organization or any private nonprofit agency or organization which has been in existence for at least five years for the operation of any Youth Conservation Corps project. Whenever economically feasible, existing but unoccupied Federal facilities, including military facilities, shall be utilized for the purposes of the Corps where appropriate and with the approval of the Federal agency involved. To minimize transportation costs Corps members shall be employed on conservation projects as near to their places of residence as is feasible;

(4) promulgate regulations to insure the safety, health, and welfare of the Corps members;

(5) prepare a report, indicating the most feasible and efficient method for initiating a cost-sharing youth conservation program with State natural resource, conservation, or outdoor recreation agencies, which report shall be submitted to the President not later than one year following enactment of this Act for transmittal to the Congress for review and appropriate action.

(b) The provision of title II of the Revenue and Expenditure Control Act of 1968 (82 Stat. 251, 270) shall not apply to appointments made to the Corps, to temporary supervisory personnel, or to temporary program support staff.

62 Stat. 982;
80 Stat. 306.
28 USC 2671-
2680.
80 Stat. 531;
82 Stat. 98.
5 USC 8101-
8193.

Regulations.

Report to
President for
transmittal to
Congress.

83 Stat. 83.
5 USC 3101
note.

SECRETARIAL REPORTS

Joint annual report to President for transmittal to Congress.

SEC. 4. Upon completion of each year's pilot program, the Secretary of the Interior and Secretary of Agriculture shall prepare a joint report detailing the contribution of the program toward achieving the purposes of the Act and providing recommendations. Each report shall be submitted to the President not later than one hundred and eighty days following completion of that year's pilot program. The President shall transmit the report to the Congress for review and appropriate action.

AUTHORIZATION OF FUNDS

SEC. 5. For three years following enactment of this Act, there are hereby authorized to be appropriated amounts not to exceed \$3,500,000 annually to be made available to the Secretary of the Interior and the Secretary of Agriculture to carry out the purposes of this Act.

Approved August 13, 1970.

Public Law 91-379

AN ACT

August 15, 1970
[S. 3302]

To amend the Defense Production Act of 1950, and for other purposes.

Defense Production Act of 1950, amendment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—DEFENSE PRODUCTION ACT AMENDMENTS

§ 101. Extension of Act

Ante, p. 694.

The first sentence of section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended—

(1) by striking out “August 15, 1970” and inserting in lieu thereof “June 30, 1972”; and

Infra.

(2) by striking out “section 714” and inserting in lieu thereof “sections 714 and 719”.

§ 102. Definitions

64 Stat. 815;
67 Stat. 130.

Section 702 of the Defense Production Act of 1950 (50 U.S.C. App. 2152) is amended—

(1) by inserting “space,” after “stockpiling,” in subsection (d); and

“Defense contractor.”

(2) by adding at the end thereof a new subsection as follows:
“(f) The term ‘defense contractor’ means any person who enters into a contract with the United States for the production of material or the performance of services for the national defense.”

§ 103. Uniform cost-accounting standards

82 Stat. 279.
50 USC app.
2151-2167.

Title VII of the Defense Production Act of 1950 is amended by adding at the end thereof a new section as follows:

“COST-ACCOUNTING STANDARDS BOARD

“SEC. 719. (a) There is established, as an agent of the Congress, a Cost-Accounting Standards Board which shall be independent of the executive departments and shall consist of the Comptroller General of the United States who shall serve as Chairman of the Board and four members to be appointed by the Comptroller General. Of the members appointed to the Board, two, of whom one shall be particularly knowledgeable about the cost accounting problems of small business, shall be from the accounting profession, one shall be representative of indus-

try, and one shall be from a department or agency of the Federal Government who shall be appointed with the consent of the head of the department or agency concerned. The term of office of each of the appointed members of the Board shall be four years, except that any member appointed to fill a vacancy in the Board shall serve for the remainder of the term for which his predecessor was appointed. Each member of the Board appointed from private life shall receive compensation at the rate of one two-hundred-sixtieth of the rate prescribed for level IV of the Federal Executive Salary Schedule for each day (including traveltime) in which he is engaged in the actual performance of duties vested in the Board.

80 Stat. 461;
83 Stat. 864.
5 USC 5315 and
note.

“(b) The Board shall have the power to appoint, fix the compensation of, and remove an executive secretary and two additional staff members without regard to chapter 51, subchapters III and VI of chapter 53, and chapter 75 of title 5, United States Code, and those provisions of such title relating to appointment in the competitive service. The executive secretary and the two additional staff members may be paid compensation at rates not to exceed the rates prescribed for levels IV and V of the Federal Executive Salary Schedule, respectively.

5 USC 5101,
5331, 5361, 7501.

“(c) The Board is authorized to appoint and fix the compensation of such other personnel as the Board deems necessary to carry out its functions.

“(d) The Board may utilize personnel from the Federal Government (with the consent of the head of the agency concerned) or appoint personnel from private life without regard to chapter 51, subchapters III and VI of chapter 53, and chapter 75 of title 5, United States Code, and those provisions of such title relating to appointment in the competitive service, to serve on advisory committees and task forces to assist the Board in carrying out its functions and responsibilities under this section.

“(e) Except as otherwise provided in subsection (a), members of the Board and officers or employees of other agencies of the Federal Government utilized under this section shall receive no compensation for their services as such but shall continue to receive the compensation of their regular positions. Appointees under subsection (d) from private life shall receive compensation at rates fixed by the Board, not to exceed one two-hundred-sixtieth of the rate prescribed for level V in the Federal Executive Salary Schedule for each day (including traveltime) in which they are engaged in the actual performance of their duties as prescribed by the Board. While serving away from their homes or regular place of business, Board members and other appointees serving on an intermittent basis under this section shall be allowed travel expenses in accordance with section 5703 of title 5, United States Code.

80 Stat. 463;
83 Stat. 864.
5 USC 5316
and note.

“(f) All departments and agencies of the Government are authorized to cooperate with the Board and to furnish information, appropriate personnel with or without reimbursement, and such financial and other assistance as may be agreed to between the Board and the department or agency concerned.

80 Stat. 499;
83 Stat. 190.

“(g) The Board shall from time to time promulgate cost-accounting standards designed to achieve uniformity and consistency in the cost-accounting principles followed by defense contractors and subcontractors under Federal contracts. Such promulgated standards shall be used by all relevant Federal agencies and by defense contractors and subcontractors in estimating, accumulating, and reporting costs in connection with the pricing, administration and settlement of all negotiated prime contract and subcontract national

Standards,
promulgation.

defense procurements with the United States in excess of \$100,000, other than contracts or subcontracts where the price negotiated is based on (1) established catalog or market prices of commercial items sold in substantial quantities to the general public, or (2) prices set by law or regulation. In promulgating such standards the Board shall take into account the probable costs of implementation compared to the probable benefits.

Cost-accounting methods, advance disclosure by defense contractors.

“(h) (1) The Board is authorized to make, promulgate, amend, and rescind rules and regulations for the implementation of cost-accounting standards promulgated under subsection (g). Such regulations shall require defense contractors and subcontractors as a condition of contracting to disclose in writing their cost-accounting principles, including methods of distinguishing direct costs from indirect costs and the basis used for allocating indirect costs, and to agree to a contract price adjustment, with interest, for any increased costs paid to the defense contractor by the United States because of the defense contractor's failure to comply with duly promulgated cost-accounting standards or to follow consistently his disclosed cost-accounting practices in pricing contract proposals and in accumulating and reporting contract performance cost data. Such interest shall not exceed 7 per centum per annum measured from the time such payments were made to the contractor or subcontractor to the time such price adjustment is effected. If the parties fail to agree as to whether the defense contractor or subcontractor has complied with cost-accounting standards, the rules and regulations relating thereto, and cost adjustments demanded by the United States, such disagreement will constitute a dispute under the contract dispute clause.

Interest ceiling.

Exemption.

“(2) The Board is authorized, as soon as practicable after the date of enactment of this section, to prescribe rules and regulations exempting from the requirements of this section such classes or categories of defense contractors or subcontractors under contracts negotiated in connection with national defense procurements as it determines, on the basis of the size of the contracts involved or otherwise, are appropriate and consistent with the purposes sought to be achieved by this section.

Proposed standards, transmittal to Congress.

“(3) Cost-accounting standards promulgated under subsection (g) and rules and regulations prescribed under this subsection shall take effect not earlier than the expiration of the first period of sixty calendar days of continuous session of the Congress following the date on which a copy of the proposed standards, rules, or regulations is transmitted to the Congress; if, between the date of transmittal and the expiration of such sixty-day period, there is not passed by the two Houses a concurrent resolution stating in substance that the Congress does not favor the proposed standards, rules, or regulations. For the purposes of this subparagraph, in the computation of the sixty-day period there shall be excluded the days on which either House is not in session because of adjournment of more than three days to a day certain or an adjournment of the Congress sine die. The provisions of this paragraph do not apply to modifications of cost accounting standards, rules, or regulations which have become effective in conformity with those provisions.

Publication in Federal Register.

“(i) (A) Prior to the promulgation under this section of rules, regulations, cost-accounting standards, and modifications thereof, notice of the action proposed to be taken, including a description of the terms and substance thereof, shall be published in the Federal Register. All parties affected thereby shall be afforded a period of not less than thirty days after such publication in which to submit their views and comments with respect to the action proposed to be taken. After full

consideration of the views and comments so submitted the Board may promulgate rules, regulations, cost-accounting standards, and modifications thereof which shall have the full force and effect of law and shall become effective not later than the start of the second fiscal quarter beginning after the expiration of not less than thirty days after publication in the Federal Register.

“(B) The functions exercised under this section are excluded from the operation of sections 551, 553–559, and 701–706 of title 5, United States Code.

“(C) The provisions of paragraph (A) of this subsection shall not be applicable to rules and regulations prescribed by the Board pursuant to subsection (h) (2).

“(j) For the purpose of determining whether a defense contractor or subcontractor has complied with duly promulgated cost-accounting standards and has followed consistently his disclosed cost-accounting practices, any authorized representative of the head of the agency concerned, of the Board, or of the Comptroller General of the United States shall have the right to examine and make copies of any documents, papers, or records of such contractor or subcontractor relating to compliance with such cost-accounting standards and principles.

“(k) The Board shall report to the Congress, not later than twenty-four months after the date of enactment of this section, concerning its progress in promulgating cost-accounting standards under subsection (g) and rules and regulations under subsection (h). Thereafter, the Board shall make an annual report to the Congress with respect to its activities and operations, together with such recommendations as it deems appropriate.

“(l) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.”

80 Stat. 381,
392.

Records,
availability.

Report to
Congress.

Appropriation.

§ 104. Loan guarantees

Section 301 of the Defense Production Act of 1950 (50 U.S.C. App. 2091) is amended by adding at the end thereof a new subsection as follows:

“(e) (1) Except with the approval of the Congress, the maximum obligation of any guaranteeing agency under any loan, discount, advance, or commitment in connection therewith, entered into under this section shall not exceed \$20,000,000.

“(2) The authority conferred by this section shall not be used primarily to prevent the financial insolvency or bankruptcy of any person, unless

“(A) the President certifies that the insolvency or bankruptcy would have a direct and substantially adverse effect upon defense production; and

“(B) a copy of such certification, together with a detailed justification thereof, is transmitted to the Congress and to the Committees on Banking and Currency of the respective Houses at least ten days prior to the exercise of that authority for such use.”

64 Stat. 800;
67 Stat. 129.

Limitations.

TITLE II—COST OF LIVING STABILIZATION

§ 201. Short title

This title may be cited as the “Economic Stabilization Act of 1970”

§ 202. Presidential authority

The President is authorized to issue such orders and regulations as he may deem appropriate to stabilize prices, rents, wages, and salaries at levels not less than those prevailing on May 25, 1970. Such orders

Economic
Stabilization Act
of 1970.
Standby con-
trols.

and regulations may provide for the making of such adjustments as may be necessary to prevent gross inequities.

§ 203. Delegation

The President may delegate the performance of any function under this title to such officers, departments, and agencies of the United States as he may deem appropriate.

§ 204. Penalty

Whoever willfully violates any order or regulation under this title shall be fined not more than \$5,000.

§ 205. Injunctions

Whenever it appears to any agency of the United States, authorized by the President to exercise the authority contained in this section to enforce orders and regulations issued under this title, that any person has engaged, is engaged, or is about to engage in any acts or practices constituting a violation of any regulation or order under this title, it may in its discretion bring an action, in the proper district court of the United States or the proper United States court of any territory or other place subject to the jurisdiction of the United States, to enjoin such acts or practices, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted without bond. Upon application of the agency, any such court may also issue mandatory injunctions commanding any person to comply with any regulation or order under this title.

§ 206. Expiration

Post, p. 1468.

The authority to issue and enforce orders and regulations under this title expires at midnight February 28, 1971, but such expiration shall not affect any proceeding under section 204 for a violation of any such order or regulation, or for the punishment for contempt committed in the violation of any injunction issued under section 205, committed prior to March 1, 1971.

Approved August 15, 1970.

[Public Law 91-381 approved August 17, 1970.]

Public Law 91-380

AN ACT

August 18, 1970
[H. R. 16916]

Making appropriations for the Office of Education for the fiscal year ending June 30, 1971, and for other purposes.

Office of Education Appropriation Act, 1971.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Office of Education for the fiscal year ending June 30, 1971, and for other purposes, namely:

TITLE I—OFFICE OF EDUCATION

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

For carrying out title I of the Act of September 30, 1950, as amended (20 U.S.C., ch. 13), and the Act of September 23, 1950, as amended (20 U.S.C., ch. 19), \$551,068,000 of which \$536,068,000 shall be for the maintenance and operation of schools as authorized by said title I of the Act of September 30, 1950, as amended, and \$15,000,000 which shall remain available until expended, shall be for providing school facilities as authorized by said Act of September 23, 1950: *Provided*, That this appropriation shall not be available to pay local educational agencies pursuant to the provisions of any other section of said title I until payment has been made of 90 per centum of the amounts to which such agencies are entitled pursuant to section 3(a) of said title and 100 per centum of the amounts payable under section 6 of said title: *Provided further*, That \$8,800,000 of this appropriation shall be available to pay full entitlement under section 3(a) of said title to a local educational agency where the number of children eligible under said section 3(a) represent 25 per centum or more of the total number of children attending school at such local educational agency during the preceding year.

64 Stat. 1100;
79 Stat. 27;
81 Stat. 787;
Ante, p. 121.
20 USC 236-241m.
72 Stat. 548;
79 Stat. 1161.
20 USC 631-647.

ELEMENTARY AND SECONDARY EDUCATION

For carrying out, to the extent not otherwise provided, title I (\$1,500,000,000), title II (\$80,000,000), title III (\$143,393,000), title V (\$29,750,000), title VII, and section 807 of the Elementary and Secondary Education Act, section 402 of the Elementary and Secondary Education Amendments of 1967, and title III-A of the National Defense Education Act of 1958 (\$50,000,000), \$1,846,968,000: *Provided*, That grants to States on behalf of local educational agencies under title I-A shall not be less than grants made to such agencies in fiscal year 1968.

Ante, pp. 121-152.
Ante, p. 165.
72 Stat. 1588;
82 Stat. 1052, 1053.
20 USC 441.
Ante, p. 126.

EDUCATION FOR THE HANDICAPPED

For carrying out, to the extent not otherwise provided, the Education of the Handicapped Act, and section 402 of the Elementary and Secondary Education Amendments of 1967, \$105,000,000, including \$1,000,000 for special programs under part G of the Education of the Handicapped Act.

Ante, pp. 188, 175.
20 USC 1401
note.

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, section 102(b) (\$20,000,000), parts B and C (\$350,336,000), D, F (\$21,250,000), G (\$18,500,000), H (\$5,500,000), and I of the Vocational Education Act of 1963, as amended (20 U.S.C. 1241-1391), the Adult Education Act of 1966 (20 U.S.C. ch. 30) (\$55,000,000), and section 402 of the Elementary and Secondary Education Amendments of 1967, \$494,196,000, including \$16,000,000 for exemplary programs under part D of said 1963 Act of which 50 per centum shall remain available until expended and 50 per centum shall remain available through June 30, 1972.

82 Stat. 1064;
Ante, p. 188.
Ante, p. 159.

Ante, p. 165.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, titles I, III, IV (except part F), part E of title V, and part A of title VI of the Higher Education Act of 1965, as amended, section 105(b), section 306, titles I and IV of the Higher Education Facilities Act of 1963, as amended, titles II, IV, and VI of the National Defense Education Act of 1958, as amended, section 22 of the Act of June 29, 1935, as amended (7 U.S.C. 329), the Emergency Insured Student Loan Act of 1969, sections 402 and 411 of the Elementary and Secondary Education Amendments of 1967, and section 102(b) (6) of the Mutual Education and Cultural Exchange Act of 1961, \$967,880,000, of which \$7,000,000 shall be for instructional equipment under part A of title VI of the Higher Education Act of which amounts reallocated shall remain available until June 30, 1972, and the following amounts shall remain available until June 30, 1972: \$43,000,000 for grants for construction of public community colleges and technical institutes under title I of the Higher Education Facilities Act of 1963, \$167,700,000 for educational opportunity grants, and amounts reallocated for grants for college work-study programs, and the following amounts shall remain available until expended: \$145,400,000 for the student loan insurance programs (including \$2,200,000 for computer services for the Office of Education) and \$21,000,000 for annual interest payments for subsidized construction loans.

79 Stat. 1219;
82 Stat. 1017.
20 USC 1001
note.
77 Stat. 364;
82 Stat. 1060.
20 USC 701
note.
Ante, p. 174.
20 USC 421,
461, 511.
74 Stat. 525;
82 Stat. 241.
83 Stat. 141.
20 USC 1078a
note.
Ante, pp. 165,
166.
75 Stat. 527.
22 USC 2452.

EDUCATION PROFESSIONS DEVELOPMENT

For carrying out, to the extent not otherwise provided, section 504 and parts B (\$15,000,000 for subpart 2), C, D, and F of the Education Professions Development Act (title V of the Higher Education Act of 1965), and section 402 of the Elementary and Secondary Education Amendments of 1967, \$135,800,000.

79 Stat. 1254;
81 Stat. 81;
82 Stat. 1091.
20 USC 1091
note.

COMMUNITY EDUCATION

For carrying out, to the extent not otherwise provided, titles I (\$35,000,000), II, III (\$2,281,000) and IV (\$3,428,000) of the Library Services and Construction Act (20 U.S.C. ch. 16); title II (except section 224) of the Higher Education Act of 1965 (20 U.S.C. 1021-1033, 1041), section 402 of the Elementary and Secondary Education Amendments of 1967 and part IV of title III of the Communications Act of 1934 (47 U.S.C. 390-395), \$85,040,000, of which \$7,092,500, to remain available through June 30, 1972, shall be for grants for public library construction under title II of the Library Services and Construction Act, and \$11,000,000 shall be for educational broadcasting facilities and shall remain available until expended.

70 Stat. 293;
78 Stat. 16;
80 Stat. 314.
79 Stat. 1224;
82 Stat. 1037.
76 Stat. 64;
81 Stat. 365;
83 Stat. 146.

RESEARCH AND TRAINING

For carrying out, to the extent not otherwise provided, the Cooperative Research Act (except section 4) and section 303 of the Vocational Education Amendments of 1968, \$90,077,000.

79 Stat. 44.
20 USC 331 note.
82 Stat. 1095;
Ante, p. 173.
20 USC 6.

EDUCATIONAL ACTIVITIES OVERSEAS (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses of the Office of Education, as authorized by law \$3,000,000 to remain available until expended: *Provided*, That this appropriation shall be available, in addition to other appropriations to such office, for payments in the foregoing currencies.

SALARIES AND EXPENSES

For the necessary expenses of the Office of Education, not otherwise provided, including rental of conference rooms in the District of Columbia: \$45,164,000.

STUDENT LOAN INSURANCE FUND

For the Student Loan Insurance Fund created by the Higher Education Act of 1965, \$18,000,000, to remain available until expended.

79 Stat. 1245;
82 Stat. 638.
20 USC 1081.

HIGHER EDUCATION FACILITIES LOAN FUND

The Secretary is hereby authorized to make such expenditures, within the limits of funds available in the Higher Education Facilities Loan Fund, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitation as provided by section 104 of the Government Corporation Control Act (31 U.S.C. 849) as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such fund: *Provided*, That loans may be made during the current fiscal year from the fund to the extent that amounts are available from commitments withdrawn prior to July 1, 1971, by the Commissioner of Education.

61 Stat. 584.

PAYMENT OF PARTICIPATION SALES INSUFFICIENCIES

For the payment of such insufficiencies as may be required by the trustee on account of outstanding beneficial interests or participations in assets of the Office of Education authorized by the Department of Health, Education, and Welfare Appropriation Act, 1968, to be issued pursuant to section 302(c) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(c)), \$2,952,000, to remain available until expended.

81 Stat. 394.
78 Stat. 800;
80 Stat. 164,
1236; 82 Stat. 542.

EMERGENCY SCHOOL ASSISTANCE

For assistance to desegregating local educational agencies as provided under part D of the Educational Professions Development Act (title V of the Higher Education Act of 1965), the Cooperative Research Act, title IV of the Civil Rights Act of 1964, section 807 of the Elementary and Secondary Education Act of 1965, section 402 of the Elementary and Secondary Education Amendments of 1967,

81 Stat. 91, 820.
20 USC 1119.
78 Stat. 246.
42 USC 2000c.
81 Stat. 806,
816.
20 USC 887.
Ante, p. 165.

81 Stat. 690.
42 USC 2781.

83 Stat. 827.
42 USC 2702a.

and title II of the Economic Opportunity Act of 1964, as amended, including necessary administrative expenses therefor, \$75,000,000: *Provided*, That no part of any funds appropriated herein to carry out programs under title II of the Economic Opportunity Act of 1964 shall be used to calculate the allocations and proration of allocations under section 102(b) of the Economic Opportunity Amendments of 1969: *Provided further*, That no part of the funds contained herein shall be used (a) to assist a local educational agency which engages, or has unlawfully engaged, in the gift, lease or sale of real or personal property or services to a nonpublic elementary or secondary school or school system practicing discrimination on the basis of race, color, or national origin; (b) to supplant funding from non-Federal sources which has been reduced as the result of desegregation or the availability of funding under this head; or (c) to carry out any program or activity under any policy, procedure, or practice that denies funds to any local educational agency desegregating its schools under legal requirement, on the basis of geography or the source of the legal requirement.

TITLE II—GENERAL PROVISIONS

Experts and
consultants.

80 Stat. 416.

Ante, p. 198-1.

Attendance at
meetings.

Fiscal year
limitation.

Campus dis-
rupters, funds,
prohibition.

Grants, cost
payment limita-
tion.

SEC. 201. Appropriations contained in this Act, available for salaries and expenses, shall be available for services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18.

SEC. 202. Appropriations contained in this Act available for salaries and expenses shall be available for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

SEC. 203. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 204. No part of any appropriation contained in this Act shall be used to finance any Civil Service Interagency Board of Examiners.

SEC. 205. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, a grant, the salary of or any remuneration whatever to any individual applying for admission, attending, employed by, teaching at, or doing research at an institution of higher education who has engaged in conduct on or after August 1, 1969, which involves the use of (or the assistance to others in the use of) force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the availability of certain curriculum, or to prevent the faculty, administrative officials, or students in such institution from engaging in their duties or pursuing their studies at such institution.

SEC. 206. None of the funds provided herein shall be used to pay any recipient of a grant for the conduct of a research project an amount equal to as much as the entire cost of such project.

SEC. 207. None of the funds contained in this Act shall be used for any activity the purpose of which is to require any recipient of any project grant for research, training, or demonstration made by any officer or employee of the Department of Health, Education, and Welfare to pay to the United States any portion of any interest or other income earned on payments of such grant made before July 1, 1964; nor shall any of the funds contained in this Act be used for any activity the purpose of which is to require payment to the United

States of any portion of any interest or other income earned on payments made before July 1, 1964, to the American Printing House for the Blind.

SEC. 208. None of the funds contained in this Act shall be available for additional permanent Federal positions in the Washington area if the proportion of additional positions in the Washington area in relation to the total new positions is allowed to exceed the proportion existing at the close of fiscal year 1966.

Additional
Federal positions,
limitation.

SEC. 209. No part of the funds contained in this Act may be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88-352, to take any action to force the busing of students; to force on account of race, creed, or color the abolishment of any school so desegregated; or to force the transfer or assignment of any student attending any elementary or secondary school so desegregated to or from a particular school over the protest of his or her parents or parent.

Forced busing of
students.

78 Stat. 246.
42 USC 2000c-
2000c-9.

SEC. 210. No part of the funds contained in this Act shall be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88-352, to take any action to force the busing of students; to require the abolishment of any school so desegregated; or to force on account of race, creed, or color the transfer of students to or from a particular school so desegregated as a condition precedent to obtaining Federal funds otherwise available to any State, school district or school.

SEC. 211. The Secretary of Health, Education, and Welfare is authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided*, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

Transfer of
funds.

This Act may be cited as the "Office of Education Appropriation Act, 1971".

Short title.

JOHN W. MCCORMACK

Speaker of the House of Representatives.

SPIRO T. AGNEW

*Vice President of the United States and
President of the Senate.*

IN THE HOUSE OF REPRESENTATIVES, U.S.,
August 13, 1970.

The House of Representatives having proceeded to reconsider the bill (H. R. 16916) entitled "An Act making appropriations for the Office of Education for the fiscal year ending June 30, 1971, and for other purposes", returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

Attest:

W. PAT JENNINGS

Clerk.

I certify that this Act originated in the House of Representatives.
 W. PAT JENNINGS
Clerk.

IN THE SENATE OF THE UNITED STATES,
August 18, 1970.

The Senate having proceeded to reconsider the bill (H. R. 16916) entitled "An Act making appropriations for the Office of Education for the fiscal year ending June 30, 1971, and for other purposes", returned by the President of the United States with his objections to the House of Representatives, in which it originated, it was

Resolved, That the said bill pass, two-thirds of the Senators present having voted in the affirmative.

Attest:

FRANCIS R. VALEO
Secretary.

Public Law 91-381

AN ACT

August 17, 1970
 [H. R. 15118]

To provide for the striking of medals in commemoration of the one hundredth anniversary of the founding of Ohio Northern University.

Ohio Northern
 University.
 100th anniversary
 medals.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in commemoration of the one hundredth anniversary of the founding of Ohio Northern University on August 15, 1871, the Secretary of the Treasury is authorized and directed to strike and furnish to Ohio Northern University, Ada, Ohio, not more than sixteen thousand medals with suitable emblems, devices, and inscriptions to be determined by Ohio Northern University subject to the approval of the Secretary of the Treasury. The medals shall be made and delivered at such times as may be required by Ohio Northern University in quantities of not less than two thousand, but no medals shall be made after December 31, 1971. The medals shall be considered to be national medals within the meaning of section 3551 of the Revised Statutes (31 U.S.C. 368).

Cost.

SEC. 2. The Secretary of the Treasury shall cause such medals to be struck and furnished at not less than the estimated cost of manufacture, including labor, materials, dies, use of machinery, and overhead expenses, and security satisfactory to the Director of the Mint shall be furnished to indemnify the United States for the full payment of such costs.

Size.

SEC. 3. The medals authorized to be issued pursuant to this Act shall be of such size or sizes and of such various metals as shall be determined by the Secretary of the Treasury in consultation with Ohio Northern University.

Approved August 17, 1970.

Public Law 91-382

AN ACT

Making appropriations for the Legislative Branch for the fiscal year ending June 30, 1971, and for other purposes.

August 18, 1970
[H. R. 16915]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending June 30, 1971, and for other purposes, namely:

Legislative
Branch Appropri-
ation Act, 1971.

SENATE

COMPENSATION OF THE VICE PRESIDENT AND SENATORS, MILEAGE OF THE PRESIDENT OF THE SENATE AND SENATORS, AND EXPENSE ALLOWANCES OF THE VICE PRESIDENT AND LEADERS OF THE SENATE

COMPENSATION OF THE VICE PRESIDENT AND SENATORS

For compensation of the Vice President and Senators of the United States, \$4,707,200.

MILEAGE OF THE PRESIDENT OF THE SENATE AND OF SENATORS

For mileage of the President of the Senate and of Senators, \$58,370.

EXPENSE ALLOWANCES OF THE VICE PRESIDENT, AND MAJORITY AND MINORITY LEADERS

For expense allowance of the Vice President, \$10,000; Majority Leader of the Senate, \$3,000; and Minority Leader of the Senate, \$3,000; in all, \$16,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, clerks to Senators, and others as authorized by law, including agency contributions and longevity compensation as authorized, which shall be paid from this appropriation without regard to the below limitations, as follows:

OFFICE OF THE VICE PRESIDENT

For clerical assistance to the Vice President, \$367,263.

OFFICE OF THE PRESIDENT PRO TEMPORE

For office of the President Pro Tempore, \$44,165: *Provided*, That, effective August 1, 1970, the President Pro Tempore is authorized to appoint a Comptroller of the Senate at a salary of \$36,000 per annum, and the Comptroller may appoint a Secretary to the Comptroller at a salary of not to exceed \$13,688 per annum, which appointments shall be in lieu of the two appointments authorized by the second proviso contained in the paragraph "Office of the Secretary" under the heading "SENATE" in the Legislative Branch Appropriation Act, 1970: *Provided further*, That the Comptroller of the Senate shall prepare budgets and amendments to the budgets of the Senate and shall audit all financial records of the Senate relating to the expenditure of appropriated funds. The Comptroller shall have complete access to all information as may be necessary to carry out his budget and auditing duties.

Comptroller of
the Senate.

83 Stat. 340.
2 USC 61a-4
note.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For the offices of the Majority and Minority Leaders, \$176,514.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For offices of the Majority and Minority Whips, \$90,228.

OFFICE OF THE CHAPLAIN

For office of the Chaplain, \$18,615: *Provided*, That effective July 1, 1970, the compensation of the Chaplain shall be \$10,208 per annum and the compensation of the secretary to the Chaplain may be fixed at not to exceed \$8,584 per annum.

OFFICE OF THE SECRETARY

60 Stat., 839.

For Office of the Secretary, \$1,816,240, including \$68,145 required for the purpose specified and authorized by section 74b of title 2, United States Code: *Provided*, That effective August 1, 1970, the Secretary may employ and fix the compensation of an administrative assistant at not to exceed \$22,040 per annum, an assistant legislative clerk at not to exceed \$27,376 per annum, a second assistant legislative clerk at not to exceed \$20,648 per annum, a special assistant at not to exceed \$16,704 per annum, a receptionist at not to exceed \$12,528 per annum in lieu of an assistant secretary at not to exceed \$12,528 per annum, and an assistant legislative analyst in the library at not to exceed \$11,832 per annum in lieu of a custodian of records at \$11,832 per annum: *Provided further*, That any specific rate of compensation established by law, as such rate has been increased or may hereafter be increased by or pursuant to law, for any position under the jurisdiction of the Secretary shall be considered as the maximum rate of compensation for that position, and the Secretary is authorized to adjust the rate of compensation of an individual occupying any such position to a rate not exceeding such maximum rate.

COMMITTEE EMPLOYEES

For professional and clerical assistance to standing committees and the Select Committee on Small Business, \$4,420,734.

CONFERENCE COMMITTEES

For clerical assistance to the Conference of the Majority, at rates of compensation to be fixed by the chairman of said committee, \$127,239.

For clerical assistance to the Conference of the Minority, at rates of compensation to be fixed by the chairman of said committee, \$127,239.

ADMINISTRATIVE AND CLERICAL ASSISTANTS TO SENATORS

For administrative and clerical assistants to Senators, \$27,909,141.

OFFICE OF SERGEANT AT ARMS AND DOORKEEPER

For Office of Sergeant at Arms and Doorkeeper, \$5,713,520: *Provided*, That effective July 1, 1970, the Sergeant at Arms may employ a video engineer at \$20,880 per annum, an assistant video engineer at \$17,632 per annum, three automatic typewriter repairmen at \$10,672 per

annum each in lieu of one automatic typing repairman at \$10,672 per annum, a driver-messenger for attending physician at \$10,672 per annum, eight laborers in the service department, at \$6,728 per annum each, five additional sergeants, police force at \$10,904 per annum each if not qualified as provided by section 105 of the Legislative Branch Appropriation Act, 1969 or \$11,600 per annum each if qualified as provided therein, four additional pages at \$6,960 per annum each, a night foreman, duplicating department at \$10,904 per annum, three additional offset press operators at \$9,976 per annum each, one additional mimeograph operator at \$7,424 per annum, one additional inserting machine operator at \$7,656 per annum, and the per annum compensation of the following positions shall be increased as indicated: superintendent of press gallery \$21,576 in lieu of \$19,256; first assistant superintendent of press gallery \$19,256 in lieu of \$17,400; second assistant superintendent of press gallery \$15,080 in lieu of \$13,920; third assistant superintendent of press gallery \$13,456 in lieu of \$12,064; fourth assistant superintendent of press gallery \$10,672 in lieu of \$9,744; secretary, press gallery \$9,744 in lieu of \$8,120; superintendent of radio press gallery \$21,576 in lieu of \$19,024; first assistant superintendent in radio press gallery \$19,256 in lieu of \$14,848; second assistant superintendent in radio press gallery \$15,080 in lieu of \$12,992; third assistant superintendent in radio press gallery \$13,456, in lieu of \$11,136; superintendent, periodical press gallery \$19,256 in lieu of \$17,400; assistant superintendent, periodical press gallery \$13,456 in lieu of \$11,136; superintendent, press photographers gallery \$19,256 in lieu of \$14,848; and assistant superintendent, press photographers gallery \$13,456 in lieu of \$10,440.

82 Stat. 413.

OFFICERS OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For offices of the Secretary for the Majority and the Secretary for the Minority, \$216,372.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the office of the Legislative Counsel of the Senate, \$415,130.

CONTINGENT EXPENSES OF THE SENATE

SENATE POLICY COMMITTEES

For salaries and expenses of the Majority Policy Committee and the Minority Policy Committee, \$261,430 for each such Committee; in all, \$522,860.

AUTOMOBILES AND MAINTENANCE

For purchase, exchange, driving, maintenance, and operation of four automobiles, one for the Vice President, one for the President Pro Tempore, one for the Majority Leader, and one for the Minority Leader, \$55,220.

FURNITURE

For service and materials in cleaning and repairing furniture, and for the purchase of furniture, \$31,190: *Provided*, That the furniture purchased is not available from other agencies of the Government.

INQUIRIES AND INVESTIGATIONS

60 Stat. 831.
2 USC 190b.

For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, including \$456,625 for the Committee on Appropriations, to be available also for the purposes mentioned in Senate Resolution Numbered 193, agreed to October 14, 1943, \$7,341,580, including \$200,000, to be available for obligations incurred in fiscal year 1970.

FOLDING DOCUMENTS

For the employment of personnel for folding speeches and pamphlets at a gross rate of not exceeding \$2.99 per hour per person, \$51,015.

MAIL TRANSPORTATION

For maintaining, exchanging, and equipping motor vehicles for carrying the mails and for official use of the offices of the Secretary and Sergeant at Arms, \$16,560.

MISCELLANEOUS ITEMS

75 Stat. 199.
40 USC 174j-4.

For miscellaneous items, exclusive of labor, \$6,188,736, including \$497,000 for payment to the Architect of the Capitol in accordance with section 4 of Public Law 87-82, approved July 6, 1961.

POSTAGE STAMPS

For postage stamps for the offices of the Secretaries for the Majority and Minority, \$240; Comptroller, \$100; and for air mail and special delivery stamps for the office of the Secretary, \$350; office of the Sergeant at Arms, \$215; Senators and the President of the Senate, as authorized by law, \$119,328; in all \$120,233.

STATIONERY (REVOLVING FUND)

For stationery for Senators and the President of the Senate, \$363,600; and for stationery for committees and officers of the Senate, \$14,500; in all, \$378,100.

ADMINISTRATIVE PROVISIONS

83 Stat. 169.

Effective August 1, 1970, the last paragraph under the heading "Senate" in the First Deficiency Act, fiscal year 1926 (2 U.S.C. 64a) is amended to read as follows:

"In the event of the death, resignation, or disability of the Secretary of the Senate, the Financial Clerk of the Senate shall be deemed his successor as a disbursing officer, under his bond as Financial Clerk, and he shall serve as such disbursing officer until the end of the quarterly period during which a new Secretary shall have been elected and qualified, or such disability shall have been ended."

Effective July 1, 1970, and thereafter, the contingent fund of the Senate is made available, in accordance with rules and regulations prescribed by the Committee on Rules and Administration of the Senate, for the reimbursement to Senators and the President of the Senate of strictly official telephone and telegraph communications charges incurred by them or on their behalf, not exceeding \$150 per annum each, to be in addition to reimbursement or payment authority contained in any other law.

HOUSE OF REPRESENTATIVES

For payment to Virginia Lipscomb, widow of Glenard P. Lipscomb, late a Representative from the State of California, \$42,500, to be immediately available.

For payment to Mrs. Charlena E. Utt, widow of James B. Utt, late a Representative from the State of California, \$42,500, to be immediately available.

For payment to Dorothy H. St. Onge, widow of William L. St. Onge, late a Representative from the State of Connecticut, \$42,500, to be immediately available.

For payment to Alice C. Kirwan, widow of Michael J. Kirwan, late a Representative from the State of Ohio, \$42,500, to be immediately available.

SALARIES, MILEAGE FOR THE MEMBERS, AND EXPENSE ALLOWANCE OF THE SPEAKER

COMPENSATION OF MEMBERS

For compensation of Members, as authorized by law (wherever used herein the term "Member" shall include Members of the House of Representatives and the Resident Commissioner from Puerto Rico), \$20,165,950.

MILEAGE OF MEMBERS AND EXPENSE ALLOWANCE OF THE SPEAKER

For mileage of Members and expense allowance of the Speaker, as authorized by law, \$200,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers and employees, as authorized by law, as follows:

OFFICE OF THE SPEAKER

For the Office of the Speaker, \$163,490.

OFFICE OF THE PARLIAMENTARIAN

For the Office of the Parliamentarian, \$163,175, including the Parliamentarian and \$2,000 for preparing the Digest of the Rules, as authorized by law.

COMPILATION OF PRECEDENTS OF HOUSE OF REPRESENTATIVES

For compiling the precedents of the House of Representatives, as heretofore authorized, \$14,540.

OFFICE OF THE CHAPLAIN

For the Office of the Chaplain, \$19,770.

OFFICE OF THE CLERK

For the Office of the Clerk, including not to exceed \$204,830 for the House Recording Studio, \$2,500,000.

OFFICE OF THE SERGEANT AT ARMS

For the Office of the Sergeant at Arms, \$3,300,000.

OFFICE OF THE DOORKEEPER

For the Office of the Doorkeeper, \$2,575,000.

OFFICE OF THE POSTMASTER

For the Office of the Postmaster, including \$13,670 for employment of substitute messengers and extra services of regular employees when required at the basic salary rate of not to exceed \$2,100 per annum each, \$720,000.

COMMITTEE EMPLOYEES

For committee employees, including the Committee on Appropriations, \$6,050,000.

SPECIAL AND MINORITY EMPLOYEES

For six minority employees, \$188,730.

For the House Democratic Steering Committee, \$60,350.

For the House Republican Conference, \$60,350.

For the office of the majority floor leader, including \$3,000 for official expenses of the majority leader, \$128,050.

For the office of the minority floor leader, including \$3,000 for official expenses of the minority leader, \$118,560.

For the office of the majority whip, including \$13,480 basic lump-sum clerical assistance, \$96,515.

For the office of the minority whip, including \$13,480 basic lump-sum clerical assistance, \$96,515.

For two printing clerks, one for the majority caucus room and one for the minority caucus room, to be appointed by the majority and minority leaders, respectively, \$20,630, to be equally divided.

For a technical assistant in the office of the attending physician, to be appointed by the attending physician, subject to the approval of the Speaker, \$18,540.

OFFICIAL REPORTERS OF DEBATES

For official reporters of debates, \$357,015.

OFFICIAL REPORTERS TO COMMITTEES

For official reporters to committees, \$438,885.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses, studies and examinations of executive agencies, by the Committee on Appropriations, and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act, 1946, and to be available for reimbursement to agencies for services performed, \$1,015,000.

OFFICE OF THE LEGISLATIVE COUNSEL

For salaries and expenses of the Office of the Legislative Counsel of the House, \$526,000.

MEMBERS' CLERK HIRE

For clerk hire, necessarily employed by each Member in the discharge of his official and representative duties, \$48,200,000.

CONTINGENT EXPENSES OF THE HOUSE

FURNITURE

For furniture, materials for furniture repairs, including tools and machinery for furniture repair shops, and for purchase of packing boxes and carpets, \$300,000.

The Clerk of the House is authorized and directed to transfer to the Library of Congress, without exchange of funds, such office furniture and equipment as the Clerk shall have determined to be excess to the needs of the House and the Librarian of Congress deems necessary and suitable to the needs of the Library.

Library of
Congress.

MISCELLANEOUS ITEMS

For miscellaneous items, exclusive of salaries unless specifically ordered by the House of Representatives, including the sum of \$270,000 for payment to the Architect of the Capitol in accordance with section 208 of the Act approved October 9, 1940 (Public Law 812): exchange, operation, maintenance, and repair of the Clerk's motor vehicles, the publications and distribution service motor truck, and the post office motor vehicles for carrying the mails; not to exceed \$5,000 for the purposes authorized by section 1 of House Resolution 348, approved June 29, 1961; purposes authorized by House Resolution 416, Eighty-ninth Congress; the sum of \$600 for hire of automobile for the Sergeant at Arms; materials for folding; and for stationery for the use of committees, departments, and officers of the House; \$5,875,000.

54 Stat. 1056.
40 USC 174k.

CONGRESSIONAL STUDENT INTERN PROGRAM

Such amount of the appropriation in this Act for "miscellaneous items" as may be necessary for purposes authorized by House Resolution 416, Eighty-ninth Congress, shall be immediately available.

Availability of
funds.

GOVERNMENT CONTRIBUTIONS

For contributions to employees life insurance fund, retirement fund, and health benefits fund, as authorized by law, \$4,300,000, and in addition, such amount as may be necessary may be transferred from the preceding appropriation for "miscellaneous items".

REPORTING HEARINGS

For stenographic reports of hearings of committees other than special and select committees, \$373,750.

SPECIAL AND SELECT COMMITTEES

For salaries and expenses of special and select committees authorized by the House, \$6,800,000.

TELEGRAPH AND TELEPHONE

For telegraph and telephone service, exclusive of personal services, \$3,650,000.

STATIONERY (REVOLVING FUND)

For a stationery allowance for each Member for the first session of the Ninety-second Congress, as authorized by law, \$1,308,000, to remain available until expended.

POSTAGE STAMP ALLOWANCES

Postage stamp allowances for the first session of the Ninety-second Congress, as follows: Clerk, \$1,120; Sergeant at Arms, \$840; Door-keeper, \$700; Postmaster, \$560, airmail and special-delivery postage stamps for each Member, the Speaker, the majority and minority leaders, the majority and minority whips, and to each standing committee, as authorized by law; \$320,390.

REVISION OF LAWS

61 Stat. 637. For preparation and editing of the laws as authorized by 1 U.S.C. 202, 203, 213, \$35,000, to be expended under the direction of the Committee on the Judiciary.

LEADERSHIP AUTOMOBILES

For purchase, exchange, hire, driving, maintenance, repair, and operation of an automobile for the Speaker, \$15,750.

For purchase, exchange, hire, driving, maintenance, repair, and operation of an automobile for the majority leader of the House, \$15,750.

For purchase, exchange, hire, driving, maintenance, repair, and operation of an automobile for the minority leader of the House, \$15,750.

NEW EDITION OF THE DISTRICT OF COLUMBIA CODE

For preparation of a new edition of the District of Columbia Code, \$150,000, to remain available until expended, and to be expended under the direction of the Committee on the Judiciary.

ADMINISTRATIVE PROVISIONS

78 Stat. 1079. Except as provided by the House Employees Position Classification Act (2 U.S.C. 291 and following) or by any other provision of law to the contrary, salaries or wages paid out of the items herein for the House of Representatives shall be computed at basic rates, plus increased and additional compensation, as authorized and provided by law.

JOINT ITEMS

For joint committees, as follows:

JOINT COMMITTEE ON REDUCTION OF FEDERAL EXPENDITURES

For an amount to enable the Joint Committee on Reduction of Federal Expenditures to carry out the duties imposed upon it by section 601 of the Revenue Act of 1941 (55 Stat. 726), to remain available during the existence of the Committee, \$61,000, to be disbursed by the Secretary of the Senate.

79 Stat. 1026.

CONTINGENT EXPENSES OF THE SENATE

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, \$572,900.

JOINT COMMITTEE ON ATOMIC ENERGY

For salaries and expenses of the Joint Committee on Atomic Energy, \$434,640.

JOINT COMMITTEE ON PRINTING

For salaries and expenses of the Joint Committee on Printing, \$236,110; and for salaries and expenses of compiling, preparing, and indexing material for the 1970 edition of the Biographical Congressional Directory, \$17,000; in all, \$253,110.

CONTINGENT EXPENSES OF THE HOUSE

JOINT COMMITTEE ON INTERNAL REVENUE TAXATION

For salaries and expenses of the Joint Committee on Internal Revenue Taxation, \$657,715.

JOINT COMMITTEE ON DEFENSE PRODUCTION

For salaries and expenses of the Joint Committee on Defense Production as authorized by the Defense Production Act of 1950, as amended, \$118,800.

For other joint items, as follows:

64 Stat. 798.
50 USC app.
2061.

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the attending physician and his assistants, including (1) an allowance of one thousand dollars per month to the attending physician; (2) an allowance of one hundred fifty dollars per month each to three medical officers while on duty in the attending physician's office; and (3) an allowance of one hundred fifty dollars per month each to not to exceed eight assistants on the basis heretofore provided for such assistants, \$77,300.

CAPITOL POLICE

GENERAL EXPENSES

For purchasing and supplying uniforms; the purchase, maintenance, and repair of police motor vehicles, including two-way police radio equipment; contingent expenses, including \$25 per month for extra services performed for the Capitol Police Board by such member of the staff of the Sergeant at Arms of the Senate or the House as may be designated by the Chairman of the Board; \$134,000.

CAPITOL POLICE BOARD

To enable the Capitol Police Board to provide additional protection for the Capitol Buildings and Grounds, including the Senate and House Office Buildings and the Capitol Power Plant, \$880,000. Such sum shall be expended only for payment of salaries and other expenses of personnel detailed from the Metropolitan Police of the District of Columbia, and the Commissioner of the District of Columbia is authorized and directed to make such details upon the request of the Board. Personnel so detailed shall, during the period of such detail, serve under the direction and instructions of the Board and are authorized to exercise the same authority as members of such Metropolitan Police and members of the Capitol Police and to perform such other duties as may be assigned by the Board. Reimbursement for salaries and other expenses of such detail personnel shall be made to the government of the District of Columbia, and any sums so reimbursed shall be credited to the appropriation or appropriations from which such salaries and expenses are payable and shall be available for all the purposes thereof: *Provided*, That any person detailed under the authority of this paragraph or under similar authority in the Legislative Branch Appropriation Act, 1942, and the Second Deficiency Appropriation Act, 1940, from the Metropolitan Police of the District of Columbia shall be deemed a member of such Metropolitan Police during the period or periods of any such detail for all purposes of rank, pay, allowances, privileges, and benefits to the same extent as though such detail had not been made, and at the termination thereof any such person who was a member of such police on July 1, 1940, shall have a status with respect to rank, pay, allowances, privileges, and benefits which is not less than the status of such person in such police at the end of such detail: *Provided further*, That the Commissioner of the District of Columbia is directed (1) to pay the deputy chief of police detailed under the authority of this paragraph and serving as Chief of the Capitol Police, the salary of the rank of deputy chief plus \$4,000 and such increases in basic compensation as may be subsequently provided by law so long as this position is held by the present incumbent, (2) to pay the two acting inspectors detailed under the authority of this paragraph and serving as assistants to the Chief of the Capitol Police, the salary of the rank of inspector plus \$1,625 and such increases in basic compensation as may be subsequently provided by law so long as these positions are held by the present incumbents, (3) to elevate and pay the two acting lieutenants detailed under the authority of this paragraph and serving as supervisors of the plainclothes officers to the rank and salary of captains plus \$1,625 and such increases in basic compensation as may be subsequently provided by law so long as these positions are held by the

Detail personnel.

Reimbursement.

55 Stat. 456.

54 Stat. 629.

present incumbents, (4) to pay the three detectives permanently detailed under the authority of this paragraph and serving as acting detective sergeants the salary of the rank of detective sergeant and such increases in basic compensation as may be subsequently provided by law, and (5) to elevate and pay the acting sergeant of the uniform force regularly assigned as such to the rank and salary of lieutenant and such increases in basic compensation as may be subsequently provided by law so long as this position is held by the present incumbent.

No part of any appropriation contained in this Act shall be paid as compensation to any person appointed after June 30, 1935, as an officer or member of the Capitol Police who does not meet the standards to be prescribed for such appointees by the Capitol Police Board: *Provided*, That the Capitol Police Board is hereby authorized to detail police from the House Office, Senate Office, and Capitol buildings for police duty on the Capitol Grounds and on the Library of Congress Grounds.

EDUCATION OF PAGES

For education of congressional pages and pages of the Supreme Court, pursuant to section 243 of the Legislative Reorganization Act, 1946, \$112,310, which amount shall be advanced and credited to the applicable appropriation of the District of Columbia, and the Board of Education of the District of Columbia is hereby authorized to employ such personnel for the education of pages as may be required and to pay compensation for such services in accordance with such rates of compensation as the Board of Education may prescribe.

60 Stat. 839.
2 USC 88a.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs pursuant to title 39, U.S.C., section 4167, \$11,244,000, to be available immediately.

74 Stat. 663;
82 Stat. 278.

The foregoing amounts under "other joint items" shall be disbursed by the Clerk of the House.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and House of Representatives, of the statements for the second session of the Ninety-first Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriation bills as required by law. \$13,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

ARCHITECT OF THE CAPITOL

OFFICE OF THE ARCHITECT OF THE CAPITOL

SALARIES

For the Architect of the Capitol; the Assistant Architect of the Capitol; the Executive Assistant (whose salary shall be equivalent to the rate for grade GS-18 of the General Schedule (5 U.S.C. 5332a), on and after the date of enactment hereof); and other personal services; at rates of pay provided by law, \$938,800: *Provided*, That, on

Ante, p. 198-1.

and after such date, the Assistant Architect of the Capitol shall act as Architect of the Capitol during the absence or disability of that official or whenever there is no Architect, and, in case of the absence or disability of the Assistant Architect, the Executive Assistant shall so act.

Appropriations under the control of the Architect of the Capitol shall be available for expenses of travel on official business not to exceed in the aggregate under all funds the sum of \$20,000.

CONTINGENT EXPENSES

To enable the Architect of the Capitol to make surveys and studies and to meet unforeseen expenses in connection with activities under his care, \$50,000.

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

For necessary expenditures for the Capitol Building and electrical substations of the Senate and House Office Buildings, under the jurisdiction of the Architect of the Capitol, including improvements, maintenance, repair, equipment, supplies, material, fuel, oil, waste, and appurtenances; furnishings and office equipment; special and protective clothing for workmen; uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902); personal and other services; cleaning and repairing works of art, without regard to section 3709 of the Revised Statutes, as amended; purchase or exchange, maintenance and operation of a passenger motor vehicle; purchase of necessary reference books and periodicals; for expenses of attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, \$2,442,526, of which \$100,000 shall remain available until expended.

Not to exceed \$125,000 of the unobligated balance of the appropriation under this head for the fiscal year 1970 is hereby continued available until June 30, 1971.

CAPITOL GROUNDS

For care and improvement of grounds surrounding the Capitol, the Senate and House Office Buildings, and the Capitol Power Plant; personal and other services; care of trees; planting; fertilizers; repairs to pavements, walks, and roadways; waterproof wearing apparel; maintenance of signal lights; and for snow removal by hire of men and equipment or under contract without regard to section 3709 of the Revised Statutes, as amended; \$881,800.

SENATE OFFICE BUILDINGS

For maintenance, miscellaneous items and supplies, including furniture, furnishings, and equipment, and for labor and material incident thereto, and repairs thereof; for purchase of waterproof wearing apparel, and for personal and other services; including eight attendants at \$1,800 each; for the care and operation of the Senate Office Buildings; including the subway and subway transportation systems connecting the Senate Office Buildings with the Capitol; uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902), preven-

80 Stat. 508;
81 Stat. 206.

41 USC 5.

tion and eradication of insect and other pests without regard to section 3709 of the Revised Statutes as amended; to be expended under the control and supervision of the Architect of the Capitol; in all, \$3,855,000, of which \$250,000 shall remain available until expended and of which \$80,000 shall remain available until June 30, 1972.

41 USC 5.

EXTENSION OF ADDITIONAL SENATE OFFICE BUILDING SITE

To enable the Architect of the Capitol, under the direction of the Senate Office Building Commission, to acquire on behalf of the United States, in addition to the real property heretofore acquired under the provisions of the Second Deficiency Appropriation Act, 1948, approved June 25, 1948 (62 Stat. 1028), as a site for an additional office building for the United States Senate, and under Public Law 85-591, approved August 6, 1958 (72 Stat. 495-496) and Public Law 85-429, approved May 29, 1958 (72 Stat. 148-149), for purposes of extension of such site or for additions to the United States Capitol Grounds, and authorized to be acquired for such purposes by Public Law 91-145, approved December 12, 1969 (83 Stat. 352-353), by purchase, condemnation, transfer, or otherwise, for purposes of further extension of such site or for additions to the United States Capitol Grounds, all privately owned property contained in lots 845 and 832 in square 724 in the District of Columbia, as such square appears on the records in the office of the surveyor of the District of Columbia as of the date of the approval of this Act: *Provided*, That any proceeding for condemnation brought under this Act shall be conducted in accordance with the Act of December 23, 1963 (16 D.C. Code, secs. 1351-1368): *Provided further*, That for the purposes of this Act, square 724 shall be deemed to extend to the outer face of the curbs surrounding such square: *Provided further*, That, notwithstanding any other provision of law, any parts of streets contained within the curblines surrounding square 724 shall, upon request of the Architect of the Capitol, made with the approval of the Senate Office Building Commission, be transferred to the jurisdiction and control of the Architect of the Capitol: *Provided further*, That, upon acquisition of any real property pursuant to this Act, the Architect of the Capitol, when directed by the Senate Office Building Commission to so act, is authorized to provide for the demolition and/or removal of any buildings or other structures on, or constituting a part of, such property and, pending demolition, to use the property for Government purposes or to lease any or all of such property for such periods and under such terms and conditions as he may deem most advantageous to the United States and to incur any necessary expenses in connection therewith: *Provided further*, That the jurisdiction of the Capitol Police shall extend over any real property acquired under this Act and such property shall become a part of the United States Capitol Grounds; and the Architect of the Capitol, under the direction of the Senate Office Building Commission, is authorized to enter into contracts and to make such expenditures, including expenditures for personal and other services, as may be necessary to carry out the purposes of this appropriation: \$510,000, to remain available until expended.

77 Stat. 577.

SENATE GARAGE

For maintenance, repairs, alterations, personal and other services, and all other necessary expenses, \$80,000.

HOUSE OFFICE BUILDINGS

80 Stat. 508;
81 Stat. 206.

41 USC 5.

For maintenance, including equipment; waterproof wearing apparel; uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902); prevention and eradication of insect and other pests without regard to section 3709 of the Revised Statutes, as amended; miscellaneous items; and for all necessary services, including the position of Superintendent of Garages as authorized by law, \$6,165,000; of which \$112,000 shall remain available until June 30, 1972.

CAPITOL POWER PLANT

For lighting, heating, and power (including the purchase of electrical energy) for the Capitol, Senate and House Office Buildings, Supreme Court Building, Congressional Library Buildings, and the grounds about the same, Botanic Garden, Senate garage, and for air-conditioning refrigeration not supplied from plants in any of such buildings; for heating the Government Printing Office, Washington City Post Office, and Folger Shakespeare Library, reimbursement for which shall be made and covered into the Treasury; personal and other services, fuel oil, materials, waterproof wearing apparel, and all other necessary expenses in connection with the maintenance and operation of the plant; \$3,915,300.

EXPANSION OF FACILITIES, CAPITOL POWER PLANT

For an additional amount for "Expansion of facilities, Capitol power plant", \$50,000, to remain available until expended and to be expended by the Architect of the Capitol under the direction of the House Office Building Commission, in accordance with the provisions of the Act of September 2, 1958 (72 Stat. 1714-1716).

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

For necessary expenditures for mechanical and structural maintenance, including improvements, equipment, supplies, waterproof wearing apparel, and personal and other services, \$1,555,200, of which \$165,000 shall remain available until June 30, 1972.

Not to exceed \$29,500 of the unobligated balance of the appropriation under this head for the fiscal year 1970 and the unobligated balance of the amount of \$60,000 appropriated under this head for the fiscal year 1969 and continued available until June 30, 1970 are hereby continued available until June 30, 1971.

FURNITURE AND FURNISHINGS

For furniture, partitions, screens, shelving, and electrical work pertaining thereto and repairs thereof, office and library equipment, apparatus, and labor-saving devices, \$350,000: *Provided*, That these funds shall be transferred by the Architect of the Capitol to the Librarian of Congress for expenditure in accord with Public Law 91-280, approved June 12, 1970.

LIBRARY OF CONGRESS JAMES MADISON MEMORIAL BUILDING

For additional amount for "Library of Congress James Madison Memorial Building", \$15,610,000, authorized by the Act of October 19, 1965 (79 Stat. 986-987), as amended by the Act of March 16, 1970 (84 Stat. 69), to remain available until expended.

2 USC 141 note.

BOTANIC GARDEN

SALARIES AND EXPENSES

For all necessary expenses incident to maintaining, operating, repairing, and improving the Botanic Garden and the nurseries, buildings, grounds, collections, and equipment pertaining thereto, including personal services; waterproof wearing apparel; not to exceed \$25 for emergency medical supplies; traveling expenses, including bus fares, not to exceed \$275; the prevention and eradication of insect and other pests and plant diseases by purchase of materials and procurement of personal services by contract without regard to the provisions of any other Act; purchase and exchange of motor trucks; purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; purchase of botanical books, periodicals, and books of reference, not to exceed \$100; all under the direction of the Joint Committee on the Library; \$672,800.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress, not otherwise provided for, including development and maintenance of the Union Catalogs; custody, care, and maintenance of the Library Buildings; special clothing; cleaning, laundering, and repair of uniforms; preservation of motion pictures in the custody of the Library; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, \$21,573,100, including \$604,000 to be available for reimbursement to the General Services Administration for rental of suitable space in the District of Columbia or its immediate environs for the Library of Congress.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, including publication of the decisions of the United States courts involving copyrights, \$3,594,500.

LEGISLATIVE REFERENCE SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 166), \$5,178,000: *Provided*, That no part of this appropriation may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public

Post, p. 1181.

General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration or the Senate Committee on Rules and Administration.

DISTRIBUTION OF CATALOG CARDS

SALARIES AND EXPENSES

For necessary expenses for the preparation and distribution of catalog cards and other publications of the Library, \$9,000,000: *Provided*, That \$200,000 of this appropriation shall be apportioned for use pursuant to section 3679 of the Revised Statutes, as amended (31 U.S.C. 665), only to the extent necessary to provide for expenses (excluding permanent personal services) for workload increases not anticipated in the budget estimates and which cannot be provided for by normal budgetary adjustments.

BOOKS FOR THE GENERAL COLLECTIONS

For necessary expenses (except personal services) for acquisition of books, periodicals, and newspapers, and all other material for the increase of the Library, \$800,000, to remain available until expended, including \$25,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections.

BOOKS FOR THE LAW LIBRARY

For necessary expenses (except personal services) for acquisition of books, legal periodicals, and all other material for the increase of the law library, \$140,000, to remain available until expended.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

80 Stat. 330. For salaries and expenses to carry out the provisions of the Act approved March 3, 1931 (2 U.S.C. 135a), as amended, \$7,598,000.

ORGANIZING AND MICROFILMING THE PAPERS OF THE PRESIDENTS

SALARIES AND EXPENSES

2 USC 131 note. For necessary expenses to carry out the provisions of the Act of August 16, 1957 (71 Stat. 368), as amended by the Act of April 27, 1964 (78 Stat. 183), \$136,000, to remain available until expended.

COLLECTION AND DISTRIBUTION OF LIBRARY MATERIALS (SPECIAL FOREIGN CURRENCY PROGRAM)

80 Stat. 1528. For necessary expenses for carrying out the provisions of section 104(b)(5) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704), to remain available until expended, \$2,377,000, of which \$2,148,000 shall be available only for

payments in foreign currencies which the Treasury Department shall determine to be excess to the normal requirements of the United States.

ADMINISTRATIVE PROVISIONS

Appropriations in this Act available to the Library of Congress for salaries shall be available for expenses of investigating the loyalty of Library employees; special and temporary services (including employees engaged by the day or hour or in piecework); and services as authorized by 5 U.S.C. 3109.

Not to exceed ten positions in the Library of Congress may be exempt from the provisions of appropriation Acts concerning the employment of aliens during the current fiscal year, but the Librarian shall not make any appointment to any such position until he has ascertained that he cannot secure for such appointments a person in any of the categories specified in such provisions who possesses the special qualifications for the particular position and also otherwise meets the general requirements for employment in the Library of Congress.

Funds available to the Library of Congress may be expended to reimburse the Department of State for medical services rendered to employees of the Library of Congress stationed abroad and for contracting on behalf of and hiring alien employees for the Library of Congress under compensation plans comparable to those authorized by section 444 of the Foreign Service Act of 1946, as amended (22 U.S.C. 889(a)); for purchase or hire of passenger motor vehicles; for payment of travel, storage and transportation of household goods, and transportation and per diem expenses for families en route (not to exceed twenty-four); for benefits comparable to those payable under sections 911(9), 911(11), and 941 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1136(9), 1136(11), and 1156, respectively); and travel benefits comparable with those which are now or hereafter may be granted single employees of the Agency for International Development, including single Foreign Service personnel assigned to A.I.D. projects, by the Administrator of the Agency for International Development—or his designee—under the authority of section 636(b) of the Foreign Assistance Act of 1961 (Public Law 87-195, 22 U.S.C. 2396(b)); subject to such rules and regulations as may be issued by the Librarian of Congress.

Payments in advance for subscriptions or other charges for bibliographical data, publications, materials in any other form, and services may be made by the Librarian of Congress whenever he determines it to be more prompt, efficient, or economical to do so in the interest of carrying out required Library programs.

80 Stat. 416.

Aliens, employment.

74 Stat. 831.

75 Stat. 464;

81 Stat. 671;

70 Stat. 706.

75 Stat. 458.

Advance payments.

GOVERNMENT PRINTING OFFICE

PRINTING AND BINDING

For authorized printing and binding for the Congress: for printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (44 U.S.C. 902); printing, binding, and distribution of the Federal Register (including the Code of Federal Regulations) as authorized by law (44 U.S.C. 1509, 1510); and printing and binding of Government publications authorized by law to be distributed without charge to the recipients: \$32,000,000: *Provided*,

82 Stat. 1256.

That this appropriation shall not be available for printing and binding part 2 of the annual report of the Secretary of Agriculture (known as the Yearbook of Agriculture): *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years.

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

For necessary expenses of the Office of Superintendent of Documents, including compensation of all employees in accordance with the Act entitled "An Act to regulate and fix rates of pay for employees and officers of the Government Printing Office", approved June 7, 1924 (44 U.S.C. 305); travel expenses (not to exceed \$22,000); price lists and bibliographies; repairs to buildings, elevators and machinery; and supplying books to depository libraries; \$11,382,000: *Provided*, That \$200,000 of this appropriation shall be apportioned for use pursuant to section 3679 of the Revised Statutes, as amended (31 U.S.C. 665), with the approval of the Public Printer, only to the extent necessary to provide for expenses (excluding permanent personal services) for workload increases not anticipated in the budget estimates and which cannot be provided for by normal budgetary adjustments.

82 Stat. 1240;
83 Stat. 453.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

For payment to the "Government Printing Office revolving fund", \$22,000,000, to remain available until expended, for improving electrical and air-conditioning systems, and building structures, and additional capital as necessary for the operation and maintenance of the Government Printing Office.

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the "Government Printing Office revolving fund": *Provided*, That during the current fiscal year the revolving fund shall be available for the hire of one passenger motor vehicle and the purchase of one passenger motor vehicle (station wagon).

61 Stat. 584.
31 USC 849.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not to exceed \$3,500 to be expended on the certification of the Comptroller General of the United States in connection with special studies of governmental financial practices and procedures; services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for grade GS-18; advance payments in foreign countries notwithstanding section 3648, Revised Statutes, as amended (31 U.S.C. 529); benefits comparable to those payable under section 911(9), 911(11) and 942(a) of the Foreign

80 Stat. 416.
Ante, p. 198-1.

Service Act of 1946, as amended (22 U.S.C. 1136(9), 1136(11) and 1157(a), respectively); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries and travel benefits comparable with those which are now or hereafter may be granted single employees of the Agency for International Development, including single Foreign Service personnel assigned to A.I.D. projects, by the Administrator of the Agency for International Development—or his designee—under the authority of Section 636(b) of the Foreign Assistance Act of 1961 (Public Law 87-195, 22 U.S.C. 2396(b)), \$74,020,000.

75 Stat. 464;
81 Stat. 671.

75 Stat. 458.

GENERAL PROVISIONS

SEC. 102. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles.

SEC. 103. Whenever any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for herein or whenever the rate of compensation or designation of any position appropriated for herein is different from that specifically established for such position by such Act, the rate of compensation and the designation of the position, or either, appropriated for or provided herein, shall be the permanent law with respect thereto: *Provided*, That the provisions herein for the various items of official expenses of Members, officers, and committees of the Senate and House, and clerk hire for Senators and Members shall be the permanent law with respect thereto: *Provided further*, That the provisions relating to positions and salaries thereof carried in House Resolutions 644 and 865, Ninety-first Congress, shall be the permanent law with respect thereto.

46 Stat. 32.
2 USC 60a note.

SEC. 104. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

This Act may be cited as the "Legislative Branch Appropriation Act, 1971".

Short title.

Approved August 18, 1970.

Public Law 91-383

AN ACT

To improve the administration of the national park system by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes.

August 18, 1970
[H. R. 14114]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress declares that the national park system, which began with establishment of Yellowstone National Park in 1872, has since grown to include superlative natural, historic, and recreation areas in every major region of the United States, its territories and island possessions; that these areas, though distinct in character, are united through their inter-related purposes and resources into one national park system as cumulative expressions of a single national heritage; that, individually and collectively, these areas derive increased national dignity and recognition of their superb environmental quality through their inclusion jointly with each other in one national park system preserved and managed for the benefit and inspiration of all the people of the United States; and that it is the purpose of this Act to include all such areas in the System and to clarify the authorities applicable to the system.

National park
system,
Administration;
authority clarification,
16 USC 21.

SEC. 2. (a) Section 1 of the Act of August 8, 1953 (67 Stat. 496; 16 U.S.C. 1b), is amended by deleting "and miscellaneous areas administered in connection therewith" and "and miscellaneous areas" wherever they appear.

(b) Section 2 of the Act of August 8, 1953 (67 Stat. 496; 16 U.S.C. 1c), is amended to read as follows:

"National park system."

"SEC. 2. (a) The 'national park system' shall include any area of land and water now or hereafter administered by the Secretary of the Interior through the National Park Service for park, monument, historic, parkway, recreational, or other purposes.

Authorities,
uniform appli-
cability.

"(b) Each area within the national park system shall be administered in accordance with the provisions of any statute made specifically applicable to that area. In addition, the provisions of this Act, and the various authorities relating to the administration and protection of areas under the administration of the Secretary of the Interior through the National Park Service, including but not limited to the Act of August 25, 1916 (39 Stat. 535), as amended (16 U.S.C. 1, 2-4), the Act of March 4, 1911 (36 Stat. 1253), as amended (16 U.S.C. 5) relating to rights-of-way, the Act of June 5, 1920 (41 Stat. 917), as amended (16 U.S.C. 6), relating to donation of land and money, sections 1, 4, 5, and 6 of the Act of April 9, 1924 (43 Stat. 90), as amended (16 U.S.C. 8 and 8a-8c), relating to roads and trails, the Act of March 4, 1931 (46 Stat. 1570; 16 U.S.C. 8d) relating to approach roads to national monuments, the Act of June 3, 1948 (62 Stat. 334), as amended (16 U.S.C. 8e-8f), relating to conveyance of roads to States, the Act of August 31, 1954 (68 Stat. 1037), as amended (16 U.S.C. 452a), relating to acquisitions of inholdings, section 1 of the Act of July 3, 1926 (44 Stat. 900), as amended (16 U.S.C. 12), relating to aid to visitors in emergencies, the Act of March 3, 1905 (33 Stat. 873; 16 U.S.C. 10), relating to arrests, sections 3, 4, 5, and 6 of the Act of May 26, 1930 (46 Stat. 381), as amended (16 U.S.C. 17b, 17c, 17d, and 17e), relating to services or other accommodations for the public, emergency supplies and services to concessioners, acceptability of travelers checks, care and removal of indigents, the Act of October 9, 1965 (79 Stat. 696; 16 U.S.C. 20-20g), relating to concessions, the Land and Water Conservation Fund Act of 1965, as amended, and the Act of July 15, 1968 (82 Stat. 355), shall, to the extent such provisions are not in conflict with any such specific provision, be applicable to all areas within the national park system and any reference in such Act to national parks, monuments, recreation areas, historic monuments, or parkways shall hereinafter not be construed as limiting such Acts to those areas."

66 Stat. 95.

46 Stat. 1053.

70 Stat. 908.

79 Stat. 969.

78 Stat. 897.
16 USC 460l-4
note.

Secretary of
Interior, authority.

SEC. 3. In order to facilitate the administration of the national park system, the Secretary of the Interior is authorized, under such terms and conditions as he may deem advisable, to carry out the following activities:

(a) provide transportation of employees located at isolated areas of the national park system and to members of their families, where (1) such areas are not adequately served by commercial transportation, and (2) such transportation is incidental to official transportation services;

(b) provide recreation facilities, equipment, and services for use by employees and their families located at isolated areas of the national park system;

(c) appoint and establish such advisory committees in regard to the functions of the National Park Service as he may deem advisable, members of which shall receive no compensation for their services as such but who shall be allowed necessary travel expenses as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 5703);

80 Stat. 499;
83 Stat. 190.

(d) purchase field and special purpose equipment required by employees for the performance of assigned functions which shall be regarded and listed as park equipment;

(e) enter into contracts which provide for the sale or lease to persons, States, or their political subdivisions, of services, resources, or water available within an area of the national park system, if such person, State, or its political subdivision—

(1) provides public accommodations or services within the immediate vicinity of an area of the national park system to persons visiting the area; and

(2) has demonstrated to the Secretary that there are no reasonable alternatives by which to acquire or perform the necessary services, resources, or water;

(f) acquire, and have installed, air-conditioning units for any Government-owned passenger motor vehicles used by the National Park Service, where assigned duties necessitate long periods in automobiles or in regions of the United States where high temperatures and humidity are common and prolonged;

(g) sell at fair market value without regard to the requirements of the Federal Property and Administrative Services Act of 1949, as amended, products and services produced in the conduct of living exhibits and interpretive demonstrations in areas of the national park system, to enter into contracts including cooperative arrangements with respect to such living exhibits and interpretive demonstrations and park programs, and to credit the proceeds therefrom to the appropriation bearing the cost of such exhibits and demonstrations.

63 Stat. 377.
40 USC 471
note.

SEC. 4. The Act of March 17, 1948 (62 Stat. 81), is amended by deleting from section 1 thereof the words "over which the United States has, or hereafter acquires, exclusive or concurrent criminal jurisdiction," and changing section 3 to read as follows:

U.S. Park
Police, jurisdic-
tion in D.C.
environs.

"SEC. 3. For the purposes of this Act, the environs of the District of Columbia are hereby defined as embracing Arlington, Fairfax, Loudoun, Prince William, and Stafford Counties and the city of Alexandria in Virginia, and Prince Georges, Charles, Anne Arundel, and Montgomery Counties in Maryland."

Definition.

Approved August 18, 1970.

Public Law 91-384

AN ACT

To amend the Agricultural Marketing Agreement Act of 1937 to authorize marketing agreements providing for the advertising of papayas.

August 18, 1970
[S. 2484]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. The proviso at the end of section 8c(6) (1) of the Agricultural Adjustment Act (as reenacted by the Agricultural Marketing Agreement Act of 1937, and as subsequently amended (7 U.S.C. 608c (6)(I))), is amended by inserting "papayas," immediately after "applicable to cherries,".

Papayas.
Marketing agree-
ments.

76 Stat. 632;
79 Stat. 1270.

Approved August 18, 1970.

Public Law 91-385

AN ACT

August 20, 1970
[H. R. 17711]

To amend the District of Columbia Cooperative Association Act, and for other purposes.

D.C. usury
law, exemption.

54 Stat. 490.

37 Stat. 657;
77 Stat. 344.
78 Stat. 675.
D.C. Code 28-
3301 et seq.;
infra.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 43 of the District of Columbia Cooperative Association Act (D.C. Code, sec. 29-843) is amended by adding at the end thereof the following new sentence: "The Act of February 4, 1913 (D.C. Code, secs. 26-601—26-611) (relating to licenses for loaning of money), and chapter 33 of title 28 of the District of Columbia Code (relating to interest rates) shall not apply to—

"(A) any association formed under this Act (whose sole function is to arrange and provide financing for its members), and

"(B) any members of such association engaged in utility operations

with respect to any contract or agreement between such association and any member relating to a loan of money in connection with such utility operations."

SEC. 2. (a) Chapter 33 of title 28 of the District of Columbia Code is amended by adding the following new section:

"§ 28-3307. District of Columbia Council authorized to exempt certain mortgages and loans

"The District of Columbia Council is authorized from time to time to provide by regulation for the exemption from the provisions of this chapter of any mortgage or loan insured or guaranteed under the National Housing Act or chapter 37 of title 38, United States Code, the interest rate of which is subject to regulation by an officer or agency of the Federal Government. The Council is further authorized to amend or repeal any such regulation at any time, but no such amendment or repeal shall affect any such loan or mortgage lawfully made or committed to be made while such exemption is in effect."

(b) The chapter analysis of chapter 33 of title 28 is amended by inserting immediately below the item relating to section 28-3306 the following new item:

"28-3307. District of Columbia Council authorized to exempt certain mortgages and loans".

Approved August 20, 1970.

Public Law 91-386

AN ACT

August 24, 1970
[H. R. 15866]

To repeal the Act of August 25, 1959, with respect to the final disposition of the affairs of the Choctaw Tribe.

Choctaw
Indians.
Repeal.
25 USC 355
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of August 25, 1959 (73 Stat. 420), as amended, is repealed.

SEC. 2. Repeal of the Act of August 25, 1959, shall not be construed to abrogate, impair, annul, or otherwise affect any right or interest which may have vested under the provisions of said Act nor shall repeal affect any legal action pending on the date of enactment of this Act.

Approved August 24, 1970.

Public Law 91-387

AN ACT

To amend section 4 of the Fish and Wildlife Act of 1956, as amended, to extend the term during which the Secretary of the Interior can make fisheries loans under the Act, and for other purposes.

August 24, 1970
[S. 3102]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4(c) of the Fish and Wildlife Act of 1956 (70 Stat. 1121), as amended (16 U.S.C. 742c(c)), is further amended by changing the date "June 30, 1970" to "June 30, 1980" where it appears three times.

Fisheries loan
fund, extension.
79 Stat. 262.

SEC. 2. Section 4(b) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742c(b)) is amended by striking out paragraphs (7) and (8) and inserting in lieu thereof the following:

Conditions.

"(7) An applicant for a fishery loan must be a citizen or national of the United States.

U.S. citizen or
national.

"(8) Within the meaning of this section, a corporation, partnership, or association shall not be deemed to be a citizen of the United States unless the Secretary determines that it satisfactorily meets all of the requirements set forth in section 2 of the Shipping Act, 1916, as amended, for determining the United States citizenship of a corporation, partnership, or association operating a vessel in the coastwise trade.

41 Stat. 1008;
73 Stat. 597.
46 USC 802.

"(9) (A) The nationality of an applicant shall be established to the satisfaction of the Secretary. Within the meaning of this section, no corporation, partnership, or association organized under the laws of American Samoa shall be deemed a national of the United States unless 75 per centum of the interest therein is owned by nationals of the United States, citizens of the United States, or both, and in the case of a corporation, unless its president or other chief executive officer and the chairman of its board are nationals or citizens of the United States and unless no more of its directors than a minority of the number necessary to constitute a quorum are nonnationals and noncitizens.

American
Samoa, corpora-
tion ownership
requirements.

"(B) Seventy-five per centum of the interest in a corporation shall not be deemed to be owned by nationals of the United States, citizens of the United States, or both, (i) if the title to 75 per centum of its stock is not vested in such nationals and citizens free from any trust or fiduciary obligation in favor of any person not a national or citizen of the United States; or (ii) if 75 per centum of the voting power in such corporation is not vested in nationals of the United States, citizens of the United States, or both; or (iii) if through any contract or understanding it is so arranged that more than 25 per centum of the voting power may be exercised, directly or indirectly, in behalf of any person who is not a national or citizen of the United States; or (iv) if by any other means whatsoever control of any interest in the corporation in excess of 25 per centum is conferred upon or permitted to be exercised by any person who is not a national or citizen of the United States."

SEC. 3. The provisions of this Act shall be effective July 1, 1970. Notwithstanding the provisions of section 4(c) of the Fish and Wildlife Act of 1956, as amended, any balance remaining in the fisheries loan fund at the close of June 30, 1970, shall be available to make loans for the purposes of section 4 of said Act from July 1, 1970, to the close of June 30, 1980.

Effective date.

Approved August 24, 1970.

Public Law 91-388

AN ACT

August 24, 1970
[H. R. 14956]

To extend for three years the period during which certain dyeing and tanning materials may be imported free of duty.

Tanning ex-
tracts, duty free
entry.

Extension.
80 Stat. 765.

Effective date.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That item 907.80 of the appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by striking out "9/30/69" and inserting in lieu thereof "9/30/72".

SEC. 2. (a) The amendment made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after the date of the enactment of this Act.

(b) Upon request therefor filed with the customs officer concerned on or before the one hundred and twentieth day after the date of the enactment of this Act, the entry or withdrawal of any article—

(1) which was made after October 1, 1969, and on or before the date of the enactment of this Act, and

(2) with respect to which there would be no duty if the amendment made by the first section of this Act applied to such entry or withdrawal,

Ante, p. 284.

shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entry or withdrawal had been made on the day after the date of the enactment of this Act.

U.S. savings
bonds, interest
rate, increase.
83 Stat. 272.

SEC. 3. (a) The proviso in the second sentence of section 22(b)(1) of the Second Liberty Bond Act, as amended (31 U.S.C. 757c(b)(1)), is amended by striking out "5 per centum" and inserting in lieu thereof "5½ per centum".

55 Stat. 7;
73 Stat. 621.

(b) Section 22(b) of the Second Liberty Bond Act, as amended (31 U.S.C. 757c(b)), is further amended by adding a new paragraph (3) reading as follows:

"(3) The Secretary of the Treasury, with the approval of the President, may increase the interest rates and the investment yields on any offerings of United States savings bonds by not more than one-half of one percent for any interest accrual period that begins on or after June 1, 1970, and for any interest accrual period thereafter, to be paid as a bonus either on redemption or at maturity as the Secretary shall specify at the time the increase is provided."

Approved August 24, 1970.

Public Law 91-389

AN ACT

August 28, 1970
[S. 3547]

To authorize the Secretary of the Interior to construct, operate, and maintain the Narrows unit, Missouri River Basin project, Colorado, and for other purposes.

Missouri River
Basin project,
Colo.
Narrows unit,
construction
authorization.
58 Stat. 891.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Narrows unit, heretofore authorized as an integral part of the Missouri River Basin project by section 9 of the Flood Control Act of December 22, 1944, as amended and supplemented, is hereby reauthorized as a unit of that project for the purposes of providing irrigation water for one hundred and sixty-six thousand acres of land, flood control, fish and wildlife conservation and development, public outdoor recreation, potential future municipal and industrial supplies, and for other purposes. The construction, operation, and maintenance of the Narrows

unit shall be subject to the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto). The principal features of the Narrows unit shall include the Narrows Dam and Reservoir, fish hatchery and rearing ponds, acquisition and development of the existing Jackson Lake Reservoir, including some rehabilitation of Jackson Lake Dam, for public outdoor recreation and fish and wildlife enhancement, and other necessary works and facilities to effect its purpose.

The Narrows unit shall be operated in such manner that identifiable return flows of water will not cause the South Platte River to be in violation of water quality standards established by the State of Colorado and approved by the Secretary of the Interior pursuant to the Water Quality Act of 1965 (79 Stat. 903).

SEC. 2. The conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the Narrows unit shall be in accordance with provisions of the Federal Water Project Recreation Act (79 Stat. 213).

SEC. 3. The Narrows unit shall be integrated physically and financially with the other Federal works constructed under the comprehensive plan approved by section 9 of the Flood Control Act of December 22, 1944, as amended and supplemented: *Provided*, That repayment contracts for the return of construction costs allocated to irrigation will be based on the irrigator's ability to repay, as determined by the Secretary: *Provided further*, That the terms of such contracts shall not exceed 50 years.

SEC. 4. For a period of ten years from the date of enactment of this Act, no water from the unit authorized by this Act shall be delivered to any water user for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949, or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301 (b) (10) of the Agricultural Adjustment Act of 1938, as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

SEC. 5. To the extent that project water constitutes a supplemental irrigation supply, the provisions of the Act of June 16, 1938, relating to the Colorado-Big Thompson project in Colorado are hereby made equally applicable to the Narrows unit.

SEC. 6. The interest rate used for purposes of computing interest during construction and interest on the unpaid balance of the capital costs allocated to interest-bearing features of the project shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction is initiated, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from date of issue.

SEC. 7. There is hereby authorized to be appropriated for construction of the Narrows unit as authorized in this Act the sum of \$68,050,000 (based upon January 1969 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering costs indexes applicable to the types of construction involved herein. There are also authorized to be appropriated such additional sums as may be required for operation and maintenance of the unit.

Approved August 28, 1970.

43 USC 371
and note.
Recreation,
fish and wild-
life facilities.

33 USC 466
note.

16 USC 460f-12
note.
Integration
with other Fed-
eral works.
Repayment con-
tracts, terms.

Water delivery,
restriction.

63 Stat. 1051.
7 USC 1421 note.

62 Stat. 1251.
7 USC 1301.

52 Stat. 764.
43 USC 386.

Interest rates.

Appropriations.

Public Law 91-390

August 28, 1970

[H. R. 13971]

AN ACT

Granting the consent of Congress to the Falls of the Ohio Interstate Park Compact.

Falls of the
Ohio Interstate
Park Compact.
Consent of
Congress.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby given to the Falls of the Ohio Interstate Park Compact in substantially the following form:

"SECTION 1. The State of Indiana and the Commonwealth of Kentucky agree to create, develop and operate an interstate park to be known as Falls of the Ohio Interstate Park, which shall be located along the Ohio River at the Falls of the Ohio and on adjacent areas in Clark and Floyd Counties, Indiana, and Jefferson County, Kentucky. Said park shall be of such area and of such character as may be determined by the commission created by this compact.

"SEC. 2. There is hereby created the Falls of the Ohio Interstate Park Commission, which shall be a body corporate with the powers and duties set forth herein and such additional powers as may be conferred upon it by subsequent action of the appropriate authorities of Indiana and Kentucky. The commission shall consist of three (3) commissioners from each of the two (2) states, each of whom shall be a citizen of the state he shall represent. Members of the commission shall be appointed by the governor. Vacancies shall be filled by the governor for the unexpired term. The term of one of the first commissioners appointed shall be for two (2) years, the term of another for three (3) years, and the term of the third for four (4) years. Their successors shall be appointed for terms of four (4) years each. Each commissioner shall hold office until his successor is appointed and qualified. An officer or employee of the state, a political subdivision or the United States government may be appointed a commissioner under this act.

"SEC. 3. The commission created herein shall be a joint corporate instrumentality of both the State of Indiana and the Commonwealth of Kentucky for the purpose of effecting the objects of this compact, and shall be deemed to be performing governmental functions of the two states in the performance of its duties hereunder. The commission shall have power to sue and be sued, to contract and be contracted with, to use a common seal and to make and adopt suitable bylaws, rules and regulations. The commission shall have the authority to acquire by gift, purchase, or otherwise real estate and other property, and to dispose of such real estate and other property. Each state agrees that it will exercise the right of eminent domain to acquire property located within each state required by the commission to effectuate the purposes of this compact.

"SEC. 4. The commission shall select from among its members a chairman and a vice-chairman, and may select from among its members a secretary and treasurer or may designate other persons to fill these positions. It may appoint, and at its pleasure remove or discharge, such officers and legal, clerical, expert and other assistants and employees as may be required to carry the provisions of this compact into effect, and shall fix and determine their duties, qualifications and compensation. It may establish and maintain one or more offices for the transaction of its business, and may meet at any time or place. A majority of the commissioners present shall constitute a quorum for the transaction of business. The commissioners shall serve without compensation, but shall be paid their expenses incurred in and inci-

dent to the performance of their duties. They shall take the oath of office required of officers of their respective states.

"SEC. 5. Each state agrees that the officers and departments of each will be authorized to do all things falling within their respective jurisdictions necessary or incidental to the carrying out of the compact in every particular. The commission shall be entitled to the services of any state officer or agency in the same manner as any other department or agency of this state. The commission shall keep accurate records, showing in full its receipts and disbursements, and said records shall be open at any reasonable time to the inspection of such representative of the two (2) states as may be duly constituted for that purpose. The commission shall submit annually and at other times as required such reports as may be required by the laws of each state or by the governor thereof.

"SEC. 6. The cost of acquiring land and other property required in the development and operation of the Falls of the Ohio Interstate Park and constructing, maintaining, and operating improvements and facilities therein and equipping same may be defrayed by funds received from appropriations, gifts, the use of money received as fees or charges for the use of said park and facilities, or by the issuance of revenue bonds, or by a combination of such sources of funds. The commission may charge for admission to said park, or make other charges deemed appropriate by it and shall have the use of funds so received for park purposes. The commission is authorized to issue revenue bonds, which shall not be obligations of either state, pursuant to procedures which shall be in substantial compliance with the provisions of laws of either or both states governing the issuance of revenue bonds by governmental agencies.

"SEC. 7. All money, securities and other property, real and personal, received by way of gift or otherwise or revenue received from its operations may be retained by the commission and used for the development, maintenance, and operation of the park or for other park purposes.

"The commission shall not pledge the credit of either state except by and with the authority of the general assembly thereof.

"SEC. 8. This compact may be amended from time to time by the concurrent action of the two (2) states parties hereto.

"The compact approved herein shall become effective upon ratification and approval of the compact by the general assembly of the state of Indiana and upon approval of this compact by the Congress of the United States."

Effective date.

SEC. 2. The consent herein granted does not constitute consent in advance for amendments to the compact made pursuant to section 8 thereof or for the conferral of additional powers upon the Falls of the Ohio Interstate Park Commission pursuant to section 2 of the compact.

SEC. 3. Notwithstanding the last sentence of section 2 of the compact, this Act does not grant consent for the appointment to the Commission of an officer or employee of the United States whose service as a member of the Commission is prohibited by Federal law or regulation.

SEC. 4. The right is hereby reserved by the Congress or any of its standing committees to require the disclosure and the furnishing of such information and data by or concerning the Falls of the Ohio Interstate Park Commission in its operation under the compact as is deemed appropriate by Congress or such committee.

Congressional
right to data.

SEC. 5. The right to alter, amend, or repeal this Act is expressly reserved.

Approved August 28, 1970.

Public Law 91-391

August 28, 1970
[H. R. 15381]

AN ACT

To amend the District of Columbia Income and Franchise Tax Act of 1947 with respect to the taxation of regulated investment companies.

D. C.
Regulated in-
vestment com-
panies, taxation.
61 Stat. 337;
63 Stat. 131.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title III of article I of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, sec. 47-1557b) is amended by inserting after paragraph (15) of section 3a the following new paragraph:

“(16) **REGULATED INVESTMENT COMPANIES.**—In the case of a regulated investment company as defined in section 851 of the Internal Revenue Code of 1954, which meets the requirements of section 852(a) of the Internal Revenue Code of 1954—

“(A) the dividends paid by the regulated investment company which qualify for the dividends-paid deduction under section 852(b)(2)(D) and section 852(b)(3)(A)(ii) of the Internal Revenue Code of 1954, including dividends considered as having been paid during the taxable year by reason of section 855 of the Internal Revenue Code of 1954; and

“(B) such amount as the regulated investment company shall designate for purposes of section 852(b)(3)(D)(ii) of the Internal Revenue Code of 1954 as undistributed long-term capital gains to be included in computing the long-term capital gains of the shareholder. Such amounts shall be included as gains from the sale or exchange of capital assets, as defined in this article, in computing such shareholder's taxable income as defined in section 1 of title VI of this article.”

68 A Stat. 268;
83 Stat. 717.
26 USC 851.

70 Stat. 530;
83 Stat. 637.

61 Stat. 343.
D.C. Code 47-
1567.
Effective date.

SEC. 2. The amendments made by this Act shall apply with respect to taxable years of regulated investment companies beginning after December 31, 1968.

Approved August 28, 1970.

Public Law 91-392

AN ACT

September 1, 1970
[H. R. 9052]

To amend section 716 of title 10, United States Code, to authorize the interservice transfers of officers of the Coast Guard.

Coast Guard.
Officers, inter-
service transfers.
72 Stat. 521.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 716 of title 10, United States Code, is amended to read as follows:

“§ 716. Commissioned officers: transfers between armed forces

“Notwithstanding any other provision of law, the President may, within authorized strengths, transfer any commissioned officer with his consent from his armed force to, and appoint him in, another armed force. The Secretary of Defense and the Secretary of the department in which the Coast Guard is operating shall jointly establish, by regulations approved by the President, policies and procedures for such transfers and appointments. An officer transferred under this section may not be assigned precedence or relative rank higher than that which he held on the day before his transfer.”

SEC. 2. The analysis of chapter 41 of title 10, United States Code, is amended by amending the item for section 716 to read as follows:

“716. Commissioned officers: transfers between armed forces.”

Approved September 1, 1970.

Public Law 91-393

AN ACT

To amend section 355 of the Revised Statutes, as amended, concerning approval by the Attorney General of the title to lands acquired for or on behalf of the United States, and for other purposes.

September 1, 1970
[H. R. 15374]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That the first seven paragraphs of section 355 of the Revised Statutes, as amended (40 U.S.C. 255; 33 U.S.C. 733; and 50 U.S.C. 175) are hereby repealed, and in lieu thereof there are substituted the following paragraphs:

Lands acquired
by U. S.
Title approval
by Attorney
General.

“Unless the Attorney General gives prior written approval of the sufficiency of the title to land for the purpose for which the property is being acquired by the United States, public money may not be expended for the purchase of the land or any interest therein.

“The Attorney General may delegate his responsibility under this section to other departments and agencies, subject to his general supervision and in accordance with regulations promulgated by him.

“Any Federal department or agency which has been delegated the responsibility to approve land titles under this section may request the Attorney General to render his opinion as to the validity of the title to any real property or interest therein, or may request the advice or assistance of the Attorney General in connection with determinations as to the sufficiency of titles.

“Except where otherwise authorized by law or provided by contract, the expenses of procuring certificates of title or other evidences of title as the Attorney General may require may be paid out of the appropriations for the acquisition of land or out of the appropriations made for the contingencies of the acquiring department or agency.”

The foregoing provisions of this section shall not be construed to affect in any manner any existing provisions of law which are applicable to the acquisition of lands or interests in land by the Tennessee Valley Authority.

SEC. 2. The third full paragraph on page 941 of volume 25 of the Statutes at Large, in the Act of March 2, 1889, as amended (40 U.S.C. 256), is repealed.

Repeal.

75 Stat. 577.

SEC. 3. Section 8 of the Act of March 1, 1911 (36 Stat. 962 (16 U.S.C. 517)) is amended by adding after “Attorney General” the words “or his designee”.

SEC. 4. Section 5 of the Act of February 26, 1931 (46 Stat. 1422 (40 U.S.C. 258e)) is amended by deleting the words “, notwithstanding the provisions of section 355 of the Revised Statutes of the United States”.

SEC. 5. Sections 4776 and 9776 of title 10, United States Code, are each amended by deleting the sentence: “In such a case, section 175 of title 50 does not apply.”

70A Stat. 270,
591.

SEC. 6. Section 6 of the Act of February 18, 1929 (45 Stat. 1223, as amended (16 U.S.C. 715e)) is further amended by adding the words, “or his designee” after “Attorney General”.

49 Stat. 381.

Approved September 1, 1970.

Public Law 91-394

September 1, 1970

[H. R. 8662]

AN ACT

To authorize command of the United States ship Constitution (IX-21) by retired officers of the United States Navy.

U.S.S. Constitution,
Command.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, the Secretary of the Navy is authorized to order to active duty a retired officer of the United States Navy for the purpose of commanding the United States ship Constitution (IX-21).

Approved September 1, 1970.

Public Law 91-395

September 1, 1970

[H. J. Res. 1194]

JOINT RESOLUTION

To authorize the President to designate the period beginning September 20, 1970, and ending September 26, 1970, as "National Machine Tool Week".

National Machine Tool Week.
Proclamation.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That as a tribute to the importance of the national machine tool industry to the American economy, in recognition of its efforts on behalf of the Nation in peace and for our national defense and with the realization of the role it must play in the development of the sophisticated machinery and equipment necessary to eliminate and prevent pollution, the President is authorized and requested to issue a proclamation designating the period beginning September 20, 1970, and ending September 26, 1970, as "National Machine Tool Week", and calling upon the people of the United States and interested groups and organizations to observe such week with appropriate ceremonies and activities.

Approved September 1, 1970.

Public Law 91-396

September 1, 1970

[H. R. 6265]

AN ACT

To provide that a headstone or marker be furnished at Government expense for the unmarked grave of any Medal of Honor recipient.

Medal of Honor recipients.
Headstones for unmarked graves.

62 Stat. 1215;
72 Stat. 978.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled "An Act to provide for the procurement and supply of Government headstones or markers for unmarked graves of members of the Armed Forces dying in the service or after honorable discharge therefrom, and other persons, and for other purposes", approved July 1, 1948 (24 U.S.C. 279a), is amended by inserting immediately after paragraph (5) thereof the following new paragraph:

"(6) Persons awarded the Medal of Honor."

Approved September 1, 1970.

Public Law 91-397

AN ACT

To amend title 10 of the United States Code to provide that United States flags may be presented to parents of deceased servicemen.

September 1, 1970
[H. R. 13195]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1482(a) of title 10, United States Code, is amended by striking out “and” at the end of clause (9), by striking out the period at the end of clause (10) and inserting in lieu thereof “; and”, and by adding at the end thereof the following new clause:

Deceased
servicemen.
Presentation of
U.S. flag to
parents.
70A Stat. 113.

“(11) presentation of a flag of equal size to the flag presented under clause (10) to the parents or parent, if the person to be presented a flag under clause (10) is other than the parent of the decedent; for the purpose of this clause, the term ‘parent’ includes a natural parent, a stepparent, a parent by adoption or a person who for a period of not less than one year before the death of the decedent stood in loco parentis to him, and preference under this clause shall be given to the persons who exercised a parental relationship at the time of, or most nearly before, the death of the decedent.”

“Parent.”

Approved September 1, 1970.

Public Law 91-398

AN ACT

To authorize additional funds for the operation of the Franklin Delano Roosevelt Memorial Commission.

September 8, 1970
[H. R. 15351]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the joint resolution entitled “Joint resolution to establish a commission to formulate plans for a memorial to Franklin Delano Roosevelt”, approved August 11, 1955 (69 Stat. 694), is amended to read as follows:

Franklin Delano
Roosevelt
Memorial Com-
mission.
Appropriation.
73 Stat. 445.

“SEC. 3. In addition to any other funds authorized to be appropriated for the purpose of this joint resolution, there is authorized to be appropriated \$75,000 to carry out the provisions of this joint resolution.”

Approved September 8, 1970.

Public Law 91-399

AN ACT

To extend the provisions of title XIII of the Federal Aviation Act of 1958, as amended, relating to war risk insurance.

September 8, 1970
[H. R. 17133]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1312 of title XIII of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1542), is amended by striking out the words “September 7, 1970”, and by inserting the words “September 7, 1975” in place thereof.

War risk insur-
ance.
Extension.
72 Stat. 806;
80 Stat. 199.

Approved September 8, 1970.

Public Law 91-400

AN ACT

September 16, 1970
[H. R. 13434]

To provide for the disposition of judgment funds on deposit to the credit of the Hualapai Tribe of the Hualapai Reservation, Arizona, in Indian Claims Commission Dockets Numbered 90 and 122, and for other purposes.

Hualapai Tribe,
Ariz.
Judgment funds,
disposition.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the unexpended balance of funds on deposit in the Treasury of the United States to the credit of the Hualapai Tribe of Indians that were appropriated to pay a judgment granted by the Indian Claims Commission in dockets Numbered 90 and 122, and the interest thereon, less payment of attorney fees and expenses, may be advanced, expended, invested or reinvested for any purpose that is authorized by the tribal governing body and approved by the Secretary of the Interior.

Tax exemption.

SEC. 2. Any part of such funds that may be distributed to members of the tribe shall not be subject to Federal or State income tax.

SEC. 3. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

Approved September 16, 1970.

Public Law 91-401

AN ACT

September 16, 1970
[H. R. 14097]

To authorize the use of funds arising from a judgment in favor of the Citizen Band of Potawatomi Indians of Oklahoma in Indian Claims Commission Docket No. 96, and for other purposes.

Citizen Band of
Potawatomi In-
dians, Okla.
Judgment funds,
disposition.
83 Stat. 62.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds on deposit in the Treasury of the United States to the credit of the Citizen Band of Potawatomi Indians of Oklahoma that were appropriated by the Act of July 22, 1969 (Public Law 91-47) to pay a judgment by the Indian Claims Commission in docket numbered 96 dated August 27, 1968, and the interest thereon, including the interest accruing thereon, after payment of attorney fees and expenses, may be advanced or expended for any purpose that is authorized by the tribal governing body and approved by the Secretary of the Interior. Any part of such funds that may be distributed per capita to the members of the band shall not be subject to Federal or State income tax.

Tax exemption.

SEC. 2. Sums payable to enrollees or their heirs or legatees who are less than twenty-one years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interests of such persons.

Approved September 16, 1970.

Public Law 91-402

AN ACT

September 18, 1970
[H. R. 13716]

To improve and clarify certain laws affecting the Coast Guard Reserve.

Coast Guard
Reserve.
Promotion
system.
63 Stat. 554.
14 USC 762.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 14, United States Code, is amended as follows:

(1) Subsection (b) of section 762 is amended by striking out the words “, but not above the grade of captain”.

(2) Section 770 is amended by striking out the figure "795" in both of the places it appears and inserting in lieu thereof, the figure "798"; by redesignating clause "(9)" as "(10)"; and by adding a new clause "(9)" as follows:

72 Stat. 1547.
14 USC 770.

"(9) the 'active duty promotion list' is as defined in section 41a of this title."

(3) Section 772 is amended by inserting before the period in the second sentence of subsection (b) the phrase "or because an excess results directly from the operation of mandatory provisions of this or other laws".

74 Stat. 280.

(4) Section 774 is amended to read as follows:

Eligibility.
72 Stat. 1549.

"A Reserve officer must be in an active status to be eligible for consideration for promotion and to be promoted under this subchapter. Officers retained in an active status and excluded from promotion by the provisions of section 787 of this title are not eligible for consideration for promotion."

(5) Section 775 is amended by adding a new subsection (f) to read as follows:

Selection board,
membership re-
quirements.

"(f) Whenever a selection board is convened to consider officers of the Women's Reserve not serving on active duty, membership of the board shall include, when reasonably available, not less than two members of the Women's Reserve not serving on active duty."

(6) Section 780 is amended—

(A) by amending subsections (c) and (d) to read as follows:

Recommendations;
method.

"(c) Each selection board, from among those officers whose names are submitted to it as determined by section 783 of this title, shall recommend for promotion to the next high grade:

"(1) those male officers serving in the grade of lieutenant (junior grade) or above whom it considers to be best qualified;

"(2) those male officers serving in the grade of ensign whom it considers to be fully qualified;

"(3) those officers of the Women's Reserve serving in the grade of lieutenant or below whom it considers to be fully qualified; and

"(4) those officers of the Women's Reserve serving in the grade of lieutenant commander or above whom it considers to be best qualified. The recommendation of a selection board shall be based on comparative fitness for the duties to which officers of the Women's Reserve are normally assigned.

"(d) Before convening a board to recommend officers for promotion to any grade above lieutenant (junior grade), the Secretary shall determine the total number of officers to be selected for promotion to that grade. Unless the Secretary takes action pursuant to the provisions of subsection (c) of section 772 of this subchapter, this number shall be equal to the number of vacancies existing in the grade, plus the number of vacancies estimated for the next twelve months, less the number of officers on the promotion list for that grade."

(B) by adding a new subsection (i) to read as follows:

Vacancies.

"(i) Vacancies in all grades shall be filled by the combined total of those officers, male and female, who have been selected for promotion. Selection opportunity for officers of the Women's Reserve to grades

above lieutenant commander shall be equivalent to that prescribed for male officers of the same grades. Officers of the Women's Reserve being considered for promotion to the grades of lieutenant commander or below shall be considered and selected in their order of precedence up to the number designated to be selected."

Rank and precedence.

72 Stat. 1551.
14 USC 781.

(7) Section 781 is amended to read as follows:

"Officers of the Reserve shall have rank and take precedence in their respective grades among themselves and with officers of the same grade on the active duty promotion list and the permanent commissioned teaching staff in accordance with the dates of rank as stated in their commissions. When Reserve officers and officers on the active duty promotion list or the permanent commissioned teaching staff have the same date of rank in a grade, such officers shall take precedence as determined by the Secretary.

Transfers.

"Notwithstanding any other provision of law, Reserve officers shall not lose precedence when transferred from the Reserve promotion list to the active duty promotion list or vice versa nor shall their dates of rank be changed due to such transfers.

"Reserve officers, when on the active duty promotion list, shall be promoted in the same manner as are other officers on the active duty promotion list regardless of the length of their active duty service."

Running mates.

(8) Section 782 is amended—

(A) by amending subsection (a) to read as follows:

"(a) Each officer of the Reserve in an active status not on the active duty promotion list shall be assigned a running mate who shall be the officer of the same grade on the active duty promotion list who is next senior to him in precedence as determined in the manner prescribed in section 781 of this title. Officers who are extra numbers, who have twice failed of selection, or who have not been recommended for continuation under section 289 of this title shall not be assigned as running mates under this section."

Supra.

77 Stat. 186.

(B) by amending clause (1) of subsection (b) to read as follows:

"(1) If a running mate is promoted from below the promotion zone, is removed from the active duty promotion list, suffers loss of numbers, or fails to qualify for promotion, the new running mate shall be the officer of the same grade on the active duty promotion list who was next senior to the old running mate or if there be no such officer then the most senior officer in that grade on the active duty promotion list. If the old running mate was on a list of selectees for promotion, the new running mate shall be on a list of selectees."

(C) by amending clause (2) of subsection (b) by striking the words "of the regular Coast Guard, exclusive of extra numbers," and inserting in lieu thereof the words "on the active duty promotion list."

(D) by amending clause (3) of subsection (b) to read as follows:

"(3) If an officer of the Reserve is considered for promotion at approximately the same time as his running mate and fails of selection, fails to qualify for promotion after selection, or declines an appointment after having been selected for promotion and his running mate is promoted, the new running mate shall be the next senior officer remaining in the same grade on the active duty promotion list whose name is not on a list of selectees and who is eligible for consideration for promotion."

(E) by amending clause (4) of subsection (b) to read as follows:

"(4) If an officer of the Reserve was not considered for promotion at approximately the same time as his running mate, and the

Reserve officer subsequently is considered and fails of selection or fails to qualify for promotion, such failure shall be deemed to have occurred at the same time as his running mate was considered. His new running mate shall be the next senior officer remaining in the same grade on the active duty promotion list whose name was not on a list of selectees at the time the original running mate was selected.”;

(F) by adding a clause (5) to subsection (b) to read as follows:

72 Stat. 1551.
14 USC 782.

“(5) In any situation not expressly covered by this subsection or where the assignment of a running mate would result in an inequitable change in precedence, the Secretary may assign an appropriate running mate to effect the intent of this section that no unjust benefit or detriment will result to any officer from the operation of this section.”;

(G) by adding a clause (6) to subsection (b) to read as follows:

“(6) A Reserve officer on the active duty promotion list shall become the running mate of all the inactive duty Reserve officers who are junior to him and had a running mate in common with him at the time of his being placed on the active duty promotion list.”; and

(H) by adding a subsection (c) to read as follows:

“(c) The Secretary is authorized to adjust, as necessary, the dates of rank of Reserve officers not on active duty so that the dates will correspond with those of the running mates assigned to them in accordance with the provisions of this section. However, the dates of rank of those Reserve officers whose names are on a list of selectees for promotion to the next higher grade at the time of enactment of this subsection, shall not be adjusted until such time as the officers have been promoted. If overpayments of pay and allowances will have resulted from the adjustment of dates of rank, such overpayments shall not be subject to recoupment.”

Dates of rank,
adjustment.

Overpayments.

(9) Section 784 is amended by designating the existing section as subsection (a) and by adding a new subsection (b) as follows:

72 Stat 1552.

“(b) Notwithstanding any other provision of law, a Reserve rear admiral shall become entitled to the pay and allowances of the upper half for duty performed from the date his running mate becomes so entitled.”

(10) Section 787 is amended—

(A) by striking out the first sentence in subsection (a) and inserting in lieu thereof the sentence “Officers of the Women’s Reserve in the grades of lieutenant (junior grade) and lieutenant failing of selection for promotion to the next higher grade, and all other Reserve officers after failing of selection for promotion to the next higher grade for a second time, may be retained in or eliminated from an active status in the discretion of the Secretary.”;

Failure of
selection; Secre-
tary’s discretion.

(B) by striking out the word “Other” in the second sentence and inserting in lieu thereof the word “Those”;

(C) by striking out the words between “officers” and “shall” in the second sentence and inserting in lieu thereof the words “who are not retained in an active status”; and

(D) by striking the column heading “Total commissioned service years” and inserting in lieu thereof the heading “Total years of commissioned service”.

(11) Section 790 is amended—

(A) by deleting the words “or her” after the word “his”;

(B) by deleting the words “in the Regular Coast Guard” after the word “mate”;

Promotion, tem-
porary or per-
manent.

(C) by deleting the word "Regular" before the words "running mate" in the two places they appear; and

(D) by deleting the words "in the Regular service" after the word "mate" in subsection (a).

Officers on
active duty, pro-
motions.
72 Stat. 1554.
14 USC 791.

(12) Section 791 is amended to read as follows:

"(a) While serving on active duty other than active duty for training, or other than for duty on a board, a Reserve officer shall not be eligible for consideration for promotion or for promotion under the provisions of this subchapter. Such an officer shall be considered for promotion and promoted pursuant to appropriate provisions contained elsewhere in this title. If so promoted, such an officer shall be considered as having been promoted under this subchapter and shall be considered as an extra number in the grade to which promoted for the purpose of grade distribution prescribed in this subchapter and shall not be counted in such distribution until he is released from active duty.

"(b) Notwithstanding provisions of subsection (a) of this section a Reserve officer who, at the time he reports for active duty has been recommended for promotion to the next higher grade under the provisions of this subchapter, shall be promoted to such grade subject to the same conditions as though selected under provisions of law applicable to a Reserve officer serving on active duty.

"(c) A Reserve officer who, at the time he is released from active duty, has been recommended for promotion to the next higher grade under provisions of law applicable to a Reserve officer serving on active duty, shall be promoted to such grade subject to the same conditions as though selected under provisions of this subchapter.

"(d) A failure of selection for promotion to the next higher grade shall be counted for all purposes regardless of whether it occurred under the provisions of this subchapter or under other provisions of law."

(13) The following new sections are added:

"§ 796. Failure of selection for promotion

"(a) A Reserve officer, other than an officer serving in the grade of captain, who is, or is senior to, the junior officer in the promotion zone established for his grade, fails of selection if he is not selected for promotion by the selection board which considered him, or if having been recommended for promotion by the board, his name is thereafter removed from the report of the board by the President.

"(b) An officer shall not be considered to have failed of selection if he was not considered by a selection board because of administrative error. If he is selected by the next succeeding selection board after the error is discovered and is promoted, he shall be given the date of rank and precedence that he would have held if he had been recommended for promotion by the selection board which would have considered him but for the error.

"(c) Those officers of the Women's Reserve in the grades of lieutenant and lieutenant (junior grade) who are junior to the last officer selected by a board pursuant to subsection (i) of section 780 of this title shall not be considered to have failed of selection, and the names of such officers shall be submitted to the next ensuing selection board.

"§ 797. Promotion; acceptance; oath of office

"(a) An officer who has been appointed under the provisions of this subchapter is considered to have accepted such appointment unless delivery of the appointment cannot be effected.

"(b) An officer who has served continuously since he subscribed to the oath of office prescribed in section 3331 of title 5, United States

Code, is not required to take a new oath upon his appointment in a higher grade. 80 Stat. 424.

“§ 798. Rear admiral; maximum service in grade

“A Reserve rear admiral, unless retained in or removed from an active status under other provisions of law, shall be removed from an active status on the date he completes five years of service in the permanent grade of rear admiral.”

SEC. 2. (a) Reserve officers in each grade who have been recommended as qualified for promotion under laws and regulations in effect the day before the effective date of this Act but not promoted to the grade for which they were recommended shall be placed on a list in the order of their precedence, and they shall be promoted as if they had been selected for promotion in the approved report of a selection board convened under the provisions of title 14, United States Code, as amended by this Act.

63 Stat. 496.

(b) Reserve officers who have failed of selection for promotion to the next higher grade under laws and regulations in effect the day before the effective date of this Act shall be deemed to have failed of selection for promotion to the next higher grade under the provisions of title 14, United States Code, as amended by this Act.

(c) The enactment of this Act does not terminate the appointment of any officer.

Approved September 18, 1970.

Public Law 91-403

AN ACT

To reimburse the Ute Tribe of the Uintah and Ouray Reservation for tribal funds that were used to construct, operate, and maintain the Uintah Indian irrigation project, Utah, and for other purposes.

September 18, 1970
[H. R. 16416]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to reimburse the Ute Indian Tribe of the Uintah and Ouray Reservation in Utah for tribal funds that have been used for the construction, operation, and maintenance of the Uintah Indian irrigation project, Utah, computed and adjusted as follows:

Uintah Indian
irrigation project,
Utah.
Construction
costs, reimburse-
ment.

(a) With respect to construction charges, the tribal funds originally involved amounted to \$920,112.74. From that sum there shall be deducted the amount of \$275,864.25, which represents a reimbursement of tribal construction funds under a judgment of the United States Court of Claims for the portion of the construction costs chargeable against non-Indian lands. From the balance so calculated, there shall be deducted an amount equal to the construction charges against irrigable land (determined according to the approved designation of 1964) which were collected from the proceeds of sales of land and deposited in the tribal accounts. From the balance so calculated there shall be deducted \$1,250, which represents the tribal funds used to purchase the following described lands, title to which was taken in the name of the United States and which hereafter shall be held by the United States in trust for the tribe:

west half southwest quarter southeast quarter southeast quarter section 18, township 1 south, range 1 east, containing 5 acres;

south half southeast quarter northeast quarter northeast quarter section 36, township 1 south, range 4 west, containing 5 acres;

northeast quarter northeast quarter southwest quarter section 32, township 1 north, range 1 west, containing 10 acres; and

southwest quarter southwest quarter southwest quarter southwest quarter section 12, township 1 south, range 4 west, containing 2.5 acres, all in Uinta special base and meridian, Utah.

The balance so calculated shall be increased by adding interest on the amounts that comprise the \$920,112.74 from the end of the year in which each amount was originally used for the project to January 28, 1958, the date of the Court of Claims judgment, and interest from January 28, 1958, to the date of this Act on \$920,112.74 adjusted by the deductions provided for in the foregoing provisions of this subsection.

(b) With respect to operation and maintenance charges, the tribal funds originally involved amounted to \$529,828.20. From that sum there shall be deducted the amount of \$158,856.17, which represents a reimbursement of tribal operation and maintenance funds under a judgment of the United States Court of Claims for the portion of the operation and maintenance costs chargeable against non-Indian lands. From the balance so calculated, there shall be deducted an amount equal to the operation and maintenance charges against irrigable land (determined according to the approved designation of 1964) which were collected from the proceeds of sales of land and other sources and deposited in the tribal accounts. The balance so calculated shall be increased by adding interest on the amounts that comprise the \$529,828.20 from the end of the year in which each amount was originally used for the project to January 28, 1958, the date of the Court of Claims judgment, and interest on the amounts that comprise the balance calculated pursuant to the first three sentences of this subsection, from January 28, 1958, or the end of the year in which each amount was used for the project to the date of this Act.

SEC. 2. The Secretary of the Interior is authorized to reimburse Indians and former members of the Ute Indian Tribe of the Uintah and Ouray Reservation terminated by the Act of August 27, 1954 (68 Stat. 868) who sold project lands that were nonirrigable (determined according to the approved designation of 1964) for the construction, operation, and maintenance charges which were collected from the proceeds of such sales.

SEC. 3. Twenty-seven and one hundred and sixty-two one-thousandths per centum (27.162 per centum) of the sum determined to be due the tribe under section 1 hereof shall be paid by the Secretary of the Interior, notwithstanding any other provision of law, to the persons whose names appear on the roll of mixed-blood members that was prepared pursuant to section 8 of the Act of August 27, 1954, or to their heirs or legatees, under such rules as the Secretary may prescribe. All claims for payment by mixed-bloods shall be filed not later than three years from the date of this Act. Thereafter, all claims and the right to file the same shall be forever barred and the unclaimed shares shall revert to the Ute Indian Tribe of the Uintah and Ouray Reservation.

SEC. 4. No part of any of the funds appropriated in accordance with the provisions of this Act shall be subject to attorneys' fees.

SEC. 5. Reimbursement of the Ute Indian Tribe, its members, or its former members, as provided in this Act shall be regarded as a gratuity, shall not be regarded as the settlement of a claim against the United States, shall not be recognized as the basis for any claim against the United States, and shall not prejudice any litigation now pending.

Approved September 18, 1970.

70 Stat. 936;
76 Stat. 597.
25 USC 677.

Mixed-blood
members, pay-
ment.

Conditions.

Public Law 91-404

AN ACT

To provide for the disposition of funds to pay a judgment in favor of the Sac and Fox Tribes of Oklahoma in Indian Claims Commission docket numbered 220, and for other purposes.

September 19, 1970
[H. R. 14827]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated by the Act of June 19, 1968 (82 Stat. 239), to pay a judgment by the Indian Claims Commission in docket numbered 220, together with interest thereon, after payment of attorneys' fees and other litigation expenses, may be advanced, deposited, expended, invested, or reinvested for any purposes that are authorized by the tribal governing body and approved by the Secretary of the Interior.

Sac and Fox
Tribes, Okla.
Judgment funds,
disposition.

SEC. 2. Any portion of such funds that may be distributed per capita to members of the tribe shall not be subject to Federal or State income tax.

Tax exemption.

Approved September 19, 1970.

Public Law 91-405

AN ACT

To establish a Commission on the Organization of the Government of the District of Columbia and to provide for a Delegate to the House of Representatives from the District of Columbia.

September 22, 1970
[H. R. 18725]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

**TITLE I—COMMISSION ON THE ORGANIZATION OF THE
GOVERNMENT OF THE DISTRICT OF COLUMBIA**

Commission on
the Organization
of the Government
of the District of
Columbia.
Establishment.

DECLARATION OF POLICY

SECTION 101. It is hereby declared to be the policy of Congress to promote economy, efficiency, and improved service in the transaction of the public business in the departments, bureaus, agencies, boards, commissions, offices, independent establishments, and instrumentalities of the District of Columbia by—

(1) recommending methods and procedures for reducing expenditures to the lowest amount consistent with the efficient performance of essential services, activities, and functions;

(2) eliminating duplication and overlapping of services, activities, and functions;

- (3) consolidating services, activities, and functions of a similar nature;
- (4) abolishing services, activities, and functions not necessary to the efficient conduct of government;
- (5) eliminating nonessential services, functions, and activities which are competitive with private enterprise;
- (6) defining responsibilities of officials; and
- (7) relocating agencies now responsible directly to the Commissioner of the District of Columbia in departments or other agencies.

ESTABLISHMENT OF THE COMMISSION ON THE ORGANIZATION OF THE GOVERNMENT OF THE DISTRICT OF COLUMBIA

SEC. 102. For the purpose of carrying out the policy set forth in section 101 of this title, there is established a commission to be known as the Commission on the Organization of the Government of the District of Columbia (hereafter in this title referred to as the "Commission").

DUTIES OF THE COMMISSION

Organization
and methods
study.

SEC. 103. (a) The Commission shall study and investigate the present organization and methods of operation of all departments, bureaus, agencies, boards, commissions, offices, independent establishments, and instrumentalities of the government of the District of Columbia (other than the courts of the District of Columbia) to determine what changes are necessary to accomplish the purposes set forth in section 101 of this title.

Reports to
Congress.

(b) The Commission shall submit interim reports at such time, or times, as the Commission deems necessary, shall submit a comprehensive report of its activities and the results of its studies to the Congress within six months after the date of enactment of this Act, and shall submit its final report not later than six months after the filing of its comprehensive report. Upon filing its final report the Commission shall cease to exist. The final report of the Commission may propose such legislative enactments and administrative actions as in its judgment are necessary to carry out its recommendations.

Termination.

MEMBERSHIP OF COMMISSION

SEC. 104. The Commission shall be composed of twelve members appointed as follows:

Presidential
appointments.

(1) Four members shall be appointed by the President of the United States. Two members so appointed shall be from the executive branch of the Federal Government or from the government of the District of Columbia, and two shall be from private life.

(2) Four members shall be appointed jointly by the President of the Senate, the Chairman of the Committee on the District of Columbia of the Senate, and the Chairman of the subcommittee of the Committee on Appropriations of the Senate which has jurisdiction over appropriations for the District of Columbia. Two members so appointed shall be from the Senate, and two shall be from private life.

(3) Four members shall be appointed by the Speaker of the House of Representatives on the advice of the chairman of the Committee on the District of Columbia of the House of Representatives and the chairman of the subcommittee of the Committee on Appropriations which has jurisdiction over appropriations for the District of Columbia. Two members so appointed shall be from the House of Representatives, and two shall be from private life.

The members shall be appointed within thirty days following the date of the enactment of this Act. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

COMPENSATION OF COMMISSION MEMBERS

SEC. 105. (a) Members of the Commission who are Members of the Congress or full-time officers or employees of the United States or the District of Columbia shall receive no additional compensation on account of their service on the Commission. The other members of the Commission shall be entitled to receive the daily equivalent of the rate now or hereafter provided for grade GS-18 of the General Schedule for each day (including traveltime) during which they are engaged in the actual performance of duties vested in the Commission.

Ante, p. 198-1.

(b) While traveling on official business in the performance of services for the Commission, members of the Commission shall be allowed expenses of travel, including per diem instead of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

Travel expenses.

ORGANIZATION AND POWERS OF THE COMMISSION

SEC. 106. (a) The Commission shall elect a Chairman and a Vice Chairman from among its members. Seven members of the Commission shall constitute a quorum.

80 Stat. 498;
Post, p. 1081.
5 USC 5701.

Chairman and
Vice Chairman.

(b) The head of any Federal agency or agency of the District of Columbia is authorized to detail, on a reimbursable basis, any of its personnel to assist in carrying out the duties of the Commission. The Administrator of General Services shall provide financial and administrative support services for the Commission on a reimbursable basis.

Personnel
detail.

Compensation
of personnel.

80 Stat. 378,
5 USC 101
et seq.

80 Stat. 443,
459,
5 USC 5101,
5311.

Experts and
consultants.
Power to hold
hearings, issue
subpenas, etc.

D.C. agency,
information.

(c) The Commission may appoint and fix the compensation of such personnel as it deems advisable. Such personnel may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter II of chapter 53 of such title relating to classification and General Schedule pay rates.

(d) The Commission may obtain services of experts in accordance with the provisions of section 3109 of title 5, United States Code.

(e) The Commission, or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this title, hold such hearings, sit and act at such times and places, administer such oaths, and require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission or such subcommittee or member may deem advisable. Subpenas may be issued under the signature of the Chairman of the Commission, of the chairman of such subcommittee, or of any duly designated member, and may be served by any person designated by the Chairman or by such subcommittee chairman or member. The provisions of sections 102 to 104, inclusive, of the Revised Statutes of the United States (2 U.S.C. 192-194) shall apply in the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this subsection.

(f) The Commission may secure directly from any department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the District of Columbia information, suggestions, estimates, and statistics for the purpose of this title; and each such department, bureau, agency, board, commission, office, establishment, or instrumentality shall furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request by the Chairman or Vice Chairman.

TITLE II—DISTRICT OF COLUMBIA DELEGATE TO THE HOUSE OF REPRESENTATIVES

SHORT TITLE

SEC. 201. This title may be cited as the "District of Columbia Delegate Act".

DELEGATE TO THE HOUSE OF REPRESENTATIVES

SEC. 202. (a) The people of the District of Columbia shall be represented in the House of Representatives by a Delegate, to be known as the "Delegate to the House of Representatives from the District of Columbia", who shall be elected by the voters of the District of Columbia in accordance with the District of Columbia Election Act. The Delegate shall have a seat in the House of Representatives, with the right of debate, but not of voting, shall have all the privileges granted a Representative by section 6 of Article I of the Constitution, and shall be subject to the same restrictions and regulations as are imposed by

Election of
delegate; non-
voting provision.

69 Stat. 699;
82 Stat. 106.
D.C. Code 1-
1101 note.

Citation of
title.

law or rules on Representatives. The Delegate shall be elected to serve during each Congress.

(b) No individual may hold the office of Delegate to the House of Representatives from the District of Columbia unless on the date of his election—

Qualifications.

(1) he is a qualified elector (as that term is defined in section 2(2) of the District of Columbia Election Act) of the District of Columbia;

69 Stat. 699;
75 Stat. 820.
D.C. Code 1-1102.

(2) he is at least twenty-five years of age;

(3) he holds no other paid public office; and

(4) he has resided in the District of Columbia continuously since the beginning of the three-year period ending on such date.

He shall forfeit his office upon failure to maintain the qualifications required by this subsection.

AMENDMENTS TO THE DISTRICT OF COLUMBIA ELECTION ACT

SEC. 203. (a) Section 2 of the District of Columbia Election Act (D.C. Code, sec. 1-1102) is amended by adding at the end thereof the following new paragraph:

82 Stat. 103.

“(6) The term ‘Delegate’ means the Delegate to the House of Representatives from the District of Columbia.”

“Delegate.”

(b) Subsections (h), (i), (j), and (k) of section 8 of the District of Columbia Election Act (D.C. Code, sec. 1-1108) are redesignated as subsections (n), (o), (p), and (q), respectively, and the following new subsections are inserted after subsection (g):

Nomination and
election provi-
sions.
82 Stat. 103.

“(h) The Delegate shall be elected by the people of the District of Columbia in a general election. The nomination and election of the Delegate and the candidates for office of Delegate shall be governed by the provisions of this Act. Each candidate for the office of Delegate in any general election shall, except as otherwise provided in subsection (j) of this section and in section 10(d), have been elected as such a candidate by the next preceding primary or party runoff election. No political party shall be qualified to hold a primary election to select candidates for election to the office of Delegate in a general election unless, in the next preceding election year, at least seven thousand five hundred votes were cast in the general election for a candidate of such party for the office of Delegate or for its candidates for electors of President and Vice President.

Post, pp. 850,
851.

“(i) Each candidate in a primary election for the office of Delegate shall be nominated for such office by a petition (1) filed with the Board not later than forty-five days before the date of such primary election; (2) signed by at least two thousand persons who are duly registered under section 7 and who are of the same political party as the nominee; and (3) accompanied by a filing fee of \$100. Such fee may be refunded only in the event that the candidate withdraws his nomination by writing received by the Board not later than three days after the date on which nominations are closed under this subsection. A nominating petition for a candidate in a primary election for the office of Delegate may not be circulated for signature before the ninety-ninth day preceding the date of such election and may not be filed with the Board before the seventieth day preceding such date. The Board may prescribe rules with respect to the preparation

Primary election,
nominating
petition.

D.C. Code 1-
1107.

and presentation of nominating petitions and the posting and disposition of filing fees. The Board shall arrange the ballot of each political party in each such primary election so as to enable a voter of such party to vote for any one duly nominated candidate of that party for the office of Delegate.

Direct nomination, petition.

"(j) (1) A duly qualified candidate for the office of Delegate may, subject to the provisions of this subsection, be nominated directly as such a candidate for election in the next succeeding general election for such office (including any such election to be held to fill a vacancy). Such person shall be nominated by a petition (A) filed with the Board not less than forty-five days before the date of such general election; (B) signed by duly registered voters equal in number to 2 per centum of the total number of registered voters of the District, as shown by the records of the Board as of ninety-nine days before the date of such election, or by five thousand persons duly registered under section 7, whichever is less; and (C) accompanied by a filing fee of \$100. Such fee may be refunded only in the event that the candidate withdraws his nomination by writing received by the Board not later than three days after the date on which nominations are closed under this subsection. No signatures on such a petition may be counted which have been made on such petition more than ninety-nine days before the date of such election.

69 Stat. 700;
75 Stat. 817;
82 Stat. 103.
D.C. Code 1-1107.

"(2) Nominations under this subsection for candidates for election in a general election for the office of Delegate shall be of no force and effect with respect to any person whose name has appeared on the ballot of a primary election for such office held within eight months before the date of such general election.

"(k) In each general election for the office of Delegate, the Board shall arrange the ballots so as to enable a voter to vote for any one of the candidates for such office who (1) has been duly elected by any political party in the next preceding primary or party runoff election for such office, (2) has been duly nominated to fill vacancies in such office pursuant to subsection (d) of section 10, or (3) has been nominated directly as a candidate under subsection (j) of this section.

Post, p. 851.

"(l) The signature of a registered voter on any petition filed with the Board and nominating a candidate for election in a primary or general election to any office shall not be counted if, after receipt of a timely challenge to such effect, the Board determines such voter also signed any other valid petition, filed earlier with the Board, and nominating the same or any other candidate for the same office in the same election.

"(m) Designations of offices of local party committees to be filled by election pursuant to clause (3) of the first section of this Act shall be effected by written communications filed with the Board not later than ninety days before the date of such election."

Elections.

82 Stat. 105.

(c) Section 10 of the District of Columbia Election Act (D.C. Code, sec. 1-1110) is amended as follows:

(1) Subsection (a) of such section is amended by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (6), (7), (8), and (9), respectively, and by inserting after paragraph (2) the following new paragraphs:

Dates.

"(3) Except as otherwise provided in the case of special elections under this Act or section 206(a) of the District of Columbia Delegate Act, primary elections of each political party for the office of Delegate

Post, p. 855.

to the House of Representatives shall be held on the first Tuesday in May of each even-numbered year; and general elections for such office shall be held on the Tuesday next after the first Monday in November of each even-numbered year.

“(4) Runoff elections shall be held whenever (A) in any primary election of a political party for candidates for the office of Delegate, no one candidate receives at least 40 per centum of the total votes cast in that election for all candidates of that party for that office, and (B) in any general election for the office of Delegate, no one candidate receives at least 40 per centum of the total votes cast in that election for all candidates for that office. Any such runoff election shall be held not less than two weeks nor more than six weeks after the date on which the Board has determined the results of the preceding primary or general election, as the case may be. At the time of announcing any such determination, the Board shall establish and announce the date on which the runoff election will be held, if one is required. The candidates in any such runoff election shall be the two persons who received, respectively, the two highest numbers of votes in such preceding primary or general election; except that if any person withdraws his candidacy from such runoff election (under the rules and within the time limits prescribed by the Board), the person who received the next highest number of votes in such preceding primary or general election and who is not already a candidate in the runoff election shall automatically become such a candidate.

Runoffs.

“(5) With respect to special elections required or authorized by this Act, the Board may establish the dates on which such special elections are to be held and prescribe such other terms and conditions as may in the Board’s opinion be necessary or appropriate for the conduct of such elections in a manner comparable to that prescribed for other elections held pursuant to this Act.”

Special elections.

(2) The last sentence of paragraph (9) of subsection (a) of such section (as so redesignated by paragraph (1) of this subsection) is amended by striking out “(5)” and inserting in lieu thereof “(8)”.

Ante, p. 850.
D.C. Code 1-1110.
82 Stat. 106.

(3) Subsection (b) of such section is amended by inserting “the office of Delegate and for” after “general elections for”.

(4) Subsection (c) of such section is amended (A) by striking out “a tie vote in” and inserting in lieu thereof “a tie vote, the resolution of which will affect the outcome of”; and (B) by striking out “ten days following the election” and inserting in lieu thereof “ten days following determination by the Board of the results of the election which require the resolution of such tie”.

69 Stat. 702.

(5) Subsection (d) of such section is amended (A) by inserting “a Delegate or a winner of a primary election for the office of Delegate or” after “any official, other than”; and (B) by adding at the end thereof the following new sentence: “In the event that such a vacancy occurs in the office of a candidate for the office of Delegate who has been declared the winner in the preceding primary or party runoff election for such office, the vacancy may be filled not later than fifteen days prior to the next general election for such office, by nomination by the party committee of the party which nominated his predecessor, and by paying the filing fee required by section 8(i). In the event that such a vacancy occurs in the office of Delegate more than twelve months before the expiration of its term of office, the Board shall call special elections to fill such vacancy for the remainder of its term of office.”

Vacancies.
75 Stat. 819.

Ante, p. 849.

OTHER PROVISIONS AND AMENDMENTS RELATING TO THE ESTABLISHMENT
OF A DELEGATE TO THE HOUSE OF REPRESENTATIVES FROM THE DISTRICT
OF COLUMBIA

SEC. 204. (a) The provisions of law which appear in—

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|---------------------------------|--|
| 2 USC 25. | (1) section 25 (relating to oath of office), |
| 83 Stat. 863. | (2) section 31 (relating to compensation), |
| | (3) section 34 (relating to payment of compensation), |
| | (4) section 35 (relating to payment of compensation), |
| 38 Stat. 458. | (5) section 37 (relating to payment of compensation), |
| 73 Stat. 224. | (6) section 38a (relating to compensation), |
| | (7) section 39 (relating to deductions for absence), |
| | (8) section 40 (relating to deductions for withdrawal), |
| 48 Stat. 1024. | (9) section 40a (relating to deductions for delinquent indebtedness), |
| | (10) section 41 (relating to prohibition on allowance for newspapers), |
| 82 Stat. 318. | (11) section 42c (relating to postage allowance), |
| 81 Stat. 38. | (12) section 46b (relating to stationery allowance), |
| 61 Stat. 366. | (13) section 46b-1 (relating to stationery allowance), |
| 70 Stat. 31. | (14) section 46b-2 (relating to stationery allowance), |
| 80 Stat. 1064. | (15) section 46g (relating to telephone, telegraph, and radio-telegraph allowance), |
| | (16) section 47 (relating to payment of compensation), |
| | (17) section 48 (relating to payment of compensation), |
| 19 Stat. 145. | (18) section 49 (relating to payment of compensation), |
| 33 Stat. 1. | (19) section 50 (relating to payment of compensation), |
| 82 Stat. 318. | (20) section 54 (relating to provision of United States Code Annotated or Federal Code Annotated), |
| 80 Stat. 369;
Post, p. 1195. | (21) section 60g-1 (relating to clerk hire), |
| | (22) section 60g-2(a) (relating to interns), |
| 26 Stat. 645. | (23) section 80 (relating to payment of compensation), |
| | (24) section 81 (relating to payment of compensation), |
| 26 Stat. 645,
646. | (25) section 82 (relating to payment of compensation), |
| 70 Stat. 990. | (26) section 92 (relating to clerk hire), |
| 64 Stat. 82. | (27) section 92b (relating to pay of clerical assistants), |
| 83 Stat. 291. | (28) section 112e (relating to electrical and mechanical office equipment), |
| 79 Stat. 857. | (29) section 122 (relating to office space in the District of Columbia), and |
| 70 Stat. 370;
78 Stat. 1084. | (30) section 123b (relating to use of House Recording Studio), |
- of title 2 of the United States Code shall apply with respect to the Delegate to the House of Representatives from the District of Columbia in the same manner and to the same extent as they apply with respect to a Representative. The Federal Corrupt Practices Act and the Federal Contested Election Act shall apply with respect to the Delegate to the House of Representatives from the District of Columbia in the same manner and to the same extent as they apply with respect to a Representative.
- (b) Section 2106 of title 5 of the United States Code is amended by inserting "a Delegate from the District of Columbia," immediately after "House of Representatives,".
- (c) Sections 4342(a)(5), 6954(a)(5), and 9342(a)(5) of title 10 of the United States Code are each amended by striking out "by the
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|---|
| 43 Stat. 1070. |
| 2 USC 256. |
| 83 Stat. 284. |
| 2 USC 381 |
| note. |
| 80 Stat. 409. |
| 78 Stat. 148,
151; 70A Stat.
429. |

Commissioner of that District” and inserting in lieu thereof “by the Delegate to the House of Representatives from the District of Columbia”.

(d)(1) Section 201(a) of title 18 of the United States Code is amended by inserting “the Delegate from the District of Columbia,” immediately after “Member of Congress,”. 76 Stat. 1119.

(2) Sections 203(a)(1) and 204 of title 18 of the United States Code are each amended by inserting “Delegate from the District of Columbia, Delegate Elect from the District of Columbia,” immediately after “Member of Congress Elect,”.

(3) Section 203(b) of title 18 of the United States Code is amended by inserting “Delegate,” immediately after “Member,”.

(4) The last undesignated paragraph of section 591 of title 18 of the United States Code is amended by inserting “the District of Columbia and” immediately after “includes”. 62 Stat. 719.

(5) Section 594 of title 18 of the United States Code is amended (1) by striking out “or” immediately after “Senate,”, and (2) by striking out “Delegates or Commissioners from the Territories and possessions” and inserting in lieu thereof “Delegate from the District of Columbia, or Resident Commissioner”.

(6) Section 595 of title 18 of the United States Code is amended by striking out “or Delegate or Resident Commissioner from any Territory or Possession” and inserting in lieu thereof “Delegate from the District of Columbia, or Resident Commissioner”.

(e) Section 11(c) of the Voting Rights Act of 1965 (42 U.S.C. 1973i(c)) is amended by striking out “or Delegates or Commissioners from the territories or possessions” and inserting in lieu thereof “Delegate from the District of Columbia”. 79 Stat. 443.

(f) The second sentence in the second paragraph of section 7 of the District of Columbia Alcoholic Beverage Control Act (D.C. Code, sec. 25-107) is amended by striking out “the presidential election” and inserting in lieu thereof “any election”. 75 Stat. 820.

MISCELLANEOUS AMENDMENTS OF DISTRICT OF COLUMBIA ELECTION ACT

SEC. 205. (a) Clause (A) of paragraph (2) of section 2 of the District of Columbia Election Act (D.C. Code, sec. 1-1102) is amended by inserting “or has been domiciled” after “has resided”. “Qualified elector.” 75 Stat. 820.

(b) Paragraph (2) of subsection (a) of section 8 of the District of Columbia Election Act (D.C. Code, sec. 1-1108) is amended by striking out “one hundred” and inserting in lieu thereof “two hundred”. Nomination by petition. 69 Stat. 701.

(c) The first sentence of section 9(b) of the District of Columbia Election Act (D.C. Code, sec. 1-1109) is amended by striking out “The vote” and by inserting in lieu thereof “Except as otherwise provided by regulation of the Board, the vote”. Method of voting. 75 Stat. 819.

(d) Section 9(f) of the District of Columbia Election Act is amended by striking out the first and second sentences and inserting in lieu thereof the following: “If a qualified elector is unable to record his vote by marking the ballot or operating the voting machine an official of the polling place shall, on the request of the voter, enter the voting booth and comply with the voter’s directions with respect to recording his vote. Upon the request of any such voter, a second official of the polling place shall also enter the voting booth and witness the recordation of the voter’s directions. The official or officials shall in no way influence or attempt to influence the voter’s decisions, and shall tell no one how the voter voted.”

(e)(1) The first section of the District of Columbia Election Act (D.C. Code, sec. 1-1101) is amended (A) by inserting after “Vice 82 Stat. 103.

President of the United States" the following: "the Delegate to the House of Representatives"; (B) by inserting "and" after the semicolon in clause (2); and (C) by striking out clause (3) and redesignating clause (4) as clause (3).

(2) Sections 8(a) and 10(a) (1) of the District of Columbia Election Act are each amended (A) by striking out "clauses (1), (2), and (3)" and inserting in lieu thereof "clauses (1) and (2)," and (2) by striking out "clause (4)" and inserting in lieu thereof "clause (3)".

(f) Section 8(c) of the District of Columbia Election Act is amended (1) by striking out "The Board shall" and inserting in lieu thereof "Except as otherwise provided, the Board shall", and (2) by amending paragraph (1) to read as follows:

"(1) to vote, in any election of officials referred to in clauses (1) and (2) of the first section of this Act and of officials designated pursuant to clause (3) of such section, separately or by slates for the candidates duly qualified and nominated for election to each such office or group of offices by such party under subsections (a) and (b) of this section; and".

(g) Section 9(c) of the District of Columbia Election Act is amended to read as follows:

"(c) Any group of qualified electors interested in the outcome of an election may, not less than two weeks prior to such election, petition the Board for credentials authorizing watchers at one or more polling places at the next election during voting hours and until the count has been completed. The Board shall formulate rules and regulations not inconsistent with this Act to prescribe the form of watchers' credentials, to govern the conduct of such watchers, and to limit the number of watchers so that the conduct of the election will not be unreasonably obstructed. Subject to such rules and regulations, watchers may challenge prospective voters whom the watchers believe to be unqualified to vote."

(h) Section 9 of the District of Columbia Election Act is amended (1) by redesignating subsection (h) as subsection (i), and (2) by inserting after subsection (g) the following new subsection:

"(h) In the event that the total number of candidates of one party nominated to an office or group of offices of that party pursuant to section 8(a) or 8(i) of this Act does not exceed the number of such offices to be filled, the Board may, prior to election day and, notwithstanding the provisions of section 8(c) or 8(i) of this Act, declare the candidates so nominated to be elected without opposition, in which case the fact of their election pursuant to this paragraph shall appear for the information of the voters on any ballot prepared by the Board for their party for the election of other candidates in the same election."

(i) The first sentence of section 4(b) of the District of Columbia Election Act (D.C. Code, sec. 1-1104) is amended to read as follows: "Each member of the Board shall be paid compensation at the rate of \$50 per day, with a limit of \$2,500 per annum, while performing duties under this Act."

(j) Subsection (e) of section 13 of the District of Columbia Election Act (D.C. Code, sec. 1-1113) is amended by striking out "ten days" and inserting in lieu thereof "thirty days".

(k) Section 14 of the District of Columbia Election Act (D.C. Code, sec. 1-1114) is amended by striking out "his place of residence or his voting privilege in any other part of the United States" and inserting in lieu thereof "his qualifications for voting or for holding elective office, or be guilty of violating section 9, 12, or 13 of this Act".

69 Stat. 702;
75 Stat. 818,
819.
D.C. Code
1-1108, 1-1110.

Watchers at
polling places.
D.C. Code
1-1109.

Rules and
regulations.

Supra; Ante,
p. 849.

Board members'
compensation.
69 Stat. 699.

Election ex-
pense statements.

False registra-
tion.

(1) Subsection (g) of section 9 of the District of Columbia Election Act is amended to read as follows:

“(g) No person shall vote more than once in any election nor shall any person vote in a primary or party runoff election held by a political party other than that to which he has declared himself to be a member.”

(m) Subsection (b) of section 13 of the District of Columbia Election Act is amended (1) by inserting after “Vice President,” the following: “Delegate,”; (2) by inserting “or” after “committeewoman,”; and (3) by striking out “or alternate,”.

(n) Subsection (d) of section 13 of the District of Columbia Election Act is amended (1) by inserting “Delegate,” after “elector,”; (2) by inserting “or” after “committeewoman,”; and (3) by striking out “, or alternate”.

Voting restrictions.
75 Stat. 819.
D.C. Code
1-1109.

Expenditures.
69 Stat. 703;
75 Stat. 819.
D.C. Code
1-1113.

FIRST ELECTIONS AND EFFECTIVE DATE

SEC. 206. (a) Before the expiration of the seven-calendar-month period beginning on the first day of the first calendar month beginning on or after the date of the enactment of this Act, the Board of Elections of the District of Columbia shall—

(1) conduct such special elections as may be necessary to select candidates for the office of Delegate to the House of Representatives from the District of Columbia;

(2) provide for the direct nomination by petition of candidates for such offices; and

(3) conduct such other special elections as may be necessary to select from such candidates the Delegate to the House of Representatives from the District of Columbia.

The Board of Elections shall prescribe the date on which each election under paragraphs (1) and (3) shall be held, the dates for the circulation and filing of nominating petitions for such elections, and such other terms and conditions which it deems necessary for the conduct of such elections within the period prescribed by this subsection. Nominating petitions for an election under paragraph (1) shall meet the requirements of clauses (2) and (3) of section 8(i) of the District of Columbia Election Act and nominating petitions under paragraph (2) shall meet the requirements of clauses (B) and (C) of section 8(j) (1) of such Act.

(b) This title and the amendments made by this title shall take effect on the date of its enactment.

Approved September 22, 1970.

Ante, p. 849.

Ante, p. 850.

Public Law 91-406

AN ACT

To amend the National Aeronautics and Space Act of 1958 to provide that the Secretary of Transportation shall be a member of the National Aeronautics and Space Council.

September 23, 1970
[H. R. 16539]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 201 (a) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2471 (a)) is amended by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively, and by inserting after paragraph (3) the following new paragraph:

“(4) the Secretary of Transportation;”.

Approved September 23, 1970.

National Aeronautics and Space Council.
Membership.
75 Stat. 46.

Public Law 91-407

September 25, 1970
[S. J. Res. 67]

JOINT RESOLUTION

Granting the consent of Congress to the States of Maryland and West Virginia and the Commonwealths of Virginia and Pennsylvania and the District of Columbia, as signatory bodies, for certain amendments to the compact creating the Potomac Valley Conservancy District and establishing the Interstate Commission on the Potomac River Basin.

33 USC 567b.

Whereas, by Public Resolution Numbered 93, Seventy-sixth Congress, third session, approved July 11, 1940 (54 Stat. 748), Congress granted consent to the States of Maryland and West Virginia and the Commonwealths of Virginia and Pennsylvania and the District of Columbia, hereinafter designated signatory bodies, to enter into a compact for the creation of a Potomac Valley Conservancy District and the establishment of the Interstate Commission on the Potomac River Basin; and

Whereas, all said signatory bodies have entered into said compact; and
Whereas, all the said signatory bodies have adopted identical proposed amendments to said compact, for which they seek the consent of Congress, by virtue of which amendments said compact will read as follows:

“COMPACT

Compact for
creation of
Potomac Valley
Conservancy Dis-
trict and Inter-
state Commission
on the Potomac
River Basin,
amendment.

“WHEREAS, it is recognized that abatement of existing pollution and the control of future pollution of interstate streams can best be promoted through a joint agency representing the several states located wholly or in part within the area drained by any such interstate stream; and

“WHEREAS, the Congress of the United States has given its consent to the States of Maryland and West Virginia, the Commonwealths of Pennsylvania and Virginia, and the District of Columbia to enter into a compact providing for the creation of a conservancy district to consist of the drainage basin of the Potomac river and the main and tributary streams therein, for the purpose of regulating, controlling, preventing, or otherwise rendering unobjectionable and harmless the pollution of the waters of said Potomac drainage area by sewage and industrial and other wastes; and

“WHEREAS, the regulation, control and prevention of pollution is directly affected by the quantities of water in said streams and the uses to which such water may be put, thereby requiring integration and coordination of the planning for the development and use of the water and associated land resources through cooperation with, and support and coordination of, the activities of Federal, State, local and private agencies, groups, and interests concerned with the development, utilization and conservation of the water and associated land resources of the said conservancy district;

“Now, therefore, the States of Maryland and West Virginia, the Commonwealths of Pennsylvania and Virginia, and the District of Columbia, hereinafter designated signatory bodies, do hereby create the Potomac Valley Conservancy District, hereinafter designated the Conservancy District, comprising all of the area drained by the Potomac River and its tributaries; and also, do hereby create, as an agency of each signatory body, the Interstate Commission on the Potomac River Basin, hereinafter designated the Commission, under the articles of organization as set forth below.

“ARTICLE I

“The Interstate Commission on the Potomac River Basin shall consist of three members from each signatory body and three members appointed by the President of the United States. Said Commissioners, other than those appointed by the President, shall be chosen in a manner and for the terms provided by law of the signatory body from which they are appointed and shall serve without compensation from the Commission but shall be paid by the Commission their actual expenses incurred and incident to the performance of their duties.

“(A). The Commission shall meet and organize within thirty days after the effective date of this compact, shall elect from its number a chairman and vice-chairman, shall adopt suitable bylaws, shall make, adopt and promulgate such rules and regulations as are necessary for its management and control, and shall adopt a seal.

“(B). The Commission shall appoint and, at its pleasure, remove or discharge such officers and legal, engineering, clerical, expert and other assistants as may be required to carry the provisions of this compact into effect, and shall determine their qualifications and fix their duties and compensation. Such personnel as may be employed shall be employed without regard to any civil service or other similar requirements for employees of any of the signatory bodies. The Commission may maintain one or more offices for the transaction of its business and may meet at any time or place within the area of the signatory bodies.

“(C). The Commission shall keep accurate accounts of all receipts and disbursements and shall make an annual report thereof and shall in such report set forth in detail the operations and transactions conducted by it pursuant to this compact. The Commission, however, shall not incur any obligations for administrative or other expenses prior to the making of appropriations adequate to meet the same nor shall it in any way pledge the credit of any of the signatory bodies. Each of the signatory bodies reserves the right to make at any time an examination and audit of the accounts of the Commission.

“(D). A quorum of the Commission shall, for the transaction of business, the exercise of any powers, or the performance of any duties, consist of at least six members of the Commission who shall represent at least a majority of the signatory bodies: *Provided, however,* That no action of the Commission relating to policy or stream classification or standards shall be binding on any one of the signatory bodies unless at least two of the Commissioners from such signatory body shall vote in favor thereof.

“ARTICLE II

“The Commission shall have the power:

“(A). To collect, analyze, interpret, coordinate, tabulate, summarize and distribute technical and other data relative to, and to conduct studies, sponsor research and prepare reports on, pollution and other water problems of the Conservancy District.

“(B). To cooperate with the legislative and administrative agencies of the signatory bodies, or the equivalent thereof, and with other commissions and Federal, local governmental and non-governmental agencies, organizations, groups and persons for the purpose of promoting uniform laws, rules or regulations for

the abatement and control of pollution of streams and the utilization, conservation and development of the water and associated land resources in the said Conservancy District.

“(C). To disseminate to the public information in relation to stream pollution problems and the utilization, conservation and development of the water and associated land resources of the Conservancy District and on the aims, views, purposes and recommendations of the Commission in relation thereto.

“(D). To cooperate with, assist, and provide liaison for and among, public and non-public agencies and organizations concerned with pollution and other water problems in the formulation and coordination of plans, programs and other activities relating to stream pollution or to the utilization, conservation or development of water or associated land resources, and to sponsor cooperative action in connection with the foregoing.

“(E). In its discretion and at any time during or after the formulation thereof, to review and to comment upon any plan or program of any public or private agency or organization relating to stream pollution or the utilization, conservation or development of water or associated land resources.

“(F)(1). To make, and, if needful from time to time, revise and recommend to the signatory bodies, reasonable minimum standards for the treatment of sewage and industrial or other wastes now discharged or to be discharged in the future to the streams of the Conservancy District, and also for cleanliness of the various streams in the Conservancy District.

“(2). To establish reasonable physical, chemical and bacteriological standards of water quality satisfactory for various classifications of use. It is agreed that each of the signatory bodies through appropriate agencies will prepare a classification of its interstate waters in the District in entirety or by portions according to present and proposed highest use, and for this purpose technical experts employed by appropriate state water pollution control agencies are authorized to confer on questions relating to classification of interstate waters affecting two or more states. Each signatory body agrees to submit its classification of its interstate waters to the Commission with its recommendations thereon.

“The Commission shall review such classification and recommendations and accept or return the same with its comments. In the event of return, the signatory body will consider the comments of the Commission and resubmit the classification proposal, with or without amendment, with any additional comments for further action by the Commission.

“It is agreed that after acceptance of such classification, the signatory body through its appropriate state water pollution control agencies will work to establish programs of treatment of sewage and industrial wastes which will meet or exceed standards established by the Commission for classified waters. The Commission may from time to time make such changes in definitions of classifications and in standards as may be required by changed conditions or as may be necessary for uniformity and in a manner similar to that in which these standards and classifications were originally established.

“It is recognized, owing to such variable factors as location, size, character and flow and the many varied uses of the waters subject to the terms of this compact, that no single standard of sewage and waste treatment and no single standard of quality of receiving waters is practical and that the degree of treatment of sewage and

industrial wastes should take into account the classification of the receiving waters according to present and proposed highest use, such as for drinking water supply, bathing and other recreational purposes, maintenance and propagation of fish life, industrial and agricultural uses, navigation and disposal of wastes.

“ARTICLE III

“For the purpose of dealing with the problems of pollution and of water and associated land resources in specific areas which directly affect two or more, but not all, signatory bodies, the Commission may establish Sections of the Commission consisting of the Commissioners from such affected signatory bodies: *Provided, however,* That no signatory body may be excluded from any Section in which it wishes to participate. The Commissioners appointed by the President of the United States may participate in any Section. The Commission shall designate, and from time to time may change, the geographical area with respect to which each Section shall function. Each Section shall, to such extent as the Commission may from time to time authorize, have authority to exercise and perform with respect to its designated geographical area any power or function vested in the Commission, and in addition may exercise such other powers and perform such functions as may be vested in such Section by the laws of any signatory body or by the laws of the United States. The exercise or performance by a Section of any power or function vested in the Commission may be financed by the Commission, but the exercise or performance of powers or functions vested solely in a Section shall be financed through funds provided in advance by the bodies, including the United States, participating in such Section.

“ARTICLE IV

“The moneys necessary to finance the Commission in the administration of its business in the Conservancy District shall be provided through appropriations from the signatory bodies and the United States, in the manner prescribed by the laws of the several signatory bodies and of the United States, and in amounts as follows:

“The pro rata contributions shall be based on such factors as population; the amount of industrial and domestic pollution; and a flat service charge; as shall be determined from time to time by the Commission, subject, however, to the approval, ratification and appropriation of such contribution by the several signatory bodies.

“ARTICLE V

“Pursuant to the aims and purposes of this compact, the signatory bodies mutually agree:

“1. Faithful cooperation in the abatement of existing pollution and the prevention of future pollution in the streams of the Conservancy District and in planning for the utilization, conservation and development of the water and associated land resources thereof.

“2. The enactment of adequate and, insofar as is practicable, uniform legislation for the abatement and control of pollution and control and use of such streams.

“3. The appropriation of biennial sums on the proportionate basis as set forth in Article IV.

“ARTICLE VI

“This compact shall become effective immediately after it shall have been ratified by the majority of the legislature of the States of Maryland and West Virginia, the Commonwealths of Pennsylvania and Virginia, and by the Commissioner of the District of Columbia, and approval by the Congress of the United States: *Provided, however*, That this compact shall not be effective as to any signatory body until ratified thereby.

“ARTICLE VII

“Any signatory body may, by legislative act, after one year’s notice to the Commission, withdraw from this compact.”
Now, therefore, be it

Consent of
Congress.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby given to the States of Maryland and West Virginia and the Commonwealths of Virginia and Pennsylvania and the District of Columbia to adopt the aforementioned amendments and enter into the amended compact hereinbefore recited and every part and article thereof: *Provided*, That nothing contained in such amended compact shall be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the region which forms the subject of this compact: *And provided further*, That the consent herein given does not extend to section (F) (2) of article II of the amended compact.

SEC. 2. The Commissioner of the District of Columbia is authorized to enter into, on behalf of the District of Columbia, the amended compact hereinbefore recited.

SEC. 3. The right to alter, amend, or repeal this joint resolution is hereby expressly reserved.

Approved September 25, 1970.

Public Law 91-408

AN ACT

September 25, 1970
[S. 2882]

To amend Public Law 394, Eighty-fourth Congress, to authorize the construction of supplemental irrigation facilities for the Yuma Mesa Irrigation District, Arizona.

Yuma Mesa Ir-
rigation District,
Ariz.
Supplemental
facilities.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act of January 28, 1956 (70 Stat. 5, Public Law 394, Eighty-fourth Congress), is amended by inserting after the word “buildings” the words “and irrigation works and facilities”.

SEC. 2. Section 4 of the Act of January 28, 1956, is amended by changing the period at the end thereof to a comma and adding “but the contract executed on or prior to such date may be amended to include works authorized after such date by amendments to section 2.” The Yuma-Mesa division shall be operated in such manner that identifiable return flows of water will not cause the Colorado River stream system to be in violation of water quality standards promulgated pursuant to the Water Quality Act of 1965 (79 Stat. 903).

Approved September 25, 1970.

33 USC 466
note.

Public Law 91-409

AN ACT

September 25, 1970
[S. 434]

To reauthorize the Riverton extension unit, Missouri River Basin project, to include therein the entire Riverton Federal reclamation project, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the general plan for the Riverton extension unit, Missouri River Basin project, heretofore authorized under section 9 of the Flood Control Act of 1944 (58 Stat. 887), is modified to include relief to water users, construction, betterment of works, land rehabilitation, water conservation, fish and wildlife conservation and development, flood control, and silt control on the entire Riverton Federal reclamation project. As so modified the general plan is reauthorized under the designation "Riverton unit of the Missouri River Basin project". The Riverton extension unit shall be operated in such manner that identifiable return flows of water will not cause the Wind River to be in violation of water quality standards promulgated pursuant to the Water Quality Act of 1965 (79 Stat. 903).

Missouri River
Basin project.
Riverton ex-
tension unit,
reauthorization.

SEC. 2. (a) The Secretary of the Interior is authorized to negotiate and execute an amendatory repayment contract with the Midvale Irrigation District covering all lands of the Riverton unit. This contract shall replace all existing repayment contracts between the Midvale Irrigation District and the United States.

33 USC 466
note.
Amendatory re-
payment contract.

(b) The period for repayment of the construction and rehabilitation and betterment costs allocated to irrigation and assigned to be repaid by the irrigation water users shall be fifty years from and including the year in which such amendatory repayment contract is executed.

Repayment
period.

(c) During the period required to construct and test the adequacy of drains and other water conservation works, the rates of charge to land classes and the acreage assessable in each land class in the unit shall continue to be as established in the amendatory repayment contract with the district dated June 26, 1952; thereafter such rates of charge and assessable acreage shall be in accordance with the amortization capacity and classification of unit lands as determined by the Secretary.

SEC. 3. (a) Construction and rehabilitation and betterment costs of the Riverton unit which the Secretary determines to be assignable to lands classified now or hereafter as permanently unproductive shall be nonreturnable and nonreimbursable: *Provided*, That whenever new lands or lands now or hereafter classified as nonproductive, are classified or reclassified as productive, the repayment obligation of the district shall be increased appropriately.

Unproductive
lands.

(b) All miscellaneous net revenues of the Riverton unit shall accrue to the United States and shall be applied against irrigation costs not assigned to be repaid by irrigation water users.

(c) Construction and rehabilitation and betterment costs of the Riverton unit allocated to irrigation and not assigned to be repaid by irrigation water users nor returned from miscellaneous net revenues of the unit shall be returnable from net revenues of the Missouri River Basin project within fifty years from and including the year in which the amendatory contract authorized by this Act is executed.

SEC. 4. The limitation of lands held in beneficial ownership within the unit by any one owner, which are eligible to receive project water from, through, or by means of project works, shall be one hundred and sixty acres of class 1 land or the equivalent thereof in other land classes, as determined by the Secretary.

Ownership
limitations.

Lands, disposition.
78 Stat. 156.

SEC. 5. (a) Lands available for disposition on the Riverton unit, including property acquired pursuant to the Act of March 10, 1964, shall be sold at public or private sale at not less than appraised fair market value at the time of sale. The Secretary may dispose of such lands in tracts of any size, so long as no such disposition will result in a total ownership within the unit by any one owner in excess of the limitation prescribed in section 4 above.

(b) In the disposition of lands on the Riverton unit, resident land-owners on the unit who have not obtained relief under the Act of March 10, 1964, as amended, shall have a prior right to purchase tracts in order to supplement their existing farms.

16 USC 4601-12
note.
Interest rates.

SEC. 6. (a) The provision of lands, facilities, and project modifications which furnish fish and wildlife benefits in connection with the Riverton extension unit shall be in accordance with the Federal Water Project Recreation Act (79 Stat. 213).

(b) The interest rate used for purposes of computing interest during construction and interest on the unpaid balance of the capital cost allocated to interest-bearing features of the project shall be determined by the Secretary of the Treasury as of the beginning of the fiscal year in which construction of said interest-bearing features is initiated, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from date of issue.

Availability
of funds.

SEC. 7. Appropriations heretofore or hereafter made for carrying on the functions of the Bureau of Reclamation shall be available for credits, expenses, charges, and cost provided by or incurred under this Act. The Secretary is authorized to make such rules and regulations as are necessary to carry out the provisions of this Act.

Rules and
regulations.

Appropriation.

SEC. 8. There is hereby authorized to be appropriated for rehabilitation and betterment of the facilities of the first and second divisions of the Riverton unit, for completion of drainage works for said first and second divisions, and for fish and wildlife measures as authorized by this Act, the sum of \$12,116,000 (based on July 1969 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction cost indexes applicable to the types of construction involved herein. There are also authorized to be appropriated such additional sums as may be required for operation and maintenance of the Riverton unit.

Approved September 25, 1970.

Public Law 91-410

JOINT RESOLUTION

September 25, 1970
[H. J. Res. 1247]

To amend section 19(e) of the Securities Exchange Act of 1934.

Whereas additional time is required for the Securities and Exchange Commission to complete its institutional investors study, and file a report with respect thereto, pursuant to section 19(e) of the Securities Exchange Act of 1934: Now, therefore, be it

Securities Ex-
change Act of
1934, amendment.
82 Stat. 453;
83 Stat. 141.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 19(e) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(e)) is amended by striking out in paragraph (1) "September 1, 1970" and inserting in lieu thereof "December 31, 1970".

Approved September 25, 1970.

Public Law 91-411

AN ACT

Providing for the addition of the Freeman School to the Homestead National Monument of America in the State of Nebraska, and for other purposes.

September 25, 1970
[S. 58]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to further the interpretation and commemoration of the pioneer life of early settlers of the West, the Secretary of the Interior is authorized to acquire by donation or purchase with donated or appropriated funds the following described lands and interests therein, on which is situated the old school building known as Freeman School:

Homestead National Monument of America, Nebr.
Freeman School, acquisition.

Beginning at the southeast corner of the southeast quarter of section 22, township 4 north, range 5 east, sixth principal meridian, Gage County, Nebraska, thence running north on the east line of the said quarter section 297 feet, thence west 214.5 feet, thence south 297 feet, thence east 214.5 feet to the point of beginning.

The Secretary is further authorized, in order to protect the setting of the Freeman School, preserve an adequate visual relationship with the existing Homestead National Monument of America, and provide access to the school from the national monument, to acquire by any of the above methods such lands and interests therein, as he deems necessary within the areas in certain sections of township 4 north, range 5 east, sixth principal meridian, Gage County, Nebraska, which are described as follows:

Section 22, beginning at a point 297 feet north of the southeast corner of the southeast quarter on the east line of the said quarter section, thence north along the east line of the said quarter section 103 feet, thence west 300 feet, thence south 400 feet to the south line of said quarter section, thence east along the south line of said quarter section 85.5 feet to the boundary of the Freeman School property, thence north along the boundary of the school property 297 feet, thence east along the boundary of the school property 214.5 feet to the point of beginning;

Section 23, the south 300 feet of the southwest quarter thereof;

Section 26, the north 300 feet of the northwest quarter northwest quarter thereof;

Section 27, beginning at the northeast corner of the northeast quarter, thence south along the east line of the said quarter section 300 feet, thence west 300 feet, thence north 300 feet to the north line of said quarter section, thence east along the north line of said quarter section 300 feet to the point of beginning; all containing about 31 acres.

SEC. 2. The property acquired pursuant to this Act shall be administered by the Secretary of the Interior as part of the Homestead National Monument of America, in accordance with the Act of March 19, 1936 (49 Stat. 1184), and the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented (16 U.S.C. 1 et seq.).

Administration.

16 USC 450u-
450x.

SEC. 3. For the purposes of this Act, there are authorized to be appropriated not more than \$50,000, of which not more than \$45,000 (April 1970 prices), plus or minus such amounts, if any, as may be justified by reasons of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein shall be appropriated for the rehabilitation and development of the Freeman School.

Appropriation.

Approved September 25, 1970.

Public Law 91-412

AN ACT

September 25, 1970
[S. 1170]

To authorize the Department of Commerce to make special studies, to provide services, and to engage in joint projects, and for other purposes.

Commerce De-
partment.
Special studies.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce is authorized, upon the request of any person, firm, organization, or others, public or private, to make special studies on matters within the authority of the Department of Commerce; to prepare from its records special compilations, lists, bulletins, or reports; to perform the functions authorized by section 2 of the Act of September 9, 1950 (64 Stat. 823; 15 U.S.C. 1152); and to furnish transcripts or copies of its studies, compilations, and other records; upon the payment of the actual or estimated cost of such special work.

Joint projects,
cost apportion-
ment.

In the case of nonprofit organizations, research organizations, or public organizations or agencies, the Secretary may engage in joint projects, or perform services, on matters of mutual interest, the cost of which shall be apportioned equitably, as determined by the Secretary, who may, however, waive payment of any portion of such costs by others, when authorized to do so under regulations approved by the Bureau of the Budget.

Receipts,
disposition.

SEC. 2. All payments for work or services performed or to be performed under this Act shall be deposited in a separate account or accounts which may be used to pay directly the costs of such work or services, to repay or make advances to appropriations or funds which do or will initially bear all or part of such costs, or to refund excess sums when necessary: *Provided*, That said receipts may be credited to a working capital fund otherwise established by law, and used under the law governing said funds, if the fund is available for use by the agency of the Department of Commerce which is responsible for performing the work or services for which payment is received. Acts appropriating funds to the Department of Commerce may include provisions limiting annual expenditure from said account or accounts.

Repeals.

SEC. 3. The following laws, or parts of laws, are hereby repealed:

(a) That proviso in the Act of March 1, 1919 (ch. 86, sec. 1, at 40 Stat. 1256), which reads as follows: "*Provided further*, That all moneys hereafter received by the Bureau of Foreign and Domestic Commerce in payment of photographic and other mechanical reproduction of special statistical compilations from its records shall be covered into the Treasury as a miscellaneous receipt."

(b) The Act of May 27, 1935 (ch. 148, 49 Stat. 292; 15 U.S.C. 189a, 192, 192a).

(c) The proviso in the Act of May 15, 1936 (ch. 405, sec. 1, at 49 Stat. 1335 (15 U.S.C. 189)), which reads as follows: "*Provided*, That the Secretary of Commerce may make such charges as he deems reasonable for lists of foreign buyers, special statistical services, special commodity news bulletins, and World Trade Directory Reports, and the amounts collected therefrom shall be deposited in the Treasury as miscellaneous receipts."

(d) The Act of December 19, 1942 (ch. 780, 56 Stat. 1067; 15 U.S.C. 1520).

(e) The proviso in section 3 of the Act of September 9, 1950 (64 Stat. 823; 15 U.S.C. 1153), which reads as follows: "*Provided*, That all moneys hereafter received by the Secretary in payment for publications under this Act shall be deposited in a special account in the Treasury, such account to be available, subject to authorization in any appropriation Act, for reimbursing any appropriation then current

and chargeable for the cost of furnishing copies or reproductions as herein authorized, and for making refunds to organizations and individuals when entitled thereto: *And provided further*, That an appropriation reimbursed by this special account shall, notwithstanding any other provision of law, be available for the purposes of the original appropriation."

(f) The proviso in title III of the Act of October 22, 1951 (ch. 533, title III, section 301 at 65 Stat. 586, 15 U.S.C. 1153a), which reads as follows: "*Provided*, That moneys hereafter received by the Secretary pursuant to section 3 of said Act of September 9, 1950, for publications provided thereunder, shall be available for reimbursing any appropriation as provided by said section."

SEC. 4. Except as to those laws expressly repealed herein, nothing in this Act shall alter, amend, modify, or repeal any existing law prescribing fees or charges or authorizing the prescribing of fees or charges for services performed or for any publication furnished by the Department of Commerce, or any of its several bureaus or offices.

Approved September 25, 1970.

Public Law 91-413

AN ACT

To provide for the disposition of funds appropriated to pay judgments in favor of the Yakima Tribes in Indian Claims Commission dockets numbered 47-A, 162, and consolidated 47 and 164, and for other purposes.

September 25, 1970
[S. 3337]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated by the Act of October 31, 1965 (79 Stat. 1133, 1152), to pay judgments to the Yakima Tribes of the Yakima Reservation in Indian Claims Commission docket numbered 47-A and 162, and by the Act of July 22, 1969 (83 Stat. 49), in consolidated dockets 47 and 164, together with interests thereon, after payment of attorney fees and litigation expenses, may be advanced, expended, invested, or reinvested for any purpose that is authorized by the tribal governing body and approved by the Secretary of the Interior.

Yakima Tribes,
Yakima Reserva-
tion.
Judgment funds,
disposition.

SEC. 2. Any part of such funds that may be distributed per capita under the provisions of this Act shall not be subject to Federal or State income tax; and any per capita share payable to a person under twenty-one years of age or to a person under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines will adequately protect the best interest of such persons.

Tax exemption.

Approved September 25, 1970.

Public Law 91-414

AN ACT

To amend the Marine Resources and Engineering Development Act of 1966 to continue the National Council on Marine Resources and Engineering Development.

September 25, 1970
[S. 3617]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (f) of section 3 of the Marine Resources and Engineering Development Act of 1966 (33 U.S.C. 1102(f)) is amended by striking out "June 30, 1970" and inserting in lieu thereof "June 30, 1971".

80 Stat. 205;
83 Stat. 10.

Approved September 25, 1970.

Public Law 91-415

AN ACT

September 25, 1970
[S. 2808]

To authorize the Secretary of the Interior to construct, operate, and maintain the Minot extension of the Garrison diversion unit of the Missouri River Basin project in North Dakota, and for other purposes.

Missouri River
Basin project,
N. Dak.

Garrison diver-
sion unit, Minot
extension.
43 USC 371 and
note.

33 USC 466
note.

Repayment con-
tracts, terms.

43 USC 485a.

43 USC 485h.
Survey require-
ments, exception.
43 USC 390a.
Interest rates.

Maintenance.

Criteria.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to construct, operate, and maintain the Minot extension of the Garrison diversion unit in North Dakota under the Federal reclamation laws (Act of June 17, 1902; 32 Stat. 388, and Acts amendatory thereof and supplementary thereto) for the principal purposes of conveying, regulating, and furnishing water made available through facilities of the Garrison diversion unit for use by the city of Minot and other communities for municipal and industrial purposes; conserving and developing fish and wildlife resources; and enhancing outdoor recreation opportunities. The Minot extension to the Garrison diversion unit shall be operated in such manner that identifiable return flows of water will not cause the Souris River to be in violation of water quality standards promulgated pursuant to the Water Quality Act of 1965 (79 Stat. 903).

SEC. 2. The Secretary is authorized to construct appropriate portions of the Minot extension to assist in the interim delivery of water from ground water sources prior to the availability of water through the facilities of the Garrison diversion unit.

SEC. 3. (a) Costs of the project, or any unit or stage thereof, allocated to municipal water supply, shall be repayable, with interest, by the municipal water users over a period of not more than fifty years from the date that water is first delivered for that purpose, pursuant to contracts with municipal corporations or other organizations, as defined in subsection 2(g) of the Reclamation Project Act of 1939 (53 Stat. 1187). Such contracts shall be executed before the commencement of construction of the project. Contracts may be entered into with water users' organizations pursuant to the provisions of this Act without regard to the last sentence of subsection 9(c) of the Reclamation Project Act of 1939 (53 Stat. 1187).

(b) Expenditures for the Minot extension may be made without regard to the soil survey and land classification requirements of the Interior Department Appropriation Act of 1954 (67 Stat. 266).

(c) The interest rate used for computing interest during construction and interest on the unpaid balance of the reimbursable costs of the Minot extension shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction on the extension is commenced, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for redemption for fifteen years from date of issue.

(d) The Secretary is authorized to transfer to a qualified contracting entity or entities the care, operation, and maintenance of the project works, and, if such transfer is made, to credit annually against the contractor's repayment obligation that portion of the year's joint operation and maintenance costs which, if the United States had continued to operate the project, would have been allocated to fish and wildlife and recreation purposes. Prior to assuming care, operation, and maintenance of the project works the contracting entity or entities shall be obligated to operate them in accordance with criteria established by the Secretary of the Interior with respect to fish and wildlife and recreation.

SEC. 4. The conservation and development of fish and wildlife resources and the enhancement of recreation opportunities in connection with the Minot extension shall be in accordance with the provisions of the Federal Water Projects Recreation Act (79 Stat. 213).

Conservation
and recreation.

SEC. 5. There is authorized to be appropriated for the construction of the Minot extension the sum of \$12,900,000 (January 1969 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the type of construction involved. There are also authorized to be appropriated such additional sums as may be required for the operation and maintenance of the extension.

16 USC 460l-
12 note.
Appropriation.

Approved September 25, 1970.

Public Law 91-416

AN ACT

September 25, 1970
[S. 203]

To amend the Act of June 13, 1962 (76 Stat. 96), with respect to the Navajo Indian irrigation project.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of June 13, 1962 (76 Stat. 96), is amended as follows:

Navajo Indian
irrigation project.
43 USC 615ii-
615yy.

(a) By deleting "and" in the first sentence of section 3(a) immediately preceding "townships 27" and by inserting immediately preceding "New Mexico principal meridian", the following: "townships 26 and 27 north, range 11 west, and townships 24, 25, and 26 north, ranges 12 and 13 west,";

(b) By deleting "\$135,000,000 (June 1961 prices)" in the first sentence of section 7 and substituting in lieu thereof "\$206,000,000 (April 1970 prices)"; and

(c) By adding the following subsection to section 3:

"(d) Each permit that is in effect on lands declared to be held in trust for the Navajo Tribe pursuant to section 3(a) of this Act shall continue in effect for the term thereof unless the land is needed for irrigation purposes, subject to regulations applicable to permits of Indian lands, and upon its expiration it shall only be renewed on an annual basis until the land is required for irrigation purposes. When, in the judgment of the Secretary of the Interior, such land is required for irrigation purposes, the Secretary shall notify the permittee and the permit shall be deemed to be canceled, with no right of appeal. The permittee shall be compensated by the Navajo Tribe for the reasonable value of any range improvements of a permanent nature placed on the lands under authority of a permit or agreement with the United States, as determined by the Secretary of the Interior. Amounts paid to the United States by the Navajo Tribe out of tribal funds for the full appraised value of lands declared to be held in trust for the Navajo Tribe pursuant to section 3(a) of this Act shall be reduced by the amount of compensation paid by the Navajo Tribe to permittees pursuant to this subsection."

SEC. 2. The Navajo Indian irrigation project shall be operated in such manner that identifiable flows of water will not cause the project to be in violation of water quality standards promulgated pursuant to the Water Quality Act of 1965 (79 Stat. 903).

33 USC 466 note.

Approved September 25, 1970.

Public Law 91-417

September 25, 1970
[S. 4033]

AN ACT

To provide for the disposition of funds appropriated to pay a judgment in favor of the Chemehuevi Tribe of Indians

Chemehuevi
Tribe of Indians.
Judgment funds,
disposition.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds on deposit in the Treasury of the United States to the credit of the Chemehuevi Tribe of Indians which were appropriated (by the Act entitled "An Act making supplemental appropriations for the fiscal year ending June 30, 1965, and for other purposes", approved April 30, 1965 (79 Stat. 81)), to pay the judgment awarded by the Indian Claims Commission (dockets numbered 351 and 351-A), together with interest thereon, shall be distributed by the Secretary of the Interior (hereafter in this Act referred to as "Secretary") in equal shares to those persons whose names appear on the roll prepared in accordance with section 2 of this Act.

Roll.

SEC. 2. (a) (1) The Secretary shall prepare a roll of all persons—

(A) who were born on or prior to and living on the date of enactment of this Act;

(B) who are lineal descendants of members of the Chemehuevi Tribe as it existed in 1860; and

(C) whose name or the name of a lineal ancestor appears as a Chemehuevi Indian on any available census roll or other record or evidence acceptable to the Secretary.

Enrollment ap-
plications,
filing.

(2) Applications for enrollment must be filed in the manner and within the time limits prescribed by the Secretary for that purpose. The determination of the Secretary regarding the utilization of available rolls or records and the eligibility for enrollment of an applicant shall be final.

Ineligibility.

(b) Any person who has applied for and has been determined as eligible to share in the awards granted by the Indian Claims Commission in dockets numbered 88, 330, and 330-A, to the Southern Paiute Indian Nation or in dockets numbered 31, 37, 80, 80-D, 176, 215, 333, and 347, to "Certain Indians of California" shall not be entitled to share in the awards granted under this Act.

Distribution.

SEC. 3. The Secretary shall distribute a share payable to a living enrollee directly to such enrollee. The Secretary shall distribute the per capita share of a deceased enrollee to his heirs or legatees upon proof of death and inheritance satisfactory to the Secretary. Sums payable to enrollees or their heirs or legatees who are less than twenty-one years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines to be appropriate to protect their best interests.

Tax exemption.

SEC. 4. No part of any funds distributed under this Act shall be subject to Federal or State income taxes.

SEC. 5. The roll prepared by the Secretary of the Interior pursuant to this Act shall not be deemed to constitute the membership roll of the Chemehuevi Tribe.

Costs,
payment.

SEC. 6. The Secretary may make appropriate withdrawals from the judgment funds and interest thereon, using interest funds first, to pay costs incident to carrying out the provisions of this Act.

Approved September 25, 1970.

Public Law 91-418

AN ACT

To increase the contribution by the Federal Government to the cost of health benefits insurance, and for other purposes.

September 25, 1970
[H. R. 16968]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 8906(a) of title 5, United States Code, is amended to read as follows:

“(a) Except as provided by subsection (b) of this section, the biweekly Government contribution for health benefits for employees or annuitants enrolled in health benefits plans under this chapter shall be adjusted, beginning on the first day of the first pay period of each year, to an amount equal to 40 percent of the average of the subscription charges in effect on the beginning date of the adjustment, with respect to self alone or self and family enrollments, as applicable, for the highest level of benefits offered by—

- “(1) the service benefit plan;
- “(2) the indemnity benefit plan;
- “(3) the two employee organization plans with the largest number of enrollments, as determined by the Commission; and
- “(4) the two comprehensive medical plans with the largest number of enrollments, as determined by the Commission.”.

(b) The amendment made by subsection (a) of this section shall become effective at the beginning of the first applicable pay period which commences after December 31, 1970.

SEC. 2. (a) Section 8901(3)(B) of title 5, United States Code, is amended to read as follows:

“(B) a member of a family who receives an immediate annuity as the survivor of an employee or of a retired employee described by subparagraph (A) of this paragraph;”.

(b) Section 8901(3)(D)(i) of title 5, United States Code, is amended by striking out “, having completed 5 or more years of service,”.

SEC. 3. (a) Section 8701(a)(B) of title 5, United States Code, is amended by inserting “and the Panama Canal Zone” immediately before the semicolon at the end thereof.

(b) Section 8901(1)(ii) of title 5, United States Code, is amended by inserting “and the Panama Canal Zone” immediately before the semicolon at the end thereof.

SEC. 4. (a) The Retired Federal Employees Health Benefits Act (74 Stat. 849; Public Law 86-724) is amended as follows:

(1) Section 2(4) is amended by inserting immediately before the period at the end thereof a comma and the following: “and includes the Social Security Administration for purposes of supplementary medical insurance provided by part B of title XVIII of the Social Security Act”;

(2) Sections 4(a) and 6(a) are each amended by adding at the end thereof the following sentence: “The immediately preceding sentence shall not apply with respect to the plan for supplementary medical insurance provided by part B of title XVIII of the Social Security Act.”; and

Government em-
ployees health
insurance.
Government
contribution, in-
crease.
81 Stat. 219.

Effective date.

80 Stat. 600.

79 Stat. 301;
81 Stat. 874.
42 USC 1395j-
1395w.

74 Stat. 851.

(3) Section 9 is amended by adding at the end thereof the following subsection:

“(f) Notwithstanding any other provision of law, there shall be no recovery of any payments of Government contributions under section 4 or 6 of this Act from any person when, in the judgment of the Commission, such person is without fault and recovery would be contrary to equity and good conscience.”

Effective date.

(b) The amendments made by subsection (a) of this section shall become effective on January 1, 1971.

Approved September 25, 1970.

Public Law 91-419

AN ACT

September 25, 1970
[S. 3838]

To prevent the unauthorized manufacture and use of the character
“Johnny Horizon”, and for other purposes.

“Johnny
Horizon.”

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior may establish and collect use or royalty fees for the manufacture, reproduction, or use of the character “Johnny Horizon”, originated by the Bureau of Land Management and announced in the July 3, 1968, issue of the Federal Register (33 Federal Register 9677) as the official symbol for a public service antilitter program to maintain the beauty and utility of the Nation’s public lands.

Fees, disposi-
tion.

SEC. 2. The Secretary of the Interior shall deposit into a special account all fees collected pursuant to this Act. Such fees are hereby made available for obligation and expenditure for the purpose of furthering nationwide antilitter campaigns.

62 Stat. 731;
80 Stat. 1525;
82 Stat. 291.
18 USC 700-713.

SEC. 3. Chapter 33 of title 18 of the United States Code is amended by adding a new section to be known as section 714, as follows:

“§ 714. ‘Johnny Horizon’ character or name

“As used in this Act, the name or character ‘Johnny Horizon’, means the representation of a tall, lean man, with strong facial features, who wears slacks and sport shirt buttoned to the collar (both green, when colored), no tie, a field jacket (red, when colored), boot-type shoes (brown, when colored) and who carries a backpack, which was originated by the Bureau of Land Management, United States Department of the Interior, as the official symbol for a public service antilitter program to maintain the beauty and utility of the Nation’s public lands.

Penalty.

“Whoever, except as authorized under rules and regulations issued by the Secretary of the Interior, knowingly manufactures, reproduces, or uses the character ‘Johnny Horizon’, or any facsimile thereof, or the name ‘Johnny Horizon’ as a trade name or mark, or in such a manner as suggests the character ‘Johnny Horizon’, so that such use is likely to cause confusion, or to cause mistake, or to deceive, shall be fined not more than \$250 or imprisoned not more than six months, or both.

“This section shall not make unlawful the use of any such emblem, sign, insignia, or words which was lawful on the date of enactment of this Act.

“A violation of this section may be enjoined at the suit of the United States attorney, upon complaint by the Secretary of the Interior.”

SEC. 4. The analysis of chapter 33 immediately preceding section 701 of title 18 is amended by adding at the end thereof:

"714. 'Johnny Horizon' character or name."

SEC. 5. The rights in the name and character "Johnny Horizon" shall terminate if the use by the Secretary of the Interior of the name and character "Johnny Horizon" is abandoned. Nonuse for a period of two years shall constitute abandonment.

Termination
of rights.

Approved September 25, 1970.

Public Law 91-420

AN ACT

September 25, 1970
[S. 3997]

To provide for the disposition of funds appropriated to pay a judgment in favor of the Confederated Bands of Ute Indians in Court of Claims case 47567, and a judgment in favor of the Ute Tribe of the Uintah and Ouray Reservation for and on behalf of the Uncompahgre Band of Ute Indians in Indian Claims Commission docket numbered 349, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the unexpended balance of funds on deposit in the Treasury to the credit of the Confederated Bands of Ute Indians appropriated by the Act of May 13, 1966 (80 Stat. 141), pursuant to the final judgment entered in Court of Claims case numbered 47567; and the funds on deposit to the credit of the Ute Tribe of the Uintah and Ouray Reservation, for and on behalf of the Uncompahgre Band of Ute Indians, that were appropriated by the Act of April 30, 1965 (79 Stat. 81), to pay a judgment by the Indian Claims Commission in docket numbered 349; and the interest thereon, less attorney fees and litigation expenses, shall be available for use by the respective tribes in accordance with the Act of August 21, 1951 (65 Stat. 193; 25 U.S.C. 672), the Act of August 12, 1953 (67 Stat. 540; 25 U.S.C. 674), the Act of June 28, 1954 (68 Stat. 300; 25 U.S.C. 676), and the Act of August 27, 1954 (68 Stat. 868; 25 U.S.C. 677), as amended.

Indians.
Ute tribes.
Judgment funds,
disposition.

SEC. 2. Any portion of the funds distributed per capita to the members of the respective tribes shall not be subject to Federal or State income tax.

Tax exemption.

Approved September 25, 1970.

Public Law 91-421

AN ACT

September 25, 1970
[H. R. 17613]

To provide for the designation of the Veterans' Administration facility at Bonham, Texas.

Be enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Veterans' Administration center at Bonham, Texas, shall hereafter be known and designated as the Sam Rayburn Memorial Veterans Center. Any reference to such center in any law, regulation, document, record, or other paper of the United States shall be deemed a reference to it as the Sam Rayburn Memorial Veterans Center.

Sam Rayburn
Memorial Veterans
Center, Tex.
Designation.

Approved September 25, 1970.

Public Law 91-422

AN ACT

September 26, 1970
[H. R. 16900]

Making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending June 30, 1971, and for other purposes.

Treasury, Post
Office, and Ex-
ecutive Office
Appropriation
Act, 1971.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury and Post Office Departments, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending June 30, 1971, and for other purposes, namely:

TITLE I—TREASURY DEPARTMENT

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses in the Office of the Secretary, including the operation and maintenance of the Treasury Building and Annex thereof; and not to exceed \$5,000 for official reception and representation expenses; \$9,660,000.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, \$1,080,000.

CONSTRUCTION

For necessary expenses for preparation of plans and specifications for buildings, and construction of facilities for the Federal Law Enforcement Training Center, \$5,000,000, to remain available until expended: *Provided*, That such sums as are necessary may be transferred to the General Services Administration for execution of the work.

BUREAU OF ACCOUNTS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Accounts, \$47,250,000.

PAYMENT OF GOVERNMENT LOSSES IN SHIPMENT

For an additional amount for payment of Government losses in shipment, in accordance with section 2 of the Act approved July 8, 1937 (40 U.S.C. 722), \$400,000, to remain available until expended.

50 Stat. 479.

BUREAU OF CUSTOMS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Customs, including purchase of one hundred and fourteen passenger motor vehicles (of which ninety-four shall be for replacement only), including one hundred and four for police-type use without regard to the general purchase price limitation for the current fiscal year, but not in excess of \$800 per vehicle; acquisition, operation, and maintenance of aircraft; and hire of passenger motor vehicles and aircraft; and awards of compen-

sation to informers as authorized by the Act of August 13, 1953 (22 U.S.C. 401); \$137,000,000.

67 Stat. 577.

BUREAU OF THE MINT

SALARIES AND EXPENSES

For necessary expenses of the Bureau of the Mint, including not to exceed \$1,000 for the expenses of the annual assay commission; \$19,600,000.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, \$66,792,000.

INTERNAL REVENUE SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Internal Revenue Service, not otherwise provided for, including executive direction, administrative support, and internal audit and security; hire of passenger motor vehicles; and services of expert witnesses at such rates as may be determined by the Commissioner; \$26,096,000.

REVENUE ACCOUNTING AND PROCESSING

For necessary expenses of the Internal Revenue Service for processing tax returns, and revenue accounting; hire of passenger motor vehicles; and services of expert witnesses at such rates as may be determined by the Commissioner, including not to exceed \$36,000,000 for temporary employment and not to exceed \$92,000 for salaries of personnel engaged in preemployment training of data transcriber applicants; \$221,500,000.

COMPLIANCE

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities, and for investigation and enforcement activities, including purchase (not to exceed two hundred and eighty-two for replacement only, for police-type use without regard to the general purchase price limitation for the current fiscal year, but not in excess of \$800 per vehicle) and hire of passenger motor vehicles; and hire of aircraft; and services of expert witnesses at such rates as may be determined by the Commissioner; \$655,000,000.

OFFICE OF THE TREASURER

SALARIES AND EXPENSES

For necessary expenses of the Office of the Treasurer, \$8,180,000.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Secret Service, including purchase (not to exceed one hundred and fifty-six for police-type use without regard to the general purchase price limitation for the current fiscal year, but not in excess of \$800 per vehicle, of which seventy-seven are for replacement only) and hire of passenger motor vehicles; and hire of aircraft; \$42,300,000.

GENERAL PROVISION

SEC. 101. Appropriations in this Act to the Department of the Treasury shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-2) including maintenance, repairs, and cleaning; and services as authorized by title 5, United States Code, section 3109.

80 Stat. 508;
81 Stat. 206.

80 Stat. 416.

Citation of
title.

This title may be cited as the "Treasury Department Appropriation Act, 1971".

TITLE II—POST OFFICE DEPARTMENT

CURRENT AUTHORIZATIONS OUT OF GENERAL FUNDS

CONTRIBUTION TO THE POSTAL FUND

For administration and operation of the Post Office Department and the postal service, there is hereby appropriated the aggregate amount of postal revenues for the current fiscal year, as authorized by law (39 U.S.C. 2201-2202), together with an amount equal to the difference between such revenues and the total of the appropriations hereinafter specified and the sum needed may be advanced to the Post Office Department upon requisition of the Postmaster General, for the following purposes, namely:

74 Stat. 594;
80 Stat. 274.

CURRENT AUTHORIZATIONS OUT OF POSTAL FUND ADMINISTRATION
AND REGIONAL OPERATION

For expenses necessary for administration of the postal service, and operation of the inspection service and regional offices, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); services as authorized by title 5, United States Code, section 3109; management studies; not to exceed \$25,000 for miscellaneous and emergency expenses (including not to exceed \$6,000 for official reception and representation expenses upon approval by the Postmaster General); rewards for information and services concerning violations of postal laws and regulations, current and prior fiscal years, in accordance with regulations of the Postmaster General in effect at the time the services are rendered or information furnished, of which not to exceed \$100,000 for confidential information and services shall be paid in the discretion of the Postmaster General and accounted for solely on his certificate; and expenses of delegates designated by the Postmaster General to attend meetings and congresses for the purpose of making postal arrangements with foreign governments pursuant to law, of which not to exceed \$20,000 may be accounted for solely on the certificate of the Postmaster General; \$162,335,000.

RESEARCH, DEVELOPMENT, AND ENGINEERING

For expenses necessary for administration and conduct of a research, development, and engineering program, including services as authorized by title 5, United States Code, section 3109, \$62,000,000, to remain available until expended.

OPERATIONS

For expenses necessary for postal operations, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902), and services as authorized by title 5, United States Code, section 3109; for repair of vehicles owned by, or under control of, units of the National Guard and departments and agencies of the Federal Government where repairs are made necessary because of utilization of such vehicles in the postal service; and for other activities conducted by the Post Office Department pursuant to law; \$6,508,000,000: *Provided*, That functions financed by the appropriations available to the Post Office Department for the current fiscal year and the amounts appropriated therefor, may be transferred, with the approval of the Office of Management and Budget, between such appropriations to the extent necessary to improve administration and operations: *Provided further*, That Federal Reserve banks and branches may be reimbursed for expenditures as fiscal agents of the United States on account of Post Office Department operations.

80 Stat. 508;
81 Stat. 206.
80 Stat. 416.

TRANSPORTATION

For payments for transportation of domestic and foreign mails by air, land, and water transportation facilities, including current and prior fiscal years settlements with foreign countries for handling of mail, \$657,000,000.

BUILDING OCCUPANCY

For expenses necessary for the operation of postal facilities, buildings, and postal communication service; and storage of vehicles owned by, or under control of, units of the National Guard and departments and agencies of the Federal Government, \$255,000,000.

SUPPLIES AND SERVICES

For expenses necessary for the postal services and supply operation, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901); and procurement of stamps and accountable paper, and postal supplies, \$118,000,000.

PLANT AND EQUIPMENT

For expenses necessary for modernization and acquisition of equipment and facilities for postal purposes, including purchase of not to exceed two hundred twenty-eight passenger motor vehicles for police-type use without regard to the general purchase price limitation for the current fiscal year, but not in excess of \$800 per vehicle; \$217,000,000, including \$110,000,000, to remain available until expended, for modernization and extensions and fixed mechanized systems: *Provided*, That the funds herein appropriated shall be available for repair, alteration, and improvement of the mail equipment shops at Washington, District of Columbia, the Post Office Garage, Philadelphia, Pennsylvania, the Post Office and Vehicle Maintenance Facility, Flint, Michigan, and for payment to the General Services Administration for the repair, alteration, preservation, renovation, improvement, and equipment of federally owned property used for postal purposes, including improved lighting, color, and ventilation for the specialized conditions in space occupied for postal purposes.

POSTAL PUBLIC BUILDINGS

40 USC 601
note.

For expenses, not otherwise provided for, necessary in connection with site acquisition, design, construction, and acquisition of postal buildings pursuant to the Public Buildings Act of 1959 (73 Stat. 479), as amended, \$269,825,000, to remain available until expended: *Provided*, That this appropriation shall be available for postal building projects at locations approved by the Committee on Public Works of the House of Representatives and of the Senate and at maximum construction costs (excluding costs of site acquisition, design, and preconstruction expenses) as estimated for each project in testimony to the Committees on Appropriations of the House and Senate: *Provided further*, That the limits of costs for each project may be exceeded by not to exceed 10 per centum and the amount of any such excess cost may be provided from funds available in this appropriation to the extent that savings are effected in other projects.

Citation of
title.

This title may be cited as the "Post Office Department Appropriation Act, 1971".

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT

COMPENSATION OF THE PRESIDENT

63 Stat. 4;
83 Stat. 3.

For compensation of the President, including an expense allowance at the rate of \$50,000 per annum as authorized by 3 U.S.C. 102, \$250,000.

OPERATING EXPENSES, EXECUTIVE RESIDENCE

For the care, maintenance, repair and alteration, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the Executive Residence, and traveling expenses, to be expended as the President may determine, notwithstanding the provisions of this or any other Act, and official entertainment expenses of the President, to be accounted for solely on his certificate, \$1,100,000.

THE WHITE HOUSE OFFICE

SALARIES AND EXPENSES

80 Stat. 416.

For expenses necessary for the White House Office, including not to exceed \$2,250,000 for services as authorized by title 5, United States Code, section 3109, at such per diem rates for individuals as the President may specify, and other personal services without regard to the provisions of law regulating the employment and compensation of persons in the Government service; newspapers, periodicals, teletype news service, and travel (not to exceed \$75,000), and official entertainment expenses of the President, to be accounted for solely on his certificate; \$8,550,000.

SPECIAL ASSISTANCE TO THE PRESIDENT

For expenses necessary to enable the Vice President to provide assistance to the President in connection with specially assigned functions, including services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem equivalent of the rate for grade GS-18, and compensation for one position at a rate not to exceed the rate of Level II of the Executive schedule, \$700,000.

Ante, p. 198-1.
83 Stat. 863.
5 USC 5313
note.

PRESIDENT'S ADVISORY COUNCIL ON EXECUTIVE
ORGANIZATION

SALARIES AND EXPENSES

For necessary expenses of the President's Advisory Council on Executive Organization, including compensation of members of the Council at the rate of \$100 per day when engaged in the performance of the Council's duties, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed \$100 per diem, and employment and compensation of necessary personnel without regard to the civil service and classification laws and the provisions of 5 U.S.C. 5363-5364, \$500,000.

80 Stat. 416.

80 Stat. 473.

OFFICE OF INTERGOVERNMENTAL RELATIONS

SALARIES AND EXPENSES

For expenses necessary for the Office of Intergovernmental Relations, including hire of passenger motor vehicles, \$300,000.

SPECIAL PROJECTS

For expenses necessary to provide staff assistance for the President in connection with special projects, to be expended in his discretion and without regard to such provisions of law regarding the expenditure of Government funds or the compensation and employment of persons in the Government service as he may specify, \$1,500,000: *Provided*, That not to exceed 20 per centum of this appropriation may be used to reimburse the appropriation for "Salaries and expenses, The White House Office", for administrative services: *Provided further*, That not to exceed \$10,000 shall be available for allocation within the Executive Office of the President for official reception and representation expenses.

EXPENSES OF MANAGEMENT IMPROVEMENT

For expenses necessary to assist the President in improving the management of executive agencies and in obtaining greater economy and efficiency through the establishment of more efficient business methods in Government operations, including services as authorized by title 5, United States Code, section 3109, by allocation to any agency or office in the executive branch for the conduct, under the general direction of the Office of Management and Budget, of examinations and appraisals of, and the development and installation of improvements in, the organization and operations of such agency or of other agencies in the executive branch, \$350,000, to remain available until expended, and to be available without regard to the provisions of subsection (c) of section 3679 of the Revised Statutes, as amended.

31 USC 665.

EMERGENCY FUND FOR THE PRESIDENT

For expenses necessary to enable the President, through such officers or agencies of the Government as he may designate, and without regard to such provisions of law regarding the expenditure of Government funds or the compensation and employment of persons in the Government service as he may specify, to provide in his discretion for emergencies affecting the national interest, security, or defense which may arise at home or abroad during the current fiscal year, \$1,000,000: *Provided*, That no part of this appropriation shall be available for

allocation to finance a function or project for which function or project a budget estimate of appropriation was transmitted pursuant to law during the Ninety-first Congress or first session of the Ninety-second Congress and such appropriation denied after consideration thereof by the Senate or House of Representatives or by the Committee on Appropriations of either body.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For expenses necessary for the Office of Management and Budget, including services as authorized by title 5, United States Code, section 3109, \$13,100,000.

80 Stat. 416.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), \$1,233,000.

60 Stat. 23.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For expenses necessary for the National Security Council, including services as authorized by title 5, United States Code, section 3109, and acceptance and utilization of voluntary and uncompensated services, \$2,182,000.

Citation of
title.

"This title may be cited as the "Executive Office Appropriation Act, 1971".

TITLE IV—INDEPENDENT AGENCIES

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

SALARIES AND EXPENSES

For necessary expenses of the Administrative Conference of the United States, established by the Administrative Conference Act (78 Stat. 615, as amended), \$380,000.

80 Stat. 388;
83 Stat. 446.
5 USC 571-576
and notes.

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Act of September 24, 1959 (73 Stat. 703-706), \$610,000.

80 Stat. 1162.
42 USC 4271-
4279.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract stenographic reporting services, \$3,288,000: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

TITLE V—FUNDS APPROPRIATED TO THE PRESIDENT

PROTECTION OF VISITING FOREIGN DIGNITARIES ATTENDING THE OBSERVANCE OF THE TWENTY-FIFTH ANNIVERSARY OF THE UNITED NATIONS

For expenses necessary to enable the President, through such officers or agencies of the Government as he may designate, and without regard to such provisions of law regarding the expenditure of Government funds as he may specify, to provide adequate security protection to foreign heads of state and other foreign dignitaries while visiting in the United States during or in connection with the twenty-fifth anniversary of the founding of the United Nations, \$1,650,000.

TITLE VI—GENERAL PROVISION

SEC. 601. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

This Act may be cited as the "Treasury, Post Office, and Executive Office Appropriation Act, 1971".

Short title.

Approved September 26, 1970.

Public Law 91-423

AN ACT

To allow the purchase of additional systems and equipment for passenger motor vehicles over and above the statutory price limitation.

September 26, 1970
[S. 2763]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (1) of subsection (c) of section 5 of the Act of July 16, 1914, as amended (31 U.S.C. 638a), is hereby amended to read as follows:

Passenger motor vehicles.
Purchase of additional equipment.
60 Stat. 810.

"(1) to purchase any passenger motor vehicle (exclusive of buses and ambulances), at a cost, completely equipped for operation, and including the value of any vehicle exchanged, in excess of the maximum price therefor, if any, established pursuant to law by a Government agency and in no event more than such amount as may be specified in an appropriation or other Act, which shall be in addition to the amount required for transportation. A passenger motor vehicle shall be deemed completely equipped for operation if it includes the systems and equipment which the Administrator of General Services finds are customarily incorporated into a standard passenger motor vehicle completely equipped for ordinary operation. Notwithstanding any other provisions of law, additional systems or equipment may be purchased whenever the Administrator finds it appropriate. The price of such additional systems or equipment shall not be considered in determining whether the cost of a passenger motor vehicle is within any maximum price otherwise established by law;"

Price limitation, exception.

Approved September 26, 1970.

Public Law 91-424

September 26, 1970
[S. 621]

AN ACT

To provide for the establishment of the Apostle Islands National Lakeshore in the State of Wisconsin, and for other purposes.

Apostle Islands
National Lake-
shore, Wis.
Establishment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to conserve and develop for the benefit, inspiration, education, recreational use, and enjoyment of the public certain significant islands and shoreline of the United States and their related geographic, scenic, and scientific values, there is hereby established the Apostle Islands National Lakeshore (hereinafter referred to as the "lakeshore") in Ashland and Bayfield Counties, Wisconsin, consisting of the area generally depicted on the map entitled "Apostle Islands National Lakeshore", numbered NL-AI-91,000, sheets 1 and 2, and dated June 1970. The map shall be on file and available for public inspection in the office of the Director, National Park Service, Department of the Interior.

Boundaries.

SEC. 2. No lands held in trust by the United States for either the Red Cliff Band or Bad River Band of the Lake Superior Chippewa Indians, or for allottees thereof, shall be acquired or included within the boundaries of the lakeshore established by this Act, with the following exception:

If the Indians who own more than 50 per centum of the interest in allotment number 74 GL or allotment number 135 in the Red Cliff Reservation agree to sell the allotment to the Secretary of the Interior (hereinafter referred to as the "Secretary"), the Secretary may consent to the sale on behalf of the other owners, purchase the allotment for the negotiated price and revise the boundaries of the lakeshore to include the allotment.

Land acquisition.

SEC. 3. The Secretary may acquire within the boundaries of the lakeshore lands and interests therein by donation, purchase with donated or appropriated funds, or exchange, but lands and interests in lands owned by the State of Wisconsin may be acquired only by donation. Notwithstanding any other provision of law, any Federal property located within the boundaries of the lakeshore may, with the concurrence of the agency having custody thereof, be transferred without transfer of funds to the administrative jurisdiction of the Secretary for the purposes of the lakeshore.

Owners of improved property, retention rights.

SEC. 4. (a) With the exception of not more than eighty acres of land to be designated within the lakeshore boundaries by the Secretary as an administrative site, visitor center, and related facilities, as soon as practicable, any owner or owners of improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain for themselves and their successors or assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term not to exceed twenty-five years, or, in lieu thereof, for a term ending at the death of the owner, or the death of his spouse, whichever is the later. The owner shall elect the term to be reserved. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner.

Termination right of Secretary.

(b) A right of use and occupancy retained pursuant to this section may be terminated with respect to the entire property by the Secretary upon his determination that the property or any portion thereof has

ceased to be used for noncommercial residential or for agricultural purposes, and upon tender to the holder of a right an amount equal to the fair market value, as of the date of the tender, of that portion of the right which remains unexpired on the date of termination.

(c) The term "improved property", as used in this section, shall mean a detached, noncommercial residential dwelling, the construction of which was begun before January 1, 1967 (hereinafter referred to as "dwelling"), together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated.

"Improved property."

SEC. 5. The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the boundaries of the lakeshore in accordance with the appropriate laws of Wisconsin and the United States to the extent applicable, except that he may designate zones where, and establish periods when, no hunting, trapping, or fishing shall be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any regulations prescribing any such restrictions shall be put into effect only after consultation with the appropriate State agency responsible for hunting, trapping, and fishing activities.

Hunting, fishing and trapping.

SEC. 6. The lakeshore shall be administered, protected, and developed in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4), as amended and supplemented; and the Act of April 9, 1924 (43 Stat. 90; 16 U.S.C. 8a et seq.), as amended, except that any other statutory authority available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of the Act.

Administration.

46 Stat. 1053.
16 USC 8.

SEC. 7. In the administration, protection, and development of the lakeshore, the Secretary shall adopt and implement, and may from time to time revise, a land and water use management plan which shall include specific provision for—

Plan.

(a) protection of scenic, scientific, historic, geological, and archeological features contributing to public education, inspiration, and enjoyment;

(b) development of facilities to provide the benefits of public recreation together with such access roads as he deems appropriate; and

(c) preservation of the unique flora and fauna and the physiographic and geologic conditions now prevailing on the Apostle Islands within the lakeshore: *Provided*, That the Secretary may provide for the public enjoyment and understanding of the unique natural, historical, scientific, and archeological features of the Apostle Islands through the establishment of such trails, observation points, exhibits, and services as he may deem desirable.

SEC. 8. There are authorized to be appropriated not more than \$4,250,000 for the acquisition of lands and interests in lands and not more than \$5,000,000 for the development of the Apostle Islands National Lakeshore.

Appropriation.

Approved September 26, 1970.

Public Law 91-425

September 26, 1970
[S. 2208]

AN ACT

To authorize the Secretary of the Interior to study the feasibility and desirability of a national lakeshore on Lake Tahoe in the States of Nevada and California, and for other purposes.

Lake Tahoe,
Nev.-Calif.
Lakeshore
feasibility study.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to consider preserving appropriate segments of the lakeshore of Lake Tahoe and adjoining lands and waters in their natural condition for public outdoor recreation, the Secretary of the Interior (hereafter referred to as the "Secretary") shall study, investigate, and formulate recommendations on the feasibility and desirability of establishing such areas as a national lakeshore. The Secretary shall consult with the Secretary of Agriculture; the Chief of Engineers, Department of the Army; and any other interested Federal agencies, as well as the Tahoe Regional Planning Agency and other State and local bodies and officials involved; and shall coordinate the study with applicable outdoor recreation plans, pollution control plans, highway plans, and other planning activities relating to the Lake Tahoe Basin. Federal departments and agencies are authorized and directed to cooperate with the Secretary and, to the extent permitted by law, to furnish such statistics, data, reports, and other material as the Secretary may deem necessary for purposes of the study.

Report to
President and
Congress.

SEC. 2. The Secretary shall submit to the President and the Congress of the United States, within one year after the date of this Act, a report of his findings and recommendations. The report of the Secretary shall contain, but not be limited to, findings with respect to—

(a) the scenic, scientific, historic, outdoor recreation, and natural values of the water, lakeshore, and related upland resources involved, including their use for driving for pleasure, walking, hiking, riding, bicycling, boating, swimming, picnicking, camping, forest management, fish and wildlife management, scenic and historic site preservation, hunting, fishing, and winter sports;

(b) the potential alternative beneficial uses of the water, lakeshore, and related upland resources involved, taking into consideration appropriate uses of the land for residential, commercial, industrial, agricultural, and transportation purposes, and for public services;

(c) the type of Federal, State, and local programs that are feasible and desirable in the public interest to preserve, develop, and make accessible for public use the values identified;

(d) the relationship of any recommended national lakeshore to existing or proposed Federal, State, and local programs to manage in the public interest the natural resources of the entire Lake Tahoe Basin; and

(e) alternative means of restoring and preserving the values inherent in the area under present ownership patterns.

SEC. 3. Pending submission of the report of the Secretary to the Congress, the heads of Federal agencies having administrative jurisdiction over the Federal lands within the area referred to in section 1 of this Act shall, consistent with the purposes for which the lands were acquired or set aside by the United States and to the extent authorized by law, encourage and provide maximum opportunities for the types of recreation use of such lands referred to in section 2(a) of this Act.

Appropriation.

SEC. 4. There are authorized to be appropriated not more than \$50,000 to carry out the provisions of this Act.

Approved September 26, 1970.

Public Law 91-426

AN ACT

September 26, 1970
[S. 406]

To amend the Federal Property and Administrative Services Act of 1949 to permit the rotation of certain property whenever its remaining storage or shelf life is too short to justify its retention, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 201 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481) is amended by adding at the end thereof the following new subsection:

“(e) Whenever the head of any executive agency determines that the remaining storage or shelf life of any medical materials or medical supplies held by such agency for national emergency purposes is of too short duration to justify their continued retention for such purposes and that their transfer or disposal would be in the interest of the United States, such materials or supplies shall be considered for the purposes of section 202 of this Act to be excess property. In accordance with the regulations of the Administrator, such excess materials or supplies may thereupon be transferred to or exchanged with any other Federal agency for other medical materials or supplies. Any proceeds derived from such transfers may be credited to the current applicable appropriation or fund of the transferor agency and shall be available only for the purchase of medical materials or supplies to be held for national emergency purposes. If such materials or supplies are not transferred to or exchanged with any other Federal agency, they shall be disposed of as surplus property. To the greatest extent practicable, the head of the executive agency holding such medical materials or supplies shall make the determination provided for in the first sentence of this subsection at such times as to insure that such medical materials or medical supplies can be transferred or otherwise disposed of in sufficient time to permit their use before their shelf life expires and they are rendered unfit for human use.”

SEC. 2. Section 402 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 512), is amended by—

(a) inserting, immediately after the section number “SEC. 402.”, the subsection designation “(a)”;

(b) inserting after the words “Foreign excess property” in the first sentence thereof the words “not disposed of under subsections (b) and (c) of this section”;

(c) striking out in the first sentence thereof the clause designations “(a)” and “(b)”, and inserting in lieu thereof the clause designations “(1)” and “(2)”, respectively; and

(d) adding at the end thereof the following new subsections:

“(b) Any executive agency having in any foreign country any medical materials or supplies not disposed of under subsection (c) of this section, which, if situated within the United States, would be available for donation pursuant to section 203 of this Act, may donate such materials or supplies without cost (except for costs of care and handling), for use in any foreign country, to nonprofit medical or health organizations, including those qualified to receive assistance under sections 214(b) and 607 of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2174(b) and 2357).”

Federal excess property.
Medical supplies, etc., transfer or exchange.
63 Stat. 383;
72 Stat. 936.

66 Stat. 593.
40 USC 483.

Foreign excess property.
63 Stat. 398.

Donation to nonprofit medical organizations.

40 USC 484.

75 Stat. 428,
441; 80 Stat. 798;
82 Stat. 963.

Return to U.S.
as surplus prop-
erty.

63 Stat. 384;
66 Stat. 593;
70 Stat. 493;
69 Stat. 430.
40 USC 483,
484.

“(c) Under such regulations as the Administrator shall prescribe pursuant to this subsection, any foreign excess property may be returned to the United States for handling as excess or surplus property under the provisions of sections 202, 203(j), and 203(l) of this Act whenever the head of the executive agency concerned determines that it is in the interest of the United States to do so: *Provided*, That regulations prescribed pursuant to this subsection shall require that the transportation costs incident to such return shall be borne by the Federal agency, State agency, or donee receiving the property.”

Approved September 26, 1970.

Public Law 91-427

AN ACT

September 26, 1970
[S. 3153]

To authorize the Secretaries of Interior and the Smithsonian Institution to expend certain sums, in cooperation with the territory of Guam, the territory of American Samoa, the Trust Territory of the Pacific Islands, other United States territories in the Pacific Ocean, and the State of Hawaii, for the conservation of their protective and productive coral reefs.

Pacific islands,
coral reefs, con-
servation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of conserving and protecting coral reef resources of the tropical islands of interest and concern to the United States in the Pacific and safeguarding critical island areas from possible erosion and to safeguard future recreational and esthetic uses of Pacific coral reefs, the Secretary of the Interior and the Secretary of the Smithsonian Institution are authorized to cooperate with and provide assistance to the governments of the State of Hawaii, the territories and possessions of the United States, including Guam and American Samoa, the Trust Territory of the Pacific Islands, and other island possessions of the United States, in the study and control of the seastar “Crown of Thorns” (*Acanthaster planci*).

Seastar “Crown
of Thorns”,
investigation and
control.

SEC. 2. In carrying out the purposes of this Act, the Secretary of the Interior and the Secretary of the Smithsonian Institution are authorized to—

(1) conduct such studies, research, and investigations, as they deem desirable to determine the causes of the population increase of the “Crown of Thorns”, their effects on corals and coral reefs, and the stability and regeneration of reefs following predation;

(2) to monitor areas where the “Crown of Thorns” may be increasing in numbers and to determine future needs for control;

(3) to develop improved methods of control and to carry out programs of control in areas where these are deemed necessary; and

(4) to take such other actions as deemed desirable to gain an understanding of the ecology and control of the seastar “Crown of Thorns”.

Appropriation.

SEC. 3. For the purpose of carrying out the provisions of this Act, there is authorized to be appropriated for the period commencing on the date of its enactment and ending June 30, 1975, not to exceed \$4,500,000.

Approved September 26, 1970.

Public Law 91-428

AN ACT

September 26, 1970
[S. 2565]

To amend the Act fixing the boundary of Everglades National Park, Florida, and authorizing the acquisition of land therein, in order to increase the authorization for such acquisitions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8(a) of the Act entitled "An Act to fix the boundary of Everglades National Park, Florida, to authorize the Secretary of the Interior to acquire land therein, and to provide for the transfer of certain land not included within said boundary, and for other purposes", approved July 2, 1958 (72 Stat. 280) as amended (83 Stat. 134; 16 U.S.C. 410p), is amended by striking out "\$2,000,000" and inserting in lieu thereof "\$22,000,000".

Everglades
National Park,
Fla.
Land acquisition,
appropriation
increase.

SEC. 2. The second sentence of section 2 of the said Act of July 2, 1958, is amended by inserting a period after the word "otherwise" and deleting the remainder of the sentence.

16 USC 410j.

Approved September 26, 1970.

Public Law 91-429

AN ACT

September 26, 1970
[S. 3777]

To authorize the Secretary of the Interior to enter into contracts for the protection of public lands from fires, in advance of appropriations therefor, and to twice renew such contracts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to enter into contracts for the use of aircraft, and for supplies and services, prior to the passage of an appropriation therefor, for protection from fire of public lands administered by him. He may renew such contracts annually, not more than twice, without additional competition. Such contracts shall obligate funds for the fiscal years in which the costs are incurred. Each such contract shall provide that the obligation of the United States for the ensuing fiscal years is contingent upon the passage of an applicable appropriation, and that no payment shall be made under the contract for the ensuing fiscal years until such appropriation becomes available for expenditure.

Public lands.
Fire protection.
Contract author-
ity of Interior
Secretary.

Approved September 26, 1970.

Public Law 91-430

AN ACT

September 26, 1970
[H. R. 13543]

To establish a program of research and promotion for United States wheat.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known as the "Wheat Research and Promotion Act."

Wheat Research
and Promotion
Act.

SEC. 2. The Secretary of Agriculture is authorized to enter into agreements with organizations of wheat growers, farm organizations, and such other organizations as he may deem appropriate to carry out a program of research and promotion designed to expand domestic and foreign markets and increase utilization for United States wheat

and to carry out any other such program which he deems will benefit wheat producers in the United States. Notwithstanding any other provision of law, the Secretary shall use the total net proceeds from the sale of export marketing certificates during the marketing year ending June 30, 1969, to finance the cost of such agreements, except that he shall provide for the issuance of a pro rata share of export marketing certificates for such marketing year to any producer eligible therefor under section 379c of the Agricultural Adjustment Act of 1938, as amended, who applies for such certificates not later than ninety days after the date of enactment of this Act. The Secretary is authorized to prescribe such rules and regulations as may be necessary to carry out the provisions of this Act.

Approved September 26, 1970.

[Public Law 91-432 approved October 2, 1970]

Public Law 91-431

AN ACT

October 6, 1970
[H. R. 17795]

To amend title VII of the Housing and Urban Development Act of 1965.

Emergency
Community Facili-
ties Act of 1970.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Community Facilities Act of 1970".

SEC. 2. (a) The Congress finds that a large number of municipalities and other entities of local government throughout the Nation are unable to finance construction of vital and urgently needed public facilities because of the shortage of funds for long-term borrowing.

(b) The Congress further finds that there is an immediate need for such facilities in order to provide basic safeguards for the health and well-being of the people of the United States, to check widespread pollution of irreplaceable water sources, and to provide an effective and practical method of combating rising unemployment.

SEC. 3. (a) Section 708(a) of the Housing and Urban Development Act of 1965 is amended by adding at the end thereof the following new sentence: "In addition, upon the enactment of the Emergency Community Facilities Act of 1970, there is authorized to be appropriated for grants under section 702 not to exceed \$1,000,000,000 for the fiscal year commencing July 1, 1970."

(b) Section 708(b) of such Act is amended by striking out "1971" and inserting in lieu thereof "1972".

(c) Section 702(c) of such Act is amended by striking out "1970" in clause (2) and inserting in lieu thereof "1971".

[Note by the Office of the Federal Register.—The foregoing Act, having been presented to the President of the United States on Wednesday, September 23, 1970, for his approval and not having been returned by him to the House of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval on October 6, 1970.]

Public Law 91-432

JOINT RESOLUTION

October 2, 1970
[H. J. Res. 1366]

To provide for the temporary extension of the Federal Housing Administration's insurance authority.

Housing.
83 Stat. 379;
Post, p. 1384.
12 USC 1703.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2(a) of the National Housing Act is amended by striking out "October 1, 1970" in the first sentence and inserting in lieu thereof "November 1, 1970".

(b) Section 217 of such Act is amended by striking out "October 1, 1970" and inserting in lieu thereof "November 1, 1970".

12 USC 1715h.

(c) Section 221(f) of such Act is amended by striking out "October 1, 1970" in the fifth sentence and inserting in lieu thereof "November 1, 1970".

12 USC 1715l.

(d) Section 809(f) of such Act is amended by striking out "October 1, 1970" in the second sentence and inserting in lieu thereof "November 1, 1970".

12 USC 1748h-1.

(e) Section 810(k) of such Act is amended by striking out "October 1, 1970" in the second sentence and inserting in lieu thereof "November 1, 1970".

12 USC 1748h-2.

(f) Section 1002(a) of such Act is amended by striking out "October 1, 1970" in the second sentence and inserting in lieu thereof "November 1, 1970".

12 USC 1749bb.

(g) Section 1101(a) of such Act is amended by striking out "October 1, 1970" in the second sentence and inserting in lieu thereof "November 1, 1970".

12 USC 1749aaa.

Approved October 2, 1970.

Public Law 91-433

JOINT RESOLUTION

Providing for the designation of a "Day of Bread" and "Harvest Festival Week".

October 6, 1970

[S. J. Res. 218]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That as a token of man's gratitude for the bounty of nature and the annual harvest of farm and field, and in recognition of bread as a symbol of all foods, that Tuesday, the 6th day of October, 1970, be designated as a "Day of Bread" as a part of international observances, and that the week of October within which it falls be designated as a period of "Harvest Festival", and the President is requested to issue a proclamation calling on the people of the United States to join with those of other nations to observe this "Day of Bread" and "Harvest Festival Week" with appropriate ceremonies and activities.

Day of Bread
and Harvest Festival Week.
Proclamation.

Approved October 6, 1970.

Public Law 91-434

JOINT RESOLUTION

To authorize the President to designate the period beginning October 5, 1970, and ending October 9, 1970, as "National PTA Week".

October 6, 1970

[S. J. Res. 228]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That as a tribute to the important contributions of the parent-teacher movement to the American way of life, and the continuing efforts of the National Congress of Parents and Teachers (National PTA) to provide quality living and quality learning for all Americans, the President is hereby authorized and requested to issue a proclamation designating "National PTA Week" from October 5, 1970, to October 9, 1970, and calling upon the people of the United States and interested groups and organizations to observe such period with appropriate ceremonies and activities.

National PTA Week.
Proclamation.

Approved October 6, 1970.

Public Law 91-435

AN ACT

October 6, 1970
[H. R. 11953]

To amend section 205 of the Act of September 21, 1944 (58 Stat. 736), as amended.

Forest Service.
Aerial services
and facilities.

16 USC 579a.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 205 of the Department of Agriculture Organic Act of 1944, approved September 21, 1944 (58 Stat. 736), as amended by the Act of April 24, 1950 (64 Stat. 82), is hereby further amended to read as follows:

"SEC. 205. The Forest Service by contract or otherwise may provide for procurement and operation of aerial facilities and services for the protection and management of the national forests and other lands administered by it, including the furnishing, at the airbase, of facilities, equipment, materials and the preparation, mixing and loading into aircraft, with authority to renew any contract for such purpose annually, not more than twice, without additional advertising."

Approved October 6, 1970.

Public Law 91-436

JOINT RESOLUTION

October 6, 1970
[H. J. Res. 1178]

Authorizing the President to proclaim the month of October 1970 as "Project Concern Month".

Project Concern
Month.
Proclamation.

Dr. James W.
Turpin, congress-
sional commenda-
tion.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the month of October 1970 as "Project Concern Month" and calling upon all citizens of the United States of America to aid in every way possible toward making this worthwhile project a continuing success.

SEC. 2. (a) The Congress hereby commends James W. Turpin, doctor of medicine, founder of Project Concern, for his magnificent humanitarian efforts in bringing medical relief to the people of Hong Kong, South Vietnam, Mexico, and Tennessee/Appalachia, and for the credit he has brought to the United States of America where Project Concern maintains its international headquarters.

(b) The Congress encourages James W. Turpin, doctor of medicine, to continue his benevolent work to ever-expanding vistas.

Approved October 6, 1970.

Public Law 91-437

AN ACT

October 7, 1970
[S. 3558]

To amend the Communications Act of 1934 to provide continued financing for the Corporation for Public Broadcasting.

Public Broad-
casting Financing
Act of 1970.
Appropriation
authorization.
81 Stat. 368;
83 Stat. 146.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Public Broadcasting Financing Act of 1970".

SEC. 2. Subsection (k) of section 396 of the Communications Act of 1934 (47 U.S.C. 396(k)) is amended to read as follows:

"(k) (1) There are authorized to be appropriated for expenses of the Corporation for the fiscal year ending June 30, 1969, the sum of \$9,000,000; for the fiscal year ending June 30, 1970, the sum of \$20,000,000; and for each of the two succeeding fiscal years, the sum of \$30,000,000.

“(2) In addition to the sums authorized to be appropriated by paragraph (1) of this subsection, there are authorized to be appropriated for payment to the Corporation for each fiscal year during the period July 1, 1970, to June 30, 1972, amounts equal to the amount of total grants, donations, bequests, or other contributions (including money and the fair market value of any property) from non-Federal sources received by the Corporation under section 396(g)(2)(A) of this Act during such fiscal year; except that the amount appropriated pursuant to this paragraph for any fiscal year may not exceed \$5,000,000.”

Additional
appropriations.

Limitation.

Approved October 7, 1970.

Public Law 91-438

JOINT RESOLUTION

Expressing the support of the Congress, and urging the support of Federal departments and agencies as well as other persons and organizations, both public and private, for the international biological program.

October 7, 1970
[H. J. Res. 589]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Congress hereby finds and declares that the international biological program, which was established under the auspices of the International Council of Scientific Unions and the International Union of Biological Sciences and is sponsored in the United States by the National Academy of Sciences and the National Academy of Engineering, deals with one of the most crucial situations to face this or any other civilization—the immediate or near potential of mankind to damage, possibly beyond repair, the earth’s ecological system on which all life depends. The Congress further finds and declares that the international biological program provides an immediate and effective means available of meeting this situation, through its stated objectives of increased study and research related to biological productivity and human welfare in a changing world environment.

International
biological pro-
gram.
Congressional
support.

(b) The Congress therefore commends and endorses the international biological program and expresses its support of the United States National Committee and the Interagency Coordinating Committee, which together have the responsibility for planning, coordinating, and carrying out the program in the United States.

(c) In view of the urgency of the problem, the Congress finds and declares that the provision by the United States of adequate financial and other support for the international biological program is a matter of first priority.

SEC. 2. (a) The Congress calls upon all Federal departments and agencies and other persons and organizations, both public and private, to support and cooperate fully with the international biological program and the activities and goals of the United States National Committee and the Interagency Coordinating Committee.

Cooperation of
Federal depart-
ments and agen-
cies.

(b) For this purpose, the Congress authorizes and requests all Federal departments and agencies having functions or objectives which coincide with or are related to those of the international biological program to obligate or make appropriate transfers of funds to the program from moneys available for such functions or objectives and provide such other support as may be appropriate.

Transfers of
funds.

Approved October 7, 1970.

Public Law 91-439

AN ACT

October 7, 1970
[H. R. 18127]

Making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Quality Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1971, and for other purposes.

Public Works for
Water, Pollution
Control, and
Power Develop-
ment and Atomic
Energy Commis-
sion Appropri-
ation Act, 1971.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1971, for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Quality Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions, and for other purposes, namely:

TITLE I—ATOMIC ENERGY COMMISSION

OPERATING EXPENSES

68 Stat. 919.
42 USC 2011
note.
80 Stat. 416.

For necessary operating expenses of the Commission in carrying out the purposes of the Atomic Energy Act of 1954, as amended, including the employment of aliens; services authorized by 5 U.S.C. 3109; hire, maintenance, and operation of aircraft; publication and dissemination of atomic information; purchase, repair and cleaning of uniforms; official entertainment expenses (not to exceed \$30,000); reimbursement of the General Services Administration for security guard services; hire of passenger motor vehicles; \$1,929,160,000 and any moneys (except sums received from disposal of property under the Atomic Energy Community Act of 1955, as amended (42 U.S.C. 2301)) received by the Commission, notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484), to remain available until expended: *Provided*, That of such amount \$100,000 may be expended for objects of a confidential nature and in any such case the certificate of the Commission as to the amount of the expenditure and that it is deemed inadvisable to specify the nature thereof shall be deemed a sufficient voucher for the sum therein expressed to have been expended: *Provided further*, That from this appropriation transfers of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That no part of this appropriation shall be used in connection with the payment of a fixed fee to any contractor or firm of contractors engaged under a cost-plus-a-fixed-fee contract or contracts at any installation of the Commission, where that fee for community management is at a rate in excess of \$90,000 per annum, or for the operation of a transportation system where that fee is at a rate in excess of \$45,000 per annum.

69 Stat. 471.

PLANT AND CAPITAL EQUIPMENT

For expenses of the Commission, as authorized by law, in connection with the purchase and construction of plant and the acquisition of capital equipment and other expenses incidental thereto necessary in carrying out the purposes of the Atomic Energy Act of 1954, as

amended, including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of not to exceed five hundred and twenty-two of which five hundred and ten are for replacement only (including seven for police-type use without regard to the general purchase price limitation), and hire of passenger motor vehicles; purchase (one) and hire of aircraft; \$353,600,000, to remain available until expended.

69 Stat. 919.
42 USC 2011
note.

GENERAL PROVISIONS

SEC. 101. Not to exceed 5 per centum of appropriations made available for the current fiscal year for "Operating expenses" and "Plant and capital equipment" may be transferred between such appropriations, but neither such appropriation, except as otherwise provided herein, shall be increased by more than 5 per centum by any such transfers, and any such transfers shall be reported promptly to the Appropriations Committees of the House and Senate.

Transfer of
funds; report to
congressional
committees.

SEC. 102. No part of any appropriation herein shall be used to confer a fellowship on any person who advocates or who is a member of an organization or party that advocates the overthrow of the Government of the United States by force or violence or with respect to whom the Commission finds, upon investigation and report by the Civil Service Commission on the character, associations, and loyalty of whom, that reasonable grounds exist for belief that such person is disloyal to the Government of the United States: *Provided*, That any person who advocates or who is a member of an organization or party that advocates the overthrow of the Government of the United States by force or violence and accepts employment or a fellowship the salary, wages, stipend, grant, or expenses for which are paid from any appropriation contained herein shall be guilty of a felony, and, upon conviction, shall be fined not more than \$1,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law.

Fellowships,
restrictions.

Penalty.

TITLE II—DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes:

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, and when authorized by law, surveys and studies of projects prior to authorization for construction, \$39,597,000, to remain available until expended: *Provided*, That \$655,000 of this appropriation shall be transferred to the Bureau of Sport Fisheries and Wildlife for studies, investigations, and reports thereon as required by the Fish and Wildlife Coordination Act of 1958 (72 Stat. 563-565) to provide that wildlife conservation shall receive equal

16 USC 661
note.

consideration and be coordinated with other features of water-resource development programs of the Department of the Army.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by law; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction): \$851,256,000, to remain available until expended: *Provided*, That no part of this appropriation shall be used for projects not authorized by law or which are authorized by law limiting the amount to be appropriated therefor, except as may be within the limits of the amount now or hereafter authorized to be appropriated: *Provided further*, That in connection with the rehabilitation of the Snake Creek Embankment of the Garrison Dam and Reservoir Project, North Dakota, the Corps of Engineers is authorized to participate with the State of North Dakota to the extent of one-half the cost of widening the present embankment to provide a four-lane right-of-way for U.S. Highway 83 in lieu of the present two-lane highway: *Provided further*, That funds appropriated for the Robert S. Kerr Lock and Dam, Oklahoma, shall be available to provide a 9-foot deep auxiliary navigation channel and 1,000-foot long turning basin along Sans Bois Creek, with appropriate widths and an overall length of approximately ten miles: *Provided further*, That the Elk Creek Reservoir Project in Oregon shall not be operated for irrigation purposes until such time as the Secretary of the Interior makes the necessary arrangements with non-Federal interests to recover the costs, in accordance with Federal Reclamation Law, which are allocated to the irrigation purpose: *Provided further*, That \$625,000 of this appropriation shall be transferred to the Bureau of Sport Fisheries and Wildlife for studies, investigations, and reports thereon as required by the Fish and Wildlife Coordination Act of 1958 (72 Stat. 563-565) to provide that wildlife conservation shall receive equal consideration and be coordinated with other features of water-resource development programs of the Department of the Army.

16 USC 661
note.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a, 702g-1), \$84,000,000, to remain available until expended, including funds for completion of the construction of road crossings of the Panola-Quitman Floodway at Crowder and Paducah Wells, Mississippi: *Provided*, That not less than \$250,000 shall be available for bank stabilization measures as determined by the Chief of Engineers to be advisable for the control of bank erosion of streams in the Yazoo Basin, including the foothill area, and where necessary such measures shall complement similar works planned and constructed by the Soil Conservation Service and be limited to the areas of responsibility mutually agreeable to the District Engineer and the State Conservationist.

45 Stat. 534;
49 Stat. 1511.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; administration of laws pertaining to preservation of navigable waters; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation; \$292,600,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary for emergency flood control, hurricane and shore protection activities, as authorized by section 5 of the Flood Control Act, approved August 18, 1941, as amended, \$3,000,000, to remain available until expended.

69 Stat. 186;
76 Stat. 1194.
33 USC 701n.

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the Office of the Chief of Engineers and offices of the Division Engineers; activities of the Board of Engineers for Rivers and Harbors and the Coastal Engineering Research Center; commercial statistics; and miscellaneous investigations; \$25,480,000.

ADMINISTRATIVE PROVISIONS

Appropriations in this title shall be available for expenses of attendance by military personnel at meetings in the manner authorized by 5 U.S.C. 4110, uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902), and for printing, either during a recess or session of Congress, of survey reports authorized by law, and such survey reports as may be printed during a recess of Congress shall be printed, with illustrations, as documents of the next succeeding session of Congress; and during the current fiscal year the revolving fund, Corps of Engineers, shall be available for purchase (not to exceed two hundred and three, of which one hundred and ninety-seven shall be for replacement only) and hire of passenger motor vehicles: *Provided*, That the total capital of said fund shall not exceed \$181,000,000.

80 Stat. 436.
80 Stat. 508;
81 Stat. 206.

CEMETERIAL EXPENSES

SALARIES AND EXPENSES

For necessary cemeterial expenses as authorized by law, including maintenance, operation, and improvement of national cemeteries, and purchase of headstones and markers for unmarked graves; purchase of seven passenger motor vehicles of which two shall be for replacement only; maintenance of that portion of Congressional Cemetery to which the United States has title, Confederate burial places under the jurisdiction of the Department of the Army, and graves used by the Army in commercial cemeteries, to remain available until expended, \$18,184,000: *Provided*, That reimbursement shall be made to the applicable military appropriation for the pay and allowances of any military personnel performing services primarily for the purposes of this appropriation.

THE PANAMA CANAL
CANAL ZONE GOVERNMENT

OPERATING EXPENSES

80 Stat. 508;
81 Stat. 206.

80 Stat. 432.

For operating expenses necessary for the Canal Zone Government, including operation of the Postal Service of the Canal Zone; hire of passenger motor vehicles; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); expenses incident to conducting hearings on the Isthmus; expenses of special training of employees of the Canal Zone Government as authorized by 5 U.S.C. 4101-4118; contingencies of the Governor, residence for the Governor; medical aid and support of the insane and of lepers and aid and support of indigent persons legally within the Canal Zone, including expenses of their deportation when practicable; and maintaining and altering facilities of other Government agencies in the Canal Zone for Canal Zone Government use, \$44,129,000.

CAPITAL OUTLAY

76A Stat. 7,
26.

For acquisition of land and land under water and acquisition, construction, and replacement of improvements, facilities, structures, and equipment, as authorized by law (2 C.Z. Code, Sec. 2; 2 C.Z. Code, Sec. 371), including the purchase of not to exceed sixteen passenger motor vehicles of which fourteen are for replacement only, including thirteen for police-type use which may exceed by \$800 each the general purchase price limitation for the current fiscal year; improving facilities of other Government agencies in the Canal Zone for Canal Zone Government use; and expenses incident to the retirement of such assets; \$1,500,000, to remain available until expended.

PANAMA CANAL COMPANY

CORPORATION

61 Stat. 584.

The Panama Canal Company is hereby authorized to make such expenditures within the limits of funds and borrowing authority available to it and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 849), as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation, including maintaining and improving facilities of other Government agencies in the Canal Zone for Panama Canal Company use.

LIMITATION ON GENERAL AND ADMINISTRATIVE EXPENSES

Not to exceed \$15,977,000 of the funds available to the Panama Canal Company shall be available during the current fiscal year for general and administrative expenses of the Company, including operation of tourist vessels and guide services, which shall be computed on an accrual basis. Funds available to the Panama Canal Company for operating expenses shall be available for the purchase of not to exceed thirty-seven passenger motor vehicles, of which twenty-five are for replacement only, including twenty-four light sedans at not to exceed \$2,150, one medium sedan at not to exceed \$3,500 and three station wagons at not to exceed \$2,450, and for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

GENERAL PROVISIONS—THE PANAMA CANAL

The Governor of the Canal Zone is authorized to employ services as authorized by 5 U.S.C. 3109, in an amount not exceeding \$150,000.

80 Stat. 416.

Funds appropriated for operating expenses of the Canal Zone Government may be apportioned notwithstanding section 3679 of the Revised Statutes, as amended (31 U.S.C. 665), to the extent necessary to permit payment of such pay increases for officers or employees as may be authorized by administrative action pursuant to law which are not in excess of statutory increases granted for the same period in corresponding rates of compensation for other employees of the Government in comparable positions.

TITLE III—DEPARTMENT OF THE INTERIOR

FEDERAL WATER QUALITY ADMINISTRATION

POLLUTION CONTROL OPERATIONS AND RESEARCH

For expenses necessary to carry out the Federal Water Pollution Control Act, as amended, and other related activities, including \$9,400,000 for grants to States and \$600,000 for grants to interstate agencies under section 7 of such Act, \$98,618,000, to remain available until expended.

70 Stat. 498;
79 Stat. 903.
33 USC 466
note.
33 USC 466d.

CONSTRUCTION GRANTS FOR WASTE TREATMENT WORKS

For grants for construction of waste treatment works pursuant to section 8 of the Federal Water Pollution Control Act, as amended, to remain available until expended, \$1,000,000,000: *Provided*, That not to exceed \$200,000,000 of such amount may be available for allocation to States based on eligibility for reimbursement under provisions of section 8(c) of the Act or severe local and basin-wide water pollution problems: *Provided further*, That sums not obligated at the end of the fiscal year from the amounts allocated to each State shall be reallocated in accordance with the provisions in the Act: *Provided further*, That funds appropriated for fiscal year 1970 and allocated to States shall not be reallocated in accordance with section 8(c) of the Federal Water Pollution Control Act, as amended, until May 15, 1971.

80 Stat. 1248.
33 USC 466e.

BUREAU OF RECLAMATION

For carrying out the functions of the Bureau of Reclamation as provided in the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and other Acts applicable to that Bureau, as follows:

43 USC 371 and
note.

GENERAL INVESTIGATIONS

For engineering and economic investigations of proposed Federal reclamation projects and studies of water conservation and development plans and activities preliminary to the reconstruction, rehabilitation and betterment, financial adjustment, or extension of existing projects, to remain available until expended, \$19,065,000, of which \$17,300,000 shall be derived from the reclamation fund: *Provided*, That none of this appropriation shall be used for more than one-half of the cost of an investigation requested by a State, municipality, or other interest: *Provided further*, That \$360,000 of this appropriation shall be transferred to the Bureau of Sport Fisheries and Wildlife

16 USC 661
note.

for studies, investigations, and reports thereon as required by the Fish and Wildlife Coordination Act of 1958 (72 Stat. 563-565) to provide that wildlife conservation shall receive equal consideration and be coordinated with other features of water-resource development programs of the Bureau of Reclamation.

CONSTRUCTION AND REHABILITATION

For construction and rehabilitation of authorized reclamation projects or parts thereof (including power transmission facilities) and for other related activities, as authorized by law, to remain available until expended, \$186,793,000, of which \$115,000,000 shall be derived from the reclamation fund: *Provided*, That no part of this appropriation shall be used to initiate the construction of transmission facilities within those areas covered by power wheeling service contracts which include provision for service to Federal establishments and preferred customers, except those transmission facilities for which construction funds have been heretofore appropriated, those facilities which are necessary to carry out the terms of such contracts or those facilities for which the Secretary of the Interior finds the wheeling agency is unable or unwilling to provide for the integration of Federal projects or for service to a Federal establishment or preferred customer: *Provided further*, That the final point of discharge for the interceptor drain for the San Luis unit shall not be determined until development by the Secretary of the Interior and the State of California of a plan, which shall conform with the water quality standards of the State of California as approved by the Secretary of the Interior, to minimize any detrimental effect of the San Luis drainage waters: *Provided further*, That not to exceed \$1,000,000 of this appropriation shall be available for replacement of cast-in-place concrete pipe in the South Gila Unit, Yuma Mesa Division, Gila Project, Arizona, which shall be nonreimbursable: *Provided further*, That of the amount herein appropriated not to exceed \$5,000 for the Westland Irrigation District, Oregon, \$5,000 for the Tumalo Irrigation District, Oregon, and \$5,000 for the Cascade Irrigation District, Ellensburg, Washington, shall be available to initiate a rehabilitation and betterment program under the Act of October 7, 1949 (63 Stat. 724), as amended, to be repaid in full under conditions satisfactory to the Secretary of the Interior: *Provided further*, That of the amount herein appropriated not to exceed \$140,000 may be used for archeological salvage of the cargo of the steamboat Bertrand in the Missouri River Basin.

43 USC 504
and note.

UPPER COLORADO RIVER STORAGE PROJECT

For the Upper Colorado River Storage Project, as authorized by the Act of April 11, 1956 (43 U.S.C. 620d), to remain available until expended, \$22,375,000, of which \$21,230,000 shall be available for the "Upper Colorado River Basin Fund", authorized by section 5 of said Act of April 11, 1956, and \$1,145,000 shall be available for construction of recreational and fish and wildlife facilities authorized by section 8 thereof, and may be expended by bureaus of the Department through or in cooperation with State or other Federal agencies, and advances to such Federal agencies are hereby authorized: *Provided*, That no part of the funds herein approved shall be available for construction or operation of facilities to prevent waters of Lake Powell from entering any national monument.

70 Stat. 107.

43 USC 620g.

COLORADO RIVER BASIN PROJECT

For advances to the Lower Colorado River Basin Development Fund, as authorized by section 403 of the Act of September 30, 1968 (82 Stat. 894), for the construction, operation, and maintenance of projects authorized by Title III of said Act, to remain available until expended, \$7,698,000, of which \$5,748,000 is for liquidation of contract authority provided by section 303(b) of said Act.

43 USC 1543.

43 USC 1521.

43 USC 1523.

OPERATION AND MAINTENANCE

For operation and maintenance of reclamation projects or parts thereof and other facilities, as authorized by law; and for a soil and moisture conservation program on lands under the jurisdiction of the Bureau of Reclamation, pursuant to law, \$57,800,000, of which \$44,240,000 shall be derived from the reclamation fund and \$2,118,000 shall be derived from the Colorado River Dam fund: *Provided*, That funds advanced by water users for operation and maintenance of reclamation projects or parts thereof shall be deposited to the credit of this appropriation and may be expended for the same objects and in the same manner as sums appropriated herein may be expended, and the unexpended balances of such advances shall be credited to the appropriation for the next succeeding fiscal year.

LOAN PROGRAM

For loans to irrigation districts and other public agencies for construction of distribution systems on authorized Federal reclamation projects, and for loans and grants to non-Federal agencies for construction of projects, as authorized by the Acts of July 4, 1955, as amended (43 U.S.C. 421a–421d), and August 6, 1956 (43 U.S.C. 422a–422k), as amended, including expenses necessary for carrying out the program, \$8,550,000, to remain available until expended: *Provided*, That any contract under the Act of July 4, 1955 (69 Stat. 244), as amended, not yet executed by the Secretary, which calls for the making of loans beyond the fiscal year in which the contract is entered into shall be made only on the same conditions as those prescribed in section 12 of the Act of August 4, 1939 (53 Stat. 1187, 1197).

69 Stat. 244;

70 Stat. 155.

70 Stat. 1044;

80 Stat. 376.

43 USC 388.

GENERAL ADMINISTRATIVE EXPENSES

For necessary expenses of general administration and related functions in the offices of the Commissioner of Reclamation and in the regional offices of the Bureau of Reclamation, \$13,652,000, to be derived from the reclamation fund and to be nonreimbursable pursuant to the Act of April 19, 1945 (43 U.S.C. 377): *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted for the current fiscal year as general administrative expenses.

59 Stat. 54.

SPECIAL FUNDS

Sums herein referred to as being derived from the reclamation fund, the Colorado River Dam fund, or the Colorado River development fund, are appropriated from the special funds in the Treasury created by the Act of June 17, 1902 (43 U.S.C. 391), the Act of December 21, 1928 (43 U.S.C. 617a), and the Act of July 19, 1940 (43 U.S.C. 618a), respectively. Such sums shall be transferred, upon

32 Stat. 388.

45 Stat. 1057.

54 Stat. 774.

request of the Secretary, to be merged with and expended under the heads herein specified; and the unexpended balances of sums transferred for expenditure under the heads "Operation and Maintenance" and "General Administrative Expenses" shall revert and be credited to the special fund from which derived.

ADMINISTRATIVE PROVISIONS

Appropriations to the Bureau of Reclamation shall be available for purchase of not to exceed thirty-eight passenger motor vehicles for replacement only; payment of claims for damage to or loss of property, personal injury, or death arising out of activities of the Bureau of Reclamation; payment, except as otherwise provided for, of compensation and expenses of persons on the rolls of the Bureau of Reclamation appointed as authorized by law to represent the United States in the negotiations and administration of interstate compacts without reimbursement or return under the reclamation laws; rewards for information or evidence concerning violations of law involving property under the jurisdiction of the Bureau of Reclamation; performance of the functions specified under the head "Operation and Maintenance Administration", Bureau of Reclamation, in the Interior Department Appropriation Act, 1945; preparation and dissemination of useful information including recordings, photographs, and photographic prints; and studies of recreational uses of reservoir areas, and investigation and recovery of archeological and paleontological remains in such areas in the same manner as provided for in the Act of August 21, 1935 (16 U.S.C. 461-467): *Provided*, That no part of any appropriation made herein shall be available pursuant to the Act of April 19, 1945 (43 U.S.C. 377), for expenses other than those incurred on behalf of specific reclamation projects except "General Administrative Expenses" and amounts provided for reconnaissance, basin surveys, and general engineering and research under the head "General Investigations".

Allotments to the Missouri River Basin project from the appropriation under the head "Construction and rehabilitation" shall be available additionally for said project for those functions of the Bureau of Reclamation provided for under the head "General Investigations" (but this authorization shall not preclude use of the appropriation under said head within that area), and for continuation of investigations by agencies of the Department on a general plan for the development of the Missouri River Basin. Such allotments may be expended through or in cooperation with State and other Federal agencies, and advances to such agencies are hereby authorized.

Sums appropriated herein which are expended in the performance of reimbursable functions of the Bureau of Reclamation shall be returnable to the extent and in the manner provided by law: *Provided*, That net revenues of not to exceed \$36,000 arising from the lease of grazing and agricultural lands within the Tule Lake and Lower Klamath Lake Divisions, as determined by the Secretary, may be credited to the cost incurred in the negotiation of contracts for the purpose of transferring responsibility of operation and maintenance of project facilities to the project water users associations, notwithstanding the provisions of section 2(c) of the Act of June 17, 1944, and sections 2(a), 2(b), and 2(c) of the Act of August 1, 1956.

No part of any appropriation for the Bureau of Reclamation, contained in this Act or in any prior Act, which represents amounts earned under the terms of a contract but remaining unpaid, shall be

32 Stat. 388.
43 USC 371 and
note.

58 Stat. 487.

49 Stat. 666.

59 Stat. 54.

58 Stat. 279;
70 Stat. 799.
43 USC 612.

obligated for any other purpose, regardless of when such amounts are to be paid: *Provided*, That the incurring of any obligation prohibited by this paragraph shall be deemed a violation of section 3679 of the Revised Statutes, as amended (31 U.S.C. 665).

No funds appropriated to the Bureau of Reclamation for operation and maintenance, except those derived from advances by water users, shall be used for the particular benefits of lands (a) within the boundaries of an irrigation district, (b) of any member of a water users' organization, or (c) of any individual when such district, organization, or individual is in arrears for more than twelve months in the payment of charges due under a contract entered into with the United States pursuant to laws administered by the Bureau of Reclamation.

Not to exceed \$225,000 may be expended from the appropriation "Construction and rehabilitation" for work by force account on any one project or Missouri River Basin unit and then only when such work is unsuitable for contract or no acceptable bid has been received and, other than otherwise provided in this paragraph or as may be necessary to meet local emergencies, not to exceed 12 per centum of the construction allotment for any project from the appropriation "Construction and rehabilitation" contained in this Act shall be available for construction work by force account: *Provided*, That this paragraph shall not apply to work performed under the Rehabilitation and Betterment Act of 1949 (63 Stat. 724).

43 USC 504 and
note.

ALASKA POWER ADMINISTRATION

GENERAL INVESTIGATIONS

For engineering and economic investigations to promote the development and utilization of the water, power and related resources of Alaska, \$600,000, to remain available until expended: *Provided*, That \$63,000 of this appropriation shall be transferred to the Bureau of Sport Fisheries and Wildlife for studies, investigations, and reports thereon, as required by the Fish and Wildlife Coordination Act of 1958 (72 Stat. 563-565).

16 USC 661
note.

OPERATION AND MAINTENANCE

For necessary expenses of operation and maintenance of projects in Alaska and of marketing electric power and energy, \$400,000.

BONNEVILLE POWER ADMINISTRATION

CONSTRUCTION

For construction and acquisition of transmission lines, substations, and appurtenant facilities, as authorized by law, \$91,600,000, to remain available until expended: *Provided*, That not more than \$150,000 of the funds appropriated herein shall be available for preliminary engineering required by the Bonneville Power Administration in connection with the proposed agreements relating to three non-federally financed generating plants proposed under the hydro-thermal program to be sponsored jointly or severally by the Washington Public Power Supply System, Seattle City Light, Tacoma City Light, Snohomish County PUD and the Puget Sound Power and Light Company, pursuant to which the Bonneville Power Administration will acquire from preference customers and pay by net billing for generating capability from non-federally financed thermal generating plants in the manner described in the committee report.

OPERATION AND MAINTENANCE

For necessary expenses of operation and maintenance of the Bonneville transmission system and of marketing electric power and energy, \$23,600,000.

ADMINISTRATIVE PROVISIONS

Appropriations of the Bonneville Power Administration shall be available to carry out all the duties imposed upon the Administrator pursuant to law. Appropriations made herein to the Bonneville Power Administration shall be available in one fund, except that the appropriation herein made for operation and maintenance shall be available only for the service of the current fiscal year.

Other than as may be necessary to meet local emergencies, not to exceed 12 per centum of the appropriation for construction herein made for the Bonneville Power Administration shall be available for construction work by force account or on a hired-labor basis.

SOUTHEASTERN POWER ADMINISTRATION

OPERATION AND MAINTENANCE

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, \$800,000.

58 Stat. 890.

SOUTHWESTERN POWER ADMINISTRATION

CONSTRUCTION

For construction and acquisition of transmission lines, substations, and appurtenant facilities, and for administrative expenses connected therewith, in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, \$950,000, to remain available until expended.

OPERATION AND MAINTENANCE

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, including purchase of not to exceed three passenger motor vehicles for replacement only, \$5,100,000.

OFFICE OF THE SECRETARY

UNDERGROUND ELECTRIC POWER TRANSMISSION RESEARCH

For necessary expenses of research and development in underground electric power transmission, \$750,000, to remain available until expended.

GENERAL PROVISIONS—DEPARTMENT OF THE INTERIOR

SEC. 301. Appropriations in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority

Emergency reconstruction funds.

until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted.

SEC. 302. The Secretary may authorize the expenditure or transfer (within each bureau or office) of any appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under jurisdiction of the Department of the Interior.

Fire prevention.

SEC. 303. Appropriations in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by the Act of June 30, 1932 (31 U.S.C. 686): *Provided*, That reimbursements for costs of supplies, materials, and equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

Operation of warehouses, etc.

47 Stat. 417.

SEC. 304. No part of any funds made available by this Act to the Southwestern Power Administration may be made available to any other agency, bureau, or office for any purposes other than for services rendered pursuant to law to the Southwestern Power Administration.

Southwestern Power Administration.

TITLE IV—INDEPENDENT OFFICES

DELAWARE RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Delaware River Basin Commission, as authorized by law (75 Stat. 716), \$58,000.

CONTRIBUTION TO DELAWARE RIVER BASIN COMMISSION

For payment of the United States share of the current expenses of the Delaware River Basin Commission, as authorized by law (75 Stat. 706, 707), \$175,000.

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

CONTRIBUTION TO INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

To enable the Secretary of the Treasury to pay in advance to the Interstate Commission on the Potomac River Basin the Federal contribution toward the expenses of the Commission during the current fiscal year in the administration of its business in the conservancy district established pursuant to the Act of July 11, 1940 (54 Stat. 748), \$5,000.

33 USC 567b.

NATIONAL WATER COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the Act of September 26, 1968 (Public Law 90-515), including compensation of the Executive Director at level IV of the Executive Schedule \$1,840,000, to remain available until expended.

42 USC 1962a note.
83 Stat. 864.
5 USC 5315 note.

TENNESSEE VALLEY AUTHORITY

PAYMENT TO TENNESSEE VALLEY AUTHORITY FUND

48 Stat. 58.

For the purpose of carrying out the provisions of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C., ch. 12A), including purchase of two aircraft for replacement only, hire, maintenance, and operation of aircraft, and purchase (not to exceed two hundred and fifty-five, of which two hundred and twenty-five shall be for replacement only) and hire of passenger motor vehicles, \$56,180,000, to remain available until expended.

WATER RESOURCES COUNCIL

WATER RESOURCES PLANNING

79 Stat. 244.

80 Stat. 416.

For expenses necessary in carrying out the provisions of the Water Resources Planning Act of 1965 (42 U.S.C. 1962-1962d-5), including services as authorized by 5 U.S.C. 3109, but at rates not to exceed \$100 per diem for individuals, and hire of passenger motor vehicles, \$5,150,000, to remain available until expended, including \$725,000 for carrying out the provisions of title I and administering the provisions of titles II, III, and IV of the Act, \$825,000 for expenses of river basin commissions under title II of the Act, and \$3,600,000 for grants to States under title III of the Act: *Provided*, That the share of the expenses of any river basin commission borne by the Federal Government pursuant to title II of the Act shall not exceed \$250,000 annually for recurring operating expenses, including the salary and expenses of the chairman.

TITLE V—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

Motor vehicles,
purchase.

31 USC 638a.

SEC. 501. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses and ambulances), is hereby fixed at \$1,650 except station wagons for which the maximum shall be \$1,950.

Compensation
payments;
citizenship status
required.

SEC. 502. Unless otherwise specified and during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in continental United States unless such person (1) is a citizen of the United States, (2) is a person in the service of the United States on the date of enactment of this Act, who, being eligible for citizenship, had filed a declaration of intention to become a citizen of the United States prior to such date, (3) is a person who owes allegiance to the United States, or (4) is an alien from Poland or the Baltic countries lawfully admitted to the United States for permanent residence: *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of

Penalty.

a felony, and, upon conviction, shall be fined not more than \$4,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of the Republic of the Philippines or to nationals of those countries allied with the United States in the current defense effort, or to temporary employment of translators, or to temporary employment in the field service (not to exceed sixty days) as a result of emergencies.

Exceptions.

SEC. 503. Appropriations of the executive departments and independent establishments for the current fiscal year, available for expenses of travel or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with title II of the Act of September 6, 1960 (74 Stat. 793).

Quarters allowances, etc.

SEC. 504. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

80 Stat. 510.
5 USC 5922-
5925 and notes.

SEC. 505. No part of any appropriation contained in this or any other Act for the current fiscal year shall be used to pay in excess of \$4 per volume for the current and future volumes of the United States Code, Annotated, and such volumes shall be purchased on condition and with the understanding that latest published cumulative annual pocket parts issued prior to the date of purchase shall be furnished free of charge, or in excess of \$4.25 per volume for the current or future volumes of the Lifetime Federal Digest, or in excess of \$6.50 per volume for the current or future volumes of the Modern Federal Practice Digest.

SEC. 506. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to the Government Corporation Control Act, as amended (31 U.S.C. 841), shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

59 Stat. 597.

80 Stat. 416.

SEC. 507. Pursuant to section 1415 of the Act of July 15, 1952 (66 Stat. 662), foreign credits (including currencies) owed to or owned by the United States may be used by Federal agencies for any purpose for which appropriations are made for the current fiscal year (including the carrying out of Acts requiring or authorizing the use of such credits), only when reimbursement therefor is made to the Treasury from applicable appropriations of the agency concerned: *Provided*, That such credits received as exchange allowances or proceeds of sales of personal property may be used in whole or part payment for acquisition of similar items, to the extent and in the manner authorized by law, without reimbursement to the Treasury.

Foreign credits.
31 USC 724.

SEC. 508. No part of any appropriation contained in this or any other Act, or of the funds available for expenditure by any corporation or agency, shall be used for publicity or propaganda purposes designed to support or defeat legislation pending before Congress.

Publicity or propaganda.

SEC. 509. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Interdepart-
mental groups.

59 Stat. 134.

Short title.

SEC. 510. No part of any appropriation contained in this or any other Act, shall be available to finance interdepartmental boards, commissions, councils, committees, or similar groups under section 214 of the Independent Offices Appropriation Act, 1946 (31 U.S.C. 691) which do not have prior and specific congressional approval of such method of financial support.

This Act may be cited as the "Public Works for Water, Pollution Control, and Power Development and Atomic Energy Commission Appropriation Act, 1971".

Approved October 7, 1970.

Public Law 91-440

AN ACT

October 7, 1970
[H. R. 14373]

To authorize the Secretary of the Navy to convey to the city of Portsmouth, State of Virginia, certain lands situated within the Crawford urban renewal project (Va-53) in the city of Portsmouth, in exchange for certain lands situated within the proposed Southside neighborhood development project.

Portsmouth, Va.
Land exchange.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provisions of law, the Secretary of the Navy, or his designee, is authorized to convey to the city of Portsmouth, State of Virginia, subject to such terms and conditions as the Secretary of the Navy or his designee shall deem to be in the public interest, all right, title, and interest of the United States in and to the land located in the city of Portsmouth with the buildings and improvements thereon, described substantially as follows:

Beginning at a point on the south side of South Street one hundred and eighty feet east from the southeast intersection of South and Middle Streets;

thence south and parallel with Middle Street, two hundred and twenty-six feet to the north side of Bart Street;

thence east along north side of Bart Street one hundred and twenty-seven feet, more or less, to the right-of-way of the Seaboard Air Line Railway;

thence northeasterly along the northerly side of the Seaboard Air Line Railway one hundred and twenty-five feet, more or less, to the west side of Crawford Street;

thence north along the west side of Crawford Street, one hundred and thirteen feet, more or less, to the southwest intersection of Crawford and South Streets;

thence west along south side of South Street one hundred and eighty feet to the point of beginning, containing 0.918 acre, more or less.

SEC. 2. In consideration of the conveyance by the United States of the aforesaid lands, the city of Portsmouth shall convey to the United States, such lands situated within the proposed Southside neighborhood development project located in the city of Portsmouth together with such buildings and improvements thereon or to be constructed thereon, as are acceptable to the Secretary of the Navy, or his designee, and subject to such conditions as are acceptable to the Secretary of the Navy, or his designee.

SEC. 3. The Secretary of the Navy, or his designee, is also authorized to accept from the city of Portsmouth such appropriate interests in other lands, or neighborhood facility, as may be considered necessary for protection of the interests of the United States in connection with the exchange.

Other land
interests, U.S.
acceptance.

SEC. 4. The property conveyed to the United States under sections 2 and 3 shall be of no less value, as determined by the Secretary of the Navy or his designee, than the property conveyed to the city of Portsmouth under section 1.

Property
values.

Approved October 7, 1970.

Public Law 91-441

AN ACT

To authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to authorize real estate acquisition and construction at certain installations in connection with the Safeguard anti-ballistic missile system, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

October 7, 1970
[H. R. 17123]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Armed Forces.
Appropriation
authorization,
1971.

TITLE I—PROCUREMENT

SEC. 101. Funds are hereby authorized to be appropriated during the fiscal year 1971 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, as authorized by law, in amounts as follows:

AIRCRAFT

For aircraft: for the Army, \$292,100,000; for the Navy and the Marine Corps, \$2,416,700,000; for the Air Force, \$3,255,500,000.

MISSILES

For missiles: for the Army, \$1,059,700,000; for the Navy, \$932,400,000; for the Marine Corps, \$12,800,000; for the Air Force, \$1,485,400,000.

NAVAL VESSELS

For naval vessels: for the Navy, \$2,711,900,000.

TRACKED COMBAT VEHICLES

For tracked combat vehicles: for the Army, \$205,200,000; for the Marine Corps, \$47,400,000.

OTHER WEAPONS

For other weapons: for the Army, \$67,200,000: *Provided*, That none of the funds authorized for appropriation by this Act shall be obligated for the procurement of M-16 rifles until the Secretary of the Army has certified to the Congress that at least three active production sources for supplying such weapons will continue to be available within the United States during fiscal year 1971; for the Navy, \$2,789,000; for the Marine Corps, \$4,400,000.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND
EVALUATION

SEC. 201. Funds are hereby authorized to be appropriated during the fiscal year 1971 for the use of the Armed Forces of the United States for research, development, test, and evaluation, as authorized by law, in amounts as follows:

For the Army, \$1,635,600,000;

For the Navy (including the Marine Corps), \$2,156,300,000;

For the Air Force, \$2,806,900,000; and

For the Defense Agencies, \$452,800,000.

Emergency
fund.

SEC. 202. There is hereby authorized to be appropriated to the Department of Defense during fiscal year 1971 for use as an emergency fund for research, development, test, and evaluation or procurement or production related thereto, \$50,000,000.

Independent
research and de-
velopment, etc.,
restriction on pay-
ments.

SEC. 203. (a) Funds authorized for appropriation to the Department of Defense under the provisions of this or any other Act shall not be available after December 31, 1970, for payment of independent research and development or bid and proposal costs unless the work for which payment is made has, in the opinion of the Secretary of Defense, a potential relationship to a military function or operation and unless the following conditions are met—

Conditions.

(1) the Secretary of Defense, prior to or during each fiscal year, negotiates advance agreements establishing a dollar ceiling on such costs with all companies which during their last preceding fiscal year received more than \$2,000,000 of independent research and development or bid and proposal payments from the Department of Defense, the advance agreements thus negotiated (A) to cover the first fiscal year of each such contractor beginning on or after the beginning of each fiscal year of the Federal Government, and (B) to be concluded either directly with each such company or with those product divisions of each such company which contract directly with the Department of Defense and themselves received more than \$250,000 of such payments during their company's last preceding fiscal year;

(2) the independent research and development portions of the advance agreements thus negotiated are based on company submitted plans on each of which a technical evaluation is performed by the Department of Defense prior to or during the fiscal year covered by such advance agreement; and

(3) no payments for independent research and development or bid and proposal costs are made by the Department of Defense to any company or product division with which an advance agreement is required by subsection (a)(1) of this section, except pursuant to the terms of that agreement.

(b) In the event negotiations are held with any company or product division with which they are required under subsection (a)(1) of this section, but no agreement is reached with any such company or product division, no payments for independent research and development or bid and proposal costs shall be made to any such company or product division during the fiscal year for which agreement was not reached, except in an amount substantially less than the amount which, in the opinion of the Department of Defense, such company or product division would otherwise have been entitled to receive, subject to appeal by such company or product division under regulations to be prescribed by the Secretary of Defense.

(c) The Secretary of Defense shall submit an annual report to the Congress on or before March 15, 1971, and on or before March 15 of each succeeding year, setting forth—

Annual report
to Congress.

(1) those companies with which negotiations were held pursuant to subsection (a)(1) of this section prior to or during the preceding fiscal year of the Federal Government, together with the results of those negotiations;

(2) the latest available Defense Contract Audit Agency statistics, estimated to the extent necessary, on the independent research and development or bid and proposal payments made to major

defense contractors, whether or not covered by subsection (a) (1) of this section during the preceding calendar year; and

(3) the manner of his compliance with the provisions of this section, and any major policy changes proposed to be made by the Department of Defense in the administration of its contractors' independent research and development and bid and proposal programs.

Applicability.

(d) The provisions of this section shall apply only to contracts for which the submission and certification of cost or pricing data are required in accordance with section 2306(f) of title 10, United States Code.

76 Stat. 528;
82 Stat. 863.
Repeal.

(e) Section 403 of Public Law 91-121 (83 Stat. 204) is hereby repealed.

Research projects or studies, restriction.

SEC. 204. None of the funds authorized to be appropriated to the Department of Defense by this or any other Act may be used to finance any research project or study unless such project or study has, in the opinion of the Secretary of Defense, a potential relationship to a military function or operation.

Basic scientific research, government support, increase.

SEC. 205. It is the sense of the Congress that—

(1) an increase in Government support of basic scientific research is necessary to preserve and strengthen the sound technological base essential both to protection of the national security and the solution of unmet domestic needs; and

(2) a larger share of such support should be provided hereafter through the National Science Foundation.

TITLE III—RESERVE FORCES

SEC. 301. For the fiscal year beginning July 1, 1970, and ending June 30, 1971, the Selected Reserve of each Reserve component of the Armed Forces will be programed to attain an average strength of not less than the following:

- (1) The Army National Guard of the United States, 400,000.
- (2) The Army Reserve, 260,000.
- (3) The Naval Reserve, 129,000.
- (4) The Marine Corps Reserve, 47,715.
- (5) The Air National Guard of the United States, 81,878.
- (6) The Air Force Reserve, 47,921.
- (7) The Coast Guard Reserve, 15,000.

SEC. 302. The average strength prescribed by section 301 of this title for the Selected Reserve of any Reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at any time during the fiscal year, and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever any such units or such individual members are released from active duty during any fiscal year, the average strength for such fiscal year for the Selected Reserve of such Reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

TITLE IV—ANTI-BALLISTIC MISSILE CONSTRUCTION AUTHORIZATION; LIMITATIONS ON DEPLOYMENT

SEC. 401. (a) Military construction for the Safeguard anti-ballistic missile system is authorized for the Department of the Army as follows:

Safeguard.

(1) Technical and supporting facilities and acquisition of real estate inside the United States, \$322,000,000.

(2) Research, development, test, and evaluation facilities at the Kwajalein Missile Range, \$3,200,000.

(3) Military Family Housing, four hundred units, \$8,800,000: Malmstrom Safeguard site, Montana, two hundred units, Grand Forks Safeguard site, North Dakota, two hundred units.

(b) There are authorized to be appropriated for the purposes of this section not to exceed \$334,000,000.

(c) Authorization contained in this section (except subsection (b)) shall be subject to the authorizations and limitations of the Military Construction Authorization Act, 1971, in the same manner as if such authorizations had been included in that Act.

Post, p. 1204.

(d) Within the amounts of the authorizations of military construction for Safeguard, the Secretary of the Army or his designee is authorized to provide for, under such terms and conditions as he may determine, two hundred and twenty-five units of temporary family housing for occupancy on a rental basis by military and civilian personnel of the Department of Defense and their dependents at each Safeguard site in connection with any military construction and installation and checkout of system equipment which is or may hereafter be authorized at a Safeguard site, if the Secretary of the Army or his designee determines that such temporary housing is necessary in order to perform the construction and installation and checkout of system equipment, and that temporary housing is not otherwise available under reasonable terms and conditions.

DOD personnel,
family housing.

SEC. 402. None of the funds authorized by this or any other Act may be obligated or expended for the purpose of initiating deployment of an anti-ballistic missile system at any site other than Whiteman Air Force Base, Knobnoster, Missouri; except that funds may be obligated or expended for the purpose of initiating advanced preparation (site selection, land acquisition, site survey, and the procurement of long lead-time items) for an anti-ballistic missile system site at Francis E. Warren Air Force Base, Cheyenne, Wyoming. Nothing in the foregoing sentence shall be construed as a limitation on the obligation or expenditure of funds in connection with the deployment of an anti-ballistic missile system at Grand Forks Air Force Base, Grand Forks, North Dakota, or Malmstrom Air Force Base, Great Falls, Montana.

Full deployment,
Whiteman AFB.

Advanced
preparation,
Warren AFB.

Continuation,
Grand Forks and
Malmstrom AFB.

TITLE V—GENERAL PROVISIONS

SEC. 501. The Congress views with grave concern the deepening involvement of the Soviet Union in the Middle East and the clear and present danger to world peace resulting from such involvement which cannot be ignored by the United States. In order to restore and maintain the military balance in the Middle East, by furnishing to Israel the means of providing for its own security, the President is authorized to transfer to Israel, by sale, credit sale, or guaranty, such aircraft, and equipment appropriate to use, maintain, and protect such aircraft, as may be necessary to counteract any past, present, or future increased

Israel, air-
craft sales, Presi-
dential authoriza-
tion.

Terms and
conditions.

Expiration.

Funds, availa-
bility for Vietna-
mese forces, etc.
83 Stat. 206.

military assistance provided to other countries of the Middle East. Any such sale, credit sale, or guaranty shall be made on terms and conditions not less favorable than those extended to other countries which receive the same or similar types of aircraft and equipment. The authority contained in the second sentence of this section shall expire September 30, 1972.

SEC. 502. Subsection (a) of section 401 of Public Law 89-367, approved March 15, 1966 (80 Stat. 37), as amended, is hereby amended to read as follows:

"(a) (1) Not to exceed \$2,800,000,000 of the funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes to support: (A) Vietnamese and other free world forces in support of Vietnamese forces, (B) local forces in Laos and Thailand; and for related costs, during the fiscal year 1971 on such terms and conditions as the Secretary of Defense may determine. None of the funds appropriated to or for the use of the Armed Forces of the United States may be used for the purpose of paying any overseas allowance, per diem allowance, or any other addition to the regular base pay of any person serving with the free world forces in South Vietnam if the amount of such payment would be greater than the amount of special pay authorized to be paid, for an equivalent period of service, to members of the Armed Forces of the United States (under section 310 of title 37, United States Code) serving in Vietnam or in any other hostile fire area, except for continuation of payments of such additions to regular base pay provided in agreements executed prior to July 1, 1970. Nothing in clause (A) of the first sentence of this paragraph shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos.

"(2) No defense article may be furnished to the South Vietnamese forces, other free world forces in Vietnam, or to local forces in Laos or Thailand with funds authorized for the use of the Armed Forces of the United States under this or any other Act unless the government of the forces to which the defense article is to be furnished shall have agreed that—

"(A) it will not, without the consent of the President—

"(i) permit any use of such article by anyone not an officer, employee, or agent of that government,

"(ii) transfer, or permit any officer, employee, or agent of that government to transfer such article by gift, sale, or otherwise, or

"(iii) use or permit the use of such article for purposes other than those for which furnished;

"(B) it will maintain the security of such article, and will provide substantially the same degree of security protection afforded to such article by the United States Government;

"(C) it will, as the President may require, permit continuous observation and review by, and furnish necessary information to, representatives of the United States Government with regard to the use of such article; and

"(D) unless the President consents to other disposition, it will return to the United States Government for such use or disposition as the President considers in the best interests of the United States, any such article which is no longer needed for the purposes for which it was furnished.

77 Stat. 216;
79 Stat. 547.

Cambodia and
Laos.

The President shall promptly submit a report to the Speaker of the House of Representatives and the President of the Senate on the implementation of each agreement entered into in compliance with this paragraph. The President may not give his consent under clause (A) or (D) of this paragraph with respect to any defense article until the expiration of fifteen days after written notice has been given to the Speaker of the House of Representatives and the President of the Senate regarding the proposed action of the President with respect to such article. As used in this paragraph the term 'defense article' shall have the same meaning prescribed for such term in section 644(d) of the Foreign Assistance Act of 1961. In order to allow a reasonable period of time for the Department of Defense to comply with the requirements of this paragraph, the provisions of such paragraph shall become effective sixty days after the date of enactment of this paragraph."

Presidential
report to Con-
gress.

"Defense
article."

75 Stat. 461;
81 Stat. 462.
22 USC 2403.
Effective
date.

SEC. 503. Of the total amount authorized to be appropriated by this Act for the procurement of the F-111 aircraft, \$283,000,000 of such amount may not be obligated or expended for the procurement of such aircraft until and unless the Secretary of Defense has (1) determined that the F-111 aircraft has been subjected to and successfully completed a comprehensive structural integrity test program, (2) approved a program for the procurement of such aircraft, and (3) certified in a written report to the Committees on Armed Services of the Senate and the House of Representatives that he has made such a determination and approved such a program, and has included in such written report the basis for making such determination and approving such program.

F-111 aircraft
expenditure,
conditions.

Report to
congressional
committees.

SEC. 504. (a) Of the total amount authorized to be appropriated by this Act for the procurement of the C-5A aircraft, \$200,000,000 of such amount may not be obligated or expended until after the expiration of 30 days from the date upon which the Secretary of Defense submits to the Committees on Armed Services of the Senate and the House of Representatives a plan for the expenditure of such \$200,000,000. In no event may all or any part of such \$200,000,000 be obligated or expended except in accordance with such plan.

C-5A aircraft
contingency fund,
restrictions and
controls.

(b) The \$200,000,000 referred to in subsection (a) of this section, following the submission of a plan pursuant to such subsection, may be expended only for the reasonable and allocable direct and indirect costs incurred by the prime contractor under a contract entered into with the United States to carry out the C-5A aircraft program. No part of such amount may be used for—

(1) direct cost of any other contract or activity of the prime contractor;

(2) profit on any materials, supplies, or services which are sold or transferred between any division, subsidiary, or affiliate of the prime contractor under the common control of the prime contractor and such division, subsidiary, or affiliate;

(3) bid and proposal costs, independent research and development costs, and the cost of other similar unsponsored technical effort; or

(4) depreciation and amortization costs on property, plant, or equipment.

Any of the costs referred to in the preceding sentence which would otherwise be allocable to any work funded by such \$200,000,000 may not be allocated to other portions of the C-5A aircraft contract or to any other contract with the United States, but payments to C-5A aircraft subcontractors shall not be subject to the restrictions referred to in such sentence.

Defense Department and GAO audits.

Report to Congress.

83 Stat. 207.
10 USC 133
note.

Chemical and biological warfare agents.

Transportation, testing, and disposal.
50 USC 1512.

Deployment, storage, and disposal.
50 USC 1513.

(c) Any payment from such \$200,000,000 shall be made to the prime contractor through a special bank account from which such contractor may withdraw funds only after a request containing a detailed justification of the amount requested has been submitted to and approved by the contracting officer for the United States. All payments made from such special bank account shall be audited by the Defense Contract Audit Agency of the Department of Defense and, on a quarterly basis, by the General Accounting Office. The Comptroller General shall submit to the Congress not more than thirty days after the close of each quarter a report on the audit for such quarter performed by the General Accounting Office pursuant to this subsection.

(d) The restrictions and controls provided for in this section with respect to the \$200,000,000 referred to in subsections (a) and (b) of this section shall be in addition to such other restrictions and controls as may be prescribed by the Secretary of Defense or the Secretary of the Air Force.

SEC. 505. Section 412(b) of Public Law 86-149, as amended, is amended by inserting immediately before the word "unless" the following: ", or after December 31, 1970, to or for the use of the Navy for the procurement of torpedoes and related support equipment".

SEC. 506. (a) None of the funds authorized to be appropriated by this Act shall be used for the procurement of delivery systems specifically designed to disseminate lethal chemical or any biological warfare agents, or for the procurement of delivery system parts or components specifically designed for such purpose, unless the President shall certify to the Congress that such procurement is essential to the safety and security of the United States.

(b) (1) Section 409(b) of Public Law 91-121, approved November 19, 1969 (83 Stat. 209), is amended—

(A) by striking out "or the open air testing of any such agent within the United States" in the material immediately preceding paragraph (1) and inserting in lieu thereof the following: "the open air testing of any such agent within the United States, or the disposal of any such agent within the United States";

(B) by striking out "transportation or testing" each time it appears in paragraphs (2), (3), and (4) and inserting in lieu thereof "transportation, testing, or disposal"; and

(C) by inserting "or disposal" immediately after "such testing" in paragraph (4) (A).

(2) Section 409(c) (1) of such public law is amended—

(A) by striking out "deployment, or storage, or both," and inserting in lieu thereof "deployment, storage, or disposal"; and

(B) by striking out "deployment or storage" immediately after "unless prior notice of" and inserting in lieu thereof "deployment, storage, or disposal".

(3) The first sentence of section 409(c) (2) of such public law is amended by inserting ", or for the disposal of any munitions in international waters," immediately after "outside the United States".

(4) Section 409 of such public law is further amended by adding at the end thereof a new subsection as follows:

"(g) Nothing contained in this section shall be deemed to restrict the transportation or disposal of research quantities of any lethal chemical or any biological warfare agent, or to delay or prevent, in emergency situations either within or outside the United States, the immediate disposal together with any necessary associated transportation, of any lethal chemical or any biological warfare agent when compliance with the procedures and requirements of this section would clearly endanger the health or safety of any person."

(c)(1) The Secretary of Defense shall undertake to enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study and investigation to determine (A) the ecological and physiological dangers inherent in the use of herbicides, and (B) the ecological and physiological effects of the defoliation program carried out by the Department of Defense in South Vietnam.

Herbicides and defoliation program, study.

(2) Of the funds authorized by this Act for research, development, testing, and evaluation of chemical warfare agents and for defense against biological warfare agents, such amounts as are required shall be available to carry out the study and investigation authorized by paragraph (1) of this subsection.

(3) In entering into any arrangement with the National Academy of Sciences for conducting the study and investigation authorized by paragraph (1) of this subsection, the Secretary of Defense shall request that the National Academy of Sciences submit a final report containing the results of its study and investigation to the Secretary not later than January 31, 1972. The Secretary shall transmit copies of such report to the President and the Congress, together with such comments and recommendations as he deems appropriate, not later than March 1, 1972.

Report to Defense Secretary, President, and Congress.

(d) On and after the date of enactment of this Act, no chemical or biological warfare agent shall be disposed of within or outside the United States unless such agent has been detoxified or made harmless to man and his environment unless immediate disposal is clearly necessary, in an emergency, to safeguard human life. An immediate report should be made to Congress in the event of such disposal.

SEC. 507. (a) No information concerning the identity or location of the person, company, or corporation to whom any contract has been awarded by the Department of Defense shall be given to any individual, including any Member of Congress, in advance of a public announcement by the Secretary of Defense of the identity of the person, company, or corporation to whom such contract has been awarded.

Defense contractors, advance disclosure of identity, prohibition.

(b) On and after the date of enactment of this Act, whenever the identity of the person, company, or corporation to whom any defense contract has been awarded is to be made public, the Secretary of Defense shall publicly announce that such contract has been awarded and to whom it was awarded.

SEC. 508. In order to reduce annual expenditures in connection with permanent change of station assignments of military personnel and in order to help further stabilize the lives of members of the Armed Forces and their dependents, the Secretary of Defense is directed to initiate promptly new procedures with respect to domestic and foreign permanent change of station assignments for military personnel under which the length of permanent change of station assignments will, whenever practicable and consistent with national security, be made for longer periods of time.

Military personnel, station assignments, extensions.

SEC. 509. Section 412 of Public Law 86-149, as amended, is amended by adding at the end thereof a new subsection as follows:

“(d)(1) Beginning with the fiscal year which begins July 1, 1971, and for each fiscal year thereafter, the Congress shall authorize the average annual active duty personnel strength for each component of the Armed Forces; and no funds may be appropriated for any fiscal year beginning on or after such date to or for the use of the active duty personnel of any component of the Armed Forces unless the average active duty personnel strength of such component for such fiscal year has been authorized by law.

Armed Forces, active duty personnel strength, congressional authorization. 73 Stat. 322; 81 Stat. 526. 10 USC 133 note.

Presidential
report to Congress.

"(2) Beginning with the fiscal year ending June 30, 1971, the President shall submit to the Congress a written report not later than January 31 of each fiscal year recommending the average annual active duty strength level for each component of the Armed Forces for the next fiscal year and shall include in such report justification for the strength levels recommended and an explanation of the relationship between the personnel strength levels recommended for such fiscal year and the national security policies of the United States in effect at the time."

Campuses barring military recruiters, cessation of payments.

Exception.

SEC. 510. No part of the funds appropriated pursuant to this Act may be used at any institution of higher learning if the Secretary of Defense or his designee determines that at the time of the expenditure of funds to such institution recruiting personnel of any of the Armed Forces of the United States are being barred by the policy of such institution from the premises of the institution except that this section shall not apply if the Secretary of Defense or his designee determines that the expenditure is a continuation or a renewal of a previous grant to such institution which is likely to make a significant contribution to the defense effort. The Secretaries of the military departments shall furnish to the Secretary of Defense or his designee within 60 days after the date of enactment of this Act and each January 31st and June 30th thereafter the names of any institutions of higher learning which the Secretaries determine on such dates are barring such recruiting personnel from the campus of the institution.

Approved October 7, 1970.

Public Law 91-442

October 8, 1970
[S. J. Res. 110]

JOINT RESOLUTION

To amend the joint resolution entitled "Joint resolution to establish the first week in October of each year as National Employ the Physically Handicapped Week", approved August 11, 1945 (59 Stat. 530), so as to broaden the applicability of such resolution to all handicapped workers.

National
Employ the
Handicapped
Week.
Designation.
36 USC 155.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the first two sentences of the joint resolution entitled "Joint resolution to establish the first week in October of each year as National Employ the Physically Handicapped Week", approved August 11, 1945 (59 Stat. 530), are amended to read as follows: "That hereafter the first week in October of each year shall be designated as National Employ the Handicapped Week. During such week appropriate ceremonies shall be held throughout the Nation, the purposes of which will be to enlist public support for and interest in the employment of otherwise qualified but handicapped workers."

Approved October 8, 1970.

Public Law 91-443

October 8, 1970
[H. J. Res. 236]

JOINT RESOLUTION

Authorizing and requesting the President of the United States to issue a proclamation designating the week of August 1 through August 7, 1971, as "National Clown Week".

National Clown
Week.
Proclamation.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to issue a proclamation (1) designating the week of August 1 through August 7, 1971, as "National Clown Week", (2) inviting the Governors of the States and territories

of the United States to issue proclamations for like purposes, and (3) urging the people of the United States to give heed to the contributions made by clowns in their entertainment at children's hospitals, charitable institutions, institutions for the mentally retarded, and generally helping to lift the spirits and boost the morale of our people, at a time when it is especially desirable and necessary.

Approved October 8, 1970.

Public Law 91-444

AN ACT

To extend for one year the Act of September 30, 1965, as amended by the Act of July 24, 1968, relating to high-speed ground transportation, and for other purposes.

October 13, 1970
[S. 3730]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first sentence of section 11 of the Act entitled "An Act to authorize the Secretary of Transportation to undertake research and development in high-speed ground transportation", approved September 30, 1965 (Public Law 89-220; 79 Stat. 893; 49 U.S.C. 1631-1642), as amended, is amended by striking out ", and" and the period at the end thereof and inserting a semicolon and the following: "and \$21,700,000 for the fiscal year ending June 30, 1971."

High-speed
ground transportation.
Research extension.

82 Stat. 424.

(b) The first sentence of section 12 of such Act of September 30, 1965, as amended, is further amended by striking out "1971" and inserting in lieu thereof "1972".

Termination
date.

Approved October 13, 1970.

Public Law 91-445

JOINT RESOLUTION

Authorizing the President to proclaim National Volunteer Firemen's Week from October 24, 1970, to October 31, 1970.

October 14, 1970
[H. J. Res. 1154]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating National Volunteer Firemen's Week from October 24, 1970, to October 31, 1970, and calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

National Volunteer
Firemen's
Week.
Proclamation.

Approved October 14, 1970.

Public Law 91-446

AN ACT

To amend section 15d of the Tennessee Valley Authority Act of 1933 to increase the amount of bonds which may be issued by the Tennessee Valley Authority.

October 14, 1970
[H. R. 18104]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of subsection (a) of section 15d of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. 831n-4, Supplement IV), is amended by striking out "\$1,750,000,000" and inserting in lieu thereof "\$5,000,000,000".

TVA.
Bonds, increase.

73 Stat. 280,
338; 80 Stat. 346.

Approved October 14, 1970.

Public Law 91-447

October 14, 1970
[S. 1461]

AN ACT

To amend section 3006A of title 18, United States Code, relating to representation of defendants who are financially unable to obtain an adequate defense in criminal cases in the courts of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

U. S. courts.
Defendant repre-
sentation.
78 Stat. 552.

SECTION 1. That (a) subsections (a)–(f) of section 3006A of title 18, United States Code, are amended to read as follows:

“(a) CHOICE OF PLAN.—Each United States district court, with the approval of the judicial council of the circuit, shall place in operation throughout the district a plan for furnishing representation for any person financially unable to obtain adequate representation (1) who is charged with a felony or misdemeanor (other than a petty offense as defined in section 1 of this title) or with juvenile delinquency by the commission of an act which, if committed by an adult, would be such a felony or misdemeanor or with a violation of probation, (2) who is under arrest, when such representation is required by law, (3) who is subject to revocation of parole, in custody as a material witness, or seeking collateral relief, as provided in subsection (g), or, (4) for whom the Sixth Amendment to the Constitution requires the appointment of counsel or for whom, in a case in which he faces loss of liberty, any Federal law requires the appointment of counsel. Representation under each plan shall include counsel and investigative, expert, and other services necessary for an adequate defense. Each plan shall include a provision for private attorneys. The plan may include, in addition to a provision for private attorneys in a substantial proportion of cases, either of the following or both:

62 Stat. 684.

(1) attorneys furnished by a bar association or a legal aid agency; or

(2) attorneys furnished by a defender organization established in accordance with the provisions of subsection (h).

Representation
on appeal.

Prior to approving the plan for a district, the judicial council of the circuit shall supplement the plan with provisions for representation on appeal. The district court may modify the plan at any time with the approval of the judicial council of the circuit. It shall modify the plan when directed by the judicial council of the circuit. The district court shall notify the Administrative Office of the United States Courts of any modification of its plan.

“(b) APPOINTMENT OF COUNSEL.—Counsel furnishing representation under the plan shall be selected from a panel of attorneys designated or approved by the court, or from a bar association, legal aid agency, or defender organization furnishing representation pursuant to the plan. In every criminal case in which the defendant is charged with a felony or a misdemeanor (other than a petty offense as defined in section 1 of this title) or with juvenile delinquency by the commission of an act which, if committed by an adult, would be such a felony or misdemeanor or with a violation of probation and appears without counsel, the United States magistrate or the court shall advise the defendant that he has the right to be represented by counsel and that counsel will be appointed to represent him if he is financially unable to obtain counsel. Unless the defendant waives representation by counsel, the United States magistrate or the court, if satisfied after appropriate inquiry that the defendant is financially unable to obtain counsel, shall appoint counsel to represent him. Such appointment may be made retroactive to include any representation furnished pursuant to the plan prior to appointment. The United States magistrate or the court

shall appoint separate counsel for defendants having interests that cannot properly be represented by the same counsel, or when other good cause is shown.

“(c) DURATION AND SUBSTITUTION OF APPOINTMENTS.—A person for whom counsel is appointed shall be represented at every stage of the proceedings from his initial appearance before the United States magistrate or the court through appeal, including ancillary matters appropriate to the proceedings. If at any time after the appointment of counsel the United States magistrate or the court finds that the person is financially able to obtain counsel or to make partial payment for the representation, it may terminate the appointment of counsel or authorize payment as provided in subsection (f), as the interests of justice may dictate. If at any stage of the proceedings, including an appeal, the United States magistrate or the court finds that the person is financially unable to pay counsel whom he had retained, it may appoint counsel as provided in subsection (b) and authorize payment as provided in subsection (d), as the interests of justice may dictate. The United States magistrate or the court may, in the interests of justice, substitute one appointed counsel for another at any stage of the proceedings.

“(d) PAYMENT FOR REPRESENTATION.—

“(1) HOURLY RATE.—Any attorney appointed pursuant to this section or a bar association or legal aid agency or community defender organization which has provided the appointed attorney shall, at the conclusion of the representation or any segment thereof, be compensated at a rate not exceeding \$30 per hour for time expended in court or before a United States magistrate and \$20 per hour for time reasonably expended out of court, or such other hourly rate, fixed by the Judicial Council of the Circuit, not to exceed the minimum hourly scale established by a bar association for similar services rendered in the district. Such attorney shall be reimbursed for expenses reasonably incurred, including the costs of transcripts authorized by the United States magistrate or the court.

“(2) MAXIMUM AMOUNTS.—For representation of a defendant before the United States magistrate or the district court, or both, the compensation to be paid to an attorney or to a bar association or legal aid agency or community defender organization shall not exceed \$1,000 for each attorney in a case in which one or more felonies are charged, and \$400 for each attorney in a case in which only misdemeanors are charged. For representation of a defendant in an appellate court, the compensation to be paid to an attorney or to a bar association or legal aid agency or community defender organization shall not exceed \$1,000 for each attorney in each court. For representation in connection with a post-trial motion made after the entry of judgment or in a probation revocation proceeding or for representation provided under subsection (g) the compensation shall not exceed \$250 for each attorney in each proceeding in each court.

“(3) WAIVING MAXIMUM AMOUNTS.—Payment in excess of any maximum amount provided in paragraph (2) of this subsection may be made for extended or complex representation whenever the court in which the representation was rendered, or the United States magistrate if the representation was furnished exclusively before him, certifies that the amount of the excess payment is necessary to provide fair compensation and the payment is approved by the chief judge of the circuit.

“(4) FILING CLAIMS.—A separate claim for compensation and reimbursement shall be made to the district court for representation before the United States magistrate and the court, and to each appellate court

Statement.

before which the attorney represented the defendant. Each claim shall be supported by a sworn written statement specifying the time expended, services rendered, and expenses incurred while the case was pending before the United States magistrate and the court, and the compensation and reimbursement applied for or received in the same case from any other source. The court shall fix the compensation and reimbursement to be paid to the attorney or to the bar association or legal aid agency or community defender organization which provided the appointed attorney. In cases where representation is furnished exclusively before a United States magistrate, the claim shall be submitted to him and he shall fix the compensation and reimbursement to be paid. In cases where representation is furnished other than before the United States magistrate, the district court, or an appellate court, claims shall be submitted to the district court which shall fix the compensation and reimbursement to be paid.

“(5) NEW TRIALS.—For purposes of compensation and other payments authorized by this section, an order by a court granting a new trial shall be deemed to initiate a new case.

“(6) PROCEEDINGS BEFORE APPELLATE COURTS.—If a person for whom counsel is appointed under this section appeals to an appellate court or petitions for a writ of certiorari, he may do so without prepayment of fees and costs or security therefor and without filing the affidavit required by section 1915(a) of title 28.

62 Stat. 954;
73 Stat. 590.

“(e) SERVICES OTHER THAN COUNSEL.—

“(1) UPON REQUEST.—Counsel for a person who is financially unable to obtain investigative, expert, or other services necessary for an adequate defense may request them in an ex parte application. Upon finding, after appropriate inquiry in an ex parte proceeding, that the services are necessary and that the person is financially unable to obtain them, the court, or the United States magistrate if the services are required in connection with a matter over which he has jurisdiction, shall authorize counsel to obtain the services.

Cost limitation.

“(2) WITHOUT PRIOR REQUEST.—Counsel appointed under this section may obtain, subject to later review, investigative, expert, or other services without prior authorization if necessary for an adequate defense. The total cost of services obtained without prior authorization may not exceed \$150 and expenses reasonably incurred.

“(3) MAXIMUM AMOUNTS.—Compensation to be paid to a person for services rendered by him to a person under this subsection, or to be paid to an organization for services rendered by an employee thereof, shall not exceed \$300, exclusive of reimbursement for expenses reasonably incurred, unless payment in excess of that limit is certified by the court, or by the United States magistrate if the services were rendered in connection with a case disposed of entirely before him, as necessary to provide fair compensation for services of an unusual character or duration, and the amount of the excess payment is approved by the chief judge of the circuit.

“(f) RECEIPT OF OTHER PAYMENTS.—Whenever the United States magistrate or the court finds that funds are available for payment from or on behalf of a person furnished representation, it may authorize or direct that such funds be paid to the appointed attorney, to the bar association or legal aid agency or community defender organization which provided the appointed attorney, to any person or organization authorized pursuant to subsection (e) to render investigative, expert, or other services, or to the court for deposit in the Treasury as a reimbursement to the appropriation, current at the time of payment, to carry out the provisions of this section. Except as so authorized or directed, no such person or organization may request or accept any payment or promise of payment for representing a defendant.”

(b) Subsections (g), (h), and (i) of such section are redesignated as subsections (i), (j), and (k), respectively, and the following new subsections (g) and (h) are inserted before subsection (i) as redesignated by this subsection:

78 Stat. 554.
18 USC 3006A.

“(g) DISCRETIONARY APPOINTMENTS.—Any person subject to revocation of parole, in custody as a material witness, or seeking relief under section 2241, 2254, or 2255 of title 28 or section 4245 of title 18 may be furnished representation pursuant to the plan whenever the United States magistrate or the court determines that the interests of justice so require and such person is financially unable to obtain representation. Payment for such representation may be as provided in subsections (d) and (e).

62 Stat. 964;
63 Stat. 105;
80 Stat. 811, 1105.
63 Stat. 687.

“(h) DEFENDER ORGANIZATION.—

“(1) QUALIFICATIONS.—A district or a part of a district in which at least two hundred persons annually require the appointment of counsel may establish a defender organization as provided for either under subparagraphs (A) or (B) of paragraph (2) of this subsection or both. Two adjacent districts or parts of districts may aggregate the number of persons required to be represented to establish eligibility for a defender organization to serve both areas. In the event that adjacent districts or parts of districts are located in different circuits, the plan for furnishing representation shall be approved by the judicial council of each circuit.

“(2) TYPES OF DEFENDER ORGANIZATIONS.—

“(A) FEDERAL PUBLIC DEFENDER ORGANIZATION.—A Federal Public Defender Organization shall consist of one or more full-time salaried attorneys. An organization for a district or part of a district or two adjacent districts or parts of districts shall be supervised by a Federal Public Defender appointed by the judicial council of the circuit, without regard to the provisions of title 5 governing appointments in the competitive service, after considering recommendations from the district court or courts to be served. Nothing contained herein shall be deemed to authorize more than one Federal Public Defender within a single judicial district. The Federal Public Defender shall be appointed for a term of four years, unless sooner removed by the judicial council of the circuit for incompetency, misconduct in office, or neglect of duty. The compensation of the Federal Public Defender shall be fixed by the judicial council of the circuit at a rate not to exceed the compensation received by the United States attorney for the district where representation is furnished or, if two districts or parts of districts are involved, the compensation of the higher paid United States attorney of the districts. The Federal Public Defender may appoint, without regard to the provisions of title 5 governing appointments in the competitive service, full-time attorneys in such number as may be approved by the Judicial Council of the Circuit and other personnel in such number as may be approved by the Director of the Administrative Office of the United States Courts. Compensation paid to such attorneys and other personnel of the organization shall be fixed by the Federal Public Defender at a rate not to exceed that paid to attorneys and other personnel of similar qualifications and experience in the Office of the United States attorney in the district where representation is furnished or, if two districts or parts of districts are involved, the higher compensation paid to persons of similar qualifications and experience in the districts. Neither the Federal Public Defender nor any attorney so appointed by him may engage in the private practice of law. Each organization shall submit to the Director of the Administrative Office of the United States Courts, at the time and in the form prescribed by him, reports of its activities and financial position and its proposed budget. The Director of the Administrative Office shall submit, similarly as under

80 Stat. 378.
5 USC 101
et seq.

62 Stat. 915;
70 Stat. 1026;
75 Stat. 521.

title 28, United States Code, section 605, and subject to the conditions of that section, a budget for each organization for each fiscal year and shall out of the appropriations therefor make payments to and on behalf of each organization. Payments under this subparagraph to an organization shall be in lieu of payments under subsection (d) or (e).

“(B) **COMMUNITY DEFENDER ORGANIZATION.**—A Community Defender Organization shall be a nonprofit defense counsel service established and administered by any group authorized by the plan to provide representation. The organization shall be eligible to furnish attorneys and receive payments under this section if its bylaws are set forth in the plan of the district or districts in which it will serve. Each organization shall submit to the Judicial Conference of the United States an annual report setting forth its activities and financial position and the anticipated caseload and expenses for the coming year. Upon application an organization may, to the extent approved by the Judicial Conference of the United States:

“(i) receive an initial grant for expenses necessary to establish the organization; and

“(ii) in lieu of payments under subsection (d) or (e), receive periodic sustaining grants to provide representation and other expenses pursuant to this section.”

(c) A new subsection (l) is added as follows:

“(l) **APPLICABILITY IN THE DISTRICT OF COLUMBIA.**—The provisions of this Act, other than subsection (h) of section 1, shall be applicable in the District of Columbia. The plan of the District of Columbia shall be approved jointly by the Judicial Council of the District of Columbia Circuit and the District of Columbia Court of Appeals.”

SEC. 2. A United States commissioner for a district may exercise any power, function, or duty authorized to be performed by a United States magistrate under the amendments made by section 1 of this Act if such commissioner had authority to perform such power, function, or duty prior to the enactment of such amendments.

Effective date.

SEC. 3. The amendments made by section 1 of this Act shall become effective one hundred and twenty days after the date of enactment.

Approved October 14, 1970.

Public Law 91-448

AN ACT

October 14, 1970
[H. R. 14485]

To amend sections 501 and 504 of title 18, United States Code, so as to strengthen the law relating to the counterfeiting of postage meter stamps or other improper uses of the metered mail system.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding the amendment made to section 501 of title 18, United States Code, such section is amended to read as follows:

“§ 501. Postage stamps, postage meter stamps, and postal cards

“Whoever forges or counterfeits any postage stamp, postage meter stamp, or any stamp printed upon any stamped envelope, or postal card, or any die, plate, or engraving thereof; or

“Whoever makes or prints, or knowingly uses or sells, or possesses with intent to use or sell, any such forged or counterfeited postage stamp, postage meter stamp, stamped envelope, postal card, die, plate, or engraving; or

U.S. postage
meter stamps.
Counterfeiting,
prohibition.
62 Stat. 713;
Ante, p. 777.

"Whoever makes, or knowingly uses or sells, or possesses with intent to use or sell, any paper bearing the watermark of any stamped envelope, or postal card, or any fraudulent imitation thereof; or

"Whoever makes or prints, or authorizes to be made or printed, any postage stamp, postage meter stamp, stamped envelope, or postal card, of the kind authorized and provided by the Post Office Department or by the Postal Service, without the special authority and direction of the Department or Postal Service; or

"Whoever after such postage stamp, postage meter stamp, stamped envelope, or postal card has been printed, with intent to defraud, delivers the same to any person not authorized by an instrument in writing, duly executed under the hand of the Postmaster General and the seal of the Post Office Department or the Postal Service, to receive it—

"Shall be fined not more than \$500 or imprisoned not more than five years, or both."

Penalty.

(b) Section 6(j) (6) of the Postal Reorganization Act is repealed.

Repeal.

SEC. 2. Section 504 of title 18, United States Code, is amended by adding at the end thereof the following:

Ante, p. 777.

"For the purposes of this section the term 'postage stamp' includes postage meter stamps."

Stamp reproductions.
72 Stat. 1771;
82 Stat. 240.

Approved October 14, 1970.

Public Law 91-449

AN ACT

To implement the Convention on Offenses and Certain Other Acts Committed on Board Aircraft, and for other purposes.

October 14, 1970
[S. 2176]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) A new subsection (32) be inserted in section 101 of the Federal Aviation Act of 1958 (49 U.S.C. 1301) as follows:

Federal Aviation Act of 1958, amendment.

"(32) The term 'special aircraft jurisdiction of the United States' includes the following aircraft while in flight—

72 Stat. 737;

76 Stat. 143.

"(a) civil aircraft of the United States;

"Special aircraft jurisdiction of the United States."

"(b) aircraft of the national defense forces of the United States; and

"(c) any other aircraft—

"(i) within the United States, or

"(ii) outside the United States which has its next scheduled destination or last point of departure in the United States provided that in either case it next actually lands in the United States.

For the purpose of this definition, an aircraft is considered to be in flight from the moment when power is applied for the purpose of takeoff until the moment when the landing run ends."

(2) Existing subsections (32), (33), (34), and (35) are renumbered (33), (34), (35), and (36), respectively.

82 Stat. 867.

(3) Subsections 902 (i), (j), and (k) of such Act (49 U.S.C. 1472 (i), (j), and (k)) are amended by deleting the words "in flight in air commerce" wherever they appear in those subsections and substituting therefor the words "within the special aircraft jurisdiction of the United States."

75 Stat. 466.

Approved October 14, 1970.

Public Law 91-450

AN ACT

October 14, 1970
[S. 4235]

To continue the jurisdiction of the United States District Court for the District of Puerto Rico over certain cases pending in that court on June 2, 1970.

U.S. District
Court for the
District of Puerto
Rico.
Jurisdiction.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 13 of the Act entitled "An Act to provide for the appointment of additional district judges, and for other purposes", approved June 2, 1970 (Public Law 91-272; 84 Stat. 294), is amended by striking out the period at the end thereof and inserting in lieu thereof the following: "; however, nothing in this section shall impair the jurisdiction of the United States District Court for the District of Puerto Rico to hear and determine any action or matter begun in the court on or before June 2, 1970."

Approved October 14, 1970.

Public Law 91-451

AN ACT

October 14, 1970
[H. R. 12943]

To amend section 3 of the Act of November 2, 1966, to extend for three years the authority to make appropriations to carry out such Act.

Jellyfish
control.
Appropriation.

80 Stat. 1149.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act entitled "An Act to provide for the control or elimination of jellyfish and other such pests in the coastal waters of the United States, and for other purposes", approved November 2, 1966 (16 U.S.C. 1203), is amended by striking out "for the fiscal year ending June 30, 1970" and inserting in lieu thereof "for the period beginning July 1, 1969, and ending June 30, 1973".

Approved October 14, 1970.

Public Law 91-452

AN ACT

October 15, 1970
[S. 30]

Relating to the control of organized crime in the United States.

Organized Crime
Control Act of
1970.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Organized Crime Control Act of 1970."

STATEMENT OF FINDINGS AND PURPOSE

The Congress finds that (1) organized crime in the United States is a highly sophisticated, diversified, and widespread activity that annually drains billions of dollars from America's economy by unlawful conduct and the illegal use of force, fraud, and corruption; (2) organized crime derives a major portion of its power through money

obtained from such illegal endeavors as syndicated gambling, loan sharking, the theft and fencing of property, the importation and distribution of narcotics and other dangerous drugs, and other forms of social exploitation; (3) this money and power are increasingly used to infiltrate and corrupt legitimate business and labor unions and to subvert and corrupt our democratic processes; (4) organized crime activities in the United States weaken the stability of the Nation's economic system, harm innocent investors and competing organizations, interfere with free competition, seriously burden interstate and foreign commerce, threaten the domestic security, and undermine the general welfare of the Nation and its citizens; and (5) organized crime continues to grow because of defects in the evidence-gathering process of the law inhibiting the development of the legally admissible evidence necessary to bring criminal and other sanctions or remedies to bear on the unlawful activities of those engaged in organized crime and because the sanctions and remedies available to the Government are unnecessarily limited in scope and impact.

It is the purpose of this Act to seek the eradication of organized crime in the United States by strengthening the legal tools in the evidence-gathering process, by establishing new penal prohibitions, and by providing enhanced sanctions and new remedies to deal with the unlawful activities of those engaged in organized crime.

TITLE I—SPECIAL GRAND JURY

SEC. 101. (a) Title 18, United States Code, is amended by adding immediately after chapter 215 the following new chapter:

62 Stat. 829.
18 USC 3321.

“Chapter 216.—SPECIAL GRAND JURY

“Sec.

“3331. Summoning and term.

“3332. Powers and duties.

“3333. Reports.

“3334. General provisions.

“§ 3331. Summoning and term

“(a) In addition to such other grand juries as shall be called from time to time, each district court which is located in a judicial district containing more than four million inhabitants or in which the Attorney General, the Deputy Attorney General, or any designated Assistant Attorney General, certifies in writing to the chief judge of the district that in his judgment a special grand jury is necessary because of criminal activity in the district shall order a special grand jury to be summoned at least once in each period of eighteen months unless another special grand jury is then serving. The grand jury shall serve for a term of eighteen months unless an order for its discharge is

entered earlier by the court upon a determination of the grand jury by majority vote that its business has been completed. If, at the end of such term or any extension thereof, the district court determines the business of the grand jury has not been completed, the court may enter an order extending such term for an additional period of six months. No special grand jury term so extended shall exceed thirty-six months, except as provided in subsection (e) of section 3333 of this chapter.

“(b) If a district court within any judicial circuit fails to extend the term of a special grand jury or enters an order for the discharge of such grand jury before such grand jury determines that it has completed its business, the grand jury, upon the affirmative vote of a majority of its members, may apply to the chief judge of the circuit for an order for the continuance of the term of the grand jury. Upon the making of such an application by the grand jury, the term thereof shall continue until the entry upon such application by the chief judge of the circuit of an appropriate order. No special grand jury term so extended shall exceed thirty-six months, except as provided in subsection (e) of section 3333 of this chapter.

“§ 3332. Powers and duties

“(a) It shall be the duty of each such grand jury impaneled within any judicial district to inquire into offenses against the criminal laws of the United States alleged to have been committed within that district. Such alleged offenses may be brought to the attention of the grand jury by the court or by any attorney appearing on behalf of the United States for the presentation of evidence. Any such attorney receiving information concerning such an alleged offense from any other person shall, if requested by such other person, inform the grand jury of such alleged offense, the identity of such other person, and such attorney's action or recommendation.

“(b) Whenever the district court determines that the volume of business of the special grand jury exceeds the capacity of the grand jury to discharge its obligations, the district court may order an additional special grand jury for that district to be impaneled.

“§ 3333. Reports

“(a) A special grand jury impaneled by any district court, with the concurrence of a majority of its members, may, upon completion of its original term, or each extension thereof, submit to the court a report—

“(1) concerning noncriminal misconduct, malfeasance, or misfeasance in office involving organized criminal activity by an appointed public officer or employee as the basis for a recommendation of removal or disciplinary action; or

“(2) regarding organized crime conditions in the district.

“(b) The court to which such report is submitted shall examine it and the minutes of the special grand jury and, except as otherwise provided in subsections (c) and (d) of this section, shall make an order accepting and filing such report as a public record only if the court is satisfied that it complies with the provisions of subsection (a) of this section and that—

“(1) the report is based upon facts revealed in the course of an investigation authorized by subsection (a) of section 3332 and is supported by the preponderance of the evidence; and

“(2) when the report is submitted pursuant to paragraph (1) of subsection (a) of this section, each person named therein and any reasonable number of witnesses in his behalf as designated by him to the foreman of the grand jury were afforded an opportu-

Examination;
filing as public
record.

nity to testify before the grand jury prior to the filing of such report, and when the report is submitted pursuant to paragraph (2) of subsection (a) of this section, it is not critical of an identified person.

“(c) (1) An order accepting a report pursuant to paragraph (1) of subsection (a) of this section and the report shall be sealed by the court and shall not be filed as a public record or be subject to subpoena or otherwise made public (i) until at least thirty-one days after a copy of the order and report are served upon each public officer or employee named therein and an answer has been filed or the time for filing an answer has expired, or (ii) if an appeal is taken, until all rights of review of the public officer or employee named therein have expired or terminated in an order accepting the report. No order accepting a report pursuant to paragraph (1) of subsection (a) of this section shall be entered until thirty days after the delivery of such report to the public officer or body pursuant to paragraph (3) of subsection (c) of this section. The court may issue such orders as it shall deem appropriate to prevent unauthorized publication of a report. Unauthorized publication may be punished as contempt of the court.

Report, copy
to public officers.

“(2) Such public officer or employee may file with the clerk a verified answer to such a report not later than twenty days after service of the order and report upon him. Upon a showing of good cause, the court may grant such public officer or employee an extension of time within which to file such answer and may authorize such limited publication of the report as may be necessary to prepare such answer. Such an answer shall plainly and concisely state the facts and law constituting the defense of the public officer or employee to the charges in said report, and, except for those parts thereof which the court determines to have been inserted scandalously, prejudicially, or unnecessarily, such answer shall become an appendix to the report.

Answer, filing.

“(3) Upon the expiration of the time set forth in paragraph (1) of subsection (c) of this section, the United States attorney shall deliver a true copy of such report, and the appendix, if any, for appropriate action to each public officer or body having jurisdiction, responsibility, or authority over each public officer or employee named in the report.

“(d) Upon the submission of a report pursuant to subsection (a) of this section, if the court finds that the filing of such report as a public record may prejudice fair consideration of a pending criminal matter, it shall order such report sealed and such report shall not be subject to subpoena or public inspection during the pendency of such criminal matter, except upon order of the court.

“(e) Whenever the court to which a report is submitted pursuant to paragraph (1) of subsection (a) of this section is not satisfied that the report complies with the provisions of subsection (b) of this section, it may direct that additional testimony be taken before the same grand jury, or it shall make an order sealing such report, and it shall not be filed as a public record or be subject to subpoena or otherwise made public until the provisions of subsection (b) of this section are met. A special grand jury term may be extended by the district court beyond thirty-six months in order that such additional testimony may be taken or the provisions of subsection (b) of this section may be met.

Additional
testimony.

“(f) As used in this section, ‘public officer or employee’ means any officer or employee of the United States, any State, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any political subdivision, or any department, agency, or instrumentality thereof.

Special grand
jury term, extension.

“Public officer
or employee.”

“§ 3334. General provisions

62 Stat. 829.
18 USC 3321.
18 USC app.

“The provisions of chapter 215, title 18, United States Code, and the Federal Rules of Criminal Procedure applicable to regular grand juries shall apply to special grand juries to the extent not inconsistent with sections 3331, 3332, or 3333 of this chapter.”

(b) The part analysis of part II, title 18, United States Code, is amended by adding immediately after

“215. Grand Jury..... 3321”
the following new item:

“216. Special Grand Jury..... 3331.”

71 Stat. 595.

SEC. 102. (a) Subsection (a), section 3500, chapter 223, title 18, United States Code, is amended by striking “to an agent of the Government” following “the defendant”.

(b) Subsection (d), section 3500, chapter 223, title 18, United States Code, is amended by striking “paragraph” following “the court under” and inserting in lieu thereof “subsection”.

(c) Paragraph (1), subsection (e), section 3500, chapter 223, title 18, United States Code, is amended by striking the “or” following the semicolon.

(d) Paragraph (2), subsection (e), section 3500, chapter 223, title 18, United States Code, is amended by striking “to an agent of the Government” after “said witness” and by striking the period at the end thereof and inserting in lieu thereof: “; or (3) a statement, however taken or recorded, or a transcription thereof, if any, made by said witness to a grand jury.”.

TITLE II—GENERAL IMMUNITY

62 Stat. 856.
18 USC 5001.

SEC. 201. (a) Title 18, United States Code, is amended by adding immediately after part IV the following new part:

“PART V.—IMMUNITY OF WITNESSES

“Sec.

“6001. Definitions.

“6002. Immunity generally.

“6003. Court and grand jury proceedings.

“6004. Certain administrative proceedings.

“6005. Congressional proceedings.

“§ 6001. Definitions

“As used in this part—

80 Stat. 378,
948.

“(1) ‘agency of the United States’ means any executive department as defined in section 101 of title 5, United States Code, a military department as defined in section 102 of title 5, United States Code, the Atomic Energy Commission, the China Trade Act registrar appointed under 53 Stat. 1432 (15 U.S.C. sec. 143), the Civil Aeronautics Board, the Federal Communications Commission, the Federal Deposit Insurance Corporation, the Federal Maritime Commission, the Federal Power Commission, the Federal Trade Commission, the Interstate Commerce Commission, the National Labor Relations Board, the National Transportation Safety Board, the Railroad Retirement Board, an arbitration board established under 48 Stat. 1193 (45 U.S.C. sec. 157), the Securities and Exchange Commission, the Subversive Activities Control Board, or a board established under 49 Stat. 31 (15 U.S.C. sec. 715d);

“(2) ‘other information’ includes any book, paper, document, record, recording, or other material;

“(3) ‘proceeding before an agency of the United States’ means any proceeding before such an agency with respect to which it is

Post, p. 930.

authorized to issue subpoenas and to take testimony or receive other information from witnesses under oath; and

“(4) ‘court of the United States’ means any of the following courts: the Supreme Court of the United States, a United States court of appeals, a United States district court established under chapter 5, title 28, United States Code, the District of Columbia Court of Appeals, the Superior Court of the District of Columbia, the District Court of Guam, the District Court of the Virgin Islands, the United States Court of Claims, the United States Court of Customs and Patent Appeals, the Tax Court of the United States, the Customs Court, and the Court of Military Appeals.

62 Stat. 872;
Ante, p. 294.
28 USC 81.

“§ 6002. Immunity generally

“Whenever a witness refuses, on the basis of his privilege against self-incrimination, to testify or provide other information in a proceeding before or ancillary to—

“(1) a court or grand jury of the United States,

“(2) an agency of the United States, or

“(3) either House of Congress, a joint committee of the two

Houses, or a committee or a subcommittee of either House, and the person presiding over the proceeding communicates to the witness an order issued under this part, the witness may not refuse to comply with the order on the basis of his privilege against self-incrimination; but no testimony or other information compelled under the order (or any information directly or indirectly derived from such testimony or other information) may be used against the witness in any criminal case, except a prosecution for perjury, giving a false statement, or otherwise failing to comply with the order.

“§ 6003. Court and grand jury proceedings

“(a) In the case of any individual who has been or may be called to testify or provide other information at any proceeding before or ancillary to a court of the United States or a grand jury of the United States, the United States district court for the judicial district in which the proceeding is or may be held shall issue, in accordance with subsection (b) of this section, upon the request of the United States attorney for such district, an order requiring such individual to give testimony or provide other information which he refuses to give or provide on the basis of his privilege against self-incrimination, such order to become effective as provided in section 6002 of this part.

“(b) A United States attorney may, with the approval of the Attorney General, the Deputy Attorney General, or any designated Assistant Attorney General, request an order under subsection (a) of this section when in his judgment—

“(1) the testimony or other information from such individual may be necessary to the public interest; and

“(2) such individual has refused or is likely to refuse to testify or provide other information on the basis of his privilege against self-incrimination.

“§ 6004. Certain administrative proceedings

“(a) In the case of any individual who has been or who may be called to testify or provide other information at any proceeding before an agency of the United States, the agency may, with the approval of the Attorney General, issue, in accordance with subsection (b) of this section, an order requiring the individual to give testimony or provide other information which he refuses to give or provide on the basis of his privilege against self-incrimination, such order to become effective as provided in section 6002 of this part.

“(b) An agency of the United States may issue an order under subsection (a) of this section only if in its judgment—

“(1) the testimony or other information from such individual may be necessary to the public interest; and

“(2) such individual has refused or is likely to refuse to testify or provide other information on the basis of his privilege against self-incrimination.

“§ 6005. Congressional proceedings

“(a) In the case of any individual who has been or may be called to testify or provide other information at any proceeding before either House of Congress, or any committee, or any subcommittee of either House, or any joint committee of the two Houses, a United States district court shall issue, in accordance with subsection (b) of this section, upon the request of a duly authorized representative of the House of Congress or the committee concerned, an order requiring such individual to give testimony or provide other information which he refuses to give or provide on the basis of his privilege against self-incrimination, such order to become effective as provided in section 6002 of this part.

“(b) Before issuing an order under subsection (a) of this section, a United States district court shall find that—

“(1) in the case of a proceeding before either House of Congress, the request for such an order has been approved by an affirmative vote of a majority of the Members present of that House;

“(2) in the case of a proceeding before a committee or a subcommittee of either House of Congress or a joint committee of both Houses, the request for such an order has been approved by an affirmative vote of two-thirds of the members of the full committee; and

“(3) ten days or more prior to the day on which the request for such an order was made, the Attorney General was served with notice of an intention to request the order

“(c) Upon application of the Attorney General, the United States district court shall defer the issuance of any order under subsection (a) of this section for such period, not longer than twenty days from the date of the request for such order, as the Attorney General may specify.”

(b) The table of parts for title 18, United States Code, is amended by adding at the end thereof the following:

“V. Immunity of Witnesses..... 6001”.

SEC. 202. The third sentence of paragraph (b) of section 6 of the Commodity Exchange Act (69 Stat. 160; 7 U.S.C. 15) is amended by striking “49 U.S.C. 12, 46, 47, 48, relating to the attendance and testimony of witnesses, the production of documentary evidence, and the immunity of witnesses” and by inserting in lieu thereof the following: “(49 U.S.C. § 12), relating to the attendance and testimony of witnesses and the production of documentary evidence.”

Repeal.

SEC. 203. Subsection (f) of section 17 of the United States Grain Standards Act (82 Stat. 768; 7 U.S.C. § 87f(f)), is repealed.

SEC. 204. The second sentence of section 5 of the Act entitled “An Act to regulate the marketing of economic poisons and devices, and for other purposes”, approved June 25, 1947 (61 Stat. 168; 7 U.S.C. § 135c), is amended by inserting after “section”, the following language: “, or any evidence which is directly or indirectly derived from such evidence.”

Repeal.

SEC. 205. Subsection (f) of section 13 of the Perishable Agricultural Commodities Act, 1930 (46 Stat. 536; 7 U.S.C. § 499m(f)), is repealed.

SEC. 206. (a) Section 16 of the Cotton Research and Promotion Act (80 Stat. 285; 7 U.S.C. § 2115) is amended by striking “(a)” and by striking subsection (b).

(b) The section heading for such section 16 is amended by striking “: Self-Incrimination”.

SEC. 207. Clause (10) of subsection (a) of section 7 of the Act entitled “An Act to establish a uniform system of bankruptcy throughout the United States”, approved July 1, 1898 (52 Stat. 847; 11 U.S.C. § 25(a)(10)), is amended by inserting after the first use of the term “testimony” the following language: “, or any evidence which is directly or indirectly derived from such testimony,”.

SEC. 208. The fourth sentence of subsection (d) of section 10 of the Federal Deposit Insurance Act (64 Stat. 882; 12 U.S.C. § 1820(d)), is repealed.

Repeal.

SEC. 209. The seventh paragraph under the center heading “DEPARTMENT OF JUSTICE” in the first section of the Act of February 25, 1903 (32 Stat. 904; 15 U.S.C. § 32), is amended by striking “: Provided, That” and all that follows in that paragraph and inserting in lieu thereof a period.

SEC. 210. The Act of June 30, 1906 (34 Stat. 798; 15 U.S.C. § 33), is repealed.

Repeals.

SEC. 211. The seventh paragraph of section 9 of the Federal Trade Commission Act (38 Stat. 722; 15 U.S.C. § 49), is repealed.

SEC. 212. Subsection (d) of section 21 of the Securities Exchange Act of 1934 (48 Stat. 899; 15 U.S.C. § 78u(d)), is repealed.

SEC. 213. Subsection (c) of section 22 of the Securities Act of 1933 (48 Stat. 86; 15 U.S.C. § 77v(c)), is repealed.

SEC. 214. Subsection (e) of section 18 of the Public Utility Holding Company Act of 1935 (49 Stat. 831; 15 U.S.C. § 79r(e)), is repealed.

SEC. 215. Subsection (d) of section 42 of the Investment Company Act of 1940 (54 Stat. 842; 15 U.S.C. § 80a-41(d)), is repealed.

SEC. 216. Subsection (d) of section 209 of the Investment Advisers Act of 1940 (54 Stat. 853; 15 U.S.C. § 80b-9(d)), is repealed.

SEC. 217. Subsection (c) of section 15 of the China Trade Act, 1922 (42 Stat. 953; 15 U.S.C. § 155(c)), is repealed.

42 Stat. 853.

SEC. 218. Subsection (h) of section 14 of the Natural Gas Act (52 Stat. 828; 15 U.S.C. § 717m(h)), is repealed.

SEC. 219. The first proviso of section 12 of the Act entitled “An Act to regulate the interstate distribution and sale of packages of hazardous substances intended or suitable for household use,” approved July 12, 1960 (74 Stat. 379; 15 U.S.C. § 1271), is amended by inserting after “section” the following language: “, or any evidence which is directly or indirectly derived from such evidence,”.

SEC. 220. Subsection (e) of section 1415 of the Interstate Land Sales Full Disclosure Act (82 Stat. 596; 15 U.S.C. § 1714(e)), is repealed.

Repeals.

SEC. 221. Subsection (g) of section 307 of the Federal Power Act (49 Stat. 856; 16 U.S.C. § 825f(g)), is repealed.

SEC. 222. Subsection (b) of section 835 of title 18, United States Code, is amended by striking the third sentence thereof.

74 Stat. 811.

SEC. 223. (a) Section 895 of title 18, United States Code, is repealed.

Repeal.
82 Stat. 162.

(b) The table of sections of chapter 42 of such title is amended by striking the item relating to section 895.

SEC. 224. (a) Section 1406 of title 18, United States Code, is repealed.

Repeal.
70 Stat. 574.

(b) The table of sections of chapter 68 of such title is amended by striking the item relating to section 1406.

76 Stat. 42.

SEC. 225. Section 1954 of title 18, United States Code, is amended by striking “(a) Whoever” and inserting in lieu thereof “Whoever” and by striking subsection (b) thereof.

62 Stat. 813.

SEC. 226. The second sentence of subsection (b), section 2424, title 18, United States Code, is amended by striking “but no person” and all that follows in that subsection and inserting in lieu thereof: “but no information contained in the statement or any evidence which is directly or indirectly derived from such information may be used against any person making such statement in any criminal case, except a prosecution for perjury, giving a false statement or otherwise failing to comply with this section.”

Repeal, effective date.
82 Stat. 216.

SEC. 227. (a) Section 2514 of title 18, United States Code, is repealed effective four years after the effective date of this Act.

(b) The table of sections of chapter 119 of such title is amended by striking the item relating to section 2514.

Repeal.
68 Stat. 745.

SEC. 228. (a) Section 3486 of title 18, United States Code, is repealed.

(b) The table of sections of chapter 223 of such title is amended by striking the item relating to section 3486.

SEC. 229. Subsection (e) of section 333 of the Tariff Act of 1930 (46 Stat. 699; 19 U.S.C. § 1333(e)), is amended by striking “: *Provided*, That” and all that follows in that subsection and inserting in lieu thereof a period.

SEC. 230. The first proviso of section 703 of the Federal Food, Drug, and Cosmetic Act, approved June 25, 1938 (52 Stat. 1057; 21 U.S.C. § 373), is amended by inserting after “section” the following language: “, or any evidence which is directly or indirectly derived from such evidence.”

Repeal.
68A Stat. 586.
26 USC 4874.

SEC. 231. (a) Section 4874 of the Internal Revenue Code of 1954 is repealed.

(b) The table of sections of part III of subchapter (D) of chapter 39 of such Code is amended by striking the item relating to section 4874.

Repeal.
68A Stat. 893.

SEC. 232. Section 7493 of the Internal Revenue Code of 1954 is repealed.

SEC. 233. The table of sections of part III of subchapter (E) of chapter 76 of the Internal Revenue Code of 1954 is amended by striking the item relating to section 7493.

Repeal.
61 Stat. 150.

SEC. 234. Paragraph (3) of section 11 of the Labor Management Relations Act, 1947 (49 Stat. 455; 29 U.S.C. § 161(3)), is repealed.

Repeal.

SEC. 235. The third sentence of section 4 of the Act entitled “An Act to provide that tolls on certain bridges over navigable waters of the United States shall be just and reasonable, and for other purposes”, approved August 21, 1935 (49 Stat. 671; 33 U.S.C. § 506), is repealed.

Repeal.
53 Stat. 1368.

SEC. 236. Subsection (f) of section 205 of the Social Security Act (42 U.S.C. § 405(f)) is repealed.

SEC. 237. Paragraph c of section 161 of the Atomic Energy Act of 1954 (68 Stat. 948; 42 U.S.C. § 2201(c)), is amended by striking the third sentence thereof.

Repeals.

SEC. 238. The last sentence of the first paragraph of subparagraph (h) of the paragraph designated “Third” of section 7 of the Railway Labor Act (44 Stat. 582; 45 U.S.C. § 157), is repealed.

SEC. 239. Subsection (c) of section 12 of the Railroad Unemployment Insurance Act (52 Stat. 1107; 45 U.S.C. § 362(c)), is repealed.

SEC. 240. Section 28 of the Shipping Act of 1916 (39 Stat. 737; 46 U.S.C. § 827), is repealed.

SEC. 241. Subsection (c) of section 214 of the Merchant Marine Act, 1936 (49 Stat. 1991; 46 U.S.C. § 1124(c)), is repealed.

66 Stat. 722.

SEC. 242. Subsection (i) of section 409 of the Communications Act of 1934 (48 Stat. 1096; 47 U.S.C. § 409 (1)), is repealed.

SEC. 243. (a) The second sentence of section 9 of the Interstate Commerce Act (24 Stat. 382; 49 U.S.C. § 9), is amended by striking “; the claim” and all that follows in that sentence and inserting in lieu thereof a period.

(b) Subsection (a) of section 316 of the Interstate Commerce Act (54 Stat. 946; 49 U.S.C. § 916(a)), is amended by striking the comma following “part I” and by striking “, and the Immunity of Witnesses Act (34 Stat. 798; 32 Stat. 904, ch. 755, sec. 1),”.

(c) Subsection (a) of section 417 of the Interstate Commerce Act (49 U.S.C. § 1017(a)), is amended by striking the comma after “such provisions” and by striking “, and of the Immunity of Witnesses Act (34 Stat. 798; 32 Stat. 904, ch. 755, sec. 1),”.

56 Stat. 297.

SEC. 244. The third sentence of section 3 of the Act entitled “An Act to further regulate Commerce with foreign nations and among the States”, approved February 19, 1903 (32 Stat. 848; 49 U.S.C. § 43), is amended by striking “; the claim” and all that follows in that sentence down through and including “*Provided*, That the provisions” and inserting in lieu thereof “. The provisions”.

SEC. 245. The first paragraph of the Act of February 11, 1893 (27 Stat. 443; 49 U.S.C. § 46), repealed.

Repeals.

SEC. 246. Subsection (i) of section 1004 of the Federal Aviation Act of 1958 (72 Stat. 792; 49 U.S.C. § 1484(i)), is repealed.

SEC. 247. The ninth sentence of subsection (c) of section 13 of the Internal Security Act of 1950 (81 Stat. 768; 50 U.S.C. § 792(c)), is repealed.

SEC. 248. Section 1302 of the Second War Powers Act of 1942 (56 Stat. 185; 50 U.S.C. App. § 643a), is amended by striking the fourth sentence thereof.

SEC. 249. Paragraph (4) of subsection (a) of section 2 of the Act entitled “An Act to expedite national defense, and for other purposes”, approved June 28, 1940 (54 Stat. 676; 50 U.S.C. App. § 1152(a)(4)), is amended by striking the fourth sentence thereof.

56 Stat. 179.

SEC. 250. Subsection (d) of section 6 of the Export Control Act of 1949 (63 Stat. 8; 50 U.S.C. App. § 2026(b)), is repealed.

SEC. 251. Subsection (b) of section 705 of the Act of September 8, 1950, to amend the Tariff Act of 1930 (64 Stat. 816; 50 U.S.C. § 2155(b)), is repealed.

SEC. 252. Section 23-545 of the District of Columbia Code is repealed.

Ante, p. 619.

SEC. 253. Section 42 of the Act of October 9, 1940, 54 Stat. 1082 (D.C. Code, sec. 35-1346), is repealed.

SEC. 254. Section 2 of the Act of June 19, 1934, 48 Stat. 1176 (section 35-802, District of Columbia Code), is repealed.

SEC. 255. Section 29 of the Act of March 4, 1922, 42 Stat. 414 (section 35-1129, District of Columbia Code), is repealed.

SEC. 256. Section 9 of the Act of February 7, 1914, 38 Stat. 282, as amended (section 22-2721, District of Columbia Code), is repealed.

SEC. 257. Section 5 of the Act of February 7, 1914, 38 Stat. 281 (section 22-2717, District of Columbia Code), is amended by striking out “2721” and inserting in lieu thereof “2720”.

SEC. 258. Section 8 of the Act of February 7, 1914, 38 Stat. 282 (section 22-2720, District of Columbia Code), is amended by striking out “2721” and inserting in lieu thereof “2720”.

SEC. 259. In addition to the provisions of law specifically amended or specifically repealed by this title, any other provision of law inconsistent with the provisions of part V of title 18, United States Code (adding by title II of this Act), is to that extent amended or repealed.

Ante, p. 926.

SEC. 260. The provisions of part V of title 18, United States Code, added by title II of this Act, and the amendments and repeals made by

Effective date.

title II of this Act, shall take effect on the sixtieth day following the date of the enactment of this Act. No amendment to or repeal of any provision of law under title II of this Act shall affect any immunity to which any individual is entitled under such provision by reason of any testimony or other information given before such day.

TITLE III—RECALCITRANT WITNESSES

SEC. 301. (a) Chapter 119, title 28, United States Code, is amended by adding at the end thereof the following new section:

“§ 1826. Recalcitrant witnesses

“(a) Whenever a witness in any proceeding before or ancillary to any court or grand jury of the United States refuses without just cause shown to comply with an order of the court to testify or provide other information, including any book, paper, document, record, recording or other material, the court, upon such refusal, or when such refusal is duly brought to its attention, may summarily order his confinement at a suitable place until such time as the witness is willing to give such testimony or provide such information. No period of such confinement shall exceed the life of—

“(1) the court proceeding, or

“(2) the term of the grand jury, including extensions, before which such refusal to comply with the court order occurred, but in no event shall such confinement exceed eighteen months.

“(b) No person confined pursuant to subsection (a) of this section shall be admitted to bail pending the determination of an appeal taken by him from the order for his confinement if it appears that the appeal is frivolous or taken for delay. Any appeal from an order of confinement under this section shall be disposed of as soon as practicable, but not later than thirty days from the filing of such appeal.”

(b) The analysis of chapter 119, title 28, United States Code, is amended by adding at the end thereof the following new item:

“1826. Recalcitrant witnesses.”.

SEC. 302. (a) The first paragraph of section 1073, chapter 49, title 18, United States Code, is amended by inserting “or (3) to avoid service of, or contempt proceedings for alleged disobedience of, lawful process requiring attendance and the giving of testimony or the production of documentary evidence before an agency of a State empowered by the law of such State to conduct investigations of alleged criminal activities,” immediately after “is charged,”.

(b) The second paragraph of section 1073, chapter 49, title 18, United States Code, is amended by inserting immediately after “held in custody or confinement” a comma and adding “or in which an avoidance of service of process or a contempt referred to in clause (3) of the first paragraph of this section is alleged to have been committed,”.

TITLE IV—FALSE DECLARATIONS

SEC. 401. (a) Chapter 79, title 18, United States Code, is amended by adding at the end thereof the following new section:

“§ 1623. False declarations before grand jury or court

“(a) Whoever under oath in any proceeding before or ancillary to any court or grand jury of the United States knowingly makes any false material declaration or makes or uses any other information, including any book, paper, document, record, recording, or other material, knowing the same to contain any false material declaration, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

62 Stat. 950;
82 Stat. 62.
28 USC 1821-
1825.

75 Stat. 795.

62 Stat. 773;
78 Stat. 995.
18 USC 1621-
1622.

“(b) This section is applicable whether the conduct occurred within or without the United States.

“(c) An indictment or information for violation of this section alleging that, in any proceedings before or ancillary to any court or grand jury of the United States, the defendant under oath has knowingly made two or more declarations, which are inconsistent to the degree that one of them is necessarily false, need not specify which declaration is false if—

“(1) each declaration was material to the point in question, and

“(2) each declaration was made within the period of the statute of limitations for the offense charged under this section.

In any prosecution under this section, the falsity of a declaration set forth in the indictment or information shall be established sufficient for conviction by proof that the defendant while under oath made irreconcilably contradictory declarations material to the point in question in any proceeding before or ancillary to any court or grand jury. It shall be a defense to an indictment or information made pursuant to the first sentence of this subsection that the defendant at the time he made each declaration believed the declaration was true.

“(d) Where, in the same continuous court or grand jury proceeding in which a declaration is made, the person making the declaration admits such declaration to be false, such admission shall bar prosecution under this section if, at the time the admission is made, the declaration has not substantially affected the proceeding, or it has not become manifest that such falsity has been or will be exposed.

“(e) Proof beyond a reasonable doubt under this section is sufficient for conviction. It shall not be necessary that such proof be made by any particular number of witnesses or by documentary or other type of evidence.”

(b) The analysis of chapter 79, title 18, United States Code, is amended by adding at the end thereof the following new item:

“1623. False declarations before grand jury or court.”

TITLE V—PROTECTED FACILITIES FOR HOUSING GOVERNMENT WITNESSES

SEC. 501. The Attorney General of the United States is authorized to provide for the security of Government witnesses, potential Government witnesses, and the families of Government witnesses and potential witnesses in legal proceedings against any person alleged to have participated in an organized criminal activity.

SEC. 502. The Attorney General of the United States is authorized to rent, purchase, modify, or remodel protected housing facilities and to otherwise offer to provide for the health, safety, and welfare of witnesses and persons intended to be called as Government witnesses, and the families of witnesses and persons intended to be called as Government witnesses in legal proceedings instituted against any person alleged to have participated in an organized criminal activity whenever, in his judgment, testimony from, or a willingness to testify by, such a witness would place his life or person, or the life or person of a member of his family or household, in jeopardy. Any person availing himself of an offer by the Attorney General to use such facilities may continue to use such facilities for as long as the Attorney General determines the jeopardy to his life or person continues.

SEC. 503. As used in this title, “Government” means the United States, any State, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, any political subdivision, or any department, agency, or instrumentality thereof. The offer of facilities to witnesses may be conditioned by

“Government.”

the Attorney General upon reimbursement in whole or in part to the United States by any State or any political subdivision, or any department, agency, or instrumentality thereof of the cost of maintaining and protecting such witnesses.

Appropriation.

SEC. 504. There is hereby authorized to be appropriated from time to time such funds as are necessary to carry out the provisions of this title.

TITLE VI—DEPOSITIONS

62 Stat. 832;
82 Stat. 210.
18 USC 3481-
3502.

SEC. 601. (a) Chapter 223, title 18, United States Code, is amended by adding at the end thereof the following new section:

“§ 3503. Depositions to preserve testimony

“(a) Whenever due to exceptional circumstances it is in the interest of justice that the testimony of a prospective witness of a party be taken and preserved, the court at any time after the filing of an indictment or information may upon motion of such party and notice to the parties order that the testimony of such witness be taken by deposition and that any designated book, paper, document, record, recording, or other material not privileged be produced at the same time and place. If a witness is committed for failure to give bail to appear to testify at a trial or hearing, the court on written motion of the witness and upon notice to the parties may direct that his deposition be taken. After the deposition has been subscribed the court may discharge the witness. A motion by the Government to obtain an order under this section shall contain certification by the Attorney General or his designee that the legal proceeding is against a person who is believed to have participated in an organized criminal activity.

Notice.

“(b) The party at whose instance a deposition is to be taken shall give to every party reasonable written notice of the time and place for taking the deposition. The notice shall state the name and address of each person to be examined. On motion of a party upon whom the notice is served, the court for cause shown may extend or shorten the time or change the place for taking the deposition. The officer having custody of a defendant shall be notified of the time and place set for the examination, and shall produce him at the examination and keep him in the presence of the witness during the examination. A defendant not in custody shall have the right to be present at the examination, but his failure, absent good cause shown, to appear after notice and tender of expenses shall constitute a waiver of that right and of any objection to the taking and use of the deposition based upon that right.

Counsel, appointment.

“(c) If a defendant is without counsel, the court shall advise him of his rights and assign counsel to represent him unless the defendant elects to proceed without counsel or is able to obtain counsel of his own choice. Whenever a deposition is taken at the instance of the Government, or whenever a deposition is taken at the instance of a defendant who appears to be unable to bear the expense of the taking of the deposition, the court may direct that the expenses of travel and subsistence of the defendant and his attorney for attendance at the examination shall be paid by the Government. In such event the marshal shall make payment accordingly.

Expenses, payment by U.S.

“(d) A deposition shall be taken and filed in the manner provided in civil actions, provided that (1) in no event shall a deposition be taken of a party defendant without his consent, and (2) the scope of examination and cross-examination shall be such as would be allowed in the trial itself. On request or waiver by the defendant the court may direct that a deposition be taken on written interrogatories in the manner provided in civil actions. Such request shall constitute

a waiver of any objection to the taking and use of the deposition based upon its being so taken.

“(e) The Government shall make available to the defendant for his examination and use at the taking of the deposition any statement of the witness being deposed which is in the possession of the Government and which the Government would be required to make available to the defendant if the witness were testifying at the trial.

Statements of witnesses, availability.

“(f) At the trial or upon any hearing, a part or all of a deposition, so far as otherwise admissible under the rules of evidence, may be used if it appears: That the witness is dead; or that the witness is out of the United States, unless it appears that the absence of the witness was procured by the party offering the deposition; or that the witness is unable to attend or testify because of sickness or infirmity; or that the witness refuses in the trial or hearing to testify concerning the subject of the deposition or part offered; or that the party offering the deposition has been unable to procure the attendance of the witness by subpoena. Any deposition may also be used by any party for the purpose of contradicting or impeaching the testimony of the deponent as a witness. If only a part of a deposition is offered in evidence by a party, an adverse party may require him to offer all of it which is relevant to the part offered and any party may offer other parts.

Depositions, conditions for use.

“(g) Objections to receiving in evidence a deposition or part thereof may be made as provided in civil actions.”

(b) The analysis of chapter 223, title 18, United States Code, is amended by adding at the end thereof the following new item:

“3503. Depositions to preserve testimony.”

TITLE VII—LITIGATION CONCERNING SOURCES OF EVIDENCE

PART A—SPECIAL FINDINGS

SEC. 701. The Congress finds that claims that evidence offered in proceedings was obtained by the exploitation of unlawful acts, and is therefore inadmissible in evidence, (1) often cannot reliably be determined when such claims concern evidence of events occurring years after the allegedly unlawful act, and (2) when the allegedly unlawful act has occurred more than five years prior to the event in question, there is virtually no likelihood that the evidence offered to prove the event has been obtained by the exploitation of that allegedly unlawful act.

PART B—LITIGATION CONCERNING SOURCES OF EVIDENCE

SEC. 702. (a) Chapter 223, title 18, United States Code, is amended by adding at the end thereof the following new section:

Ante, p. 934.

“§ 3504. Litigation concerning sources of evidence

“(a) In any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, or other authority of the United States—

“(1) upon a claim by a party aggrieved that evidence is inadmissible because it is the primary product of an unlawful act or because it was obtained by the exploitation of an unlawful act, the opponent of the claim shall affirm or deny the occurrence of the alleged unlawful act;

“(2) disclosure of information for a determination if evidence is inadmissible because it is the primary product of an unlawful

act occurring prior to June 19, 1968, or because it was obtained by the exploitation of an unlawful act occurring prior to June 19, 1968, shall not be required unless such information may be relevant to a pending claim of such inadmissibility; and

“(3) no claim shall be considered that evidence of an event is inadmissible on the ground that such evidence was obtained by the exploitation of an unlawful act occurring prior to June 19, 1968, if such event occurred more than five years after such allegedly unlawful act.

“Unlawful act.”

82 Stat. 212.

“(b) As used in this section ‘unlawful act’ means any act the use of any electronic, mechanical, or other device (as defined in section 2510(5) of this title) in violation of the Constitution or laws of the United States or any regulation or standard promulgated pursuant thereto.”

(b) The analysis of chapter 223, title 18, United States Code, is amended by adding at the end thereof the following new item:

“3504. Litigation concerning sources of evidence.”

Applicability.

SEC. 703. This title shall apply to all proceedings, regardless of when commenced, occurring after the date of its enactment. Paragraph (3) of subsection (a) of section 3504, chapter 223, title 18, United States Code, shall not apply to any proceeding in which all information to be relied upon to establish inadmissibility was possessed by the party making such claim and adduced in such proceeding prior to such enactment.

TITLE VIII—SYNDICATED GAMBLING

PART A—SPECIAL FINDINGS

SEC. 801. The Congress finds that illegal gambling involves widespread use of, and has an effect upon, interstate commerce and the facilities thereof.

PART B—OBSTRUCTION OF STATE OR LOCAL LAW ENFORCEMENT

62 Stat. 769;
81 Stat. 362.
18 USC 1501-
1510.

SEC. 802. (a) Chapter 73, title 18, United States Code, is amended by adding at the end thereof the following new section:

“§ 1511. Obstruction of State or local law enforcement

“(a) It shall be unlawful for two or more persons to conspire to obstruct the enforcement of the criminal laws of a State or political subdivision thereof, with the intent to facilitate an illegal gambling business if—

“(1) one or more of such persons does any act to effect the object of such a conspiracy;

“(2) one or more of such persons is an official or employee, elected, appointed, or otherwise, of such State or political subdivision; and

“(3) one or more of such persons conducts, finances, manages, supervises, directs, or owns all or part of an illegal gambling business.

Definitions.

“(b) As used in this section—

“(1) ‘illegal gambling business’ means a gambling business which—

“(i) is a violation of the law of a State or political subdivision in which it is conducted;

“(ii) involves five or more persons who conduct, finance, manage, supervise, direct, or own all or part of such business; and

“(iii) has been or remains in substantially continuous operation for a period in excess of thirty days or has a gross revenue of \$2,000 in any single day.

“(2) ‘gambling’ includes but is not limited to pool-selling, bookmaking, maintaining slot machines, roulette wheels, or dice tables, and conducting lotteries, policy, bolita or numbers games, or selling chances therein.

“(3) ‘State’ means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

“(c) This section shall not apply to any bingo game, lottery, or similar game of chance conducted by an organization exempt from tax under paragraph (3) of subsection (c) of section 501 of the Internal Revenue Code of 1954, as amended, if no part of the gross receipts derived from such activity inures to the benefit of any private shareholder, member, or employee of such organization, except as compensation for actual expenses incurred by him in the conduct of such activity.

68A Stat. 163.
26 USC 501.

“(d) Whoever violates this section shall be punished by a fine of not more than \$20,000 or imprisonment for not more than five years, or both.”

Penalty.

(b) The analysis of chapter 73, title 18, United States Code, is amended by adding at the end thereof the following new item:

“1511. Obstruction of State or local law enforcement.”

PART C—ILLEGAL GAMBLING BUSINESS

SEC. 803. (a) Chapter 95, title 18, United States Code, is amended by adding at the end thereof the following new section:

62 Stat. 793;
75 Stat. 492, 498;
76 Stat. 42,
18 USC 1951-
1954.

“§ 1955. Prohibition of illegal gambling businesses

“(a) Whoever conducts, finances, manages, supervises, directs, or owns all or part of an illegal gambling business shall be fined not more than \$20,000 or imprisoned not more than five years, or both.

Penalty.

“(b) As used in this section—

Definitions.

“(1) ‘illegal gambling business’ means a gambling business which—

“(i) is a violation of the law of a State or political subdivision in which it is conducted;

“(ii) involves five or more persons who conduct, finance, manage, supervise, direct, or own all or part of such business; and

“(iii) has been or remains in substantially continuous operation for a period in excess of thirty days or has a gross revenue of \$2,000 in any single day.

“(2) ‘gambling’ includes but is not limited to pool-selling, bookmaking, maintaining slot machines, roulette wheels or dice tables, and conducting lotteries, policy, bolita or numbers games, or selling chances therein.

“(3) ‘State’ means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

“(c) If five or more persons conduct, finance, manage, supervise, direct, or own all or part of a gambling business and such business operates for two or more successive days, then, for the purpose of obtaining warrants for arrests, interceptions, and other searches and seizures, probable cause that the business receives gross revenue in excess of \$2,000 in any single day shall be deemed to have been established.

Seizure and
forfeiture.

“(d) Any property, including money, used in violation of the provisions of this section may be seized and forfeited to the United States. All provisions of law relating to the seizure, summary, and judicial forfeiture procedures, and condemnation of vessels, vehicles, merchandise, and baggage for violation of the customs laws; the disposition of such vessels, vehicles, merchandise, and baggage or the proceeds from such sale; the remission or mitigation of such forfeitures; and the compromise of claims and the award of compensation to informers in respect of such forfeitures shall apply to seizures and forfeitures incurred or alleged to have been incurred under the provisions of this section, insofar as applicable and not inconsistent with such provisions. Such duties as are imposed upon the collector of customs or any other person in respect to the seizure and forfeiture of vessels, vehicles, merchandise, and baggage under the customs laws shall be performed with respect to seizures and forfeitures of property used or intended for use in violation of this section by such officers, agents, or other persons as may be designated for that purpose by the Attorney General.

Exception.

68A Stat. 163,
26 USC 501.

“(e) This section shall not apply to any bingo game, lottery, or similar game of chance conducted by an organization exempt from tax under paragraph (3) of subsection (c) of section 501 of the Internal Revenue Code of 1954, as amended, if no part of the gross receipts derived from such activity inures to the benefit of any private shareholder, member, or employee of such organization except as compensation for actual expenses incurred by him in the conduct of such activity.”

(b) The analysis of chapter 95, title 18, United States Code, is amended by adding at the end thereof the following new item:

“1955. Prohibition of illegal gambling businesses.”

PART D—COMMISSION TO REVIEW NATIONAL POLICY TOWARD GAMBLING

ESTABLISHMENT

SEC. 804. (a) There is hereby established two years after the effective date of this Act a Commission on the Review of the National Policy Toward Gambling.

Members,
appointments.

(b) The Commission shall be composed of fifteen members appointed as follows:

(1) four appointed by the President of the Senate from Members of the Senate, of whom two shall be members of the majority party, and two shall be members of the minority party;

(2) four appointed by the Speaker of the House of Representatives from Members of the House of Representatives, of whom two shall be members of the majority party, and two shall be members of the minority party; and

(3) seven appointed by the President of the United States from persons specially qualified by training and experience to perform the duties of the Commission, none of whom shall be officers of the executive branch of the Government.

(c) The President of the United States shall designate a Chairman from among the members of the Commission. Any vacancy in the Commission shall not affect its powers but shall be filled in the same manner in which the original appointment was made.

Quorum.

(d) Eight members of the Commission shall constitute a quorum.

DUTIES

SEC. 805. (a) It shall be the duty of the Commission to conduct a comprehensive legal and factual study of gambling in the United States and existing Federal, State, and local policy and practices with respect to legal prohibition and taxation of gambling activities and to formulate and propose such changes in those policies and practices as the Commission may deem appropriate. In such study and review the Commission shall—

Gambling, study
and review.

(1) review the effectiveness of existing practices in law enforcement, judicial administration, and corrections in the United States and in foreign legal jurisdictions for the enforcement of the prohibition and taxation of gambling activities and consider possible alternatives to such practices; and

Law enforce-
ment.

(2) prepare a study of existing statutes of the United States that prohibit and tax gambling activities, and such a codification, revision, or repeal thereof as the Commission shall determine to be required to carry into effect such policy and practice changes as it may deem to be necessary or desirable.

Legislation.

(b) The Commission shall make such interim reports as it deems advisable. It shall make a final report of its findings and recommendations to the President of the United States and to the Congress within the four-year period following the establishment of the Commission.

Reports to
President and
Congress.

(c) Sixty days after the submission of its final report, the Commission shall cease to exist.

Termination.

POWERS

SEC. 806. (a) The Commission or any duly authorized subcommittee or member thereof may, for the purpose of carrying out the provisions of this title, hold such hearings, sit and act at such times and places, administer such oaths, and require by subpoena or otherwise the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission or such subcommittee or member may deem advisable. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission or before such subcommittee or member. Subpenas may be issued under the signature of the Chairman or any duly designated member of the Commission, and may be served by any person designated by the Chairman or such member.

Hearings,
subpena powers.

(b) In the case of contumacy or refusal to obey a subpoena issued under subsection (a) by any person who resides, is found, or transacts business within the jurisdiction of any district court of the United States, the district court, at the request of the Chairman of the Commission, shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommittee or member thereof, there to produce evidence if so ordered, or there to give testimony touching the matter under inquiry. Any failure of any such person to obey any such order of the court may be punished by the court as a contempt thereof.

Court order
requiring attend-
ance.

(c) The Commission shall be "an agency of the United States" under subsection (1), section 6001, title 18, United States Code, for the purpose of granting immunity to witnesses.

Ante, p. 926.

(d) Each department, agency, and instrumentality of the executive branch of the Government including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman, on a reimbursable basis or otherwise, such statistical

Federal and
State information
services.

data, reports, and other information as the Commission deems necessary to carry out its functions under this title. The Chairman is further authorized to call upon the departments, agencies, and other offices of the several States to furnish, on a reimbursable basis or otherwise, such statistical data, reports, and other information as the Commission deems necessary to carry out its functions under this title.

COMPENSATION AND EXEMPTION OF MEMBERS

SEC. 807. (a) A member of the Commission who is a Member of Congress or a member of the Federal judiciary shall serve without additional compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of duties vested in the Commission.

(b) A member of the Commission who is not a member of Congress or a member of the Federal judiciary shall receive \$100 per diem when engaged in the actual performance of duties vested in the Commission plus reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties.

STAFF

SEC. 808. (a) Subject to such rules and regulations as may be adopted by the Commission, the Chairman shall have the power to—

(1) appoint and fix the compensation of an Executive Director, and such additional staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of such title; and

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed \$100 a day for individuals.

(b) In making appointments pursuant to this subsection, the Chairman shall include among his appointments individuals determined by the Chairman to be competent social scientists, lawyers, and law enforcement officers.

EXPENSES

Appropriation.

SEC. 809. There are hereby authorized to be appropriated to the Commission such sums as may be necessary to carry this title into effect.

PART E—GENERAL PROVISIONS

82 Stat. 216.

SEC. 810. Paragraph (c), subsection (1), Section 2516, title 18, United States Code, is amended by adding "section 1511 (obstruction of State or local law enforcement)," after "section 1510 (obstruction of criminal investigations)," and by adding "section 1955 (prohibition of business enterprises of gambling)," after "section 1954 (offer, acceptance, or solicitation to influence operations of employee benefit plan),".

State laws,
priority.

SEC. 811. No provision of this title indicates an intent on the part of the Congress to occupy the field in which such provision operates to the exclusion of the law of a State or possession, or a political subdivision of a State or possession, on the same subject matter, or to relieve any person of any obligation imposed by any law of any State or possession, or political subdivision of a State or possession.

TITLE IX—RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS

SEC. 901. (a) Title 18, United States Code, is amended by adding immediately after chapter 95 thereof the following new chapter:

62 Stat. 683.

“Chapter 96.—RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS

“Sec.

“1961. Definitions.

“1962. Prohibited racketeering activities.

“1963. Criminal penalties.

“1964. Civil remedies.

“1965. Venue and process.

“1966. Expedition of actions.

“1967. Evidence.

“1968. Civil investigative demand.

“§ 1961. Definitions

“As used in this chapter—

“(1) ‘racketeering activity’ means (A) any act or threat involving murder, kidnaping, gambling, arson, robbery, bribery, extortion, or dealing in narcotic or other dangerous drugs, which is chargeable under State law and punishable by imprisonment for more than one year; (B) any act which is indictable under any of the following provisions of title 18, United States Code: Section 201 (relating to bribery), section 224 (relating to sports bribery), sections 471, 472, and 473, relating to counterfeiting), section 659 (relating to theft from interstate shipment) if the act indictable under section 659 is felonious, section 664 (relating to embezzlement from pension and welfare funds), sections 891–894 (relating to extortionate credit transactions), section 1084 (relating to the transmission of gambling information), section 1341 (relating to mail fraud), section 1343 (relating to wire fraud), section 1503 (relating to obstruction of justice), section 1510 (relating to obstruction of criminal investigations), section 1511 (relating to the obstruction of State or local law enforcement), section 1951 (relating to interference with commerce, robbery, or extortion), section 1952 (relating to racketeering), section 1953 (relating to interstate transportation of wagering paraphernalia), section 1954 (relating to unlawful welfare fund payments), section 1955 (relating to the prohibition of illegal gambling businesses), sections 2314 and 2315 (relating to interstate transportation of stolen property), sections 2421–24 (relating to white slave traffic), (C) any act which is indictable under title 29, United States Code, section 186 (dealing with restrictions on payments and loans to labor organizations) or section 501(c) (relating to embezzlement from union funds), or (D) any offense involving bankruptcy fraud, fraud in the sale of securities, or the felonious manufacture, importation, receiving, concealment, buying, selling, or otherwise dealing in narcotic or other dangerous drugs, punishable under any law of the United States;

“(2) ‘State’ means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, any political subdivision, or any department, agency, or instrumentality thereof;

“(3) ‘person’ includes any individual or entity capable of holding a legal or beneficial interest in property;

“(4) ‘enterprise’ includes any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity;

76 Stat. 1119.

78 Stat. 203.

62 Stat. 705.

80 Stat. 904.

76 Stat. 41.

82 Stat. 160.

75 Stat. 491.

62 Stat. 763.

70 Stat. 523.

62 Stat. 769.

81 Stat. 362.

Ante, p. 936.

62 Stat. 793.

75 Stat. 498,
492.

76 Stat. 42.

Ante, p. 937.

62 Stat. 806.

61 Stat. 157;
73 Stat. 537, 535.

“(5) ‘pattern of racketeering activity’ requires at least two acts of racketeering activity, one of which occurred after the effective date of this chapter and the last of which occurred within ten years (excluding any period of imprisonment) after the commission of a prior act of racketeering activity;

“(6) ‘unlawful debt’ means a debt (A) incurred or contracted in gambling activity which was in violation of the law of the United States, a State or political subdivision thereof, or which is unenforceable under State or Federal law in whole or in part as to principal or interest because of the laws relating to usury, and (B) which was incurred in connection with the business of gambling in violation of the law of the United States, a State or political subdivision thereof, or the business of lending money or a thing of value at a rate usurious under State or Federal law, where the usurious rate is at least twice the enforceable rate;

“(7) ‘racketeering investigator’ means any attorney or investigator so designated by the Attorney General and charged with the duty of enforcing or carrying into effect this chapter;

“(8) ‘racketeering investigation’ means any inquiry conducted by any racketeering investigator for the purpose of ascertaining whether any person has been involved in any violation of this chapter or of any final order, judgment, or decree of any court of the United States, duly entered in any case or proceeding arising under this chapter;

“(9) ‘documentary material’ includes any book, paper, document, record, recording, or other material; and

“(10) ‘Attorney General’ includes the Attorney General of the United States, the Deputy Attorney General of the United States, any Assistant Attorney General of the United States, or any employee of the Department of Justice or any employee of any department or agency of the United States so designated by the Attorney General to carry out the powers conferred on the Attorney General by this chapter. Any department or agency so designated may use in investigations authorized by this chapter either the investigative provisions of this chapter or the investigative power of such department or agency otherwise conferred by law.

“§ 1962. Prohibited activities

“(a) It shall be unlawful for any person who has received any income derived, directly or indirectly, from a pattern of racketeering activity or through collection of an unlawful debt in which such person has participated as a principal within the meaning of section 2, title 18, United States Code, to use or invest, directly or indirectly, any part of such income, or the proceeds of such income, in acquisition of any interest in, or the establishment or operation of, any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce. A purchase of securities on the open market for purposes of investment, and without the intention of controlling or participating in the control of the issuer, or of assisting another to do so, shall not be unlawful under this subsection if the securities of the issuer held by the purchaser, the members of his immediate family, and his or their accomplices in any pattern or racketeering activity or the collection of an unlawful debt after such purchase do not amount in the aggregate to one percent of the outstanding securities of any one class, and do not confer, either in law or in fact, the power to elect one or more directors of the issuer.

“(b) It shall be unlawful for any person through a pattern of racketeering activity or through collection of an unlawful debt to acquire or maintain, directly or indirectly, any interest in or control

of any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce.

“(c) It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt.

“(d) It shall be unlawful for any person to conspire to violate any of the provisions of subsections (a), (b), or (c) of this section.

“§ 1963. Criminal penalties

“(a) Whoever violates any provision of section 1962 of this chapter shall be fined not more than \$25,000 or imprisoned not more than twenty years, or both, and shall forfeit to the United States (1) any interest he has acquired or maintained in violation of section 1962, and (2) any interest in, security of, claim against, or property or contractual right of any kind affording a source of influence over, any enterprise which he has established, operated, controlled, conducted, or participated in the conduct of, in violation of section 1962.

“(b) In any action brought by the United States under this section, the district courts of the United States shall have jurisdiction to enter such restraining orders or prohibitions, or to take such other actions, including, but not limited to, the acceptance of satisfactory performance bonds, in connection with any property or other interest subject to forfeiture under this section, as it shall deem proper.

Court restraining orders.

“(c) Upon conviction of a person under this section, the court shall authorize the Attorney General to seize all property or other interest declared forfeited under this section upon such terms and conditions as the court shall deem proper. If a property right or other interest is not exercisable or transferable for value by the United States, it shall expire, and shall not revert to the convicted person. All provisions of law relating to the disposition of property, or the proceeds from the sale thereof, or the remission or mitigation of forfeitures for violation of the customs laws, and the compromise of claims and the award of compensation to informers in respect of such forfeitures shall apply to forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as applicable and not inconsistent with the provisions hereof. Such duties as are imposed upon the collector of customs or any other person with respect to the disposition of property under the customs laws shall be performed under this chapter by the Attorney General. The United States shall dispose of all such property as soon as commercially feasible, making due provision for the rights of innocent persons.

Property, seizure and disposition.

“§ 1964. Civil remedies

“(a) The district courts of the United States shall have jurisdiction to prevent and restrain violations of section 1962 of this chapter by issuing appropriate orders, including, but not limited to: ordering any person to divest himself of any interest, direct or indirect, in any enterprise; imposing reasonable restrictions on the future activities or investments of any person, including, but not limited to, prohibiting any person from engaging in the same type of endeavor as the enterprise engaged in, the activities of which affect interstate or foreign commerce; or ordering dissolution or reorganization of any enterprise, making due provision for the rights of innocent persons.

Jurisdiction.

“(b) The Attorney General may institute proceedings under this section. In any action brought by the United States under this section, the court shall proceed as soon as practicable to the hearing and determination thereof. Pending final determination thereof, the court may at any time enter such restraining orders or prohibitions, or take

such other actions, including the acceptance of satisfactory performance bonds, as it shall deem proper.

“(c) Any person injured in his business or property by reason of a violation of section 1962 of this chapter may sue therefor in any appropriate United States district court and shall recover threefold the damages he sustains and the cost of the suit, including a reasonable attorney’s fee.

“(d) A final judgment or decree rendered in favor of the United States in any criminal proceeding brought by the United States under this chapter shall estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding brought by the United States.

“§ 1965. Venue and process

“(a) Any civil action or proceeding under this chapter against any person may be instituted in the district court of the United States for any district in which such person resides, is found, has an agent, or transacts his affairs.

“(b) In any action under section 1964 of this chapter in any district court of the United States in which it is shown that the ends of justice require that other parties residing in any other district be brought before the court, the court may cause such parties to be summoned, and process for that purpose may be served in any judicial district of the United States by the marshal thereof.

“(c) In any civil or criminal action or proceeding instituted by the United States under this chapter in the district court of the United States for any judicial district, subpoenas issued by such court to compel the attendance of witnesses may be served in any other judicial district, except that in any civil action or proceeding no such subpoena shall be issued for service upon any individual who resides in another district at a place more than one hundred miles from the place at which such court is held without approval given by a judge of such court upon a showing of good cause.

“(d) All other process in any action or proceeding under this chapter may be served on any person in any judicial district in which such person resides, is found, has an agent, or transacts his affairs.

“§ 1966. Expedition of actions

“In any civil action instituted under this chapter by the United States in any district court of the United States, the Attorney General may file with the clerk of such court a certificate stating that in his opinion the case is of general public importance. A copy of that certificate shall be furnished immediately by such clerk to the chief judge or in his absence to the presiding district judge of the district in which such action is pending. Upon receipt of such copy, such judge shall designate immediately a judge of that district to hear and determine action. The judge so designated shall assign such action for hearing as soon as practicable, participate in the hearings and determination thereof, and cause such action to be expedited in every way.

“§ 1967. Evidence

“In any proceeding ancillary to or in any civil action instituted by the United States under this chapter the proceedings may be open or closed to the public at the discretion of the court after consideration of the rights of affected persons.

“§ 1968. Civil investigative demand

“(a) Whenever the Attorney General has reason to believe that any person or enterprise may be in possession, custody, or control of any documentary materials relevant to a racketeering investigation, he may, prior to the institution of a civil or criminal proceeding thereon,

issue in writing, and cause to be served upon such person, a civil investigative demand requiring such person to produce such material for examination.

“(b) Each such demand shall—

“(1) state the nature of the conduct constituting the alleged racketeering violation which is under investigation and the provision of law applicable thereto;

“(2) describe the class or classes of documentary material produced thereunder with such definiteness and certainty as to permit such material to be fairly identified;

“(3) state that the demand is returnable forthwith or prescribe a return date which will provide a reasonable period of time within which the material so demanded may be assembled and made available for inspection and copying or reproduction; and

“(4) identify the custodian to whom such material shall be made available.

“(c) No such demand shall—

“(1) contain any requirement which would be held to be unreasonable if contained in a subpoena duces tecum issued by a court of the United States in aid of a grand jury investigation of such alleged racketeering violation; or

“(2) require the production of any documentary evidence which would be privileged from disclosure if demanded by a subpoena duces tecum issued by a court of the United States in aid of a grand jury investigation of such alleged racketeering violation.

“(d) Service of any such demand or any petition filed under this section may be made upon a person by—

“(1) delivering a duly executed copy thereof to any partner, executive officer, managing agent, or general agent thereof, or to any agent thereof authorized by appointment or by law to receive service of process on behalf of such person, or upon any individual person;

“(2) delivering a duly executed copy thereof to the principal office or place of business of the person to be served; or

“(3) depositing such copy in the United States mail, by registered or certified mail duly addressed to such person at its principal office or place of business.

“(e) A verified return by the individual serving any such demand or petition setting forth the manner of such service shall be prima facie proof of such service. In the case of service by registered or certified mail, such return shall be accompanied by the return post office receipt of delivery of such demand.

“(f) (1) The Attorney General shall designate a racketeering investigator to serve as racketeer document custodian, and such additional racketeering investigators as he shall determine from time to time to be necessary to serve as deputies to such officer.

“(2) Any person upon whom any demand issued under this section has been duly served shall make such material available for inspection and copying or reproduction to the custodian designated therein at the principal place of business of such person, or at such other place as such custodian and such person thereafter may agree and prescribe in writing or as the court may direct, pursuant to this section on the return date specified in such demand, or on such later date as such custodian may prescribe in writing. Such person may upon written agreement between such person and the custodian substitute for copies of all or any part of such material originals thereof.

“(3) The custodian to whom any documentary material is so delivered shall take physical possession thereof, and shall be responsible for the use made thereof and for the return thereof pursuant to

this chapter. The custodian may cause the preparation of such copies of such documentary material as may be required for official use under regulations which shall be promulgated by the Attorney General. While in the possession of the custodian, no material so produced shall be available for examination, without the consent of the person who produced such material, by any individual other than the Attorney General. Under such reasonable terms and conditions as the Attorney General shall prescribe, documentary material while in the possession of the custodian shall be available for examination by the person who produced such material or any duly authorized representatives of such person.

“(4) Whenever any attorney has been designated to appear on behalf of the United States before any court or grand jury in any case or proceeding involving any alleged violation of this chapter, the custodian may deliver to such attorney such documentary material in the possession of the custodian as such attorney determines to be required for use in the presentation of such case or proceeding on behalf of the United States. Upon the conclusion of any such case or proceeding, such attorney shall return to the custodian any documentary material so withdrawn which has not passed into the control of such court or grand jury through the introduction thereof into the record of such case or proceeding.

“(5) Upon the completion of—

“(i) the racketeering investigation for which any documentary material was produced under this chapter, and

“(ii) any case or proceeding arising from such investigation, the custodian shall return to the person who produced such material all such material other than copies thereof made by the Attorney General pursuant to this subsection which has not passed into the control of any court or grand jury through the introduction thereof into the record of such case or proceeding.

“(6) When any documentary material has been produced by any person under this section for use in any racketeering investigation, and no such case or proceeding arising therefrom has been instituted within a reasonable time after completion of the examination and analysis of all evidence assembled in the course of such investigation, such person shall be entitled, upon written demand made upon the Attorney General, to the return of all documentary material other than copies thereof made pursuant to this subsection so produced by such person.

“(7) In the event of the death, disability, or separation from service of the custodian of any documentary material produced under any demand issued under this section or the official relief of such custodian from responsibility for the custody and control of such material, the Attorney General shall promptly—

“(i) designate another racketeering investigator to serve as custodian thereof, and

“(ii) transmit notice in writing to the person who produced such material as to the identity and address of the successor so designated.

Any successor so designated shall have with regard to such materials all duties and responsibilities imposed by this section upon his predecessor in office with regard thereto, except that he shall not be held responsible for any default or dereliction which occurred before his designation as custodian.

“(g) Whenever any person fails to comply with any civil investigative demand duly served upon him under this section or whenever satisfactory copying or reproduction of any such material cannot be done and such person refuses to surrender such material, the Attorney General may file, in the district court of the United States for any

judicial district in which such person resides, is found, or transacts business, and serve upon such person a petition for an order of such court for the enforcement of this section, except that if such person transacts business in more than one such district such petition shall be filed in the district in which such person maintains his principal place of business, or in such other district in which such person transacts business as may be agreed upon by the parties to such petition.

“(h) Within twenty days after the service of any such demand upon any person, or at any time before the return date specified in the demand, whichever period is shorter, such person may file, in the district court of the United States for the judicial district within which such person resides, is found, or transacts business, and serve upon such custodian a petition for an order of such court modifying or setting aside such demand. The time allowed for compliance with the demand in whole or in part as deemed proper and ordered by the court shall not run during the pendency of such petition in the court. Such petition shall specify each ground upon which the petitioner relies in seeking such relief, and may be based upon any failure of such demand to comply with the provisions of this section or upon any constitutional or other legal right or privilege of such person.

“(i) At any time during which any custodian is in custody or control of any documentary material delivered by any person in compliance with any such demand, such person may file, in the district court of the United States for the judicial district within which the office of such custodian is situated, and serve upon such custodian a petition for an order of such court requiring the performance by such custodian of any duty imposed upon him by this section.

“(j) Whenever any petition is filed in any district court of the United States under this section, such court shall have jurisdiction to hear and determine the matter so presented, and to enter such order or orders as may be required to carry into effect the provisions of this section.”

(b) The table of contents of part I, title 18, United States Code, is amended by adding immediately after

“95. Racketeering ----- 1951”
the following new item:

“96. Racketeer Influenced and Corrupt Organizations ----- 1961”

SEC. 902. (a) Paragraph (c), subsection (1), section 2516, title 18, United States Code, is amended by inserting at the end thereof between the parenthesis and the semicolon “, section 1963 (violations with respect to racketeer influenced and corrupt organizations)”.

82 Stat. 216.

(b) Subsection (3), section 2517, title 18, United States Code, is amended by striking “criminal proceedings in any court of the United States or of any State or in any Federal or State grand jury proceeding” and inserting in lieu thereof “proceeding held under the authority of the United States or of any State or political subdivision thereof”.

SEC. 903. The third paragraph, section 1505, title 18, United States Code, is amended by inserting “or section 1968 of this title” after “Act” and before “willfully”.

76 Stat. 551.

SEC. 904. (a) The provisions of this title shall be liberally construed to effectuate its remedial purposes.

(b) Nothing in this title shall supersede any provision of Federal, State, or other law imposing criminal penalties or affording civil remedies in addition to those provided for in this title.

Federal and
State laws,
priority.

(c) Nothing contained in this title shall impair the authority of any attorney representing the United States to—

(1) lay before any grand jury impaneled by any district court of

the United States any evidence concerning any alleged racketeering violation of law;

(2) invoke the power of any such court to compel the production of any evidence before any such grand jury; or

(3) institute any proceeding to enforce any order or process issued in execution of such power or to punish disobedience of any such order or process by any person.

TITLE X—DANGEROUS SPECIAL OFFENDER SENTENCING

62 Stat. 837.
18 USC 3561-
3574.

SEC. 1001. (a) Chapter 227, title 18, United States Code, is amended by adding at the end thereof the following new sections:

“§ 3575. Increased sentence for dangerous special offenders

“(a) Whenever an attorney charged with the prosecution of a defendant in a court of the United States for an alleged felony committed when the defendant was over the age of twenty-one years has reason to believe that the defendant is a dangerous special offender such attorney, a reasonable time before trial or acceptance by the court of a plea of guilty or nolo contendere, may sign and file with the court, and may amend, a notice (1) specifying that the defendant is a dangerous special offender who upon conviction for such felony is subject to the imposition of a sentence under subsection (b) of this section, and (2) setting out with particularity the reasons why such attorney believes the defendant to be a dangerous special offender. In no case shall the fact that the defendant is alleged to be a dangerous special offender be an issue upon the trial of such felony, be disclosed to the jury, or be disclosed before any plea of guilty or nolo contendere or verdict or finding of guilty to the presiding judge without the consent of the parties. If the court finds that the filing of the notice as a public record may prejudice fair consideration of a pending criminal matter, it may order the notice sealed and the notice shall not be subject to subpoena or public inspection during the pendency of such criminal matter, except on order of the court, but shall be subject to inspection by the defendant alleged to be a dangerous special offender and his counsel.

“(b) Upon any plea of guilty or nolo contendere or verdict or finding of guilty of the defendant of such felony, a hearing shall be held, before sentence is imposed, by the court sitting without a jury. The court shall fix a time for the hearing, and notice thereof shall be given to the defendant and the United States at least ten days prior thereto. The court shall permit the United States and counsel for the defendant, or the defendant if he is not represented by counsel, to inspect the presentence report sufficiently prior to the hearing as to afford a reasonable opportunity for verification. In extraordinary cases, the court may withhold material not relevant to a proper sentence, diagnostic opinion which might seriously disrupt a program of rehabilitation, any source of information obtained on a promise of confidentiality, and material previously disclosed in open court. A court withholding all or part of a presentence report shall inform the parties of its action and place in the record the reasons therefor. The court may require parties inspecting all or part of a presentence report to give notice of any part thereof intended to be controverted. In connection with the hearing, the defendant and the United States shall be entitled to assistance of counsel, compulsory process, and cross-examination of such witnesses as appear at the hearing. A duly authenticated copy of a former judgment or commitment shall be prima facie evidence of such former judgment or commitment. If it

appears by a preponderance of the information, including information submitted during the trial of such felony and the sentencing hearing and so much of the presentence report as the court relies upon, that the defendant is a dangerous special offender, the court shall sentence the defendant to imprisonment for an appropriate term not to exceed twenty-five years and not disproportionate in severity to the maximum term otherwise authorized by law for such felony. Otherwise it shall sentence the defendant in accordance with the law prescribing penalties for such felony. The court shall place in the record its findings, including an identification of the information relied upon in making such findings, and its reasons for the sentence imposed.

“(c) This section shall not prevent the imposition and execution of a sentence of death or of imprisonment for life or for a term exceeding twenty-five years upon any person convicted of an offense so punishable.

“(d) Notwithstanding any other provision of this section, the court shall not sentence a dangerous special offender to less than any mandatory minimum penalty prescribed by law for such felony. This section shall not be construed as creating any mandatory minimum penalty.

“(e) A defendant is a special offender for purposes of this section if—

“(1) the defendant has previously been convicted in courts of the United States, a State, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, any political subdivision, or any department, agency, or instrumentality thereof for two or more offenses committed on occasions different from one another and from such felony and punishable in such courts by death or imprisonment in excess of one year, for one or more of such convictions the defendant has been imprisoned prior to the commission of such felony, and less than five years have elapsed between the commission of such felony and either the defendant's release, on parole or otherwise, from imprisonment for one such conviction or his commission of the last such previous offense or another offense punishable by death or imprisonment in excess of one year under applicable laws of the United States, a State, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, any political subdivision, or any department, agency or instrumentality thereof; or

“(2) the defendant committed such felony as part of a pattern of conduct which was criminal under applicable laws of any jurisdiction, which constituted a substantial source of his income, and in which he manifested special skill or expertise; or

“(3) such felony was, or the defendant committed such felony in furtherance of, a conspiracy with three or more other persons to engage in a pattern of conduct criminal under applicable laws of any jurisdiction, and the defendant did, or agreed that he would, initiate, organize, plan, finance, direct, manage, or supervise all or part of such conspiracy or conduct, or give or receive a bribe or use force as all or part of such conduct.

A conviction shown on direct or collateral review or at the hearing to be invalid or for which the defendant has been pardoned on the ground of innocence shall be disregarded for purposes of paragraph (1) of this subsection. In support of findings under paragraph (2) of this subsection, it may be shown that the defendant has had in his own name or under his control income or property not explained as derived from a source other than such conduct. For purposes of paragraph (2) of

29 USC 206.

26 USC 62.

this subsection, a substantial source of income means a source of income which for any period of one year or more exceeds the minimum wage, determined on the basis of a forty-hour week and a fifty-week year, without reference to exceptions, under section 6(a)(1) of the Fair Labor Standards Act of 1938 (52 Stat. 1602, as amended 80 Stat. 838), and as hereafter amended, for an employee engaged in commerce or in the production of goods for commerce, and which for the same period exceeds fifty percent of the defendant's declared adjusted gross income under section 62 of the Internal Revenue Act of 1954 (68A Stat. 17, as amended 83 Stat. 655), and as hereafter amended. For purposes of paragraph (2) of this subsection, special skill or expertise in criminal conduct includes unusual knowledge, judgment or ability, including manual dexterity, facilitating the initiation, organizing, planning, financing, direction, management, supervision, execution or concealment of criminal conduct, the enlistment of accomplices in such conduct, the escape from detection or apprehension for such conduct, or the disposition of the fruits or proceeds of such conduct. For purposes of paragraphs (2) and (3) of this subsection, criminal conduct forms a pattern if it embraces criminal acts that have the same or similar purposes, results, participants, victims, or methods of commission, or otherwise are interrelated by distinguishing characteristics and are not isolated events.

"(f) A defendant is dangerous for purposes of this section if a period of confinement longer than that provided for such felony is required for the protection of the public from further criminal conduct by the defendant.

"(g) The time for taking an appeal from a conviction for which sentence is imposed after proceedings under this section shall be measured from imposition of the original sentence.

"§ 3576. Review of sentence

"With respect to the imposition, correction, or reduction of a sentence after proceedings under section 3575 of this chapter, a review of the sentence on the record of the sentencing court may be taken by the defendant or the United States to a court of appeals. Any review of the sentence taken by the United States shall be taken at least five days before expiration of the time for taking a review of the sentence or appeal of the conviction by the defendant and shall be diligently prosecuted. The sentencing court may, with or without motion and notice, extend the time for taking a review of the sentence for a period not to exceed thirty days from the expiration of the time otherwise prescribed by law. The court shall not extend the time for taking a review of the sentence by the United States after the time has expired. A court extending the time for taking a review of the sentence by the United States shall extend the time for taking a review of the sentence or appeal of the conviction by the defendant for the same period. The taking of a review of the sentence by the United States shall be deemed the taking of a review of the sentence and an appeal of the conviction by the defendant. Review of the sentence shall include review of whether the procedure employed was lawful, the findings made were clearly erroneous, or the sentencing court's discretion was abused. The court of appeals on review of the sentence may, after considering the record, including the entire presentence report, information submitted during the trial of such felony and the sentencing hearing, and the findings and reasons of the sentencing court, affirm the sentence, impose or direct the imposition of any sentence which the sentencing court could originally have imposed, or remand for further sentencing proceedings and imposition of sentence, except that a sentence may be made more severe only

on review of the sentence taken by the United States and after hearing. Failure of the United States to take a review of the imposition of the sentence shall, upon review taken by the United States of the correction or reduction of the sentence, foreclose imposition of a sentence more severe than that previously imposed. Any withdrawal or dismissal of review of the sentence taken by the United States shall foreclose imposition of a sentence more severe than that reviewed but shall not otherwise foreclose the review of the sentence or the appeal of the conviction. The court of appeals shall state in writing the reasons for its disposition of the review of the sentence. Any review of the sentence taken by the United States may be dismissed on a showing of abuse of the right of the United States to take such review.

“§ 3577. Use of information for sentencing

“No limitation shall be placed on the information concerning the background, character, and conduct of a person convicted of an offense which a court of the United States may receive and consider for the purpose of imposing an appropriate sentence.

“§ 3578. Conviction records

“(a) The Attorney General of the United States is authorized to establish in the Department of Justice a repository for records of convictions and determinations of the validity of such convictions.

“(b) Upon the conviction thereafter of a defendant in a court of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, any political subdivision, or any department, agency, or instrumentality thereof for an offense punishable in such court by death or imprisonment in excess of one year, or a judicial determination of the validity of such conviction on collateral review, the court shall cause a certified record of the conviction or determination to be made to the repository in such form and containing such information as the Attorney General of the United States shall by regulation prescribe.

“(c) Records maintained in the repository shall not be public records. Certified copies thereof—

“(1) may be furnished for law enforcement purposes on request of a court or law enforcement or corrections officer of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, any political subdivision, or any department, agency, or instrumentality thereof;

“(2) may be furnished for law enforcement purposes on request of a court or law enforcement or corrections officer of a State, any political subdivision, or any department, agency, or instrumentality thereof, if a statute of such State requires that, upon the conviction of a defendant in a court of the State or any political subdivision thereof for an offense punishable in such court by death or imprisonment in excess of one year, or a judicial determination of the validity of such conviction on collateral review, the court cause a certified record of the conviction or determination to be made to the repository in such form and containing such information as the Attorney General of the United States shall by regulation prescribe; and

“(3) shall be prima facie evidence in any court of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, any political subdivision, or any department, agency, or instrumentality thereof, that the convictions occurred and whether they have been judicially determined to be invalid on collateral review.

Hearing notice.

"(d) The Attorney General of the United States shall give reasonable public notice, and afford to interested parties opportunity for hearing, prior to prescribing regulations under this section."

(b) The analysis of chapter 227, title 18, United States Code, is amended by adding at the end thereof the following new items:

"3575. Increased sentence for dangerous special offenders.

"3576. Review of sentence.

"3577. Use of information for sentencing.

"3578. Conviction records."

80 Stat. 215.

SEC. 1002. Section 3148, chapter 207, title 18, United States Code, is amended by adding "or sentence review under section 3576 of this title" immediately after "sentence".

TITLE XI—REGULATION OF EXPLOSIVES

PURPOSE

SEC. 1101. The Congress hereby declares that the purpose of this title is to protect interstate and foreign commerce against interference and interruption by reducing the hazard to persons and property arising from misuse and unsafe or insecure storage of explosive materials. It is not the purpose of this title to place any undue or unnecessary Federal restrictions or burdens on law-abiding citizens with respect to the acquisition, possession, storage, or use of explosive materials for industrial, mining, agricultural, or other lawful purposes, or to provide for the imposition by Federal regulations of any procedures or requirements other than those reasonably necessary to implement and effectuate the provisions of this title.

SEC. 1102. Title 18, United States Code, is amended by adding after chapter 39 the following chapter:

68 Stat. 170;
74 Stat. 87, 808.
18 USC 831.

"Chapter 40.—IMPORTATION, MANUFACTURE, DISTRIBUTION AND STORAGE OF EXPLOSIVE MATERIALS

"Sec.

"841. Definitions.

"842. Unlawful acts.

"843. Licensing and user permits.

"844. Penalties.

"845. Exceptions; relief from disabilities.

"846. Additional powers of the Secretary.

"847. Rules and regulations.

"848. Effect on State law.

"§ 841. Definitions

"As used in this chapter—

"(a) 'Person' means any individual, corporation, company, association, firm, partnership, society, or joint stock company.

"(b) 'Interstate or foreign commerce' means commerce between any place in a State and any place outside of that State, or within any possession of the United States (not including the Canal Zone) or the District of Columbia, and commerce between places within the same State but through any place outside of that State. 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States (not including the Canal Zone).

"(c) 'Explosive materials' means explosives, blasting agents, and detonators.

"(d) Except for the purposes of subsections (d), (e), (f), (g), (h), (i), and (j) of section 844 of this title, 'explosives' means any chemical compound mixture, or device, the primary or common purpose of which is to function by explosion; the term includes,

but is not limited to, dynamite and other high explosives, black powder, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cord, igniter cord, and igniters. The Secretary shall publish and revise at least annually in the Federal Register a list of these and any additional explosives which he determines to be within the coverage of this chapter. For the purposes of subsections (d), (e), (f), (g), (h), and (i) of section 844 of this title, the term 'explosive' is defined in subsection (j) of such section 844.

Publication in
Federal Register.

"(e) 'Blasting agent' means any material or mixture, consisting of fuel and oxidizer, intended for blasting, not otherwise defined as an explosive: *Provided*, That the finished product, as mixed for use or shipment, cannot be detonated by means of a numbered 8 test blasting cap when unconfined.

"(f) 'Detonator' means any device containing a detonating charge that is used for initiating detonation in an explosive; the term includes, but is not limited to, electric blasting caps of instantaneous and delay types, blasting caps for use with safety fuses and detonating-cord delay connectors.

"(g) 'Importer' means any person engaged in the business of importing or bringing explosive materials into the United States for purposes of sale or distribution.

"(h) 'Manufacturer' means any person engaged in the business of manufacturing explosive materials for purposes of sale or distribution or for his own use.

"(i) 'Dealer' means any person engaged in the business of distributing explosive materials at wholesale or retail.

"(j) 'Permittee' means any user of explosives for a lawful purpose, who has obtained a user permit under the provisions of this chapter.

"(k) 'Secretary' means the Secretary of the Treasury or his delegate.

"(l) 'Crime punishable by imprisonment for a term exceeding one year' shall not mean (1) any Federal or State offenses pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices as the Secretary may by regulation designate, or (2) any State offense (other than one involving a firearm or explosive) classified by the laws of the State as a misdemeanor and punishable by a term of imprisonment of two years or less.

"(m) 'Licensee' means any importer, manufacturer, or dealer licensed under the provisions of this chapter.

"(n) 'Distribute' means sell, issue, give, transfer, or otherwise dispose of.

§ 842. Unlawful acts

"(a) It shall be unlawful for any person—

"(1) to engage in the business of importing, manufacturing, or dealing in explosive materials without a license issued under this chapter;

"(2) knowingly to withhold information or to make any false or fictitious oral or written statement or to furnish or exhibit any false, fictitious, or misrepresented identification, intended or likely to deceive for the purpose of obtaining explosive materials, or a license, permit, exemption, or relief from disability under the provisions of this chapter; and

"(3) other than a licensee or permittee knowingly—

"(A) to transport, ship, cause to be transported, or receive in interstate or foreign commerce any explosive materials, except that a person who lawfully purchases explosive

materials from a licensee in a State contiguous to the State in which the purchaser resides may ship, transport, or cause to be transported such explosive materials to the State in which he resides and may receive such explosive materials in the State in which he resides, if such transportation, shipment, or receipt is permitted by the law of the State in which he resides; or

“(B) to distribute explosive materials to any person (other than a licensee or permittee) who the distributor knows or has reasonable cause to believe does not reside in the State in which the distributor resides.

“(b) It shall be unlawful for any licensee knowingly to distribute any explosive materials to any person except—

“(1) a licensee;

“(2) a permittee; or

“(3) a resident of the State where distribution is made and in which the licensee is licensed to do business or a State contiguous thereto if permitted by the law of the State of the purchaser's residence.

“(c) It shall be unlawful for any licensee to distribute explosive materials to any person who the licensee has reason to believe intends to transport such explosive materials into a State where the purchase, possession, or use of explosive materials is prohibited or which does not permit its residents to transport or ship explosive materials into it or to receive explosive materials in it.

“(d) It shall be unlawful for any licensee knowingly to distribute explosive materials to any individual who:

“(1) is under twenty-one years of age;

“(2) has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;

“(3) is under indictment for a crime punishable by imprisonment for a term exceeding one year;

“(4) is a fugitive from justice;

“(5) is an unlawful user of marihuana (as defined in section 4761 of the Internal Revenue Code of 1954) or any depressant or stimulant drug (as defined in section 201 (v) of the Federal Food, Drug, and Cosmetic Act) or narcotic drug (as defined in section 4721 (a) of the Internal Revenue Code of 1954); or

“(6) has been adjudicated a mental defective.

“(e) It shall be unlawful for any licensee knowingly to distribute any explosive materials to any person in any State where the purchase, possession, or use by such person of such explosive materials would be in violation of any State law or any published ordinance applicable at the place of distribution.

“(f) It shall be unlawful for any licensee or permittee willfully to manufacture, import, purchase, distribute, or receive explosive materials without making such records as the Secretary may by regulation require, including, but not limited to, a statement of intended use, the name, date, place of birth, social security number or taxpayer identification number, and place of residence of any natural person to whom explosive materials are distributed. If explosive materials are distributed to a corporation or other business entity, such records shall include the identity and principal and local places of business and the name, date, place of birth, and place of residence of the natural person acting as agent of the corporation or other business entity in arranging the distribution.

“(g) It shall be unlawful for any licensee or permittee knowingly to make any false entry in any record which he is required to keep pursuant to this section or regulations promulgated under section 847 of this title.

68A Stat. 565.
26 USC 4761.

79 Stat. 227;
82 Stat. 1361.
21 USC 321.
74 Stat. 57.
26 USC 4731.

Record require-
ments.

“(h) It shall be unlawful for any person to receive, conceal, transport, ship, store, barter, sell, or dispose of any explosive materials knowing or having reasonable cause to believe that such explosive materials were stolen.

“(i) It shall be unlawful for any person—

“(1) who is under indictment for, or who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

“(2) who is a fugitive from justice;

“(3) who is an unlawful user of or addicted to marihuana (as defined in section 4761 of the Internal Revenue Code of 1954) or any depressant or stimulant drug (as defined in section 201(v) of the Federal Food, Drug, and Cosmetic Act) or narcotic drug (as defined in section 4731(a) of the Internal Revenue Code of 1954); or

“(4) who has been adjudicated as a mental defective or who has been committed to a mental institution;

to ship or transport any explosive in interstate or foreign commerce or to receive any explosive which has been shipped or transported in interstate or foreign commerce.

“(j) It shall be unlawful for any person to store any explosive material in a manner not in conformity with regulations promulgated by the Secretary. In promulgating such regulations, the Secretary shall take into consideration the class, type, and quantity of explosive materials to be stored, as well as the standards of safety and security recognized in the explosives industry.

“(k) It shall be unlawful for any person who has knowledge of the theft or loss of any explosive materials from his stock, to fail to report such theft or loss within twenty-four hours of discovery thereof, to the Secretary and to appropriate local authorities.

“§ 843. Licenses and user permits

“(a) An application for a user permit or a license to import, manufacture, or deal in explosive materials shall be in such form and contain such information as the Secretary shall by regulation prescribe. Each applicant for a license or permit shall pay a fee to be charged as set by the Secretary, said fee not to exceed \$200 for each license or permit. Each license or permit shall be valid for no longer than three years from date of issuance and shall be renewable upon the same conditions and subject to the same restrictions as the original license or permit and upon payment of a renewal fee not to exceed one-half of the original fee.

“(b) Upon the filing of a proper application and payment of the prescribed fee, and subject to the provisions of this chapter and other applicable laws, the Secretary shall issue to such applicant the appropriate license or permit if—

“(1) the applicant (including in the case of a corporation, partnership, or association, any individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, or association) is not a person to whom the distribution of explosive materials would be unlawful under section 842(d) of this chapter;

“(2) the applicant has not willfully violated any of the provisions of this chapter or regulations issued hereunder;

“(3) the applicant has in a State premises from which he conducts or intends to conduct business;

“(4) the applicant has a place of storage for explosive materials which meets such standards of public safety and security against theft as the Secretary by regulations shall prescribe; and

68A Stat. 565.
26 USC 4761.

79 Stat. 227;
82 Stat. 1361.
21 USC 321.
74 Stat. 57,
26 USC 4731.

“(5) the applicant has demonstrated and certified in writing that he is familiar with all published State laws and local ordinances relating to explosive materials for the location in which he intends to do business.

License
authority.

“(c) The Secretary shall approve or deny an application within a period of forty-five days beginning on the date such application is received by the Secretary.

“(d) The Secretary may revoke any license or permit issued under this section if in the opinion of the Secretary the holder thereof has violated any provision of this chapter or any rule or regulation prescribed by the Secretary under this chapter, or has become ineligible to acquire explosive materials under section 842(d). The Secretary's action under this subsection may be reviewed only as provided in subsection (e) (2) of this section.

Denial or revocation,
written notice.

“(e) (1) Any person whose application is denied or whose license or permit is revoked shall receive a written notice from the Secretary stating the specific grounds upon which such denial or revocation is based. Any notice of a revocation of a license or permit shall be given to the holder of such license or permit prior to or concurrently with the effective date of the revocation.

Judicial
review.

“(2) If the Secretary denies an application for, or revokes a license, or permit, he shall, upon request by the aggrieved party, promptly hold a hearing to review his denial or revocation. In the case of a revocation, the Secretary may upon a request of the holder stay the effective date of the revocation. A hearing under this section shall be at a location convenient to the aggrieved party. The Secretary shall give written notice of his decision to the aggrieved party within a reasonable time after the hearing. The aggrieved party may, within sixty days after receipt of the Secretary's written decision, file a petition with the United States court of appeals for the district in which he resides or has his principal place of business for a judicial review of such denial or revocation, pursuant to sections 701-706 of title 5, United States Code.

80 Stat. 392.

Records,
availability.

“(f) Licensees and permittees shall make available for inspection at all reasonable times their records kept pursuant to this chapter or the regulations issued hereunder, and shall submit to the Secretary such reports and information with respect to such records and the contents thereof as he shall by regulations prescribe. The Secretary may enter during business hours the premises (including places of storage) of any licensee or permittee, for the purpose of inspecting or examining (1) any records or documents required to be kept by such licensee or permittee, under the provisions of this chapter or regulations issued hereunder, and (2) any explosive materials kept or stored by such licensee or permittee at such premises. Upon the request of any State or any political subdivision thereof, the Secretary may make available to such State or any political subdivision thereof, any information which he may obtain by reason of the provisions of this chapter with respect to the identification of persons within such State or political subdivision thereof, who have purchased or received explosive materials, together with a description of such explosive materials.

“(g) Licenses and permits issued under the provisions of subsection (b) of this section shall be kept posted and kept available for inspection on the premises covered by the license and permit.

“§ 844. Penalties

“(a) Any person who violates subsections (a) through (i) of section 842 of this chapter shall be fined not more than \$10,000 or imprisoned not more than ten years, or both.

“(b) Any person who violates any other provision of section 842 of this chapter shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

Ante, p. 953.

“(c) Any explosive materials involved or used or intended to be used in any violation of the provisions of this chapter or any other rule or regulation promulgated thereunder or any violation of any criminal law of the United States shall be subject to seizure and forfeiture, and all provisions of the Internal Revenue Code of 1954 relating to the seizure, forfeiture, and disposition of firearms, as defined in section 5845(a) of that Code, shall, so far as applicable, extend to seizures and forfeitures under the provisions of this chapter.

82 Stat. 1230.
26 USC 5845.

“(d) Whoever transports or receives, or attempts to transport or receive, in interstate or foreign commerce any explosive with the knowledge or intent that it will be used to kill, injure, or intimidate any individual or unlawfully to damage or destroy any building, vehicle, or other real or personal property, shall be imprisoned for not more than ten years, or fined not more than \$10,000, or both; and if personal injury results shall be imprisoned for not more than twenty years or fined not more than \$20,000, or both; and if death results, shall be subject to imprisonment for any term of years, or to the death penalty or to life imprisonment as provided in section 34 of this title.

70 Stat. 540.
18 USC 34.

“(e) Whoever, through the use of the mail, telephone, telegraph, or other instrument of commerce, willfully makes any threat, or maliciously conveys false information knowing the same to be false, concerning an attempt or alleged attempt being made, or to be made, to kill, injure, or intimidate any individual or unlawfully to damage or destroy any building, vehicle, or other real or personal property by means of an explosive shall be imprisoned for not more than five years or fined not more than \$5,000, or both.

“(f) Whoever maliciously damages or destroys, or attempts to damage or destroy, by means of an explosive, any building, vehicle, or other personal or real property in whole or in part owned, possessed, or used by, or leased to, the United States, any department or agency thereof, or any institution or organization receiving Federal financial assistance shall be imprisoned for not more than ten years, or fined not more than \$10,000, or both; and if personal injury results shall be imprisoned for not more than twenty years, or fined not more than \$20,000, or both; and if death results shall be subject to imprisonment for any term of years, or to the death penalty or to life imprisonment as provided in section 34 of this title.

“(g) Whoever possesses an explosive in any building in whole or in part owned, possessed, or used by, or leased to, the United States or any department or agency thereof, except with the written consent of the agency, department, or other person responsible for the management of such building, shall be imprisoned for not more than one year, or fined not more than \$1,000, or both.

“(h) Whoever—

“(1) uses an explosive to commit any felony which may be prosecuted in a court of the United States, or

“(2) carries an explosive unlawfully during the commission of any felony which may be prosecuted in a court of the United States,

shall be sentenced to a term of imprisonment for not less than one year nor more than ten years. In the case of his second or subsequent conviction under this subsection, such person shall be sentenced to a term of imprisonment for not less than five years nor more than twenty-five years, and, notwithstanding any other provision of law, the court shall not suspend the sentence of such person or give him a probationary sentence.

“(i) Whoever maliciously damages or destroys, or attempts to damage or destroy, by means of an explosive, any building, vehicle, or other real or personal property used in interstate or foreign commerce or in any activity affecting interstate or foreign commerce shall be imprisoned for not more than ten years or fined not more than \$10,000, or both; and if personal injury results shall be imprisoned for not more than twenty years or fined not more than \$20,000, or both; and if death results shall also be subject to imprisonment for any term of years, or to the death penalty or to life imprisonment as provided in section 34 of this title.

“Explosive.”

82 Stat. 91.
18 USC 232.

“(j) For the purposes of subsections (d), (e), (f), (g), (h), and (i) of this section, the term ‘explosive’ means gunpowders, powders used for blasting, all forms of high explosives, blasting materials, fuzes (other than electric circuit breakers), detonators, and other detonating agents, smokeless powders, other explosive or incendiary devices within the meaning of paragraph (5) of section 232 of this title, and any chemical compounds, mechanical mixture, or device that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities, or packing that ignition by fire, by friction, by concussion, by percussion, or by detonation of the compound, mixture, or device or any part thereof may cause an explosion.

“§ 845. Exceptions; relief from disabilities

“(a) Except in the case of subsections (d), (e), (f), (g), (h), and (i) of section 844 of this title, this chapter shall not apply to:

“(1) any aspect of the transportation of explosive materials via railroad, water, highway, or air which are regulated by the United States Department of Transportation and agencies thereof;

“(2) the use of explosive materials in medicines and medicinal agents in the forms prescribed by the official United States Pharmacopeia, or the National Formulary;

“(3) the transportation, shipment, receipt, or importation of explosive materials for delivery to any agency of the United States or to any State or political subdivision thereof;

“(4) small arms ammunition and components thereof;

“(5) black powder in quantities not to exceed five pounds; and

“(6) the manufacture under the regulation of the military department of the United States of explosive materials for, or their distribution to or storage or possession by the military or naval services or other agencies of the United States; or to arsenals, navy yards, depots, or other establishments owned by, or operated by or on behalf of, the United States.

“(b) A person who had been indicted for or convicted of a crime punishable by imprisonment for a term exceeding one year may make application to the Secretary for relief from the disabilities imposed by this chapter with respect to engaging in the business of importing, manufacturing, or dealing in explosive materials, or the purchase of explosive materials, and incurred by reason of such indictment or conviction, and the Secretary may grant such relief if it is established to his satisfaction that the circumstances regarding the indictment or conviction, and the applicant’s record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety and that the granting of the relief will not be contrary to the public interest. A licensee or permittee who makes application for relief from the disabilities incurred under this chapter by reason of indictment or conviction, shall not be barred by such indictment or conviction from further operations under his license or permit pending final action on an application for relief filed pursuant to this section.

“§ 846. Additional powers of the Secretary

“The Secretary is authorized to inspect the site of any accident, or fire, in which there is reason to believe that explosive materials were involved, in order that if any such incident has been brought about by accidental means, precautions may be taken to prevent similar accidents from occurring. In order to carry out the purpose of this subsection, the Secretary is authorized to enter into or upon any property where explosive materials have been used, are suspected of having been used, or have been found in an otherwise unauthorized location. Nothing in this chapter shall be construed as modifying or otherwise affecting in any way the investigative authority of any other Federal agency. In addition to any other investigatory authority they have with respect to violations of provisions of this chapter, the Attorney General and the Federal Bureau of Investigation, together with the Secretary, shall have authority to conduct investigations with respect to violations of subsection (d), (e), (f), (g), (h), or (i) of section 844 of this title.

“§ 847. Rules and regulations

“The administration of this chapter shall be vested in the Secretary. The Secretary may prescribe such rules and regulations as he deems reasonably necessary to carry out the provisions of this chapter. The Secretary shall give reasonable public notice, and afford to interested parties opportunity for hearing, prior to prescribing such rules and regulations.

Notice; hearing
opportunity.

“§ 848. Effect on State law

“No provision of this chapter shall be construed as indicating an intent on the part of the Congress to occupy the field in which such provision operates to the exclusion of the law of any State on the same subject matter, unless there is a direct and positive conflict between such provision and the law of the State so that the two cannot be reconciled or consistently stand together.”

(b) The title analysis of title 18, United States Code, is amended by inserting immediately below the item relating to chapter 39 the following:

“40. Importation, manufacture, distribution and storage of explosive materials..... 841”.

SEC. 1103. Section 2516(1)(c) of title 18, United States Code, is amended by inserting after “section 224 (bribery in sporting contests),” the following: “subsection (d), (e), (f), (g), (h), or (i) of section 844 (unlawful use of explosives),”.

82 Stat. 216.

SEC. 1104. Nothing in this title shall be construed as modifying or affecting any provision of—

(a) The National Firearms Act (chapter 53 of the Internal Revenue Code of 1954);

(b) Section 414 of the Mutual Security Act of 1954 (22 U.S.C. 1934), as amended, relating to munitions control;

(c) Section 1716 of title 18, United States Code, relating to nonmailable materials;

(d) Sections 831 through 836 of title 18, United States Code; or

(e) Chapter 44 of title 18, United States Code.

82 Stat. 1227.

26 USC 5801.

68 Stat. 848.

62 Stat. 781.

68 Stat. 170;

74 Stat. 808.

82 Stat. 1214.

18 USC 921.

Effective dates.

Ante, p. 952.

SEC. 1105. (a) Except as provided in subsection (b), the provisions of chapter 40 of title 18, United States Code, as enacted by section 1102 of this title shall take effect one hundred and twenty days after the date of enactment of this Act.

(b) The following sections of chapter 40 of title 18, United States Code, as enacted by section 1102 of this title shall take effect on the date of the enactment of this Act: sections 841, 844(d), (e), (f), (g), (h), (i), and (j), 845, 846, 847, 848, and 849.

Ante, p. 952.

(c) Any person (as defined in section 841(a) of title 18, United States Code) engaging in a business or operation requiring a license or permit under the provisions of chapter 40 of such title 18 who was engaged in such business or operation on the date of enactment of this Act and who has filed an application for a license or permit under the provisions of section 843 of such chapter 40 prior to the effective date of such section 843 may continue such business or operation pending final action on his application. All provisions of such chapter 40 shall apply to such applicant in the same manner and to the same extent as if he were a holder of a license or permit under such chapter 40.

55 Stat. 863.

SEC. 1106. (a) The Federal Explosives Act of October 6, 1917 (40 Stat. 385, as amended; 50 U.S.C. 121-143), and as extended by Act of July 1, 1948 (40 Stat. 671; 50 U.S.C. 144), and all regulations adopted thereunder are hereby repealed.

Repeal.
74 Stat. 87.

(b) (1) Section 837 of title 18 of the United States Code is repealed.

(2) The item relating to such section 837 in the chapter analysis of chapter 39 of such title 18 is repealed.

Appropriation.

SEC. 1107. There are hereby authorized to be appropriated such sums as are necessary to carry out the purposes of this title.

TITLE XII—NATIONAL COMMISSION ON INDIVIDUAL RIGHTS

SEC. 1201. There is hereby established the National Commission on Individual Rights (hereinafter in this title referred to as the "Commission").

Members,
appointment.

SEC. 1202. The Commission shall be composed of fifteen members appointed as follows:

(1) four appointed by the President of the Senate from Members of the Senate;

(2) four appointed by the Speaker of the House of Representatives from Members of the House of Representatives; and

(3) seven appointed by the President of the United States from all segments of life in the United States, including but not limited to lawyers, jurists, and policemen, none of whom shall be officers of the executive branch of the Government.

SEC. 1203. The President of the United States shall designate a Chairman from among the members of the Commission. Any vacancy in the Commission shall not affect its powers but shall be filled in the same manner in which the original appointment was made.

Ante, p. 923.

Ante, p. 948.

SEC. 1204. It shall be the duty of the Commission to conduct a comprehensive study and review of Federal laws and practices relating to special grand juries authorized under chapter 216 of title 18, United States Code, dangerous special offender sentencing under section 3575 of title 18, United States Code, wiretapping and electronic surveillance, bail reform and preventive detention, no-knock search warrants, and the accumulation of data on individuals by Federal agencies as authorized by law or acquired by executive action. The Commission may also consider other Federal laws and practices which in its opinion may infringe upon the individual rights of the people of the United States. The Commission shall determine which laws and practices are needed, which are effective, and whether they infringe upon the individual rights of the people of the United States.

SEC. 1205. (a) Subject to such rules and regulations as may be adopted by the Commission, the Chairman shall have the power to—

(1) appoint and fix the compensation of an Executive Director, and such additional staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code,

governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of such title; and

80 Stat. 443,
467.
5 USC 5101,
5331.
Ante, p. 198-1.

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed \$100 a day for individuals.

80 Stat. 416.

(b) In making appointments pursuant to subsection (a) of this section, the Chairman shall include among his appointment individuals determined by the Chairman to be competent social scientists, lawyers, and law enforcement officers.

SEC. 1206. (a) A member of the Commission who is a Member of Congress shall serve without additional compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of duties vested in the Commission.

Travel
expenses.

(b) A member of the Commission from private life shall receive \$100 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties.

SEC. 1207. Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman, such statistical data, reports, and other information as the Commission deems necessary to carry out its functions under this title. The Chairman is further authorized to call upon the departments, agencies, and other offices of the several States to furnish such statistical data, reports, and other information as the Commission deems necessary to carry out its functions under this title.

Agency
cooperation.

SEC. 1208. The Commission shall make interim reports and recommendations as it deems advisable, but at least every two years, and it shall make a final report of its findings and recommendations to the President of the United States and to the Congress at the end of six years following the effective date of this section. Sixty days after the submission of the final report, the Commission shall cease to exist.

Reports and
recommendations
to President and
Congress.

SEC. 1209. (a) Except as provided in subsection (b) of this section, any member of the Commission is exempted, with respect to his appointment, from the operation of sections 203, 205, 207, and 209 of title 18, United States Code.

76 Stat. 1121.

(b) The exemption granted by subsection (a) of this section shall not extend—

(1) to the receipt of payment of salary in connection with the appointee's Government service from any source other than the private employer of the appointee at the time of his appointment, or

(2) during the period of such appointment, to the prosecution, by any person so appointed, of any claim against the Government involving any matter with which such person, during such period, is or was directly connected by reason of such appointment.

SEC. 1210. The foregoing provisions of this title shall take effect on January 1, 1972.

Effective date.

SEC. 1211. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

Appropriation.

SEC. 1212. Section 804 of the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90-351; 18 U.S.C. 2510 note) is repealed.

Repeal.

82 Stat. 223.

TITLE XIII—GENERAL PROVISIONS

Separability.

SEC. 1301. If the provisions of any part of this Act or the application thereof to any person or circumstances be held invalid, the provisions of the other parts and their application to other persons or circumstances shall not be affected thereby.

Approved October 15, 1970.

Public Law 91-453

October 15, 1970
[S. 3154]

AN ACT

To provide long-term financing for expanded urban mass transportation programs, and for other purposes.

Urban Mass
Transportation
Assistance Act of
1970.

78 Stat. 302.
49 USC 1601
note.

Federal
financial assist-
ance.
78 Stat. 303.

Grants and
loans.

Eligible facil-
ities and equip-
ment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that the rapid urbanization and the continued dispersal of population and activities within urban areas has made the ability of all citizens to move quickly and at a reasonable cost an urgent national problem; that it is imperative, if efficient, safe, and convenient transportation compatible with soundly planned urban areas is to be achieved, to continue and expand the Urban Mass Transportation Act of 1964; and that success will require a Federal commitment for the expenditure of at least \$10,000,000,000 over a twelve-year period to permit confident and continuing local planning, and greater flexibility in program administration. It is the purpose of this Act to create a partnership which permits the local community, through Federal financial assistance, to exercise the initiative necessary to satisfy its urban mass transportation requirements.

SEC. 2. Section 3 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1602), is amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by striking out subsections (a) and (b) and inserting in lieu thereof subsections (a), (b), (c), and (d), as follows:

“(a) The Secretary is authorized, in accordance with the provisions of this Act and on such terms and conditions as he may prescribe, to make grants or loans (directly, through the purchase of securities or equipment trust certificates, or otherwise) to assist States and local public bodies and agencies thereof in financing the acquisition, construction, reconstruction, and improvement of facilities and equipment for use, by operation or lease or otherwise, in mass transportation service in urban areas and in coordinating such service with highway and other transportation in such areas. Eligible facilities and equipment may include land (but not public highways), buses and other rolling stock, and other real and personal property needed for an efficient and coordinated mass transportation system. No grant or loan shall be provided under this section unless the Secretary determines that the applicant has or will have—

“(1) the legal, financial, and technical capacity to carry out the proposed project; and

“(2) satisfactory continuing control, through operation or lease or otherwise, over the use of the facilities and equipment.

The Secretary may make loans for real property acquisition pursuant to subsection (b) upon a determination, which shall be in lieu of the preceding determinations, that the real property is reasonably expected to be required in connection with a mass transportation system and that it will be used for that purpose within a reasonable period. No grant or loan funds shall be used for payment of ordinary governmental or nonprofit operating expenses. An applicant for assistance under this section for a project located wholly or partly in a State in which there is statewide comprehensive transportation planning shall furnish a copy of its application to the Governor of each State affected concurrently with submission to the Secretary. If, within thirty days thereafter, the Governor submits comments to the Secretary, the Secretary must consider the comments before taking final action on the application.

Real property acquisition, condition.

Operating expenses, prohibition.

“(b) The Secretary is authorized to make loans under this section to States or local public bodies and agencies thereof to finance the acquisition of real property and interests in real property for use as rights-of-way, station sites, and related purposes, on urban mass transportation systems, including the net cost of property management and relocation payments made pursuant to section 7. Each loan agreement under this subsection shall provide for actual construction of urban mass transportation facilities on acquired real property within a period not exceeding ten years following the fiscal year in which the agreement is made. Each agreement shall provide that in the event acquired real property or interests in real property are not to be used for the purposes for which acquired, an appraisal of current value will be made at the time of that determination, which shall not be later than ten years following the fiscal year in which the agreement is made. Two-thirds of the increase in value, if any, over the original cost of the real property shall be paid to the Secretary for credit to miscellaneous receipts of the Treasury. Repayment of amounts loaned shall be credited to miscellaneous receipts of the Treasury. A loan made under this subsection shall be repayable within ten years from the date of the loan agreement or on the date a grant agreement for actual construction of facilities on the acquired real property is made, whichever date is earlier. A grant agreement for construction of facilities under this Act may provide for forgiveness of the repayment of the principal and accrued interest on the loan then outstanding in lieu of a cash grant in the amount thus forgiven, which for all purposes shall be considered a part of the grant and of the Federal

78 Stat. 305.
49 USC 1606.

Repayment.

portion of the cost of the project. An applicant for assistance under this subsection shall furnish a copy of its application to the comprehensive planning agency of the community affected concurrently with submission to the Secretary. If within a period of thirty days thereafter (or, in a case where the comprehensive planning agency of the community (during such thirty-day period) requests more time, within such longer period as the Secretary may determine) the comprehensive planning agency of the community affected submits comments to the Secretary, the Secretary must consider the comments before taking final action on the application.

“(c) No loans shall be made under this section for any project for which a grant is made under this section, except—

“(1) loans may be made for projects as to which grants are made for relocation payments; and

“(2) project grants may be made even though the real property involved in the project has been or will be acquired as a result of a loan under subsection (b).

Interest rates.

Interest on loans made under this section shall be at a rate not less than (i) a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans adjusted to the nearest one-eighth of 1 per centum, plus (ii) an allowance adequate in the judgment of the Secretary of Transportation to cover administrative costs and probable losses under the program. No loans shall be made, including renewals or extensions thereof, and no securities or obligations shall be purchased, which have maturity dates in excess of forty years.

“(d) Any application for a grant or loan under this Act to finance the acquisition, construction, reconstruction, or improvement of facilities or equipment which will substantially affect a community or its mass transportation service shall include a certification that the applicant—

Hearings.

“(1) has afforded an adequate opportunity for public hearings pursuant to adequate prior notice, and has held such hearings unless no one with a significant economic, social, or environmental interest in the matter requests a hearing;

“(2) has considered the economic and social effects of the project and its impact on the environment; and

“(3) has found that the project is consistent with official plans for the comprehensive development of the urban area.

Notice of any hearings under this subsection shall include a concise statement of the proposed project, and shall be published in a newspaper of general circulation in the geographic area to be served. If hearings have been held, a copy of the transcript of the hearings shall be submitted with the application.”

SEC. 3 (a) Section 4(a) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1603(a)), is amended—

Long-range
program.
78 Stat. 304;
82 Stat. 535.

(1) by striking out "section 3" in the first sentence and inserting in lieu thereof "subsection (a) of section 3"; and

(2) by striking out the next to the last sentence and inserting in lieu thereof the following: "Such remainder may be provided in whole or in part from other than public sources and any public or private transit system funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital."

(b) Section 4 of such Act, as amended (49 U.S.C. 1603), is amended by adding at the end thereof the following new subsections:

Appropriation.

"(c) To finance grants and loans under sections 3, 7(b), and 9 of this Act, the Secretary is authorized to incur obligations on behalf of the United States in the form of grant agreements or otherwise in amounts aggregating not to exceed \$3,100,000,000, less amounts appropriated pursuant to section 12(d) of this Act and the amount appropriated to the Urban Mass Transportation Fund by Public Law 91-168. This amount (which shall be in addition to any amounts available to finance such activities under subsection (b) of this section) shall become available for obligation upon the date of enactment of this subsection and shall remain available until obligated. There are authorized to be appropriated for liquidation of the obligations incurred under this subsection not to exceed \$80,000,000 prior to July 1, 1971, which amount may be increased to not to exceed an aggregate of \$310,000,000 prior to July 1, 1972, not to exceed an aggregate of \$710,000,000 prior to July 1, 1973, not to exceed an aggregate of \$1,260,000,000 prior to July 1, 1974, not to exceed an aggregate of \$1,860,000,000 prior to July 1, 1975, and not to exceed an aggregate of \$3,100,000,000 thereafter. The total amounts appropriated under this subsection and section 12(d) of this Act shall not exceed the limitations in the foregoing schedule. Sums so appropriated shall remain available until expended.

Ante, p. 962;
78 Stat. 305;
80 Stat. 715.
49 USC 1602,
1606, 1607a.
Post, p. 966.
83 Stat. 460.

83 Stat. 392.

"(d) The Secretary shall report annually to the Congress with respect to outstanding grants or other contractual agreements executed pursuant to subsection (c) of this section. To assure program continuity and orderly planning and project development, the Secretary, after consultation with State and local public agencies, shall submit to the Congress (1) authorization requests for fiscal years 1976 and 1977 not later than February 1, 1972, (2) authorization requests for fiscal years 1978 and 1979 not later than February 1, 1974, (3) authorization requests for fiscal years 1980 and 1981 not later than February 1, 1976, and (4) an authorization request for fiscal year 1982 not later than February 1, 1978. Such authorization requests shall be designed to meet the Federal commitment specified in the first section of the Urban Mass

Report to
Congress.

Authorization
requests.

Recommendations to Congress.

Transportation Assistance Act of 1970. Concurrently with these authorization requests, the Secretary shall also submit his recommendations for any necessary adjustments in the schedule for liquidation of obligations."

78 Stat. 304;
83 Stat. 392.

SEC. 4. (a) Section 5 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1604), is amended by striking out "1971" and inserting in lieu thereof "1972".

(b) Section 5 of such Act, as amended (49 U.S.C. 1604), is further amended by striking out the next to the last sentence and inserting in lieu thereof the following: "Such remainder may be provided in whole or in part from other than public sources and any public or private transit system funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital."

79 Stat. 507;
80 Stat. 715.

SEC. 5. Section 12(d) of the Urban Mass Transportation Act of 1964 (49 U.S.C. 1608(d)) is amended to read as follows: "(d) There are hereby authorized to be appropriated, without fiscal year limitation out of any money in the Treasury not otherwise appropriated, the funds necessary to carry out the functions under this Act."

SEC. 6. Section 14 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1610), is amended to read as follows:

"ENVIRONMENTAL PROTECTION

"SEC. 14. (a) It is hereby declared to be the national policy that special effort shall be made to preserve the natural beauty of the countryside, public park and recreation lands, wildlife and waterfowl refuges, and important historical and cultural assets, in the planning, designing, and construction of urban mass transportation projects for which Federal assistance is provided pursuant to section 3 of this Act. In implementing this policy the Secretary shall cooperate and consult with the Secretaries of Agriculture, Health, Education, and Welfare, Housing and Urban Development, and Interior, and with the Council on Environmental Quality with regard to each project that may have a substantial impact on the environment.

Ante, p. 962.

Hearings,
review.

"(b) The Secretary shall review each transcript of hearing submitted pursuant to section 3(d) to assure that an adequate opportunity was afforded for the presentation of views by all parties with a significant economic, social, or environmental interest, and that the project application includes a detailed statement on—

- "(1) the environmental impact of the proposed project,
- "(2) any adverse environmental effects which cannot be avoided should the proposal be implemented,
- "(3) alternatives to the proposed project, and
- "(4) any irreversible and irretrievable impact on the environment which may be involved in the proposed project should it be implemented.

"(c) The Secretary shall not approve any application for assistance under section 3 unless he finds in writing, after a full and complete review of the application and of any hearings held before the State or local public agency pursuant to section 3(d), that (1) adequate opportunity was afforded for the presentation of views by all parties with a significant economic, social, or environmental interest, and fair consideration has been given to the preservation and enhancement of the environment and to the interest of the community in which the project is located, and (2) either no adverse environmental effect is likely to result from such project, or there exists no feasible and prudent alternative to such effect and all reasonable steps have been taken

to minimize such effect. In any case in which a hearing has not been held before the State or local agency pursuant to section 3(d), or in which the Secretary determines that the record of hearings before the State or local public agency is inadequate to permit him to make the findings required under the preceding sentence, he shall conduct hearings, after giving adequate notice to interested persons, on any environmental issues raised by such application. Findings of the Secretary under this subsection shall be made a matter of public record."

Ante, p. 964.

SEC. 7. Section 15 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1611), is amended to read as follows:

78 Stat. 308;
80 Stat. 715, 717.

"STATE LIMITATION

"SEC. 15. Grants made under section 3 (other than for relocation payments in accordance with section 7(b)) before July 1, 1970, for projects in any one State shall not exceed in the aggregate 12½ per centum of the aggregate amount of grant funds authorized to be appropriated pursuant to section 4(b); except that the Secretary may, without regard to such limitation, enter into contracts for grants under section 3 aggregating not to exceed \$12,500,000 (subject to the total authorization provided in section 4(b)) with local public bodies and agencies in States where more than two-thirds of the maximum grants permitted in the respective State under this section has been obligated. Grants made under section 3 on or after July 1, 1970, for projects in any one State may not exceed in the aggregate 12½ per centum of the aggregate amount of funds authorized to be obligated under section 4(c), except that 15 per centum of the aggregate amount of grant funds authorized to be obligated under section 4(c) may be used by the Secretary, without regard to this limitation, for grants in States where more than two-thirds of the maximum amounts permitted under this section has been obligated. In computing State limitations under this section, grants for relocation payments shall be excluded. Any grant made under section 3 to a local public body or agency in a major metropolitan area which is used in whole or in part to provide or improve urban mass transportation service, pursuant to an interstate compact approved by the Congress, in a neighboring State having within its boundaries population centers within normal commuting distance from such major metropolitan area, shall, for purposes of computing State limitations under this section, be allocated on an equitable basis, in accordance with regulations prescribed by the Secretary, between the State in which such public body or agency is situated and such neighboring State."

78 Stat. 305.
49 USC 1606.

83 Stat. 392.
49 USC 1603.

Ante, p. 965.

SEC. 8. The Urban Mass Transportation Act of 1964 is further amended by adding at the end thereof the following new section:

78 Stat. 302;
80 Stat. 715.
49 USC 1601
note.

"PLANNING AND DESIGN OF MASS TRANSPORTATION FACILITIES TO MEET SPECIAL NEEDS OF THE ELDERLY AND THE HANDICAPPED

"SEC. 16. (a) It is hereby declared to be the national policy that elderly and handicapped persons have the same right as other persons to utilize mass transportation facilities and services; that special efforts shall be made in the planning and design of mass transportation facilities and services so that the availability to elderly and handicapped persons of mass transportation which they can effectively utilize will be assured; and that all Federal programs offering assistance in the field of mass transportation (including the programs under this Act) should contain provisions implementing this policy.

"(b) In addition to the grants and loans otherwise provided for

under this Act, the Secretary is authorized to make grants or loans for the specific purpose of assisting States and local public bodies and agencies thereof in providing mass transportation services which are planned, designed, and carried out so as to meet the special needs of elderly and handicapped persons. Grants and loans made under the preceding sentence shall be subject to all of the terms, conditions, requirements, and provisions applicable to grants and loans made under section 3(a), and shall be considered for the purposes of all other laws to have been made under such section. Of the total amount of the obligations which the Secretary is authorized to incur on behalf of the United States under the first sentence of section 4(c), 1½ per centum may be set aside and used exclusively to finance the programs and activities authorized by this subsection (including administrative costs).

Ante, p. 962.

Ante, p. 965.

“(c) Of any amounts made available to finance research, development, and demonstration projects under section 6 after the date of the enactment of this section, 1½ per centum may be set aside and used exclusively to increase the information and technology which is available to provide improved transportation facilities and services planned and designed to meet the special needs of elderly and handicapped persons.

78 Stat. 305;
82 Stat. 535.
49 USC 1605.

“Handicapped person.”

“(d) For purposes of this Act, the term ‘handicapped person’ means any individual who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, is unable without special facilities or special planning or design to utilize mass transportation facilities and services as effectively as persons who are not so affected.”

Study.

SEC. 9. The Secretary of Transportation shall conduct a study of the feasibility of providing Federal assistance to help defray the operating costs of mass transportation companies in urban areas and of any changes in the Urban Mass Transportation Act of 1964 which would be necessary in order to provide such assistance, and shall report his findings and recommendations to the Congress within one year after the date of the enactment of this Act.

49 USC 1601
note.
Report to
Congress.

SEC. 10. The Secretary of Transportation shall in all ways (including the provision of technical assistance) encourage industries adversely affected by reductions in Federal Government spending on space, military, and other Federal projects to compete for the contracts provided for under sections 3 and 6 of the Urban Mass Transportation Act of 1964 (49 U.S.C. 1602 and 1605), as amended by this Act.

SEC. 11. Nothing in this Act shall affect the authority of the Secretary of Housing and Urban Development to make grants, under the authority of sections 6(a), 9, and 11 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1605(a), 1607a, and 1607c), and Reorganization Plan Numbered 2 of 1968, for projects or activities primarily concerned with the relationship of urban transportation systems to the comprehensively planned development of urban areas, or the role of transportation planning in overall urban planning, out of funds appropriated to him for that purpose.

80 Stat. 715.
82 Stat. 1369.
49 USC 1608
note.

80 Stat. 463;
83 Stat. 826, 863.

SEC. 12. Section 5316 of title 5, United States Code, is amended by inserting the following after paragraph (129): “(130) Deputy Administrator, Urban Mass Transportation Administration, Department of Transportation.”

SEC. 13. (a) Section 4(b) of the Urban Mass Transportation Act of 1964 is amended by inserting the words "or contract" after the word "grant" in the last sentence thereof.

78 Stat. 304;
83 Stat. 392.
49 USC 1603.
49 USC 1605.

(b) Section 6(a) of the Urban Mass Transportation Act of 1964 is amended by inserting the words "grant or" between the word "by" and the word "contract" in the second sentence thereof.

SEC. 14. This Act may be cited as the "Urban Mass Transportation Assistance Act of 1970".

Short title.

Approved October 15, 1970.

Public Law 91-454

JOINT RESOLUTION

Making further continuing appropriations for the fiscal year 1971, and for other purposes.

October 15, 1970
[H. J. Res. 1388]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (c) of section 102 of the joint resolution of June 29, 1970 (Public Law 91-294), as amended by Public Law 91-370, is hereby further amended by striking out "October 15, 1970" and inserting in lieu thereof "the sine die adjournment of the second session of the Ninety-first Congress."

Continuing
appropriations,
1971.
Ante, p. 694.

The advance appropriation under the heading "FOOD STAMP PROGRAM" in the Second Supplemental Appropriation Act, 1970 (Public Law 91-305), chargeable to the amount appropriated under this head in H.R. 17923 when enacted, is hereby increased from "\$300,000,000" to "\$600,000,000", and the period of availability thereof is hereby extended from "October 31, 1970" to "January 31, 1971".

Ante, p. 376.
Post, p. 1488.

Approved October 15, 1970.

Public Law 91-455

JOINT RESOLUTION

To extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1971.

October 15, 1970
[H. J. Res. 1396]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 336 of the Agricultural Adjustment Act of 1938, as amended, is amended by adding at the end thereof the following: "Notwithstanding any other provision hereof the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1971, may be conducted not later than thirty days after adjournment sine die of the second session of the Ninety-first Congress."

Wheat.
Ante, p. 448;
Post, p. 1366.

Approved October 15, 1970.

Public Law 91-456

AN ACT

October 15, 1970
[S. 583]

To provide for the flying of the American flag over the remains of the United States ship Utah in honor of the heroic men who were entombed in her hull on December 7, 1941.

U.S.S. *Utah*,
remains.
Flying of the
American flag.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy is authorized and directed to take such action as may be necessary to provide for (1) the erection and maintenance of a flagpole on the remains of the battleship United States ship Utah, (2) the flying of the American flag over the remains of such battleship, and (3) the raising and lowering of such flag each day, such action having been authorized in honor of the heroic men who were entombed in her hull on December 7, 1941.

Appropriation.

SEC. 2. There is hereby authorized to be appropriated to the Secretary of the Navy such sums as may be necessary for the cost of erection, maintenance, and operation of said flagpole.

Approved October 15, 1970.

Public Law 91-457

AN ACT

October 16, 1970
[H. R. 18410]

To establish the Fort Point National Historic Site in San Francisco, California, and for other purposes.

Fort Point Na-
tional Historic
Site, Calif.
Establishment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve and interpret for future generations the historical significance of Fort Point in the Presidio of San Francisco, California, the Congress hereby establishes the Fort Point National Historic Site comprising the area depicted on the map entitled "Boundary Map, Fort Point National Historic Site, California", numbered NHS-POI-91,000 and dated July 1970, together with such adjacent lands as may hereafter be transferred, without monetary consideration, to the Secretary of the Interior by the Secretary of the Army. Such additional lands, which shall neither exceed ten acres of fast lands nor sixty-three acres of submerged lands, shall, when transferred, be added to the Fort Point National Historic Site and shall be administered in accordance with the provisions of this Act: *Provided*, That no transfer of lands pursuant to this section shall be consummated until sixty days after the description, terms, and conditions of the proposed transfer have been forwarded to the Committees on Interior and Insular Affairs of the House of Representatives and Senate of the United States.

Administration.

SEC. 2. The Secretary of the Interior shall administer the Fort Point National Historic Site in accordance with the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented (16 U.S.C. 1 et seq.), and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467).

Appropriation.

SEC. 3. There are authorized to be appropriated for development of Fort Point National Historic Site such sums as may be necessary, but not more than \$5,250,000 (February 1970 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein.

Approved October 16, 1970.

Public Law 91-458

AN ACT

To provide for Federal railroad safety, hazardous materials control and for other purposes.

October 16, 1970
[S. 1933]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Federal railroad
safety and
hazardous ma-
terials control.

TITLE I—PURPOSE

SEC. 101. DECLARATION OF PURPOSE.

The Congress declares that the purpose of this Act is to promote safety in all areas of railroad operations and to reduce railroad-related accidents, and to reduce deaths and injuries to persons and to reduce damage to property caused by accidents involving any carrier of hazardous materials.

TITLE II—RAILROAD SAFETY

SEC. 201. SHORT TITLE.

This title may be cited as the “Federal Railroad Safety Act of 1970”.

Citation of
title.

SEC. 202. RAIL SAFETY REGULATIONS.

(a) The Secretary of Transportation (hereafter in this title referred to as the “Secretary”) shall (1) prescribe, as necessary, appropriate rules, regulations, orders, and standards for all areas of railroad safety supplementing provisions of law and regulations in effect on the date of enactment of this title, and (2) conduct, as necessary, research, development, testing, evaluation, and training for all areas of railroad safety. However, nothing in this title shall prohibit the bargaining representatives of common carriers and their employees from entering into collective bargaining agreements under the Railway Labor Act, including agreements relating to qualifications of employees, which are not inconsistent with rules, regulations, orders, or standards prescribed by the Secretary under this title. Nothing in this title shall be construed to give the Secretary authority to issue rules, regulations, orders, and standards relating to qualifications of employees, except such qualifications as are specifically related to safety.

44 Stat. 577;
48 Stat. 1185;
49 Stat. 1189.
45 USC 151-
188.

(b) Hearings shall be conducted in accordance with the provisions of section 553 of title 5 of the United States Code for all rules, regulations, orders, or standards issued by the Secretary including those establishing, amending, revoking, or waiving compliance with a railroad safety rule, regulation, order, or standard under this title, and an opportunity shall be provided for oral presentations.

Hearings.
80 Stat. 383.

(c) The Secretary may, after hearing in accordance with subsection (b) of this section, waive in whole or in part compliance with any rule, regulation, order, or standard established under this title, if he determines that such waiver of compliance is in the public interest and is consistent with railroad safety. The Secretary shall make public his reasons for granting any such waiver.

Waiver.

(d) In prescribing rules, regulations, orders, and standards under this section the Secretary shall consider relevant existing safety data and standards.

(e) The Secretary shall issue initial railroad safety rules, regulations, orders, and standards under this title based upon existing safety data and standards, not later than one year after the date of enactment of this title. The Secretary shall review and, after hearing in accordance with subsection (b) of this section, revise such rules, regulations, orders, and standards as necessary.

Safety rules and
regulations,
issuance and
review.

Judicial
review.

80 Stat. 392.

(f) Any final agency action taken under this section is subject to judicial review as provided in chapter 7 of title 5 of the United States Code.

SEC. 203. EMERGENCY POWERS.

If through testing, inspection, investigation, or research carried out pursuant to this title, the Secretary determines that any facility or piece of equipment is in unsafe condition and thereby creates an emergency situation involving a hazard of death or injury to persons affected by it, the Secretary may immediately issue an order, without regard to the provisions of section 202(b) of this title, prohibiting the further use of such facility or equipment until the unsafe condition is corrected. Subsequent to the issuance of such order, opportunity for review shall be provided in accordance with section 554 of title 5 of the United States Code.

80 Stat. 384.

SEC. 204. GRADE CROSSINGS AND RAILROAD RIGHTS-OF-WAY.

Study.

(a) The Secretary shall submit to the President for transmittal to the Congress, within one year after the date of enactment of this title, a comprehensive study of the problem of eliminating and protecting railroad grade crossings, including a study of measures to protect pedestrians in densely populated areas along railroad rights-of-way, together with his recommendations for appropriate action including, if relevant, a recommendation for equitable allocation of the economic costs of any program proposed as a result of such study.

(b) In addition the Secretary shall, insofar as practicable, under the authority provided by this title and pursuant to his authority over highway, traffic, and motor vehicle safety, and highway construction, undertake a coordinated effort toward the objective of developing and implementing solutions to the grade crossing problem, as well as measures to protect pedestrians in densely populated areas along railroad rights-of-way.

SEC. 205. STATE REGULATION.

Railroad safety
laws, regulations,
etc., uniformity.

The Congress declares that laws, rules, regulations, orders, and standards relating to railroad safety shall be nationally uniform to the extent practicable. A State may adopt or continue in force any law, rule, regulation, order, or standard relating to railroad safety until such time as the Secretary has adopted a rule, regulation, order, or standard covering the subject matter of such State requirement. A State may adopt or continue in force an additional or more stringent law, rule, regulation, order, or standard relating to railroad safety when necessary to eliminate or reduce an essentially local safety hazard, and when not incompatible with any Federal law, rule, regulation, order, or standard, and when not creating an undue burden on interstate commerce.

SEC. 206. STATE PARTICIPATION.

Investigative
and surveillance
activities.

(a) A State may participate in carrying out investigative and surveillance activities in connection with any rule, regulation, order, or standard prescribed by the Secretary under this title if the safety practices applicable to railroad facilities, equipment, rolling stock, and operations within such State are regulated by a State agency and such State agency submits to the Secretary an annual certification that such State agency—

Annual cer-
tification.

(1) has regulatory jurisdiction over the safety practices applicable to railroad facilities, equipment, rolling stock, and operations within the State concerned;

(2) has been furnished a copy of each Federal safety rule, regulation, order, and standard, applicable to any such railroad

facility, equipment, rolling stock, or operation, established under this title as of the date of the certification;

(3) is conducting the investigative and surveillance activities prescribed by the Secretary as necessary for the enforcement by him of each rule, regulation, order, and standard referred to in paragraph (2) of this subsection, as interpreted by the Secretary.

The Secretary shall retain the exclusive authority to assess and compromise penalties and (except as otherwise provided by section 207 of this title) to request injunctive relief for the violation of rules, regulations, orders, and standards prescribed by the Secretary under section 202(a) of this title and to recommend appropriate action as provided by sections 209 and 210 of this title.

Penalties;
injunctive relief.

(b) Each annual certification shall include a report, in such form as the Secretary may by regulation provide, showing—

Report,
contents.

(1) the name and address of each railroad subject to the safety jurisdiction of the State agency;

(2) all accidents or incidents reported during the preceding twelve months by each such railroad involving personal injury requiring hospitalization, fatality, or property damage exceeding \$750 or such other higher amount as the Secretary may prescribe, together with a summary of the State agency's investigation as to the cause and circumstances surrounding each such accident or incident;

(3) the record maintenance, reporting, and inspection practices conducted by the State agency to aid the Secretary in his enforcement of rules, regulations, orders, and standards prescribed by him under section 202(a) of this title, including a detail of the number of inspections made of rail facilities, equipment, rolling stock, and operations by the State agency during the preceding twelve months; and

(4) such other information as the Secretary may require.

The report included with the first annual certification need not show information unavailable at that time. If after receipt of annual certification the Secretary determines that the State agency is not satisfactorily complying with the investigative and surveillance activities prescribed by him with respect to such safety rules, regulations, orders, and standards, he may, on reasonable notice and after opportunity for hearing, reject the certification, in whole or in part, or take such other action as he deems appropriate to achieve adequate enforcement. When such notice is given by the Secretary, the burden of proof shall be upon the State agency to show that it is satisfactorily complying with the investigative and surveillance activities prescribed by the Secretary with respect to such safety rules, regulations, orders, and standards.

Noncompliance,
notice to State
agency.

Hearing.

(c) With respect to any railroad facility, equipment, rolling stock, or operation for which the Secretary does not receive an annual certification under subsection (a) of this section, the Secretary may enter into an agreement with a State agency to authorize such agency to provide all or any part of the investigative and surveillance activities prescribed by the Secretary as necessary to obtain compliance with any Federal safety rule, regulation, order, or standard applicable to any such railroad facility, equipment, rolling stock, or operation. An agreement entered into under this subsection, or any provision thereof, may be terminated by the Secretary if, after notice and opportunity for a hearing, he finds that the State agency has failed to provide all or any part of the investigative and surveillance activities to which the agreement relates. Such finding and termination shall be published in

Agreements
with noncertifying
States.

Termination
provision.

Publication in
Federal Register.

the Federal Register, and shall become effective no sooner than fifteen days after the date of publication.

State programs,
Federal-State
expenditures.

(d) Upon application by any State agency which has submitted a certification under subsection (a) of this section, or entered into an agreement under subsection (c) of this section, the Secretary shall pay, out of funds appropriated pursuant to this title or otherwise made available, up to 50 per centum of the cost of the personnel, equipment, and activities of such State agency reasonably required, during the ensuing fiscal year, to carry out a safety program under such certification or agreement. No such payment may be made unless the State agency making application under this subsection gives assurances satisfactory to the Secretary that the State agency will provide the remaining cost of such a safety program and that the aggregate expenditures of funds of the State, exclusive of Federal grants, for the safety program will be maintained at a level which does not fall below the average level of such expenditures for the last two fiscal years preceding the date of enactment of this title.

State investi-
gative prac-
tices, monitoring.

(e) The Secretary is authorized to conduct such monitoring of State investigative and surveillance practices and such other inspection and investigation as may be necessary to aid in the enforcement of the provisions of this title.

(f) The certification which is in effect under subsection (a) of this section shall not apply with respect to any new or amended Federal safety rule, regulation, order, or standard for railroads established under this title after the date of such certification until the State agency has submitted an appropriate certification in accordance with the provisions of subsection (a) of this section to provide the necessary inspection and surveillance activities in accordance with the provisions of such subsection.

SEC. 207. ENFORCING COMPLIANCE WITH FEDERAL RAILROAD SAFETY RULES, REGULATIONS, ORDERS, AND STANDARDS.

In any case in which the Secretary has failed to assess the civil penalty applicable under section 209 of this title, or no civil action has been commenced to obtain injunctive relief under section 210 of this title, with respect to a violation of any railroad safety rule, regulation, order, or standard issued under this title, within 90 days after the date on which such violation occurred, a State agency participating in investigative and surveillance activities under the provisions of section 206 of this title within the State where the violation occurred, may apply to the district court of the United States within the jurisdiction of which the violation occurred for the enforcement of such rule, regulation, order, or standard. The court shall have jurisdiction to enforce compliance with such rule, regulation, order, or standard by injunction or other proper process to restrain further violation thereof, or to enjoin compliance therewith, or to assess and collect the civil penalty included in or made applicable to such rule, regulation, order, or standard. The provisions of this section shall not apply in any case in which the Secretary has affirmatively determined, in writing, that no violation has occurred.

SEC. 208. GENERAL POWERS.

(a) In carrying out his functions under this title, the Secretary is authorized to perform such acts including, but not limited to, conducting investigations, making reports, issuing subpoenas, requiring production of documents, taking depositions, prescribing recordkeeping and reporting requirements, carrying out and contracting for research, development, testing, evaluation, and training (particularly with respect to those aspects of railroad safety which he finds to be in need

of prompt attention), and delegating to any public bodies or qualified persons, functions respecting examination, inspecting, and testing of railroad facilities, equipment, rolling stock, operations, or persons, as he deems necessary to carry out the provisions of this title.

(b) The National Transportation Safety Board shall have the authority to determine the cause or probable cause and report the facts, conditions and circumstances relating to accidents investigated under subsection (a) of this section, but may delegate such authority to any office or official of the Board or to any office or official of the Department of Transportation with the approval of the Secretary, as it may determine appropriate.

National Transportation Safety Board, investigative authority.

(c) To carry out the Secretary's and the Board's responsibilities under this title, officers, employees, or agents of the Secretary or the Board, as the case may be, are authorized to enter upon, inspect, and examine rail facilities, equipment, rolling stock, operations, and pertinent records at reasonable times and in a reasonable manner. Such officers, employees, or agents shall display proper credentials when requested.

Rail equipment, etc., inspection.

(d) All orders, rules, regulations, standards, and requirements in force, or prescribed or issued by the Secretary under this title, or by any State agency which is participating in investigative and surveillance activities pursuant to section 206 of this title, shall have the same force and effect as a statute for purposes of the application of sections 3 and 4 of the Act of April 22, 1908 (45 U.S.C. 53 and 54), relating to the liability of common carriers by railroad for injuries to their employees.

35 Stat. 66;
53 Stat. 1404.

SEC. 209. PENALTIES.

(a) It shall be unlawful for any railroad to disobey, disregard, or fail to adhere to any rule, regulation, order, or standard prescribed by the Secretary under this title.

(b) The Secretary shall include in, or make applicable to, any railroad safety rule, regulation, order, or standard issued under this title a civil penalty for violation thereof in such amount, not less than \$250 nor more than \$2,500, as he deems reasonable.

(c) Any railroad violating any rule, regulation, order, or standard referred to in subsection (b) of this section shall be assessed by the Secretary the civil penalty applicable to the standard violated. Each day of such violation shall constitute a separate offense. Such civil penalty is to be recovered in a suit or suits to be brought by the Attorney General on behalf of the United States in the district court of the United States having jurisdiction in the locality where such violation occurred. Civil penalties may, however, be compromised by the Secretary for any amount, but in no event for an amount less than the minimum provided in subsection (b) of this section, prior to referral to the Attorney General. The amount of any such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged. All penalties collected under this title, including penalties collected pursuant to section 207 of this title, shall be covered into the Treasury as miscellaneous receipts.

(d) In any action brought under this title, subpoenas for witnesses who are required to attend a United States district court may run into any other district.

SEC. 210. INJUNCTIVE RELIEF.

(a) The United States district court shall, at the request of the Secretary and upon petition by the Attorney General on behalf of the United States, or upon application by a State agency pursuant to sec-

U.S. district court, jurisdiction.

28 USC app.

Criminal
contempt pro-
ceedings.

18 USC app.

Report to
President for
transmittal to
Congress.
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tion 207 of this title, have jurisdiction, subject to the provisions of rules 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of this title or to enforce rules, regulations, orders, or standards established under this title.

(b) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this section or under section 207 of this title, which violation also constitutes a violation of this title, trial shall be by the court, or, upon demand of the accused, by a jury, conducted in accordance with the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

SEC. 211. ANNUAL REPORT.

(a) The Secretary shall prepare and submit to the President for transmittal to Congress on or before May 1 of each year a comprehensive report on the administration of this title for the preceding calendar year. Such report shall include, but not be restricted to—

(1) a thorough statistical compilation of the accidents and casualties by cause occurring in such year;

(2) a list of Federal railroad safety rules, regulations, orders, and standards issued under this title in effect or established in such year;

(3) a summary of the reasons for each waiver granted under section 202(c) of this title during such year;

(4) an evaluation of the degree of observance of applicable railroad safety rules, regulations, orders, and standards issued under this title;

(5) a summary of outstanding problems confronting the administration of Federal railroad safety rules, regulations, orders, and standards issued under this title in order of priority;

(6) an analysis and evaluation of research and related activities completed (including the policy implications thereof) and technological progress achieved during such year;

(7) a list, with a brief statement of the issues, of completed or pending judicial actions for the enforcement of any Federal railroad safety rule, regulation, order, or standard issued under this title;

(8) the extent to which technical information was disseminated to the scientific community and consumer-oriented information was made available to the public;

(9) a compilation of—

(A) certifications filed by State agencies under section 206(a) of this title which were in effect during the preceding calendar year, and

(B) certifications filed under section 206(a) of this title which were rejected, in whole or in part, by the Secretary during the preceding calendar year, together with a summary of the reasons for each such rejection; and

(10) a compilation of—

(A) agreements entered into with State agencies under section 206(c) of this title which were in effect during the preceding calendar year, and

(B) agreements entered into under section 206(c) of this title which were terminated by the Secretary, in whole or in part, during the preceding calendar year, together with a summary of the reasons for each such termination.

(b) The report required by subsection (a) of this section shall contain such recommendations for additional legislation as the Secretary deems necessary to strengthen the national railroad safety program.

Recommendations for additional legislation.

SEC. 212. AUTHORIZATION FOR APPROPRIATIONS.

There is authorized to be appropriated to carry out the provisions of this title not to exceed \$21,000,000 for each of the fiscal years ending June 30, 1971, June 30, 1972, and June 30, 1973.

TITLE III—HAZARDOUS MATERIALS CONTROL**SEC. 301. SHORT TITLE.**

This title may be cited as the "Hazardous Materials Transportation Control Act of 1970".

Citation of title.

SEC. 302. GENERAL AUTHORITY.

(a) The Secretary of Transportation (hereafter in this title referred to as the "Secretary") shall, within six months after the date of enactment of this title—

(1) establish facilities and technical staff to maintain within the Federal Government the capability to evaluate the hazards connected with and surrounding the various hazardous materials being shipped;

Facilities and staff.

(2) establish a central reporting system for hazardous materials accidents to provide technical and other information and advice to the law-enforcement and firefighting personnel of communities and to carriers and shippers for meeting emergencies connected with the transportation of hazardous materials; and

Central reporting system.

(3) conduct a review of all aspects of hazardous materials transportation to determine and recommend appropriate steps which can be taken immediately to provide greater control over the safe movement of such materials.

Review and recommendations.

(b) The authority granted the Secretary by this title shall be in addition to the authority granted by sections 831 to 835, inclusive, of title 18 of the United States Code.

(c) The Secretary shall prepare and submit to the President for transmittal to the Congress on or before May 1 of each year a comprehensive report on the transportation of hazardous materials during the preceding calendar year. Such report shall include, but not be restricted to—

74 Stat. 808.

Report to President for transmittal to Congress.

Contents.

(1) a thorough statistical compilation of the accidents and casualties occurring in such year which involved the transportation of hazardous materials;

(2) a list of relevant Federal standards in effect or established in such year;

(3) a summary of the reason for each waiver or exemption granted pursuant to sections 831 to 835, inclusive, of title 18 of the United States Code;

(4) an evaluation of the degree of observance of safety standards for the transportation of hazardous materials; and

(5) a summary of outstanding problems created by the transportation of hazardous materials.

(d) The report required by subsection (c) of this section shall contain such recommendations for additional legislation as the Secretary deems necessary.

Recommendations for additional legislation.

SEC. 303. AUTHORIZATION FOR APPROPRIATIONS.

There is authorized to be appropriated to carry out the provisions of this title not to exceed \$1,000,000 for each of the fiscal years ending June 30, 1971, June 30, 1972, and June 30, 1973.

TITLE IV—MISCELLANEOUS

SEC. 401. SEPARABILITY.

If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances shall not be affected thereby.

Approved October 16, 1970.

Public Law 91-459

October 16, 1970
[H. R. 10837]

AN ACT

To provide for the conveyance to Pima and Maricopa Counties, Arizona, and to the city of Albuquerque, New Mexico, of certain lands for recreational purposes under the provisions of the Recreation and Public Purposes Act of 1926.

Pima and
Maricopa Counties,
Ariz., and
Albuquerque,
N. Mex.
Land convey-
ance.
73 Stat. 571;
74 Stat. 899.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the acreage limitation in section 1(b) of the Act of June 14, 1926 (44 Stat. 741), as amended (43 U.S.C. 869(b)), the Secretary of the Interior may convey to Pima County or Maricopa County, Arizona, or to the city of Albuquerque, New Mexico, for recreational purposes in accordance with the other provisions of that Act, all or any part of the lands that were under lease to such county or city on January 1, 1969.

Lake Carl
Pleasant Regional
Park.
68 Stat. 174;
80 Stat. 210.
43 USC 869-1.

SEC. 2. Notwithstanding the limitation in section 2 of the said Act of June 14, 1926, as amended (43 U.S.C. 689-1), with respect to the location of the land, the Secretary of the Interior may convey to Maricopa County for the purpose of establishing and maintaining the Lake Carl Pleasant Regional Park, in accordance with the other provisions of that Act, the following described lands in Yavapai County:

Township 7 north, range 1 west, section 25, southeast quarter, 160 acres.

Township 6 north, range 1 east, section 5, north half southwest quarter, southeast quarter southwest quarter, and southwest quarter southeast quarter; 160 acres; section 8, those portions of the east half northwest quarter and the west half northeast quarter which lie in Yavapai County, about 24.60 acres.

Approved October 16, 1970.

Public Law 91-460

October 16, 1970
[S. 2314]

AN ACT

To amend section 4 of the Revised Organic Act of the Virgin Islands relating to voting age.

Virgin Islands,
voting age.
48 USC 1542.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the Revised Organic Act of the Virgin Islands (68 Stat. 497) is amended (1) by inserting "(a)" immediately after "Sec. 4."; and (2) by adding at the end thereof the following new subsection:

"(b) The legislature shall have authority to enact legislation establishing the voting age for residents of the Virgin Islands at an age not lower than eighteen years of age, if a majority of the qualified voters in the Virgin Islands approve in a referendum election held for that purpose."

Approved October 16, 1970.

Public Law 91-461

AN ACT

Granting the consent of Congress to the Western Interstate Nuclear Compact, and related purposes.

October 16, 1970
[S. 1628]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is hereby declared to be the national policy to encourage and recognize the performance of functions by the States with respect to the peaceful use of nuclear energy in its several forms. The Federal Government recognizes that many programs in nuclear fields can benefit from cooperation among the States, as well as between the Federal Government and the States. The importance of the interstate compact as one means for promoting such cooperation is hereby declared as part of the intention of Congress, already expressed in part in Public Law 86-373 and 87-563, to facilitate the use of State jurisdiction in and over portions of the development and regulatory nuclear field.

Western Inter-
state Nuclear
Compact,
Consent of
Congress.

73 Stat. 688.
42 USC 2021.
76 Stat. 249.

SEC. 2. The Congress hereby consents to the Western Interstate Nuclear Compact, which compact is as follows:

“ARTICLE I. POLICY AND PURPOSE

“The party states recognize that the proper employment of scientific and technological discoveries and advances in nuclear and related fields and direct and collateral application and adaptation of processes and techniques developed in connection therewith, properly correlated with the other resources of the region, can assist substantially in the industrial progress of the West and the further development of the economy of the region. They also recognize that optimum benefit from nuclear and related scientific or technological resources, facilities and skills requires systematic encouragement, guidance, assistance, and promotion from the party states on a cooperative basis. It is the policy of the party states to undertake such cooperation on a continuing basis. It is the purpose of this compact to provide the instruments and framework for such a cooperative effort in nuclear and related fields, to enhance the economy of the West and contribute to the individual and community well-being of the region's people.

“ARTICLE II. THE BOARD

“(a) There is hereby created an agency of the party states to be known as the ‘Western Interstate Nuclear Board’ (hereinafter called the Board). The Board shall be composed of one member from each party state designated or appointed in accordance with the law of the state which he represents and serving and subject to removal in accordance with such law. Any member of the Board may provide for the discharge of his duties and the performance of his functions thereon (either for the duration of his membership or for any lesser period of time) by a deputy or assistant, if the laws of his state make specific provisions therefor. The federal government may be represented without vote if provision is made by federal law for such representation.

“(b) The Board members of the party states shall each be entitled to one vote on the Board. No action of the Board shall be binding unless taken at a meeting at which a majority of all members representing the party states are present and unless a majority of the total number of votes on the Board are cast in favor thereof.

“(c) The Board shall have a seal.

“(d) The Board shall elect annually, from among its members, a chairman, a vice chairman, and a treasurer. The Board shall appoint and fix the compensation of an Executive Director who shall serve at its pleasure and who shall also act as Secretary, and who, together with the Treasurer, and such other personnel as the Board may direct, shall be bonded in such amounts as the Board may require.

“(e) The Executive Director, with the approval of the Board, shall appoint and remove or discharge such personnel as may be necessary for the performance of the Board’s functions irrespective of the civil service, personnel or other merit system laws of any of the party states.

“(f) The Board may establish and maintain, independently or in conjunction with any one or more of the party states, or its institutions or subdivisions, a suitable retirement system for its full-time employees. Employees of the Board shall be eligible for social security coverage in respect of old age and survivors insurance provided that the Board takes such steps as may be necessary pursuant to federal law to participate in such program of insurance as a governmental agency or unit. The Board may establish and maintain or participate in such additional programs of employee benefits as may be appropriate.

“(g) The Board may borrow, accept, or contract for the services of personnel from any state or the United States or any subdivision or agency thereof, from any interstate agency, or from any institution, person, firm or corporation.

“(h) The Board may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials and services (conditional or otherwise) from any state or the United States or any subdivision or agency thereof, or interstate agency, or from any institution, person, firm, or corporation, and may receive, utilize, and dispose of the same. The nature, amount and conditions, if any, attendant upon any donation or grant accepted pursuant to this paragraph or upon any borrowing pursuant to paragraph (g) of this Article, together with the identity of the donor, grantor or lender, shall be detailed in the annual report of the Board.

“(i) The Board may establish and maintain such facilities as may be necessary for the transacting of its business. The Board may acquire, hold, and convey real and personal property and any interest therein.

“(j) The Board shall adopt bylaws, rules, and regulations for the conduct of its business, and shall have the power to amend and rescind these bylaws, rules, and regulations. The Board shall publish its bylaws, rules, and regulations in convenient form and shall file a copy thereof, and shall also file a copy of any amendment thereto, with the appropriate agency or officer in each of the party states.

“(k) The Board annually shall make to the governor of each party state, a report covering the activities of the Board for the preceding year, and embodying such recommendations as may have been adopted by the Board, which report shall be transmitted to the legislature of said state. The Board may issue such additional reports as it may deem desirable.

“ARTICLE III. FINANCES

“(a) The Board shall submit to the governor or designated officer or officers of each party state a budget of its estimated expenditures for such period as may be required by the laws of that jurisdiction for presentation to the legislature thereof.

“(b) Each of the Board’s budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states. Each of the Board’s requests

for appropriations pursuant to a budget of estimated expenditures shall be apportioned equally among the party states. Subject to appropriation by their respective legislatures, the Board shall be provided with such funds by each of the party states as are necessary to provide the means of establishing and maintaining facilities, a staff of personnel, and such activities as may be necessary to fulfill the powers and duties imposed upon and entrusted to the Board.

“(c) The Board may meet any of its obligations in whole or in part with funds available to it under Article II (h) of this compact, provided that the Board takes specific action setting aside such funds prior to the incurring of any obligation to be met in whole or in part in this manner. Except where the Board makes use of funds available to it under Article II(h) hereof, the Board shall not incur any obligation prior to the allotment of funds by the party jurisdictions adequate to the meet the same.

“(d) Any expenses and any other costs for each member of the Board in attending Board meetings shall be met by the Board.

“(e) The Board shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Board shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Board shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become a part of the annual report of the Board.

“(f) The Accounts of the Board shall be open at any reasonable time for inspection to persons authorized by the Board, and duly designated representatives of governments contributing to the Board's support.

“ARTICLE IV. ADVISORY COMMITTEES

“The Board may establish such advisory and technical committees as it may deem necessary, membership on which may include but not be limited to private citizens, expert and lay personnel, representatives of industry, labor, commerce, agriculture, civic associations, medicine, education, voluntary health agencies, and officials of local, State and Federal Government, and may cooperate with and use the services of any such committees and the organizations which they represent in furthering any of its activities under this compact.

“ARTICLE V. POWERS

“The Board shall have power to—

“(a) Encourage and promote cooperation among the party states in the development and utilization of nuclear and related technologies and their application to industry and other fields.

“(b) Ascertain and analyze on a continuing basis the position of the West with respect to the employment in industry of nuclear and related scientific findings and technologies.

“(c) Encourage the development and use of scientific advances and discoveries in nuclear facilities, energy, materials, products, by-products, and all other appropriate adaptations of scientific and technological advances and discoveries.

“(d) Collect, correlate, and disseminate information relating to the peaceful uses of nuclear energy, materials, and products, and other products and processes resulting from the application of related science and technology.

“(e) Encourage the development and use of nuclear energy, facilities, installations, and products as part of a balanced economy.

“(f) Conduct, or cooperate in conducting, programs of training for state and local personnel engaged in any aspects of:

“1. Nuclear industry, medicine, or education, or the promotion or regulation thereof.

“2. Applying nuclear scientific advances or discoveries, and any industrial commercial or other processes resulting therefrom.

“3. The formulation or administration of measures designed to promote safety in any matter related to the development, use or disposal of nuclear energy, materials, products, by-products, installations, or wastes, or to safety in the production, use and disposal of any other substances peculiarly related thereto.

“(g) Organize and conduct, or assist and cooperate in organizing and conducting, demonstrations or research in any of the scientific, technological or industrial fields to which this compact relates.

“(h) Undertake such nonregulatory functions with respect to non-nuclear sources of radiation as may promote the economic development and general welfare of the West.

“(i) Study industrial, health, safety, and other standards, laws, codes, rules, regulations, and administrative practices in or related to nuclear fields.

“(j) Recommend such changes in, or amendments or additions to the laws, codes, rules, regulations, administrative procedures and practices or local laws or ordinances of the party states of their subdivisions in nuclear and related fields, as in its judgment may be appropriate. Any such recommendations shall be made through the appropriate state agency, with due consideration of the desirability of uniformity but shall also give appropriate weight to any special circumstances which may justify variations to meet local conditions.

“(k) Consider and make recommendations designed to facilitate the transportation of nuclear equipment, materials, products, by-products, wastes, and any other nuclear or related substances, in such manner and under such conditions as will make their availability or disposal practicable on an economic and efficient basis.

“(l) Consider and make recommendations with respect to the assumption of and protection against liability actually or potentially incurred in any phase of operations in nuclear and related fields.

“(m) Advise and consult with the federal government concerning the common position of the party states or assist party states with regard to individual problems where appropriate in respect to nuclear and related fields.

“(n) Cooperate with the Atomic Energy Commission, the National Aeronautics and Space Administration, the Office of Science and Technology, or any agencies successor thereto, any other officer or agency of the United States, and any other governmental unit or agency or officer thereof, and with any private persons or agencies in any of the fields of its interest.

“(o) Act as licensee, contractor or sub-contractor of the United States Government or any party state with respect to the conduct of any research activity requiring such license or contract and operate such research facility or undertake any program pursuant thereto, provided that this power shall be exercised only in connection with the implementation of one or more other powers conferred upon the Board by this compact.

“(p) Prepare, publish and distribute (with or without charge) such reports, bulletins, newsletters or other materials as it deems appropriate.

“(q) Ascertain from time to time such methods, practices, circumstances, and conditions as may bring about the prevention and control

of nuclear incidents in the area comprising the party states, to coordinate the nuclear incident prevention and control plans and the work relating thereto of the appropriate agencies of the party states and to facilitate the rendering of aid by the party states to each other in coping with nuclear incidents.

"The Board may formulate and, in accordance with need from time to time, revise a regional plan or regional plans for coping with nuclear incidents within the territory of the party states as a whole or within any subregion or subregions of the geographic area covered by this compact.

"Any nuclear incident plan in force pursuant to this paragraph shall designate the official or agency in each party state covered by the plan who shall coordinate requests for aid pursuant to Article VI of this compact and the furnishing of aid in response thereto.

"Unless the party states concerned expressly otherwise agree, the Board shall not administer the summoning and dispatching of aid, but this function shall be undertaken directly by the designated agencies and officers of the party states.

"However, the plan or plans of the Board in force pursuant to this paragraph shall provide for reports to the Board concerning the occurrence of nuclear incidents and the requests for aid on account thereof, together with summaries of the actual working and effectiveness of mutual aid in particular instances.

"From time to time, the Board shall analyze the information gathered from reports of aid pursuant to Article VI and such other instances of mutual aid as may have come to its attention, so that experience in the rendering of such aid may be available.

"(r) Prepare, maintain, and implement a regional plan or regional plans for carrying out the duties, powers, or functions conferred upon the Board by this compact.

"(s) Undertake responsibilities imposed or necessarily involved with regional participation pursuant to such cooperative programs of the federal government as are useful in connection with the fields covered by this compact.

"ARTICLE VI. MUTUAL AID

"(a) Whenever a party state, or any state or local governmental authorities therein, request aid from any other party state pursuant to this compact in coping with a nuclear incident, it shall be the duty of the requested state to render all possible aid to the requesting state which is consonant with the maintenance of protection of its own people.

"(b) Whenever the officers or employees of any party state are rendering outside aid pursuant to the request of another party state under this compact, the officers or employees of such state shall, under the direction of the authorities of the state to which they are rendering aid, have the same powers, duties, rights, privileges and immunities as comparable officers and employees of the state to which they are rendering aid.

"(c) No party state or its officers or employees rendering outside aid pursuant to this compact shall be liable on account of any act or omission on their part while so engaged, or on account of the maintenance or use of any equipment or supplies in connection therewith.

"(d) All liability that may arise either under the laws of the requesting state or under the laws of the aiding state or under the laws of a third state on account of or in connection with a request for aid, shall be assumed and borne by the requesting state.

“(e) Any party state rendering outside aid pursuant to this compact shall be reimbursed by the party state receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost of all materials, transportation, wages, salaries and maintenance of officers, employees and equipment incurred in connection with such requests: provided that nothing herein contained shall prevent any assisting party state from assuming such loss, damage, expense or other cost or from loaning such equipment or from donating such services to the receiving party state without charge or cost.

“(f) Each party state shall provide for the payment of compensation and death benefits to injured officers and employees and the representatives of deceased officers and employees in case officers or employees sustain injuries or death while rendering outside aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within the state by or in which the officer or employee was regularly employed.

“ARTICLE VII. SUPPLEMENTARY AGREEMENTS

“(a) To the extent that the Board has not undertaken an activity or project which would be within its power under the provisions of Article V of this compact, any two or more of the party states (acting by their duly constituted administrative officials) may enter into supplementary agreements for the undertaking and continuance of such an activity or project. Any such agreement shall specify the purpose or purposes; its duration and the procedure for termination thereof or withdrawal therefrom; the method of financing and allocating the costs of the activity or project; and such other matters as may be necessary or appropriate.

“No such supplementary agreement entered into pursuant to this article shall become effective prior to its submission to and approval by the Board. The Board shall give such approval unless it finds that the supplementary agreement or activity or project contemplated thereby is inconsistent with the provisions of this compact or a program or activity conducted by or participated in by the Board.

“(b) Unless all of the party states participate in a supplementary agreement, any cost or costs thereof shall be borne separately by the states party thereto. However, the Board may administer or otherwise assist in the operation of any supplementary agreement.

“(c) No party to a supplementary agreement entered into pursuant to this article shall be relieved thereby of any obligation or duty assumed by said party state under or pursuant to this compact, except that timely and proper performance of such obligation or duty by means of the supplementary agreement may be offered as performance pursuant to the compact.

“(d) The provisions to this Article shall apply to supplementary agreements and activities thereunder, but shall not be construed to repeal or impair any authority which officers or agencies of party states may have pursuant to other laws to undertake cooperative arrangements or projects.

“ARTICLE VIII. OTHER LAWS AND RELATIONS

“Nothing in this compact shall be construed to—

“(a) Permit or require any person or other entity to avoid or refuse compliance with any law, rule, regulation, order or ordinance of a party state or subdivision thereof now or hereafter made, enacted or in force.

“(b) Limit, diminish, or otherwise impair jurisdiction exercised by the Atomic Energy Commission, any agency successor thereto, or any other federal department, agency or officer pursuant to and in conformity with any valid and operative act of Congress; nor limit, diminish, affect, or otherwise impair jurisdiction exercised by any officer or agency of a party state, except to the extent that the provisions of this compact may provide therefor.

“(c) Alter the relations between and respective internal responsibilities of the government of a party state and its subdivisions.

“(d) Permit or authorize the Board to own or operate any facility, reactor, or installation for industrial or commercial purposes.

“ARTICLE IX. ELIGIBLE PARTIES, ENTRY INTO FORCE AND WITHDRAWAL

“(a) Any or all of the states of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming shall be eligible to become party to this compact.

“(b) As to any eligible party state, this compact shall become effective when its legislature shall have enacted the same into law: *Provided*, That it shall not become initially effective until enacted into law by five states.

“(c) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until two years after the Governor of the withdrawing state has given notice in writing of the withdrawal to the Governors of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

“(d) Guam and American Samoa, or either of them may participate in the compact to such extent as may be mutually agreed by the Board and the duly constituted authorities of Guam or American Samoa, as the case may be. However, such participation shall not include the furnishing or receipt of mutual aid pursuant to Article VI, unless that Article has been enacted or otherwise adopted so as to have the full force and effect of law in the jurisdiction affected. Neither Guam nor American Samoa shall be entitled to voting participation on the Board, unless it has become a full party to the compact.

“ARTICLE X. SEVERABILITY AND CONSTRUCTION

“The provisions of this compact and of any supplementary agreement entered into hereunder shall be severable and if any phrase, clause, sentence or provision of this compact or such supplementary agreement is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact or such supplementary agreement and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact or any supplementary agreement entered into hereunder shall be held contrary to the constitution of any state participating therein, the compact or such supplementary agreement shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters. The provisions of this compact and of any supplementary agreement entered into pursuant thereto shall be liberally construed to effectuate the purposes thereof.”

SEC. 3. Pursuant to Article II(a) of the Western Interstate Nuclear Compact, there shall be one representative of the Federal Government on the Western Interstate Nuclear Board. The representative

Federal representative, appointment.

Compensation;
travel expenses.

Agency cooper-
ation.

Reports to
President and
congressional
committee.

Consent, ex-
tension.

Congressional
right to disclosure
and information.

shall be appointed by the President and he shall report to the President either directly or through such agency or official as the President may specify. His compensation shall be in such amount as the President shall specify: *Provided*, That if the representative be an employee of the United States, he shall serve without additional compensation. The compensation, travel expenses, office space, stenographic, and administrative services of the representative shall be paid from any available appropriations selected by the head of such agency or agencies as may be designated by the President to provide such expenses.

SEC. 4. The Atomic Energy Commission; the National Aeronautics and Space Administration; the Secretary of Health, Education, and Welfare; the Secretary of Commerce; the Secretary of Labor; the Secretary of Agriculture; and the heads of other departments and agencies of the Federal Government are authorized, within available appropriations and pursuant to law, to cooperate with the Western Interstate Nuclear Board.

SEC. 5. Copies of the annual reports made by the Western Interstate Nuclear Board pursuant to article II(k) of the Western Interstate Nuclear Compact shall be transmitted to the President and to the Joint Committee on Atomic Energy of the Congress.

SEC. 6. The consent to the Western Nuclear Compact given by this Act shall extend to any and all supplementary agreements entered into pursuant to article VII of such Compact: *Provided*, That any such supplementary agreement is only for the exercise of one or more of the powers conferred upon the Western Interstate Nuclear Board by article V of such compact.

SEC. 7. The right to alter, amend, or repeal this Act is expressly reserved.

SEC. 8. The right is hereby reserved to the Congress or any of its standing committees to require the disclosure and furnishing of such information or data by the Western Interstate Nuclear Board as is deemed appropriate by the Congress or any such Committee.

Approved October 16, 1970.

Public Law 91-462

AN ACT

October 16, 1970
[H. R. 15012]

To authorize a study of the feasibility and desirability of establishing a unit of the national park system to commemorate the opening of the Cherokee Strip to homesteading, and for other purposes.

Cherokee
Strip, Kans.-Okla.
Establishment
as park system
unit, feasibility
study.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of commemorating the opening of the Cherokee Strip to homesteading, and the historic use of the Chisholm Trail, cattle trails of the old southwest, and other such arteries of commerce which contributed to the expansion of our Nation; and to preserve for the benefit of the American people outstanding examples of the natural prairie scene which existed during this period of expansion and growth, the Secretary of the Interior shall study, investigate, and formulate recommendations on the feasibility and desirability of establishing as a part of the national park system, an area, on lands in the States of Kansas and Oklahoma, associated with the aforesaid events and representative of the terrain and natural environment existing during such times.

SEC. 2. As a part of such study, other interested Federal agencies, and State and local bodies and officials shall be consulted, and the study shall be coordinated with applicable outdoor recreation plans, highway plans, and other planning activities relating to the region.

SEC. 3. The Secretary shall submit to the President and to the Congress of the United States, within one year after the date of this Act, a report of the findings and recommendations of the National Park Service, as approved by him. The report of the Secretary shall contain, but not be limited to, findings with respect to the scenic, scientific, historic, and natural values of the land resources involved, including specifically, recommendations as to scenic, and historic site preservation or marking.

Report to President and Congress.

SEC. 4. There are authorized to be appropriated not to exceed \$30,000, to carry out the provisions of this Act.

Appropriation.

Approved October 16, 1970.

Public Law 91-463

AN ACT

October 16, 1970
[H. R. 13125]

To amend section 11 of the Act approved February 22, 1889 (25 Stat. 676) as amended by the Act of May 7, 1932 (47 Stat. 150), and as amended by the Act of April 13, 1948 (62 Stat. 170) relating to the admission to the Union of the States of North Dakota, South Dakota, Montana, and Washington, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of the first paragraph of section 11 of the Act approved February 22, 1889 (25 Stat. 676), as amended by the Act of May 7, 1932 (47 Stat. 150), is hereby amended to read as follows:

N. Dak.,
S. Dak., Mont.,
and Wash.
School lands,
exchange.

"Any of the said lands may be exchanged for other lands, public or private, of equal value and as near as may be of equal area, but if any of the said lands are exchanged with the United States such exchange shall be limited to Federal lands that are surveyed, non-mineral, unreserved public lands within the State, or are reserved public lands within the State that are subject to exchange under the laws governing the administration of such Federal reserved public lands."

and that a new paragraph be added immediately following the above, as follows:

"All exchanges heretofore made under section 11 of the Act approved February 22, 1889 (25 Stat. 676), as amended by the Act approved May 7, 1932 (47 Stat. 150), for reserved public lands of the United States that were subject to exchange under law pursuant to which they were being administered and the requirements thereof have been met, are hereby approved to the same extent as though the lands exchanged were unreserved public lands."

and that the present paragraph 2 of section 11 be amended to read as follows:

62 Stat. 170.

"The said lands may be leased under such regulations as the legislature may prescribe."

Approved October 16, 1970.

Public Law 91-464

October 16, 1970
[S. 2264]

AN ACT

To amend the Public Health Service Act to provide authorization for grants for communicable disease control and vaccination assistance.

Communicable
Disease Control
Amendments of
1970.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Communicable Disease Control Amendments of 1970".

GRANTS FOR COMMUNICABLE DISEASE CONTROL

76 Stat. 1155;
79 Stat. 435.

SEC. 2. Section 317 of the Public Health Service Act (42 U.S.C. 247b) is amended to read as follows:

"COMMUNICABLE DISEASE CONTROL AND VACCINATION ASSISTANCE

Appropriation.

"SEC. 317. (a) There are hereby authorized to be appropriated \$75,000,000 for the fiscal year ending June 30, 1971, and \$90,000,000 for the fiscal year ending June 30, 1972, to enable the Secretary to make grants to States and, with the approval of the State health authority, to political subdivisions or instrumentalities of the States under this subsection. In the award of such grants the Secretary shall give consideration to the relative extent of the problems relating to one or more of the diseases referred to in subsection (b) (1) and to the levels of performance in preventing and controlling such diseases. Such grants may be used for meeting the cost of communicable disease control programs, including the cost of studies to determine the communicable disease control needs of communities and the means of best meeting such needs.

Definitions.

"(b) For the purposes of this subsection—

"(1) a 'communicable disease control program' means a program which is designed and conducted so as to contribute to national protection against tuberculosis, venereal disease, rubella, measles, Rh disease, poliomyelitis, diphtheria, tetanus, whooping cough or other communicable diseases which are transmitted from State to State, are amenable to reduction, and which are determined by the Secretary on the recommendation of the National Advisory Health Council to be of national significance, and

"(2) the term 'State' includes the Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, and the District of Columbia.

Payment.

"(c) Payments under this section may be made in advance on the basis of estimates or by way of reimbursement, with necessary adjustments on account of underpayments, or overpayments, in such installments and on such terms and conditions as the Secretary finds necessary to carry out the purposes of this section.

Grant reduction.

"(d) The Secretary, at the request of a recipient of a grant under this section, may reduce such grant by the fair market value of any supplies (including vaccines and other preventive agents), or equipment furnished to such recipient and by the amount of the pay, allowances, traveling expenses, and any other costs in connection with the detail of an officer or employee to the recipient when the furnishing of such supplies or equipment, or of the detail of such officer or employee (as the case may be), is for the convenience of and at the request of such recipient and for the purpose of carrying out the program with respect to which the grant under this section is made. The amount by which any such grant is so reduced shall be available for payment by the Secretary of the costs incurred in furnishing the supplies, equipment, or personal services on which the reduction of such grant is

based, but such amount shall be deemed a part of the grant to such recipient and shall, for the purposes of subsection (c), be deemed to have been paid to such agency.

“(e) Nothing in this section shall limit or otherwise restrict the use of funds which are granted to a State or to a political subdivision of a State under other provisions of this Act or other Federal law and which are available for the conduct of communicable disease control programs from being used in connection with programs assisted through grants under this section.

“(f) The Secretary shall submit an annual report to the President for submission to the Congress on the effectiveness of activities assisted under this section in preventing and controlling communicable diseases.

“(g) Nothing in this section shall be construed to require any State or any political subdivision or instrumentality of a State to have a communicable disease control or vaccination program which would require any person who objects to such treatment to be treated, or to have any child or ward of his treated.”

Report to
President and
Congress.

Approved October 16, 1970.

Public Law 91-465

AN ACT

To authorize the establishment of the Andersonville National Historic Site in the State of Georgia, and for other purposes.

October 16, 1970
[H. R. 140]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to provide an understanding of the overall prisoner-of-war story of the Civil War, to interpret the role of prisoner-of-war camps in history, to commemorate the sacrifice of Americans who lost their lives in such camps, and to preserve the monuments located therein, the Secretary is hereby authorized to designate not more than five hundred acres in Macon and Sumter Counties, Georgia, for establishment as the Andersonville National Historic Site.

Andersonville
National Historic
Site, Ga.
Establishment.

SEC. 2. Within the area designated pursuant to section 1 of this Act, the Secretary of the Interior may acquire by donation, purchase with donated or appropriated funds, transfer from any Federal agency, or exchange lands and interests therein for the purposes of this Act. When an individual tract of land is only partly within the area designated, the Secretary may acquire the entire tract by any of the above methods to avoid the payment of severance costs. Land so acquired outside the designated area may be exchanged by the Secretary for non-Federal lands within such area, and any portion of the land not utilized for such exchanges may be disposed of in accordance with the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended (40 U.S.C. 471 et seq.). In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property within such area, and in exchange therefor he may convey to the grantor of such property any federally owned property in the State of Georgia under his jurisdiction which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require. Notwithstanding any other provision of law, Federal property designated for the purposes of the national historic site may, with the concurrence of the head of the agency having custody thereof, be transferred, without a transfer of funds, to the administrative jurisdiction of the Secretary of the Interior for the purposes of this Act.

Land acquisition.

Administration.

SEC. 3. The Secretary of the Interior shall administer the Andersonville National Historic Site in accordance with the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented (16 U.S.C. 1 et seq.), and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467).

Appropriation.

SEC. 4. There are authorized to be appropriated not more than \$363,000 for the acquisition of lands and interests in lands and not more than \$1,605,000 (March 1969 prices), for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein.

Approved October 16, 1970.

Public Law 91-466

October 17, 1970
[H. R. 4599]

AN ACT

To extend for two years the period for which payments in lieu of taxes may be made with respect to certain real property transferred by the Reconstruction Finance Corporation and its subsidiaries to other Government departments.

Reconstruction
Finance Corpora-
tion.
81 Stat. 119.
40 USC 523.
40 USC 524.

Repeal.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 703 of the Federal Property and Administrative Services Act of 1949 (69 Stat. 722) is amended by striking out the figures "1969", and inserting in lieu thereof the figures "1971".

(b) Section 704 of such Act (69 Stat. 723) is amended by striking out the figures "1968", and inserting in lieu thereof the figures "1970".

SEC. 2. Title VII (including the table of contents relating thereto) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 521-524) is repealed as of January 1, 1971.

Approved October 17, 1970.

Public Law 91-467

October 19, 1970
[S. 4247]

AN ACT

To amend the Bankruptcy Act, sections 2, 14, 15, 17, 38, and 58, to permit the discharge of debts in a subsequent proceeding after denial of discharge for specified reasons in an earlier proceeding, to authorize courts of bankruptcy to determine the dischargeability or nondischargeability of provable debts, and to provide additional grounds for the revocation of discharges.

Bankruptcy Act,
amendments.
Discharges.
52 Stat. 843.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (12) of subdivision a, section 2, of the Bankruptcy Act (11 U.S.C. 11(a) (12)) is amended to read as follows:

"(12) Discharge or refuse to discharge bankrupts, set aside discharges, determine the dischargeability of debts, and render judgments thereon;".

79 Stat. 646.

SEC. 2. Subdivision b of section 14 of the Bankruptcy Act (11 U.S.C. 32(b)) is amended to read as follows:

"b. (1) The court shall make an order fixing a time for the filing of objections to the bankrupt's discharge and a time for the filing of applications pursuant to paragraph (2) of subdivision c of section 17 of this Act to determine the dischargeability of debts, which time or times shall be not less than thirty days nor more than ninety days after the first date set for the first meeting of creditors. Notice of such order shall be given to all parties in interest as provided in section 58b of this Act. The Court may, upon its own motion or, for cause shown, upon motion of any party in interest, extend the time or times for filing such objections or applications.

Post, p. 992.

"(2) Upon the expiration of the time fixed in the order for filing objections or of any extension of such time granted by the court, the court shall discharge the bankrupt if no objection has been filed and if the filing fees required to be paid by this Act have been paid in full; otherwise, the court shall hear such proofs and pleas as may be made in opposition to the discharge, by the trustee, creditors, the United States attorney, or such other attorney as the Attorney General may designate, at such time as will give the bankrupt and the objecting parties a reasonable opportunity to be fully heard."

SEC. 3. Section 14 of the Bankruptcy Act (11 U.S.C. 32) is amended by adding at the end thereof the following new subdivisions:

Order of discharge,
52 Stat. 850;
79 Stat. 646.

"f. An order of discharge shall—

"(1) declare that any judgment theretofore or thereafter obtained in any other court is null and void as a determination of the personal liability of the bankrupt with respect to any of the following: (a) debts not excepted from the discharge under subdivision a of section 17 of this Act; (b) debts discharged under paragraph (2) of subdivision c of section 17 of this Act; and (c) debts determined to be discharged under paragraph (3) of subdivision c of section 17 of this Act; and

"(2) enjoin all creditors whose debts are discharged from thereafter instituting or continuing any action or employing any process to collect such debts as personal liabilities of the bankrupt.

"g. An order of discharge which has become final may be registered in any other district by filing therein a certified copy of such order and when so registered shall have the same effect as an order of the bankruptcy court of the district where registered and may be enforced in like manner.

Registration.

"h. Within forty-five days after the order of discharge becomes final the court shall give notice of the entry thereof to all parties in interest as specified in subdivision b of section 58 of this Act. Such notice shall also specify the debts, if any, theretofore determined by the court to be nondischargeable, the debts, if any, as to which applications to determine dischargeability are pending, and those contents of the order of discharge required by subdivision f of this section."

Notice to
interested parties.

SEC. 4. Section 15 of the Bankruptcy Act (11 U.S.C. 33) is amended to read as follows:

52 Stat. 851.

"SEC. 15. DISCHARGES, WHEN REVOKED.—The court may revoke a discharge upon the application of a creditor, the trustee, the United States attorney, or any other party in interest, who has not been guilty of laches, filed at any time within one year after a discharge has been granted, if it shall appear (1) that the discharge was obtained through the fraud of the bankrupt, that the knowledge of the fraud has come to the applicant since the discharge was granted, and that the facts did not warrant the discharge; or (2) that the bankrupt, before or after discharge, received or became entitled to receive property of any kind which is or which became a part of the bankrupt estate and that he knowingly and fraudulently failed to report or to deliver such property to the trustee; or (3) that the bankrupt during the pendency of the proceeding refused to obey any lawful order of, or to answer any material question approved by, the court. The application to revoke for such refusal may be filed at any time during the pendency of the proceeding or within one year after the discharge was granted, whichever period is longer."

Debts unaffected by discharge.
74 Stat. 409.

SEC. 5. Clauses (2), (5), and (6) of subdivision a of section 17 of the Bankruptcy Act (11 U.S.C. 35(a) (2), (5), (6)) are amended to read as follows:

"(2) are liabilities for obtaining money or property by false pretenses or false representations, or for obtaining money or property on credit or obtaining an extension or renewal of credit in reliance upon a materially false statement in writing respecting his financial condition made or published or caused to be made or published in any manner whatsoever with intent to deceive, or for willful and malicious conversion of the property of another;"

81 Stat. 511.
11 USC 104.

"(5) are for wages and commissions to the extent they are entitled to priority under subdivision a of section 64 of this Act;"

"(6) are due for moneys of an employee received or retained by his employer to secure the faithful performance by such employee of the terms of a contract of employment;"

SEC. 6. Subdivision a of section 17 of the Bankruptcy Act (11 U.S.C. 35(a)) is amended by adding at the end thereof the following new clauses:

"(7) are for alimony due or to become due, or for maintenance or support of wife or child, or for seduction of an unmarried female or for breach of promise of marriage accompanied by seduction, or for criminal conversation; or

Supra.

"(8) are liabilities for willful and malicious injuries to the person or property of another other than conversion as excepted under clause (2) of this subdivision."

SEC. 7. Section 17 of the Bankruptcy Act (11 U.S.C. 35) is amended by adding at the end thereof the following new subdivisions:

"b. The failure of a bankrupt or debtor to obtain a discharge in a prior proceeding under this Act for any of the following reasons shall not bar the release by discharge in a subsequent proceeding under the Act of debts that were dischargeable under subdivision a of this section in the prior proceeding: (1) discharge was denied in the prior proceeding solely under clause (5) or clause (8) of subdivision c of section 14 of this Act; (2) the prior proceeding was dismissed without prejudice for failure to pay filing fees or to secure costs. If a bankrupt or debtor fails to obtain a discharge in a proceeding under this Act by reason of a waiver filed pursuant to section 14a of this Act or by reason of a denial on any ground under section 14c of this Act other than clause (5) or clause (8) thereof, the debts provable in such proceeding shall not be released by a discharge granted in any subsequent proceeding under this Act. A debt not released by a discharge in a proceeding under this Act by reason of clause (3) of subdivision a of this section 17 may nevertheless be dischargeable in a subsequent bankruptcy proceeding.

66 Stat. 422;
79 Stat. 646.
11 USC 32.

52 Stat. 850.

74 Stat. 409.
11 USC 35.

Filing of application.

"c. (1) The bankrupt or any creditor may file an application with the court for the determination of the dischargeability of any debt.

Supra.

"(2) A creditor who contends that his debt is not discharged under clause (2), (4), or (8) of subdivision a of this section must file an application for a determination of dischargeability within the time fixed by the court pursuant to paragraph (1) of subdivision b of

section 14 of this Act and, unless an application is timely filed, the debt shall be discharged. Notwithstanding the preceding sentence, no application need be filed for a debt excepted by clause (8) if a right to trial by jury exists and any party to a pending action on such debt has timely demanded a trial by jury or if either the bankrupt or a creditor submits a signed statement of an intention to do so.

Ante, p. 990.

“(3) After hearing upon notice, the court shall determine the dischargeability of any debt for which an application for such determination has been filed, shall make such orders as are necessary to protect or effectuate a determination that any debt is dischargeable and, if any debt is determined to be nondischargeable, shall determine the remaining issues, render judgment, and make all orders necessary for the enforcement thereof. A creditor who files such application does not submit himself to the jurisdiction of the court for any purposes other than those specified in this subdivision c.

“(4) The provisions of this subdivision c shall apply whether or not an action on a debt is then pending in another court and any party may be enjoined from instituting or continuing such action prior to or during the pendency of a proceeding to determine its dischargeability under this subdivision c.

Applicability.

“(5) Nothing in this subdivision c shall be deemed to affect the right of any party, upon timely demand, to a trial by jury where such right exists.

“(6) If a bankruptcy case is reopened for the purpose of obtaining the orders and judgments authorized by this subdivision c, no additional filing fee shall be required.”

SEC. 8. Clause (4) of section 38 of the Bankruptcy Act (11 U.S.C. 66) is amended by adding at the end thereof the following: “, determine the dischargeability of debts, and render judgments thereon”.

Jurisdiction of referees.
52 Stat. 857.

SEC. 9. Subdivision b of section 58 of the Bankruptcy Act (11 U.S.C. 94(b)) is amended to read as follows:

Notices.
71 Stat. 599.

“b. The court shall give at least thirty days’ notice by mail of the last day fixed by its order for the filing of objections to a bankrupt’s discharge and for the filing of applications pursuant to paragraph (2) of subdivision c of section 17 of this Act to determine the dischargeability of debts (1) to the creditors in the manner prescribed in subdivision a of this section; (2) to the trustee, if any, and his attorney, if any, at their respective addresses as filed by them with the court; and (3) to the United States attorney of the judicial district wherein the proceeding is pending. The court shall also give at least thirty days’ notice by mail of the time and place of a hearing upon objections to a bankrupt’s discharge (1) to the bankrupt, at his last known address as appears in his petition, schedules, list of creditors, or statement of affairs, or, if no address so appears, to his last known address as furnished by the trustee or other party after inquiry; (2) to the bankrupt’s attorney, if any, at his address as filed by him with the court; and (3) to the objecting parties and their attorneys, at their respective addresses as filed by them with the court.”

Ante, p. 992.

SEC. 10. The provisions of this amendatory Act shall take effect on and after sixty days from the date of its approval and shall govern proceedings in all cases filed after such date.

Effective date.

Approved October 19, 1970.

Public Law 91-468

AN ACT

October 19, 1970
[S. 3822]

To provide insurance for member accounts in State and federally chartered credit unions and for other purposes.

Federal and
State credit
unions.
Share insur-
ance.
73 Stat. 628.
Ante, p. 49.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Credit Union Act, as amended (12 U.S.C. 1751-1775), is further amended—

(1) by inserting immediately above the heading of section 2 the following:

“TITLE I—FEDERAL CREDIT UNIONS”;

(2) by redesignating sections 2 through 28 as sections 101 through 127, respectively; and

(3) by inserting the following new title after section 127, as redesignated by paragraph (2) of this section:

“TITLE II—SHARE INSURANCE

“INSURANCE OF MEMBER ACCOUNTS AND ELIGIBILITY PROVISIONS

“SEC. 201. (a) The Administrator, as hereinafter provided, shall insure the member accounts of all Federal credit unions and he may insure the member accounts of (1) credit unions organized and operated according to the laws of any State, the District of Columbia, the several territories and possessions of the United States, the Panama Canal Zone, or the Commonwealth of Puerto Rico, and (2) credit unions organized and operating under the jurisdiction of the Department of Defense if such credit unions are operating in compliance with the requirements of title I of this Act and regulations issued thereunder.

“(b) Application for insurance of member accounts shall be made immediately by each Federal credit union and may be made at any time by a State credit union or a credit union operating under the jurisdiction of the Department of Defense. Applications for such insurance shall be in such form as the Administrator shall provide and shall contain an agreement by the applicant—

“(1) to pay the reasonable cost of such examinations as the Administrator may deem necessary in connection with determining the eligibility of the applicant for insurance: *Provided*, That examinations required under title I of this Act shall be so conducted that the information derived therefrom may be utilized for share insurance purposes, and examinations conducted by State regulatory agencies shall be utilized by the Administrator for such purposes to the maximum extent feasible;

“(2) to permit and pay the reasonable cost of such examinations as in the judgment of the Administrator may from time to time be necessary for the protection of the fund and of other insured credit unions;

“(3) to permit the Administrator to have access to any information or report with respect to any examination made by or for any public regulatory authority, including any commission, board, or authority having supervision of a State-chartered credit union, and furnish such additional information with respect thereto as the Administrator may require;

12 USC 1752-
1772a.
82 Stat. 285.

Application,
agreement.

“(4) to provide protection and indemnity against burglary, defalcation, and other similar insurable losses, of the type, in the form, and in an amount at least equal to that required by the laws under which the credit union is organized and operates;

“(5) to maintain such regular reserves as may be required by the laws of the State, district, territory, or other jurisdiction pursuant to which it is organized and operated, in the case of a State-chartered credit union, or as may be required by section 116 of this Act, in the case of a Federal credit union;

Post, p. 1017.

“(6) to maintain such special reserves as the Administrator, by regulation or in special cases, may require for protecting the interest of members or to assure that all insured credit unions maintain regular reserves which are not less than those required under title I of this Act;

Ante, p. 994.

“(7) not to issue or have outstanding any account or security the form of which, by regulation or in special cases, has not been approved by the Administrator;

“(8) to pay the premium charges for insurance imposed by this title; and

“(9) to comply with the requirements of this title and of regulations prescribed by the Administrator pursuant thereto.

“(c) (1) Before approving the application of any credit union for insurance of its member accounts, the Administrator shall consider—

“(A) the history, financial condition, and management policies of the applicant;

“(B) the economic advisability of insuring the applicant without undue risk of the fund;

“(C) the general character and fitness of the applicant’s management;

“(D) the convenience and needs of the members to be served by the applicant; and

“(E) whether the applicant is a cooperative association organized for the purpose of promoting thrift among its members and creating a source of credit for provident or productive purposes.

“(2) The Administrator shall reject the application of any credit union for insurance of its member accounts if he finds that its reserves are inadequate, that its financial condition and policies are unsafe or unsound, that its management is unfit, that insurance of its member accounts would otherwise involve undue risk to the fund, or that its powers and purposes are inconsistent with the promotion of thrift among its members and the creation of a source of credit for provident or productive purposes.

“(d) If the application of a Federal credit union for insurance is rejected, the Administrator shall suspend or revoke its charter unless, within one year after the rejection, the credit union meets the requirements for insurance and becomes an insured credit union.

“(e) Upon the approval of any application for insurance, the Administrator shall notify the applicant and shall issue to it a certificate evidencing the fact that it is, as of the date of issuance of the certificate, an insured credit union under the provisions of this title.

Insurance
certificates.

“REPORTS OF CONDITION; CERTIFIED STATEMENTS; PREMIUMS FOR INSURANCE

“SEC. 202. (a) (1) Each insured credit union shall make reports of condition to the Administrator upon dates which shall be selected by him. Such reports of condition shall be in such form and shall contain such information as the Administrator may require. The reporting dates selected for reports of condition shall be the same for all insured

credit unions except that when any of said reporting dates is a non-business day for any credit union the preceding business day shall be its reporting date. The total amount of the member accounts of each insured credit union as of each reporting date shall be reported in such reports of condition in accordance with regulations prescribed by the Administrator. Each report of condition shall contain a declaration by the president, by a vice president, by the treasurer, or by any other officer designated by the board of directors of the reporting credit union to make such declaration, that the report is true and correct to the best of his knowledge and belief. Unless such requirement is waived by the Administrator, the correctness of each report of condition shall be attested by the signatures of three of the officers of the reporting credit union with the declaration that the report has been examined by them and to the best of their knowledge and belief is true and correct.

"(2) The Administrator may call for such other reports as he may from time to time require.

Penalty.

"(3) The Administrator may require reports of condition to be published in such manner, not inconsistent with any applicable law, as he may direct. Every insured credit union which willfully fails to make or publish any such report within ten days shall be subject to a penalty of not more than \$100 for each day of such failure, recoverable by the Administrator for his use.

"(4) The Administrator may accept any report of condition made to any commission, board, or authority having supervision of a State-chartered credit union and may furnish to any such commission, board, or authority reports of condition made to the Administrator.

73 Stat. 628;
Ante, p. 994.

"(5) Reports required under title I of this Act shall be so prepared that they can be used for share insurance purposes. To the maximum extent feasible, the Administrator shall use for insurance purposes reports submitted to State regulatory agencies by State-chartered credit unions.

Annual certified
statements.

"(b) On or before January 31 of each insurance year, each insured credit union which became insured prior to the beginning of that year shall file with the Administrator a certified statement showing the total amount of the member accounts in the credit union at the close of the preceding insurance year and the amount of the premium charge for insurance due to the fund for that year, as computed under subsection (c) of this section. The certified statements required to be filed with the Administrator pursuant to this subsection shall be in such form and shall set forth such supporting information as the Administrator shall require. Each such statement shall be certified by the president of the credit union, or by any officer of the credit union designated by its board of directors, that to the best of his knowledge and belief the statement is true, correct, and complete and in accordance with this title and regulations issued thereunder.

Premium,
computation.

"(c) (1) Except as provided in paragraphs (2) and (3) of this subsection, each insured credit union, on or before January 31 of each insurance year, shall pay to the fund a premium charge for insurance equal to one-twelfth of 1 per centum of the total amount of the member accounts in such credit union at the close of the preceding insurance year.

"(2) Each credit union which was in existence prior to the enactment of this title and which becomes insured under this title after January 1 of any insurance year shall pay to the fund, for the insurance year in which it becomes insured, a premium charge for insurance equal to one-twelfth of 1 per centum of the total amount of the member accounts in such credit union at the close of the month before the month

in which it becomes insured, reduced by an amount proportionate to the number of calendar months elapsed since the beginning of such insurance year and prior to the month in which it becomes insured. Such payment shall be made within thirty days after the date on which the credit union receives the certificate of insurance issued to it under section 201 of this title.

“(3) Each credit union which is chartered after enactment of this title and which becomes insured under this title in the insurance year in which it is chartered shall pay to the fund, for the insurance year in which it is chartered, a premium charge for insurance computed in the following manner:

“(A) To the total amount of the member accounts in the credit union at the close of the month in which it becomes insured, add the total amount of such member accounts in the credit union at the close of each succeeding month of the insurance year and divide the total by the number of such months (including the month in which it becomes insured).

“(B) From the figure obtained under subparagraph (A), subtract \$10,000.

“(C) Multiply the figure obtained under subparagraph (B) by one-twelfth of 1 per centum.

“(D) Reduce the figure obtained under subparagraph (C) by an amount proportionate to the number of calendar months elapsed since the beginning of such insurance year and prior to the month in which the credit union becomes insured. The figure obtained under this subparagraph is the amount of the premium charge for insurance due to the fund. Such premium charge shall be paid on or before January 31 of the insurance year following the year in which the credit union was chartered.

“(4) When any loans to the fund from the Federal Government and the interest thereon have been repaid and the amount in the fund equals or exceeds the normal operating level, the Administrator may reduce the premium charge for insurance, but not below the amount necessary, in his judgment, to maintain the fund at the normal operating level. Any such reduction shall be effective only so long as the amount in the fund equals or exceeds the normal operating level and no loan to the fund from the Federal Government is outstanding.

“(5) If in any year expenditures from the fund exceed the income of the fund, the Administrator may require each insured credit union to pay to the fund for such year, in addition to the regular premium charge for insurance payable under paragraph (1), (2), or (3) of this subsection, a special premium charge which shall not exceed an amount equal to the amount of the regular premium charge.

“(6) (A) An insured credit union which is closed for liquidation because of insolvency or otherwise is entitled to a rebate of premiums paid by it to the fund. Rebates shall be paid in accordance with regulations prescribed by the Administrator, but no payment of rebate shall be made during any period in which

Liquidated
credit unions,
premium rebate.

“(i) a loan to the fund from the Federal Government is outstanding; or

“(ii) the Administrator determines that the payment would unduly jeopardize the financial condition of the fund.

A credit union otherwise entitled to a rebate of premiums shall not lose its entitlement because payment thereof cannot at any given time be made under the limitations prescribed in clause (i) or (ii).

“(B) The amount of rebate of premiums to which a credit union is entitled under subparagraph (A) shall be computed as follows: To

the total amount of premiums paid to the fund by the credit union, plus interest on such payments at the average rate of interest earned by the fund on its assets during each of the years in which the payments were made; subtract the sum of

“(i) the credit union’s prorata share of the fund’s administrative expenses during the period in which the credit union had an insured status;

“(ii) the credit union’s prorata share of the net insurance payments (other than those referred to in clause (iii)) chargeable to the fund for claims arising during such period; and

“(iii) the net insurance payments chargeable to the fund for claims arising in connection with the liquidation of the credit union.

A credit union’s prorata share of the fund’s administrative expenses or net insurance payments for any year (or part thereof) shall be determined by dividing the total amount credited to member and non-member accounts in the credit union at the end of such year (or part thereof), by the total amount credited to all such accounts in all credit unions having an insured status at the end of such year (or part thereof).

Noncompliance,
penalty.

“(d) (1) Any insured credit union which fails to make any report of condition under subsection (a) of this section or to file any certified statement required to be filed by it in connection with determining the amount of any premium charge for insurance may be compelled to make such report or to file such statement by mandatory injunction or other appropriate remedy in a suit brought for such purpose by the Administrator against the credit union and any officer or officers thereof. Any such suit may be brought in any court of the United States of competent jurisdiction in the district or territory in which the principal office of the credit union is located.

Nonapplicability.

“(2) Any insured credit union which willfully fails or refuses to file any certified statement or to pay any premium charge for insurance required under this title shall be subject to a penalty of not more than \$100 for each day that such violation continues, which penalty the Administrator may recover for his use. The provisions of this paragraph shall not be applicable in any case in which the refusal to pay the premium charge for insurance is due to a dispute between the insured credit union and the Administrator over the amount of the premium charge due to the fund if the credit union deposits security satisfactory to the Administrator for payment of the premium charge upon final determination of the issue.

Premium payment, default, dividend restriction.

“(3) No insured credit union shall pay any dividends on its member accounts or distribute any of its assets while it remains in default in the payment of any premium charge for insurance due to the fund. Any director or officer of any insured credit union who knowingly participates in the declaration or payment of any such dividend or in any such distribution shall, upon conviction, be fined not more than \$1,000 or imprisoned not more than one year, or both. The provisions of this paragraph shall not be applicable in any case in which the default is due to a dispute between the credit union and the Administrator over the amount of the premium charge due to the fund if the credit union deposits security satisfactory to the Administrator for payment of the premium charge upon final determination of the issue.

Nonapplicability.

Unpaid premium, recovery.

“(e) The Administrator, in a suit brought at law or in equity in any court of competent jurisdiction, shall be entitled to recover from any insured credit union the amount of any unpaid premium charge for insurance lawfully payable by the credit union to the fund, whether or not such credit union shall have made any report of condi-

tion under subsection (a) of this section or filed any certified statement required under subsection (b) of this section and whether or not suit shall have been brought to compel the credit union to make any such report or to file any such statement. No action or proceeding shall be brought for the recovery of any premium charge due to the fund, or for the recovery of any amount paid to the fund in excess of the amount due it, unless such action or proceeding shall have been brought within five years after the right accrued for which the claim is made. Where the insured credit union has made or filed with the Administrator a false or fraudulent certified statement with the intent to evade, in whole or in part, the payment of any premium charge, the claim shall not be deemed to have accrued until the discovery by the Administrator of the fact that the certified statement is false or fraudulent.

Ante, p. 995.

“(f) Should any Federal credit union fail to make any report of condition under subsection (a) of this section or to file any certified statement required to be filed under subsection (b) of this section or to pay any premium charge for insurance required to be paid under any provision of this title, and should the credit union fail to correct such failure within thirty days after written notice has been given by the Administrator to an officer of the credit union, citing this subsection and stating that the credit union has failed to make any such report or file any such statement or pay any such premium charge as required by law, all the rights, privileges, and franchises of the credit union granted to it under title I of this Act shall be thereby forfeited. Whether or not the penalty provided in this subsection has been incurred shall be determined and adjudged by any court of the United States of competent jurisdiction in a suit brought for that purpose in the district or territory in which the principal office of such credit union is located, under direction of and by the Administrator in his own name, before the credit union shall be declared dissolved. The remedies provided in this subsection and in subsections (d) and (e) of this section shall not be construed as limiting any other remedies against any insured credit union but shall be in addition thereto.

Noncompliance,
penalty.

Ante, p. 994.

“(g) Each insured credit union shall maintain such records as will readily permit verification of the correctness of its reports of condition, certified statements, and premium charges for insurance. However, no insured credit union shall be required to retain such records for such purpose for a period in excess of five years from the date of the making of any such report, the filing of any such statement, or the payment of any premium charge, except that when there is a dispute between the insured credit union and the Administrator over the amount of any premium charge for insurance the credit union shall retain such records until final determination of the issue.

Records.

“(h) For the purposes of this section—

“(1) the term ‘insurance year’ means the period beginning on January 1 and ending on the following December 31, both dates inclusive; and

“Insurance
year.”

“(2) the term ‘normal operating level,’ when applied to the Fund, means an amount equal to 1 per centum of the aggregate amount of the member accounts in all insured credit unions.

“Normal
operating level.”

“NATIONAL CREDIT UNION SHARE INSURANCE FUND

“SEC. 203. (a) There is hereby created in the Treasury of the United States a National Credit Union Share Insurance Fund which shall be used by the Administrator as a revolving fund for carrying out the purposes of this title. Money in the fund shall be available upon

requisition by the Administrator, without fiscal year limitation, for making payments of insurance under section 207 of this title, for providing assistance and making expenditures under section 208 of this title in connection with the liquidation or threatened liquidation of insured credit unions, and for such administrative and other expenses incurred in carrying out the purposes of this title as he may determine to be proper.

“(b) All premium charges for insurance paid pursuant to the provisions of section 202 of this title and all fees for examinations and all penalties collected by the Administrator under any provision of this title shall be deposited in the National Credit Union Share Insurance Fund.

Investment
authorization.

“(c) The Administrator may authorize the Secretary of the Treasury to invest and reinvest such portions of the fund as the Administrator may determine are not needed for current operations in any interest-bearing securities of the United States or in any securities guaranteed as to both principal and interest by the United States or in bonds or other obligations which are lawful investments for fiduciary, trust, and public funds of the United States, and the income therefrom shall constitute a part of the fund.

Loans to fund,
limitation and
terms.

“(d) (1) If, in the judgment of the Administrator, a loan to the fund is required at any time for carrying out the purposes of this title, the Secretary of the Treasury shall make the loan, but loans under this paragraph shall not exceed in the aggregate \$100,000,000 outstanding at any one time. Except as otherwise provided in this subsection and in subsection (e) of this section, each loan under this paragraph shall be made on such terms as may be fixed by agreement between the Administrator and the Secretary of the Treasury.

Interest
accrual.

“(2) Interest shall accrue to the Treasury on the amount of any outstanding loans made to the fund pursuant to paragraph (1) of this subsection on the basis of the average daily amount of such outstanding loans determined at the close of each fiscal year with respect to such year, and the Administrator shall pay the interest so accruing into the Treasury as miscellaneous receipts annually from the fund. The Secretary of the Treasury shall determine the applicable interest rate in advance by calculating the average yield to maturity (on the basis of daily closing market bid quotations during the month of June of the preceding fiscal year) on outstanding marketable public debt obligations of the United States having a maturity date of five or less years from the first day of such month of June and by adjusting such yield to the nearest one-eighth of 1 per centum.

Interest rate.

“(3) For the purpose of making loans under paragraph (1) of this subsection, the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds of the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under the Second Liberty Bond Act, as amended, are hereby extended to include such loans. All loans and repayments under this section shall be treated as public debt transactions of the United States.

40 Stat. 288.
31 USC 774.

“(e) So long as any loans to the fund are outstanding, the Administrator shall from time to time, not less often than annually, determine whether the balance in the fund is in excess of the amount which, in his judgment, is needed to meet the requirements of the fund and shall pay such excess to the Secretary of the Treasury, to be credited against the loans to the fund.

"EXAMINATION OF INSURED CREDIT UNIONS

"SEC. 204. (a) The Administrator shall appoint examiners who shall have power, on his behalf, to examine any insured credit union, any credit union making application for insurance of its member accounts, or any closed insured credit union whenever in the judgment of the Administrator an examination is necessary to determine the condition of any such credit union for insurance purposes. Each examiner shall have power to make a thorough examination of all of the affairs of the credit union and shall make a full and detailed report of the condition of the credit union to the Administrator. The Administrator in like manner shall appoint claim agents who shall have power to investigate and examine all claims for insured member accounts. Each claim agent shall have power to administer oaths and affirmations, to examine and to take and preserve testimony under oath as to any matter in respect to claims for insured accounts, and to issue subpoenas and subpoenas duces tecum and, for the enforcement thereof, to apply to the United States district court for the judicial district or the United States court in any territory in which the principal office of the credit union is located or in which the witness resides or carries on business. Such courts shall have jurisdiction and power to order and require compliance with any such subpoena.

Examiners and
claim agents,
powers.

Report by
examiner.

"(b) In connection with examinations of insured credit unions, the Administrator, or his designated representatives, shall have power to administer oaths and affirmations, to examine and to take and preserve testimony under oath as to any matter in respect of the affairs of any such credit union, and to issue subpoenas and subpoenas duces tecum and, for the enforcement thereof, to apply to the United States district court for the judicial district or the United States court in any territory in which the principal office of the credit union is located or in which the witness resides or carries on business. Such courts shall have jurisdiction and power to order and require compliance with any such subpoena.

"(c) In cases of refusal to obey a subpoena issued to, or contumacy by, any person, the Administrator may invoke the aid of any court of the United States within the jurisdiction of which such hearing, examination, or investigation is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, records, or other papers. Such court may issue an order requiring such person to appear before the Administrator, or before a person designated by him, there to produce records, if so ordered, or to give testimony touching the matter in question. Any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or carries on business or wherever he may be found. No person shall be excused from attending and testifying or from producing books, records, or other papers in obedience to a subpoena issued under the authority of this title on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to penalty or forfeiture, but no individual shall be prosecuted or subject to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled to testify or produce evidence, documentary or otherwise, after having claimed his privilege against self-incrimination, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

Privilege
against self-
incrimination.

"(d) The Administration may accept any report of examination made by or to any commission, board, or authority having supervision of a State-chartered credit union and may furnish to any such commission, board, or authority reports of examination made on behalf of the Administrator.

"REQUIREMENTS GOVERNING INSURED CREDIT UNIONS

Insured status, advertisement.	<p>"SEC. 205. (a) Every insured credit union shall display at each place of business maintained by it a sign or signs indicating that its member accounts are insured by the Administrator and shall include in all of its advertisements a statement to the effect that its member accounts are insured by the Administrator. The Administrator may exempt from this requirement advertisements which do not relate to member accounts or advertisements in which it is impractical to include such a statement. The Administrator shall prescribe by regulation the forms of such signs, the manner of display, the substance of any such statement, and the manner of use.</p>
Restrictions.	<p>"(b) (1) Except with the prior written approval of the Administrator, no insured credit union shall—</p> <p>"(A) merge or consolidate with any noninsured credit union or institution;</p> <p>"(B) assume liability to pay any member accounts in, or similar liabilities of, any noninsured credit union or institution;</p> <p>"(C) transfer assets to any noninsured credit union or institution in consideration of the assumption of liabilities for any portion of the member accounts in such insured credit union; or</p> <p>"(D) convert into a noninsured credit union or institution.</p> <p>"(2) Except with the prior written approval of the Administrator, no insured credit union shall merge or consolidate with any other insured credit union or, either directly or indirectly, acquire the assets of, or assume liability to pay any member accounts in, any other insured credit union.</p> <p>"(c) In granting or withholding approval or consent under subsection (b) of this section, the Administrator shall consider—</p> <p>"(1) the history, financial condition, and management policies of the credit union;</p> <p>"(2) the adequacy of the credit union's reserves;</p> <p>"(3) the economic advisability of the transaction;</p> <p>"(4) the general character and fitness of the credit union's management;</p> <p>"(5) the convenience and needs of the members to be served by the credit union; and</p> <p>"(6) whether the credit union is a cooperative association organized for the purpose of promoting thrift among its members and creating a source of credit for provident or productive purposes.</p>
Penalty.	<p>"(d) Except with the written consent of the Administrator, no person shall serve as a director, officer, committee member, or employee of an insured credit union who has been convicted, or who is hereafter convicted, of any criminal offense involving dishonesty or a breach of trust. For each willful violation of this prohibition, the credit union involved shall be subject to a penalty of not more than \$100 for each day this prohibition is violated, which the Administrator may recover for his use.</p>
Security standards.	<p>"(e) (1) The Administrator shall promulgate rules establishing minimum standards with which each insured credit union must comply with respect to the installation, maintenance, and operation of security devices and procedures, reasonable in cost, to discourage robberies, burglaries, and larcenies and to assist in the identification and apprehension of persons who commit such acts.</p> <p>"(2) The rules shall establish the time limits within which insured credit unions shall comply with the standards and shall require the</p>

submission of periodic reports with respect to the installation, maintenance, and operation of security devices and procedures.

“(3) An insured credit union which violates a rule promulgated pursuant to this subsection shall be subject to a civil penalty which shall not exceed \$100 for each day of the violation.

Penalty.

“TERMINATION OF INSURANCE; CEASE-AND-DESIST PROCEEDINGS; SUSPENSION AND/OR REMOVAL OF DIRECTORS, OFFICERS, AND COMMITTEE MEMBERS

“SEC. 206. (a) Any insured credit union other than a Federal credit union may, upon not less than ninety days’ written notice to the Administrator and upon the affirmative vote of a majority of its members within one year prior to the giving of such notice, terminate its status as an insured credit union.

“(b)(1) Whenever, in the opinion of the Administrator, any insured credit union is engaging or has engaged in unsafe or unsound practices in conducting the business of such credit union, or is in an unsafe or unsound condition to continue operations as an insured credit union, or is violating or has violated an applicable law, rule, regulation, order, or any condition imposed in writing by the Administrator in connection with the granting of any application or other request by the credit union, or is violating or has violated any written agreement entered into with the Administrator, the Administrator shall serve upon the credit union a statement with respect to such practices or conditions or violations for the purpose of securing the correction thereof. In the case of an insured State-chartered credit union, the Administrator shall send a copy of such statement to the commission, board, or authority, if any, having supervision of such credit union. Unless such correction shall be made within one hundred and twenty days after service of such statement, or within such shorter period of not less than twenty days after such service as the Administrator shall require in any case where he determines that the insurance risk with respect to such credit union could be unduly jeopardized by further delay in the correction of such practices or conditions or violations, or as the commission, board, or authority having supervision of such credit union, if any, shall require in the case of an insured State-chartered credit union, the Administrator, if he shall determine to proceed further, shall give to the credit union not less than thirty days’ written notice of his intention to terminate the status of the credit union as an insured credit union. Such notice shall contain a statement of the facts constituting the alleged unsafe and unsound practices or conditions or violations and shall fix a time and place for a hearing thereon. Such hearing shall be fixed for a date not earlier than thirty days nor later than sixty days after service of such notice unless an earlier or a later date is set by the Administrator at the request of the credit union. Unless the credit union shall appear at the hearing by a duly authorized representative, it shall be deemed to have consented to the termination of its status as an insured credit union. In the event of such consent, or if upon the record made at any such hearing the Administrator shall find that any unsafe or unsound practice or condition or violation specified in the notice has been established and has not been corrected within the time above-prescribed in which to make such correction, the Administrator may issue and serve upon the credit union an order terminating its status as an insured credit union on a date subsequent to the date of such finding and subsequent to the expiration of the time specified in the notice.

Notice.

Hearing.

Judicial
review.

“(2) Any credit union whose insured status has been terminated by order of the Administrator under this subsection shall have the right of judicial review of such order only to the same extent as provided for the review of orders under subsection (i) of this section.

Notice to
members.

“(c) In the event of the termination of a credit union's status as an insured credit union as provided under subsection (a) or (b) of this section, the credit union shall give prompt and reasonable notice to all of its members whose accounts are insured that it has ceased to be an insured credit union. It may include in such notice a statement of the fact that member accounts insured on the effective date of such termination, to the extent not withdrawn, remain insured for one year from the date of such termination, but it shall not further represent itself in any manner as an insured credit union. In the event of failure to give the notice as herein provided to members whose accounts are insured, the Administrator is authorized to give reasonable notice.

Insurance, con-
tinuation for one
year.

“(d) After the termination of the insured status of any credit union as provided under subsection (a) or (b) of this section, insurance of its member accounts to the extent that they were insured on the effective date of such termination, less any amounts thereafter withdrawn which reduce the accounts below the amount covered by insurance on the effective date of such termination, shall continue for a period of one year, but no shares issued by the credit union or deposits made after the date of such termination shall be insured by the Administrator. The credit union shall continue to pay premiums to the Administrator during such period as in the case of an insured credit union and the Administrator shall have the right to examine such credit union from time to time during the period during which such insurance continues. Such credit union shall, in all other respects, be subject to the duties and obligations of an insured credit union for the period of one year from the date of such termination. In the event that such credit union shall be closed for liquidation within such period of one year, the Administrator shall have the same powers and rights with respect to such credit union as in the case of an insured credit union.

Notice.

“(e) (1) If, in the opinion of the Administrator, any insured credit union or any credit union any of the member accounts of which are insured is engaging or has engaged, or the Administrator has reasonable cause to believe that the credit union is about to engage, in an unsafe or unsound practice in conducting the business of such credit union, or is violating or has violated, or the Administrator has reasonable cause to believe that the credit union is about to violate, a law, rule, or regulation, or any condition imposed in writing by the Administrator in connection with the granting of any application or other request by the credit union, or any written agreement entered into with the Administrator, the Administrator may issue and serve upon the credit union a notice of charges in respect thereof, the notice shall contain a statement of the facts constituting the alleged unsafe or unsound practice or practices or violation or violations and shall fix a time and place at which a hearing will be held to determine whether an order to cease and desist therefrom should issue against the credit union. Such hearing shall be fixed for a date not earlier than thirty days nor later than sixty days after service of such notice unless an earlier or a later date is set by the Administrator at the request of the credit union. Unless the credit union shall appear at the hearing by a duly authorized representative, it shall be deemed to have consented to the issuance of the cease-and-desist order. In the event of such consent, or if upon the record made at any such hearing the Administrator shall find that any unsafe or unsound practice or viola-

Hearing.

tion specified in the notice of charges has been established, the Administrator may issue and serve upon the credit union an order to cease and desist from any such practice or violation. Such order may, by provisions which may be mandatory or otherwise, require the credit union and its directors, officers, committee members, employees, and agents to cease and desist from the same and, further, to take affirmative action to correct the conditions resulting from any such practice or violation.

“(2) A cease-and-desist order shall become effective at the expiration of thirty days after service of such order upon the credit union concerned (except in the case of a cease-and-desist order issued upon consent, which shall become effective at the time specified therein) and shall remain effective and enforceable except to such extent as it is stayed, modified, terminated, or set aside by action of the Administrator or a reviewing court.

“(f)(1) Whenever the Administrator shall determine that the unsafe or unsound practice or practices or violation or threatened violation specified in the notice of charges served upon the credit union pursuant to subsection (e)(1) of this section, or the continuation thereof, is likely to cause insolvency or substantial dissipation of assets or earnings of the credit union, or is likely to otherwise seriously prejudice the interests of its insured members, the Administrator may issue a temporary order requiring the credit union to cease and desist from any such practice or violation. Such order shall become effective upon service upon the credit union and, unless set aside, limited, or suspended by a court in proceedings authorized by paragraph (2) of this subsection, shall remain effective and enforceable pending the completion of the administrative proceedings pursuant to such notice and until such time as the Administrator shall dismiss the charges specified in such notice or, if a cease-and-desist order is issued against the credit union, until the effective date of any such order.

Temporary
cease-and-desist
order.

“(2) Within ten days after the credit union concerned has been served with a temporary cease-and-desist order, the credit union may apply to the United States district court for the judicial district in which the principal office of the credit union is located, or the United States District Court for the District of Columbia, for an injunction setting aside, limiting, or suspending the enforcement, operation, or effectiveness of such order pending the completion of the administrative proceedings pursuant to the notice of charges served upon the credit union under subsection (e)(1) of this section, and such court shall have jurisdiction to issue such injunction.

Injunctive
procedure.

“(3) In the case of violation or threatened violation of, or failure to obey, a temporary cease-and-desist order, the Administrator may apply to the United States district court, or the United States court of any territory, within the jurisdiction of which the principal office of the credit union is located for an injunction to enforce such order, and, if the court shall determine that there has been such violation or threatened violation or failure to obey, it shall be the duty of the court to issue such injunction.

“(g)(1) Whenever, in the opinion of the Administrator, any director, officer, or committee member of an insured credit union has committed any violation of law, rule, or regulation, or of a cease-and-desist order which has become final, or has engaged or participated in any unsafe or unsound practice in connection with the credit union, or has committed or engaged in any act, omission, or practice which constitutes a breach of his fiduciary duty as such director, officer, or committee member and the Administrator determines that the credit union

Director,
officer, committee
member, removal.

has suffered or will probably suffer substantial financial loss or other damage or that the interests of its insured members could be seriously prejudiced by reason of such violation or practice or breach of fiduciary duty and that such violation or practice or breach of fiduciary duty is one involving personal dishonesty on the part of such director, officer, or committee member, the Administrator may serve upon such director, officer, or committee member a written notice of his intention to remove him from office.

Notice.

“(2) Whenever, in the opinion of the Administrator, any director, officer, or committee member of an insured credit union, by conduct or practice with respect to another insured credit union or other business institution which resulted in substantial financial loss or other damage, has evidenced his personal dishonesty and unfitness to continue as a director, officer, or committee member, and, whenever, in the opinion of the Administrator, any other person participating in the conduct of the affairs of an insured credit union, by conduct or practice with respect to such credit union or other insured credit union or other business institution which resulted in substantial financial loss or other damage, has evidenced his personal dishonesty and unfitness to participate in the conduct of the affairs of such insured credit union, the Administrator may serve upon such director, officer, committee member, or other person a written notice of his intention to remove him from office and/or to prohibit his further participation in any manner in the conduct of the affairs of such credit union.

“(3) In respect to any director, officer, or committee member of an insured credit union or any other person referred to in paragraph (1) or (2) of this subsection, the Administrator may, if he deems it necessary for the protection of the credit union or the interests of its insured members, by written notice to such effect served upon such director, officer, committee member, or other person, suspend him from office and/or prohibit him from further participation in any manner in the conduct of the affairs of the credit union. Such suspension and/or prohibition shall become effective upon service of such notice and, unless stayed by a court in proceedings authorized by paragraph (5) of this subsection, shall remain in effect pending the completion of the administrative proceedings pursuant to the notice served under paragraph (1) or (2) of this subsection and until such time as the Administrator shall dismiss the charges specified in such notice or, if an order of removal and/or prohibition is issued against the director, officer, committee member, or other person, until the effective date of any such order. Copies of any such notice shall also be served upon the credit union of which he is a director, officer, or committee member or in the conduct of whose affairs he has participated.

Hearing.

“(4) A notice of intention to remove a director, officer, committee member, or other person from office and/or to prohibit his participation in the conduct of the affairs of an insured credit union shall contain a statement of the facts constituting the grounds therefor and shall fix a time and place at which a hearing will be held thereon. Such hearing shall be fixed for a date not earlier than thirty days nor later than sixty days after the date of service of such notice unless an earlier or a later date is set by the Administrator at the request of such director, officer, committee member, or other person, and for good cause shown, or at the request of the Attorney General of the United States. Unless such director, officer, committee member, or other person shall appear at the hearing in person or by a duly authorized representative, he shall be deemed to have consented to the issuance of an order of such removal and/or prohibition. In the event of such consent, or if upon the record made at any such hearing the Administrator shall find that any of the grounds specified in such notice has been established, the

Administrator may issue such orders of suspension or removal from office and/or prohibition from participation in the conduct of the affairs of the credit union as he may deem appropriate. Any such order shall become effective at the expiration of thirty days after service upon such credit union and the director, officer, committee member, or other person concerned (except in the case of an order issued upon consent, which shall become effective at the time specified therein). Such order shall remain effective and enforceable except to such extent as it is stayed, modified, terminated, or set aside by action of the Administrator or a reviewing court.

“(5) Within ten days after any director, officer, committee member, or other person has been suspended from office and/or prohibited from participation in the conduct of the affairs of an insured credit union under paragraph (3) of this subsection, such director, officer, committee member, or other person may apply to the United States district court for the judicial district in which the principal office of the credit union is located, or the United States District Court for the District of Columbia, for a stay of such suspension and/or prohibition pending the completion of the administrative proceedings pursuant to the notice served upon such director, officer, committee member, or other person under paragraph (1) or (2) of this subsection, and such court shall have jurisdiction to stay such suspension and/or prohibition.

“(h)(1) Whenever any director, officer, or committee member of an insured credit union, or other person participating in the conduct of the affairs of such credit union, is charged in any complaint authorized by a United States attorney or in any information or indictment, with the commission of or participation in a felony involving dishonesty or breach of trust, the Administrator may, by written notice served upon such director, officer, committee member, or other person, suspend him from office and/or prohibit him from further participation in any manner in the conduct of the affairs of the credit union. A copy of such notice shall also be served upon the credit union. Such suspension and/or prohibition shall remain in effect until such information, indictment, or complaint is finally disposed of or until terminated by the Administrator. In the event that a judgment of conviction with respect to such offense is entered against such director, officer, committee member, or other person, and at such time as such judgment is not subject to further appellate review, the Administrator may issue and serve upon such director, officer, committee member, or other person an order removing him from office and/or prohibiting him from further participation in any manner in the conduct of the affairs of the credit union except with the consent of the Administrator. A copy of such order shall also be served upon such credit union, whereupon such director, officer, or committee member shall cease to be a director, officer, or committee member of such institution. A finding of not guilty or other disposition of the charge shall not preclude the Administrator from thereafter instituting proceedings to remove such director, officer, committee member, or other person from office and/or to prohibit further participation in the affairs of the credit union pursuant to paragraph (1) or (2) of subsection (g) of this section.

Notice.

“(2) If at any time, because of the suspension of one or more directors pursuant to this section, there shall be on the board of directors of a Federal credit union less than a quorum of directors not so suspended, all powers and functions vested in or exercisable by such board shall vest in and be exercisable by the director or directors on the board not so suspended, until such time as there shall be a quorum of the board of directors. In the event all of the directors of a Federal credit

Temporary
directors, appoint-
ment.

union are suspended pursuant to this section, the Administrator shall appoint persons to serve temporarily as directors in their place and stead pending the termination of such suspensions, or until such time as those who have been suspended cease to be directors of the credit union and their respective successors have been elected by the members at an annual or special meeting and have taken office. Directors appointed temporarily by the Administrator shall, within thirty days following their appointment, call a special meeting for the election of new directors, unless during the thirty-day period (A) the regular annual meeting is scheduled, or (B) the suspensions giving rise to the appointment of temporary directors are terminated.

Jurisdiction.

80 Stat. 380;
81 Stat. 195.
5 USC 500.

“(i) (1) Any hearing provided for in this section shall be held in the Federal judicial district or in the territory in which the principal office of the credit union is located, unless the party afforded the hearing consents to another place, and shall be conducted in accordance with the provisions of chapter 5 of title 5 of the United States Code. Such hearing shall be private unless the Administrator, in his discretion, after fully considering the views of the party afforded the hearing, determines that a public hearing is necessary to protect the public interest. After such hearing, and within ninety days after the Administrator has notified the parties that the case has been submitted to him for final decision, he shall render his decision (which shall include findings of fact upon which his decision is predicated) and shall issue and serve upon each party to the proceeding an order or orders consistent with the provisions of this section. Judicial review of any such order shall be exclusively as provided in this subsection (i). Unless a petition for review is timely filed in a court of appeals of the United States, as provided in paragraph (2) of this subsection, and thereafter until the record in the proceeding has been filed as so provided, the Administrator may at any time, upon such notice and in such manner as he may deem proper, modify, terminate, or set aside any such order. Upon such filing of the record, the Administrator may modify, terminate, or set aside any such order with permission of the court.

Judicial review.

“(2) Any party to the proceeding, or any person required by an order issued under this section to cease and desist from any of the practices or violations stated therein, may obtain a review of any order served pursuant to paragraph (1) of this subsection (other than an order issued with the consent of the credit union or the director, officer, committee member, or other person concerned or an order issued under subsection (h) of this section) by filing in the court of appeals of the United States for the circuit in which the principal office of the credit union is located, or in the United States Court of Appeals for the District of Columbia Circuit, within thirty days after the date of service of such order, a written petition praying that the order of the Administrator be modified, terminated, or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Administrator, and thereupon the Administrator shall file in the court the record in the proceeding, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, such court shall have jurisdiction, which upon the filing of the record shall, except as provided in the last sentence of said paragraph (1), be exclusive, to affirm, modify, terminate, or set aside, in whole or in part, the order of the Administrator. Review of such proceedings shall be had as provided in chapter 7 of title 5, United States Code. The judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court upon certiorari, as provided in section 1254 of title 28, United States Code.

72 Stat. 941;
80 Stat. 1323.

80 Stat. 392.
5 USC 701.

62 Stat. 928.

“(3) The commencement of proceedings for judicial review under paragraph (2) of this subsection shall not, unless specifically ordered by the court, operate as a stay of any order issued by the Administrator.

“(j) The Administrator may in his discretion apply to the United States district court, or the United States court of any territory within the jurisdiction of which the principal office of the credit union is located, for the enforcement of any effective and outstanding notice or order issued under this section, and such courts shall have jurisdiction and power to order and require compliance therewith. However, except as otherwise provided in this section, no court shall have jurisdiction to affect by injunction or otherwise the issuance or enforcement of any notice or order under this section or to review, modify, suspend, terminate, or set aside any such notice or order.

Jurisdiction.

“(k) Any director, officer, or committee member, or former director, officer, or committee member, of an insured credit union or of a credit union any of the member accounts of which are insured, or any other person against whom there is outstanding and effective any notice or order (which is an order which has become final) served upon such director, officer, committee member, or other person under subsections (g) (3), (g) (4), or (h) of this section and who (i) participates in any manner in the conduct of the affairs of the credit union involved, or directly or indirectly solicits or procures, or transfers or attempts to transfer, or votes or attempts to vote, any proxies, consents, or authorizations in respect of any voting rights in such credit union, or (ii) without the prior written approval of the Administrator votes for a director, serves or acts as a director, officer, committee member, or employee of any credit union, shall upon conviction be fined not more than \$5,000 or imprisoned for not more than one year, or both.

Penalty.

“(l) As used in this section (1) the terms ‘cease-and-desist order which has become final’ and ‘order which has become final’ means a cease-and-desist order, or an order issued by the Administrator with the consent of the credit union or the director, officer, committee member, or other person concerned, or with respect to which no petition for review of the action of the Administrator has been filed and perfected in a court of appeals as specified in paragraph (2) of subsection (i) of this section, or with respect to which the action of the court in which said petition is so filed is not subject to further review by the Supreme Court of the United States in proceedings provided for in said paragraph, or an order issued under subsection (h) of this section, and (2) the term ‘violation’ includes without limitation any action (alone or with another or others) for or toward causing, bringing about, participating in, counseling, or aiding or abetting a violation.

Definitions.

“(m) Any service required or authorized to be made by the Administrator under this section may be made by registered mail or in such other manner reasonably calculated to give actual notice as the Administrator may by regulation or otherwise provide. Copies of any notice or order served by the Administrator upon any State-chartered credit union or any director, officer, or committee member thereof or other person participating in the conduct of its affairs, pursuant to the provisions of this section, shall also be sent to the commission, board, or authority, if any, having supervision of such credit union.

“(n) In connection with any proceeding under subsection (e), (f) (1), or (g) of this section involving an insured State-chartered credit union or any director, officer, committee member, or other person participating in the conduct of its affairs, the Administrator shall provide the commission, board, or authority, if any, having supervision of such credit union, with notice of his intent to institute such a pro-

ceeding and the grounds thereof. Unless within such time as the Administrator deems appropriate in the light of the circumstances of the case (which time must be specified in the notice prescribed in the preceding sentence) satisfactory corrective action is effectuated by action of such commission, board, or authority, the Administrator may proceed as provided in this section. No credit union or other party who is the subject of any notice or order issued by the Administrator under this section shall have standing to raise the requirements of this subsection as ground for attacking the validity of any such notice or order.

Proceedings,
powers of Admin-
istrator.

“(o) In the course of or in connection with any proceeding under this section, the Administrator, or any designated representative thereof, including any person designated to conduct any hearing under this section, shall have the power to administer oaths and affirmations, to take or cause to be taken depositions, and to issue, revoke, quash, or modify subpoenas and subpoenas duces tecum, and the Administrator is empowered to make rules and regulations with respect to any such proceedings. The attendance of witnesses and the production of documents provided for in this subsection may be required from any place in any State or in any territory or other place subject to the jurisdiction of the United States at any designated place where such proceeding is being conducted. Any party to proceedings under this section may apply to the United States District Court for the District of Columbia, or the United States district court for the judicial district or the United States court in any territory in which such proceeding is being conducted, or where the witness resides or carries on business, for enforcement of any subpoena or subpoena duces tecum issued pursuant to this subsection, and such courts shall have jurisdiction and power to order and require compliance therewith. Witnesses subpoenaed under this section shall be paid the same fees and mileage that are paid witnesses in the district courts of the United States. Any court having jurisdiction of any proceeding instituted under this section by an insured credit union or a director, officer, or committee member thereof may allow to any such party such reasonable expenses and attorneys’ fees as it deems just and proper, and such expenses and fees shall be paid by the credit union or from its assets.

“PAYMENT OF INSURANCE

Liquidation.

“SEC. 207. (a) (1) Upon his finding that a Federal credit union insured under this title is bankrupt or insolvent, the Administrator shall close such credit union for liquidation and appoint himself liquidating agent therefor.

Claims.

“(2) Notwithstanding any other provision of law, it shall be the duty of the Administrator as such liquidating agent to cause notice to be given, by advertisement in such newspapers as he may direct, to all persons having claims against such closed credit union, to present their claims within four months from the date such advertisement first appeared; to realize upon the assets of such closed credit union, having due regard to the condition of credit in the locality; and to wind up the affairs of such closed credit union in conformity with the provisions of law relating to the liquidation of bankrupt or insolvent Federal credit unions, except as herein otherwise provided. The Administrator as such liquidating agent shall pay to himself for his own account such portion of the amounts realized from such liquidation as he shall be entitled to receive on account of his subrogation to the claims of members, and he shall pay to members and other creditors

the net amounts available for distribution to them. The Administrator as such liquidating agent, however, may, in his discretion, pay dividends on proved claims at any time after the expiration of the period of advertisement made pursuant to the first sentence of this paragraph, and no liability shall attach to the Administrator himself for as such liquidating agent by reason of any such payment for failure to pay dividends to a claimant whose claim is not proved at the time of any such payment.

Dividend pay-
ments.

“(3) Notwithstanding any other provision of law, the Administrator as liquidating agent of a closed Federal credit union insured under this title shall not be required to furnish bond and shall have the right to appoint an agent or agents to assist him in his duties as such liquidating agent. All fees, compensation, and expenses of liquidation and administration thereof shall be fixed by the Administrator and may be paid by him out of funds coming into his possession as such liquidating agent.

Fees.

“(b) Whenever any insured State-chartered credit union shall have been closed by action of its board of directors or by the commission, board, or authority having supervision of such credit union, as the case may be, or by a court of competent jurisdiction, on account of bankruptcy or insolvency, the Administrator shall accept appointment as liquidating agent therefor, if such appointment is tendered by the commission, board, or authority having supervision of such credit union, or by a court of competent jurisdiction, and is authorized or permitted by State law. With respect to any such State-chartered credit union, the Administrator as such liquidating agent shall possess all the rights, powers, and privileges granted by State law to a liquidating agent of a State-chartered credit union. For the purposes of this subsection, the term ‘liquidating agent’ includes a liquidating agent, receiver, conservator, commission, person, or other agency charged by law with the duty of winding up the affairs of a credit union.

“Liquidating
agent.”

“(c) Whenever an insured credit union shall have been closed for liquidation on account of bankruptcy or insolvency, payment of the insured accounts in such credit union shall be made by the Administrator as soon as possible, subject to the provisions of subsection (d) of this section. For the purposes of this subsection, the term ‘insured account’ means the total amount of the account in the member’s name (after deducting offsets) less any part thereof which is in excess of \$20,000. Such amount shall be determined according to such regulations as the Administrator may prescribe, and, in determining the amount due to any member, there shall be added together all accounts in the credit union maintained by him for his own benefit either in his own name or in the names of others. The Administrator may define, with such classifications and exceptions as he may prescribe, the extent of the insurance coverage provided for member accounts, including member accounts in the name of a minor, in trust, or in joint tenancy. The Administrator, in his discretion, may require proof of claims to be filed before paying the insured accounts, and in any case where he is not satisfied as to the validity of a claim for an insured account, he may require the final determination of a court of competent jurisdiction before paying such claim.

Payment.

“Insured ac-
count.”

Coverage;
extent.

Claims, proof.

“(d) In the case of a closed Federal credit union, the Administrator, upon the payment to any member as provided in subsection (c) of this section, shall be subrogated to all rights of the member against such closed credit union to the extent of such payment. In the case of any other closed insured credit union, the Administrator shall not make any payment to any member until the right of the

Administrator to be subrogated to the rights of such member on the same basis as provided in the case of a closed Federal credit union shall have been recognized either by express provision of State law, by allowance of claims by the commission, board, or authority having supervision of such credit union, by assignment of claims by members, or by any other effective method. In the case of any closed insured credit union, such subrogation shall include the right on the part of the Administrator to receive the same dividends from the proceeds of the assets of such closed credit union as would have been payable to the member on a claim for the insured account, but such member shall retain his claim for any uninsured portion of his account. The rights of members and other creditors of any State-chartered credit union shall be determined in accordance with the applicable provisions of State law.

Payment, discharge of liability.

“(e) Payment of an insured account to any person by the Administrator shall discharge the Administrator to the same extent that payment to such person by the closed insured credit union would have discharged it from liability for the insured account.

Undisclosed names.

“(f) Except as otherwise prescribed by the Administrator, the Administrator shall not be required to recognize as the owner of any portion of an account appearing on the records of the closed credit union under a name other than that of the claimant any person whose name or interest as such owner is not disclosed on the records of such closed credit union as part owner of such account, if such recognition would increase the aggregate amount of the insured accounts in such closed credit union.

“(g) The Administrator may withhold payment of such portion of the insured account of any member of a closed credit union as may be required to provide for the payment of any direct or indirect liability of such member to the closed credit union or its liquidating agent, which is not offset against a claim due from such credit union, pending the determination and payment of such liability by such member or any other person liable therefor.

“(h) If, after the Administrator shall have given at least four months' notice to the member by mailing a copy thereof to his last-known address appearing on the records of the closed credit union, any member of the closed credit union shall fail to claim his insured account from the Administrator within 18 months after the appointment of the liquidating agent for the closed credit union, all rights of the member against the Administrator with respect to the insured account shall be barred, and all rights of the member against the closed credit union, or the estate to which the Administrator may have become subrogated, shall thereupon revert to the member.

Assets, sale.

“(i) (1) Liquidating agents of insured credit unions closed for liquidation on account of bankruptcy or insolvency may offer the assets of such credit unions for sale to the Administrator or as security for loans from the Administrator, upon receiving permission from the commission, board, or authority having supervision of such credit union, in the case of an insured State-chartered credit union, in accordance with express provisions of State law. The proceeds of every such sale or loan shall be utilized for the same purposes and in the same manner as other funds realized from the liquidation of the assets of such credit unions. The Administrator, in his discretion, may make loans on the security of or may purchase and liquidate or sell any part of the assets of an insured credit union closed for liquidation on account of bankruptcy or insolvency, but in any case in which the Administrator is acting as liquidating agent of a closed insured

credit union, no such loan or purchase shall be made without the approval of a court of competent jurisdiction.

“(2) No agreement which tends to diminish or defeat the right, title, or interest of the Administrator in any asset acquired by him under this subsection, either as security for a loan or by purchase, shall be valid against the Administrator unless such agreement—

“(A) shall be in writing;

“(B) shall have been executed by the credit union and the person or persons claiming an adverse interest thereunder, including the obligor, contemporaneously with the acquisition of the asset by the credit union;

“(C) shall have been approved by the board of directors of the credit union, which approval shall be reflected in the minutes of such board; and

“(D) shall have been, continuously, from the time of its execution, an official record of the credit union.

“SPECIAL ASSISTANCE TO AVOID LIQUIDATION

“SEC. 208. (a) (1) In order to reopen a closed insured credit union or in order to prevent the closing of an insured credit union which the Administrator has determined is in danger of closing, the Administrator, in his discretion, is authorized to make loans to, or purchase the assets of, or establish accounts in such insured credit union upon such terms and conditions as he may prescribe. Such loans shall be made and such accounts shall be established only when, in the opinion of the Administrator, such action is necessary to protect the Fund or the interests of the members of the credit union. Such loans and accounts may be in subordination to the rights of members and creditors of the credit union.

Loans.

“(2) Whenever in the judgment of the Administrator such action will reduce the risk or avert a threatened loss to the fund and will facilitate a merger or consolidation of an insured credit union with another insured credit union, or will facilitate the sale of the assets of an open or closed insured credit union to and assumption of its liability by another insured credit union, the Administrator may, upon such terms and conditions as he may determine, make loans secured in whole or in part by assets of an open or closed insured credit union, which loans may be in subordination to the rights of members and creditors of such credit union, or the Administrator may purchase any of such assets or may guarantee any other insured credit union against loss by reason of its assuming the liabilities and purchasing the assets of an open or closed insured credit union.

“(3) No agreement which tends to diminish or defeat the right, title, or interest of the Administrator, in any asset acquired by him under this subsection, either as security for a loan or by purchase, shall be valid against the Administrator unless such agreement—

“(A) shall be in writing;

“(B) shall have been executed by the credit union and the person or persons claiming an adverse interest thereunder, including the obligor, contemporaneously with the acquisition of the asset by the credit union;

“(C) shall have been approved by the board of directors of the credit union, which approval shall be reflected in the minutes of such board; and

“(D) shall have been continuously, from the time of its execution, an official record of the credit union.

"(b) For the protection of the Fund, the Administrator, without regard to the Federal Property and Administrative Services Act of 1949, may—

63 Stat. 377.
40 USC 471
note.

"(1) deal with, complete, reconstruct, rent, renovate, modernize, insure, make contracts for the management of, sell for cash or credit, or lease, in his discretion, any real property acquired or held by him under this section; and

"(2) assign or sell at public or private sale, or otherwise dispose of, any evidence of debt, contract, claim, personal property, or security assigned to or held by him under this section.

41 USC 5.

Section 3709 of the Revised Statutes of the United States shall not apply to any purchase or contract for services or supplies made or entered into by the Administrator under this section if the amount thereof does not exceed \$1,000, or to any contract for hazard insurance on any real property acquired or held by him under this section.

"(c) In connection with the liquidation of any insured credit union, the Administrator shall have the power to carry on the business of and collect all obligations to the credit union, to settle, compromise, or release claims in favor of or against the credit union, and to do all other things that may be necessary in connection therewith, subject to the regulation of the court or other public body having jurisdiction over the matter.

"(d) Money received by the Administrator in carrying out this section shall be paid into the Fund.

"ADMINISTRATIVE PROVISIONS

"SEC. 209. (a) In carrying out the purposes of this title, the Administrator may—

"(1) make contracts;

"(2) sue and be sued, complain and defend, in any court of law or equity, State or Federal. All suits of a civil nature at common law or in equity to which the Administrator shall be a party shall be deemed to arise under the laws of the United States, and the United States district courts shall have original jurisdiction thereof, without regard to the amount in controversy. The Administrator may, without bond or security, remove any such action, suit, or proceeding from a State court to the United States district court for the district or division embracing the place where the same is pending by following any procedure for removal now or hereafter in effect, except that any such suit to which the Administrator is a party in his capacity as liquidating agent of a State-chartered credit union and which involves only the rights or obligations of members, creditors, and such State credit union under State law shall not be deemed to arise under the laws of the United States. No attachment or execution shall be issued against the Administrator or his property before final judgment in any suit, action, or proceeding in any State, county, municipal, or United States court. The Administrator shall designate an agent upon whom service of process may be made in any State, territory, or jurisdiction in which any insured credit union is located;

"(3) pursue to final disposition by way of compromise or otherwise claims both for and against the United States (other than tort claims, claims involving administrative expenses, and claims in excess of \$5,000 arising out of contracts for construction, repairs, and the purchase of supplies and materials) which are not in litigation and have not been referred to the Department of Justice;

“(4) to appoint such officers and employees as are not otherwise provided for in this Act, to define their duties, fix their compensation, require bonds of them and fix the penalty thereof, and to dismiss at pleasure such officers or employees. Nothing in this or any other Act shall be construed to prevent the appointment and compensation as an officer or employee of the Administration of any officer or employee of the United States in any board, commission, independent establishment, or executive department thereof;

“(5) employ experts and consultants or organizations thereof, as authorized by section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 55a);

60 Stat. 810.
5 USC 3109.

“(6) prescribe the manner in which his general business may be conducted and the privileges granted to him by law may be exercised and enjoyed;

“(7) exercise all powers specifically granted by the provisions of this title and such incidental powers as shall be necessary to carry out the powers so granted;

“(8) make examinations of and require information and reports from insured credit unions, as provided in this title.

“(9) act as liquidating agent;

“(10) delegate to any officer or employee of the Administration such of his functions as he deems appropriate; and

“(11) prescribe such rules and regulations as he may deem necessary or appropriate to carry out the provisions of this title.

“(b) With respect to the financial operations arising by reason of this title, the Administrator shall—

“(1) prepare annually and submit a business-type budget as provided for wholly owned Government corporations by the Government Corporation Control Act; and

59 Stat. 597.
31 USC 841
note.
GAO audit.

“(2) maintain an integral set of accounts, which shall be audited annually by the General Accounting Office in accordance with principles and procedures applicable to commercial corporate transactions, as provided by section 105 of the Government Corporation Control Act.

59 Stat. 599;
78 Stat. 698.
31 USC 850.

“NONDISCRIMINATORY PROVISION

“SEC. 210. It is not the purpose of this title to discriminate in any manner against State-chartered credit unions and in favor of Federal credit unions, but it is the purpose of this title to provide all credit unions with the same opportunity to obtain and enjoy the benefits of this title.”

SEC. 2. Section 101 of the Federal Credit Union Act, as redesignated by section 1 of this Act (formerly section 2 of such Act), is amended—

Definitions,
73 Stat. 628.
12 USC 1752.

(1) by striking out the word “and” at the end of paragraph (2) thereof;

(2) by striking out the period at the end of paragraph (3) thereof and inserting “; and” in lieu thereof; and

(3) by adding the following new paragraphs after paragraph (3) thereof:

“(4) The terms ‘member account’ and ‘account’ (when referring to the account of a member of a credit union) mean a share, share certificate, or share deposit account of a member of a credit union of a type approved by the Administrator which evidences money or its equivalent received or held by a credit union in the usual course of business and for which it has given or is obligated to give credit to the account of the member, and, in the case of a credit union serving predominantly

low-income members (as defined by the Administrator), such terms (when referring to the account of a nonmember served by such credit union) mean a share, share certificate, or share deposit account of such nonmember which is of a type approved by the Administrator and evidences money or its equivalent received or held by such credit union in the usual course of business and for which it has given or is obligated to give credit to the account of such nonmember;

“(5) The terms ‘State credit union’ and ‘State-chartered credit union’ mean a credit union organized and operated according to the laws of any State, the District of Columbia, the several territories and possessions of the United States, the Panama Canal Zone, or the Commonwealth of Puerto Rico, which laws provide for the organization of credit unions similar in principle and objectives to Federal credit unions;

“(6) The term ‘insured credit union’ means any credit union the member accounts of which are insured in accordance with the provisions of title II of this Act, and the term ‘noninsured credit union’ means any credit union the member accounts of which are not so insured;

“(7) The term ‘Fund’ means the National Credit Union Share Insurance Fund; and

“(8) The term ‘branch’ includes any branch credit union, branch office, branch agency, additional office, or any branch place of business located in any State of the United States, the District of Columbia, the several territories and possessions of the United States, the Panama Canal Zone, or the Commonwealth of Puerto Rico, at which member accounts are established or money lent.”

62 Stat. 711.

SEC. 3. Section 493 of title 18 of the United States Code (relating to bonds and obligations of certain lending agencies) is amended—

(1) by inserting the words “National Credit Union Administration,” following the words “Federal Deposit Insurance Corporation,”; and

(2) by inserting the words “insured credit union,” following the words “intermediate credit bank,”.

62 Stat. 729.

SEC. 4. Section 657 of title 18 of the United States Code (relating to lending, credit, and insurance institutions) is amended—

(1) by inserting the words “National Credit Union Administration,” following the words “Federal Deposit Insurance Corporation,”; and

(2) by inserting the words “or by the Administrator of the National Credit Union Administration” following the words “Federal Savings and Loan Insurance Corporation”.

62 Stat. 733;
81 Stat. 27.

SEC. 5. Section 709 of title 18 of the United States Code (relating to false advertising and misuses of names to indicate a Federal agency) is amended by adding after the third paragraph thereof the following paragraph:

“Whoever falsely advertises or otherwise represents by any device whatsoever that his or its deposit liabilities, obligations, certificates, or shares are insured under the Federal Credit Union Act or by the United States or any instrumentality thereof, or, being an insured credit union as defined in that Act falsely advertises or otherwise represents by any device whatsoever the extent to which or the manner in which shareholdings in such credit union are insured under such Act; or”.

62 Stat. 750;
70 Stat. 714.

SEC. 6. Section 1006 of title 18 of the United States Code (relating to false entries in reports and transactions of Federal credit institutions) is amended—

(1) by inserting the words “National Credit Union Administration,” following the words “Federal Deposit Insurance Corporation,”; and

(2) by inserting the words "or by the Administrator of the National Credit Union Administration" following the words "Federal Savings and Loan Insurance Corporation".

SEC. 7. Section 1014 of title 18 of the United States Code (relating to false statements in loan and credit applications) is amended by striking out the words "or a Federal credit union" and by inserting the words "a Federal credit union, or an insured State-chartered credit union" in lieu thereof.

62 Stat. 752;
78 Stat. 269.

SEC. 8. Section 2113 of title 18 of the United States Code (relating to bank robbery and incidental crimes) is amended as follows:

64 Stat. 394.

(1) Subsections (a), (b), and (c) are each amended by inserting the words "credit union," following the word "bank," each place it appears therein.

(2) The following new subsection is added at the end thereof:

"(h) As used in this section the term 'credit union' means any Federal credit union and any State-chartered credit union the accounts of which are insured by the Administrator of the National Credit Union Administration."

"Credit union."

SEC. 9. Section 116 of the Federal Credit Union Act, as redesignated by section 1 of this Act (formerly section 17 of such Act), is amended to read as follows:

Reserves.
73 Stat. 634.
12 USC 1762.

"SEC. 116. (a) Immediately before the payment of each dividend, the gross earnings of the credit union shall be determined. From this amount, there shall be set aside, as a regular reserve against losses on loans and against such other losses as may be specified in regulations prescribed under this Act, sums in accordance with the following schedule:

"10 per centum of gross income until the regular reserve shall equal 7½ per centum of the total of outstanding loans and risk assets, then

"5 per centum of gross income until the regular reserve shall equal 10 per centum of the total of outstanding loans and risk assets.

Whenever the regular reserve falls below 10 per centum or 7½ per centum of the total of outstanding loans and risk assets, as the case may be, it shall be replenished by regular contributions in such amounts as may be needed to maintain the reserve goals of 7½ per centum or 10 per centum.

"(b) In addition to such regular reserve, special reserves to protect the interests of members shall be established—

"(1) when required by regulation; or

"(2) when found by the Administrator, in any special case, to be necessary for that purpose."

SEC. 10. Section 107 of the Federal Credit Union Act, as redesignated by section 1 of this Act (formerly section 8 of such Act), is amended—

81 Stat. 110;
82 Stat. 284.
12 USC 1757.

(1) by striking out paragraph (7) and inserting in lieu thereof the following:

"(7) to receive from its members or other federally insured credit unions payments on shares, share certificates, or share deposits, and, in the case of credit unions serving predominantly low-income members (as defined by the Administrator), to receive payments on shares, share certificates, or share deposits from nonmembers;" and

(2) by adding at the end of paragraph (8) the following: "and (H) in shares, share certificates, or share deposits of federally insured credit unions;"

Approved October 19, 1970.

Public Law 91-469

October 21, 1970
[H. R. 15424]

AN ACT

To amend the Merchant Marine Act, 1936.

Merchant
Marine Act of
1970.
49 Stat. 1985.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101 of the Merchant Marine Act, 1936 (46 U.S.C. 1101), is amended as follows:

(1) by striking out of subdivision (a) the words "on all routes".

(2) by striking out the final "and" in subdivision (c) and changing the period at the end of subdivision (d) to a comma and inserting "and (e) supplemented by efficient facilities for shipbuilding and ship repair."

Appropriations.
81 Stat. 193.

SEC. 2. Section 209(b) of the Merchant Marine Act, 1936 (46 U.S.C. 1119(b)), is amended by striking out the period at the end thereof and inserting a colon and the following: "*Provided, however,* That the Congress hereby finds and declares that the national policy set forth in section 101 of this Act requires that there should be authorized and appropriated for fiscal years 1971 through 1980 such sums as may be necessary to construct 300 ships of such sizes, types and designs as the Secretary of Commerce may consider best suited to carry out the purposes and policy of this Act."

Supra.

49 Stat. 1989.

SEC. 3. Section 210 of the Merchant Marine Act, 1936 (46 U.S.C. 1120), is amended as follows:

(1) by striking out of the second paragraph the words "on all routes".

(2) by inserting a new fifth paragraph as follows:

"Fourth, the creation and maintenance of efficient shipbuilding and repair capacity in the United States with adequate numbers of skilled personnel to provide an adequate mobilization base."

Studies,
records.

SEC. 4. Section 211 of the Merchant Marine Act, 1936 (46 U.S.C. 1121), is amended as follows:

(1) By striking the final "and" in subsection (a) and inserting a comma in lieu thereof and changing the semicolon to a comma and inserting the words "and to other national requirements;"

(2) By redesignating subsections (b), (c), (d), (e), (f), (g), (h), and (i), as subsections (c), (d), (e), (f), (g), (h), (i), and (j), respectively.

Bulk cargo
carrying services.

(3) By inserting a new subsection (b) to read as follows:

"(b) The bulk cargo carrying services that should, for the promotion, development, expansion, and maintenance of the foreign commerce of the United States and for the national defense or other national requirements be provided by United States-flag vessels whether or not operating on particular services, routes, or lines;"

(4) Redesignated subsection (c) is amended by inserting after the word "speed," the words "method of propulsion,"

(5) Redesignated subsection (c) is amended by inserting at the end thereof, immediately before the semicolon, a comma and the words "or which should be employed to provide the bulk cargo carrying services necessary to the promotion, maintenance, and expansion of the foreign commerce of the United States and its national defense or other national requirements whether or not such vessels operate on a particular service, route, or line".

SEC. 5. Redesignated subsection (e) of section 211 of the Merchant Marine Act, 1936, is amended as follows:

(a) By striking out the words "in particular services, routes, and lines".

(b) By striking out the words "service, route, or line" and inserting in lieu thereof the word "vessel".

SEC. 6. Section 501 of the Merchant Marine Act, 1936 (46 U.S.C. 1151), is amended as follows:

Construction-
differential subsidy.
49 Stat. 1995;
66 Stat. 760.

(1) Subsection (a) is amended as follows:

(a) By striking out the words "Any citizen of the United States" and inserting in lieu thereof the words "Any proposed ship purchaser who is a citizen of the United States or any shipyard of the United States".

(b) By inserting in subdivision (2) after the designation (2) the words "if the applicant is the proposed ship purchaser" and a comma.

(c) By striking out of subdivision (3) the words "to replace worn-out or obsolete tonnage with new and modern ships, or otherwise".

(d) By the insertion of a new sentence at the end of subdivision (3) to read as follows: "The Secretary of Commerce may give preferred consideration to applications that will tend to reduce construction-differential subsidies and that propose the construction of ships of high transport capability and productivity."

(2) Subsection (c) is amended by inserting in the first sentence after the words "Any citizen of the United States" the words "or any shipyard of the United States".

SEC. 7. Section 502 of the Merchant Marine Act, 1936 (46 U.S.C. 1152), is amended as follows:

(1) Subsection (a) is amended as follows:

(a) By striking out of the first sentence the words ", on behalf of the applicant,".

(b) By striking out of the second sentence the words "applicant, the Commission" and inserting in lieu thereof the words "proposed ship purchaser, the Secretary of Commerce".

(c) By inserting after the second sentence the following new sentence: "Notwithstanding the provisions of the first sentence of section 505 of this Act with respect to competitive bidding, the Secretary of Commerce is authorized, at any time prior to June 30, 1973, to accept a price for the construction of the ship which has been negotiated between a shipyard and a proposed ship purchaser if (i) the negotiated price will result in a construction-differential subsidy that is equal to or less than 45 per centum in fiscal 1971, 43 per centum in fiscal 1972, and 41 per centum in fiscal 1973; (ii) the proposed ship purchaser and the shipyard submit backup cost details and evidence that the negotiated price is fair and reasonable; (iii) the Secretary of Commerce finds that the negotiated price is fair and reasonable; and (iv) the shipyard agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three years after final payment have access to and the right to examine any pertinent books, documents, papers, and records of the shipyard or any of its subcontractors related to the negotiation or performance of any contract or subcontract negotiated under this subsection and will include in its subcontracts a provision to that effect."

Post, p. 1022.

Records avail-
ability.

(d) By striking out of the last sentence the words "with the applicant for the purchase by him" and inserting in lieu thereof the words "for the sale" immediately prior to the words "of such vessel" and by inserting after the words "upon its completion," the words "to the applicant if he is the proposed ship purchaser and if not to another citizen of the United States, if the Secretary of Commerce determines that such citizen possesses the ability, experience, financial resources, and other qualifications necessary to enable it to operate and maintain the vessel".

76 Stat. 1200;
83 Stat. 44.
46 USC 1152.

Foreign cost,
annual computa-
tion, publication.

(2) Subsection (b) is amended as follows:

(a) By striking out of the first sentence the word "may" and inserting in lieu thereof the word "shall".

(b) By striking out of the first sentence the words "the construction of the proposed vessel", and inserting in lieu thereof the words "the construction of that type vessel".

(c) By inserting after the first sentence of subsection (b) the following: "The Secretary of Commerce shall recompute such estimated foreign cost annually unless, in the opinion of the Secretary, there has been a significant change in shipbuilding market conditions. The Secretary shall publish notice of his intention to compute or recompute such estimated foreign cost and shall give interested persons, including but not limited to shipyards and shipowners and associations thereof, an opportunity to file written statements. The Secretary's consideration shall include, but not be limited to, all relevant matter so filed, and his determination shall include or be accompanied by a concise explanation of the basis of his determination."

(d) By striking out of the next to the last sentence the words "in any case exceeds the foregoing applicable percentage of such cost" and inserting in lieu thereof the words "exceeds the following percentages: in fiscal year 1971, 45 per centum; in fiscal year 1972, 43 per centum; in fiscal year 1973, 41 per centum; in fiscal year 1974, 39 per centum; in fiscal year 1975, 37 per centum; in fiscal year 1976 and thereafter, 35 per centum,".

(e) By inserting in the next to the last sentence after the words "the Secretary may negotiate" the words "with any bidder, whether or not such bidder is the lowest bidder" and a comma; by striking out the words "on behalf of the applicant" and inserting in lieu thereof the words "with such bidder, notwithstanding the provisions of the first sentence of section 505 with respect to competitive bidding,"; and by inserting before the words "or less" at the end of the sentence a comma and the words "or as close thereto as possible,".

(f) By inserting after the next to the last sentence the following new sentence: "Commencing with the fiscal year 1972 no construction contract requiring a construction-differential in excess of the applicable percentages set forth in the preceding sentence shall be entered into unless the Secretary shall have given due consideration to the likelihood that the above percentages will not be attained and that the commitment to the ship construction program may not be continued. If the Secretary of Commerce enters into such a contract, he shall notify the Commission on American Shipbuilding of such contract and the Commission on American Shipbuilding shall, not later than six months after such notification, submit its report on the American shipbuilding industry."

(3) Subsection (c) is amended as follows:

(a) By inserting after the third word the words "of sale".

(b) By striking out the word "applicant" wherever it appears, and inserting in lieu thereof the word "purchaser".

(c) By striking out of the third sentence the words "at the rate of 3½ per centum per annum".

(d) By striking out of the third sentence the words "applicant's purchase" and inserting in lieu thereof the words "purchaser's portion of the".

(e) By striking out of the third sentence the word "applicant's" and inserting in lieu thereof the word "purchaser's".

(f) By inserting in the third sentence, immediately before the period at the end thereof, the words "at a rate not less than (i) a rate determined by the Secretary of the Treasury, taking into considera-

Post, p. 1022.

Construction-
differential,
limitation.

52 Stat. 956.
46 USC 1152.

tion the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans, adjusted to the nearest one-eighth of 1 per centum, plus (ii) an allowance adequate in the judgment of the Secretary of Commerce to cover administrative costs”.

(g) By striking out of the last sentence the words “of 3½ per centum per annum” and inserting in lieu thereof the words “per annum applicable to payments that are chargeable to the purchaser’s portion of the price of the vessel”.

(4) Subsection (e) is amended as follows:

(a) By striking out of the first sentence the words “the applicant” and inserting in lieu thereof the words “a citizen of the United States”.

(b) By striking out of the third sentence the words “an applicant” and inserting in lieu thereof the words “a citizen of the United States”.

(5) Subsection (f) is amended as follows:

(a) By striking out the words “title VII and section 509, and the Federal Maritime Board, in connection with ship construction, reconstruction, or reconditioning under title V (except section 509),” in the second sentence and inserting in lieu thereof “titles V and VII.”

(b) By striking out the words “in such manner as it may be determined” in the second sentence and inserting in lieu thereof “in such manner as he may determine”.

(c) By striking out the word “applicant” wherever it appears and inserting in lieu thereof the word “purchaser.”

(d) By striking out of the fourth sentence of the second paragraph the words “on any” and inserting in lieu thereof the words “in an”.

(e) By striking out of the fourth sentence of the second paragraph the words “of the operator”.

(6) Subsection (g) is amended as follows:

(a) By striking out of the first sentence the word “agreement” and inserting in lieu thereof the word “application”.

(b) By striking out of the first sentence the words “an applicant under this title” and inserting in lieu thereof the words “any citizen of the United States”.

SEC. 8. Section 503 of the Merchant Marine Act, 1936 (46 U.S.C. 1153), is amended as follows:

(1) By striking out the word “applicant” wherever it appears and inserting in lieu thereof the word “purchaser”.

(2) By striking out of the first sentence the words “purchase between the applicant and the Commission” and inserting in lieu thereof the words “sale between the purchaser and the Secretary of Commerce”.

SEC. 9. Section 504 of the Merchant Marine Act, 1936 (46 U.S.C. 1154), is amended as follows:

(1) By striking out the first three sentences.

(2) By inserting, after the section number, a new sentence to read as follows:

“If a qualified purchaser under the terms of this title desires to purchase a vessel to be constructed in accordance with an application for construction-differential subsidy under this title, the Secretary of Commerce may, in lieu of contracting to pay the entire cost of the vessel under section 502, contract to pay only construction-differential subsidy and the cost of national defense features to the shipyard constructing such vessel. The construction-differential subsidy and payments for the cost of national defense features shall be based upon the lowest responsible domestic bid unless the vessel is constructed at a negotiated price as provided by section 502(a) or under a contract negotiated by the Secretary of Commerce as provided in section

49 Stat. 1997.
46 USC 1152.

70 Stat. 657;
78 Stat. 385.
46 USC 1191,
1159.

46 USC 1151.

52 Stat. 957;
74 Stat. 216.

66 Stat. 761.

52 Stat. 958.

Ante, p. 1019.

Ante, p. 1020.

502(b) in which event the construction-differential subsidy and payments for the cost of national defense features shall be based upon such negotiated price."

49 Stat. 1998.

SEC. 10. Section 505 of the Merchant Marine Act, 1936 (46 U.S.C. 1155), is amended as follows:

(1) Subsection (a) is amended as follows:

(a) By striking out the designation "(a)".

(b) By striking out of the first sentence the words "within the continental limits".

(c) By striking out of the first sentence the words "the applicant to reject, and in".

Use of American materials, waiver.

(d) By inserting immediately before the period at the end of the second sentence the following: "; *Provided, however,* That with respect to other than major components of the hull, superstructure, and any material used in the construction thereof, (1) if the Secretary of Commerce determines that the requirements of this sentence will unreasonably delay completion of any vessel beyond its contract delivery date, and (2) if such determination includes or is accompanied by a concise explanation of the basis therefor, then the Secretary of Commerce may waive such requirements to the extent necessary to prevent such delay."

46 USC 1151.
"Shipyard of the U.S."

(e) By striking out the last sentence and inserting in lieu thereof the following sentence: "For the purposes of this title V, the term 'shipyard of the United States' means shipyards within any of the United States and the Commonwealth of Puerto Rico."

(2) By striking out subsections (b), (c), (d), and (e).

66 Stat. 761;
81 Stat. 660.
46 USC 1159 and note.

SEC. 11. Section 509 of the Merchant Marine Act, 1936 is amended as follows:

(a) By striking out the word "Commission" wherever it appears and inserting in lieu thereof the words "Secretary of Commerce".

(b) By striking out the word "applicant" wherever it appears and inserting in lieu thereof the word "purchaser".

(c) By striking out the words "at 3½ per centum per annum," and inserting in lieu thereof, the words "at a rate not less than (i) a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans, adjusted to the nearest one-eighth of 1 per centum, plus (ii) an allowance adequate in the judgment of the Secretary of Commerce to cover administrative costs, the balance of such purchase price being".

53 Stat. 1183.

SEC. 12. (a) Section 510(a) of the Merchant Marine Act, 1936 (46 U.S.C. 1160(a)), is amended as follows:

(1) By striking out of paragraph (1) all of subdivision (B) other than the final word "and", and inserting in lieu thereof the words "in the judgment of the Secretary of Commerce, should, by reason of age, obsolescence, or otherwise, be replaced in the public interest".

(2) By striking out of subdivision (C) of paragraph (1) the words "is owned" and inserting in lieu thereof the words "has been owned".

(3) By striking out of subdivision (C) of paragraph (1) the words "and has been owned by such citizen or citizens".

(4) By striking out of paragraph (1) the proviso in its entirety.

75 Stat. 833.

(b) Section 510(b) of the Merchant Marine Act, 1936 (46 U.S.C. 1160(b)), is amended by striking out of the next to the last sentence the words "capital reserve fund" and inserting in lieu thereof the words "capital construction fund".

74 Stat. 312;
79 Stat. 980.

SEC. 13. Section 510(i) of the Merchant Marine Act, 1936 (46 U.S.C. 1160(i)), is amended as follows:

(1) By striking out of the first paragraph the year "1970" and inserting in lieu thereof the year "1972".

(2) By striking out of the first paragraph the words "which were constructed or contracted for by the United States shipyards before September 3, 1945," and inserting in lieu thereof the words "which were constructed in the United States,".

(3) By striking out of the first paragraph the words "war-built vessels (which are defined for purposes of this subsection as)".

(4) By striking out of the first paragraph the words "which were constructed or contracted for by the United States shipyards during the period beginning September 3, 1939, and ending September 2, 1945)".

SEC. 14. Section 601(a) of the Merchant Marine Act, 1936 (46 U.S.C. 1171(a)), is amended as follows:

(1) By inserting after the first sentence a new sentence to read as follows: "In this title VI the term 'essential service' means the operation of a vessel on a service, route, or line described in section 211 (a) or in bulk cargo carrying service described in section 211 (b)."

49 Stat. 2001;
75 Stat. 90.

"Essential
service."
49 Stat. 1989.
Anfe, p. 1018.

(2) By striking out of subdivision (1) the words "such service, route, or line" and inserting in lieu thereof the words "an essential service".

(3) By striking from subdivision (2) the words "and maintain the service, route, or line" and inserting in lieu thereof the words "in an essential service".

SEC. 15. Section 603 (a) of the Merchant Marine Act, 1936 (46 U.S.C. 1173(a)), is amended by striking out the words "such service, route, or line," and inserting in lieu thereof the words "an essential service".

SEC. 16. Section 603 (b) of the Merchant Marine Act, 1936 (46 U.S.C. 1173(b)), is amended as follows:

(1) By striking out the words "Such contract shall provide that the amount of the operating-differential subsidy for the operation of vessels on a service, route, or line shall not exceed the excess of" and inserting in lieu thereof the words "Such contract shall provide, except as the parties should agree upon a lesser amount, that the amount of the operating-differential subsidy for the operation of vessels in an essential service shall equal the excess of the subsidizable wage costs of the United States officers and crews,".

(2) By inserting in the first sentence after the words "cost of insurance," the words "subsistence of officers and crews on passenger vessels, as defined in section 613 of this Act,".

(3) By striking out of the first sentence the words "maintenance, repairs not compensated by insurance," and inserting in lieu thereof "maintenance, and repairs not compensated by insurance".

(4) By striking out of the first sentence the words "wages and subsistence of officers and crews, and any other items of expense in which the Commission shall find and determine that the applicant is at a substantial disadvantage in competition with vessels of the foreign country hereinafter referred to," and inserting in lieu thereof "incurred".

75 Stat. 89.
46 USC 1183.

(5) By inserting before the period at the end of the first sentence a colon and a proviso to read as follows: "Provided, however, That the Secretary of Commerce may, with respect to any vessel in an essential bulk cargo carrying service as described in section 211(b), pay, in lieu of the operating-differential subsidy provided by this subsection (b), such sums as he shall determine to be necessary to make the cost of operating such vessel competitive with the cost of operating similar vessels under the registry of a foreign country".

49 Stat. 2002;
75 Stat. 513.

SEC. 17. Section 603(c) of the Merchant Marine Act, 1936 (46 U.S.C. 1173(c)), is amended as follows:

(1) By redesignating the subsection as subsection (f) and inserting new subsections (c), (d), and (e) as follows:

“(c) (1) When used in this section—

“Collective
bargaining
costs.”

“(A) The term ‘collective bargaining costs’ means the annual cost, calculated on the basis of the per diem rate of expense as of any date, of all items of expense required of the applicant through collective bargaining or other agreement, covering the employment of United States officers and crew of a vessel, including payments required by law to assure old-age pensions, unemployment benefits, or similar benefits and taxes or other governmental assessments on crew payrolls, but excluding subsistence of officers and crews on vessels other than passenger vessels as defined in section 613 of this Act and costs relating to:

75 Stat. 89.
46 USC 1183.

“(i) the officers or members of the crew that the Secretary of Commerce has found, prior to the award of a contract for the construction or reconstruction of a vessel, to be unnecessary for the efficient and economical operation of such vessel: *Provided*, That the Secretary of Commerce shall afford representatives of the collective-bargaining unit or units responsible for the manning of the vessel an opportunity to comment on such finding prior to the effective date of such finding: *And provided further*, That in determining whether officers or members of the crew are necessary for the efficient and economical operation of such vessel, the Secretary of Commerce shall give due consideration to, but shall not be bound by, wage and manning scales and working conditions required by a bona fide collective-bargaining agreement, or

“(ii) those officers or members of the crew that the Secretary of Commerce has found, prior to ninety days following the date of enactment of this subsection, to be unnecessary for the efficient and economical operation of the vessel.

“Base period
costs.”

“(B) The term ‘base period costs’ means for the base period beginning July 1, 1970, and ending June 30, 1971, the collective-bargaining costs as of January 1, 1971, less all other items of cost that have been disallowed by the Secretary of Commerce prior to ninety days following the date of enactment of this subsection, and not already excluded from collective-bargaining costs under subparagraph (A) (i) or (A) (ii) of this subsection. In any subsequent base period the term ‘base period costs’ means the average of the subsidizable wage cost of United States officers and crews for the preceding annual period ending June 30 (calculated without regard to the limitation of the last sentence of paragraph (D) of this subdivision but increased or decreased by the increase or decrease in the index described in subdivision (3) of this subsection from January 1 of such annual period to January 1 of the base period), and the collective-bargaining costs as of January 1 of the base period: *Provided*, That in no event shall the base period cost be such that the difference between the base period cost and the collective-bargaining costs as of January 1 of any base period subsequent to the first base period exceeds five-fourths of 1 per centum of the collective-bargaining costs as of such January 1 multiplied by the number of years that have elapsed since the most recent base period.

Post, p. 1025.

“Base period.”

“(C) The term ‘base period’ means any annual period beginning July 1, and ending June 30 with respect to which a base period cost is established.

“Subsidizable
wage costs of
U.S. officers
and crews.”

“(D) The term ‘subsidizable wage costs of United States officers and crews’ in any period other than a base period means the most recent base period costs increased or decreased by the increase or decrease

from January 1 of such base period to January 1 of such period in the index described in subdivision (3) hereof, and with respect to a base period means the base period cost. The subsidizable wage costs of United States officers and crews in any period other than a base period shall not be less than 90 per centum of the collective-bargaining costs as of January 1 of such period nor greater than 110 per centum of such collective-bargaining costs.

“(2) The Secretary of Commerce shall determine the collective-bargaining costs on ships in subsidized operation as of January 1, 1971, and as of each January 1 thereafter, and shall as of intervals of not less than two years nor more than four years, establish a new base period cost, except that the Secretary shall not establish a new base period unless he announces his intention to do so prior to the December 31 that would be included in the new base period.

“(3) The Bureau of Labor Statistics shall compile the index referred to in subdivision (1). Such index shall consist of the average annual change in wages and benefits placed into effect for employees covered by collective-bargaining agreements with equal weight to be given to changes affecting employees in the transportation industry (excluding the offshore maritime industry) and to changes affecting employees in private nonagricultural industries other than transportation. Such index shall be based on the materials regularly used by the Bureau of Labor Statistics in compiling its regularly published statistical series on wage and benefit changes arrived at through collective bargaining. Such materials shall remain confidential and not be subject to disclosure.

Wage change
index.

“(d) Each foreign wage cost computation shall be made after an opportunity is given to the contractor to submit in writing and in timely fashion all relevant data within his possession. In making the computation, the Secretary shall consider all relevant matter so presented and all foreign wage cost data collected at his request or on his behalf. Such foreign cost data shall be made available to an interested contractor, unless the Secretary shall find that disclosure of the data will prevent him from obtaining such data in the future. In determining foreign manning for purposes of this section, the foreign manning determined for any ship type with respect to any base period shall not be redetermined until the beginning of a new base period.

Foreign wage
computation.

“(e) The wage subsidy shall be payable monthly for the voyages completed during the month, upon the contractor's certification that the subsidized vessels were in authorized service during the month. The Secretary of Commerce shall prescribe procedures for the calculation and payment of subsidy on items of expense which are included in ‘collective-bargaining costs’ but are not included in the daily rate because they are unpredictably timed.”

(2) Redesignated subsection (f) is amended to read as follows:

“(f) Ninety percent of the amount of the insurance and maintenance and repair and subsistence of officers and crews subsidy shall be payable monthly for the voyages completed during the month on the basis of the subsidy estimated to have accrued with respect to such voyages. Any such payment shall be made only after there has been furnished to the Secretary of Commerce such security as he deems to be reasonable and necessary to assure refund of any overpayment. The contractor and the Secretary of Commerce shall audit the voyage accounts as soon as practicable after such payment. The remaining 10 percent of such subsidy shall be payable after such audit.”

SEC. 18. Section 605(b) is amended by striking out the words “except one whose life expectancy has been determined as provided in section 607(b) for a period in no case to exceed the life expectancy

66 Stat. 764;
79 Stat. 1310.
46 USC 1175.
Post, p. 1027.

determined thereunder, unless the Commission" and inserting in lieu thereof "unless the Secretary of Commerce".

49 Stat. 2003.

SEC. 19. Section 605 (c) of the Merchant Marine Act, 1936 (46 U.S.C. 1175 (c)), is amended as follows:

(1) By striking out of the first sentence the words "on a service, route, or line" and inserting in lieu thereof the words "in an essential service".

(2) By striking out of the first sentence the words "in such service, route, or line".

(3) By striking out of the first sentence the words "a service, route, or line" and inserting in lieu thereof the words "an essential service".

(4) By striking out of the first sentence the words "competitive services, routes, or lines," and inserting in lieu thereof the words "such essential service".

(5) By striking in the first sentence the words "line serving the route," and inserting in lieu thereof the words "operator serving such essential service,".

70 Stat. 148;
75 Stat. 91.

SEC. 20. Section 606 of the Merchant Marine Act, 1936 (46 U.S.C. 1176), is amended as follows:

(1) By striking out of subdivision (3) the words "the service, route, or line" and inserting in lieu thereof the words "an essential service".

(2) By striking out of subdivision (4) the words "on such service, route, or line" and inserting in lieu thereof the words, "in such an essential service,".

(3) By striking out of subdivision (4) the words "service, route, or line", wherever they appear, and inserting in lieu thereof the words "essential service".

(4) By striking out subdivision (5) in its entirety.

(5) By redesignating subdivision (6) as subdivision (5).

(6) By striking out of redesignated subdivision (5) the words "the vessel's services, routes, and lines" and inserting in lieu thereof the words "essential services".

(7) By striking out of redesignated subdivision (5) the word "cruises" and inserting in lieu thereof the word "services".

(8) By striking out of redesignated subdivision (5) the words "the most" and inserting in lieu thereof the word "an".

46 USC 1131,
1132.

(9) By striking out of redesignated subdivision (5) the words "but with due regard to the wage and manning scales and working conditions prescribed by the Commission as provided in title III".

(10) By redesignating subdivision (7) as subdivision (6).

(11) By striking out of redesignated subdivision (6) the words "the operator shall use" and inserting in lieu thereof the words "an operator who receives subsidy with respect to subsistence of officers and crews shall use as such subsistence items"; by striking out "505 (a)" and inserting in lieu thereof "505"; by striking out of that subdivision the words "and equipment"; by striking out of that subdivision the words "and the operator shall perform repairs to subsidized vessels within the continental limits of the United States," and inserting in lieu thereof the words "and an operator who receives subsidy with respect to repairs shall perform such repairs within any of the United States or the Commonwealth of Puerto Rico,"; and by striking the last sentence thereof.

49 Stat. 2005;
52 Stat. 960.

SEC. 21. (a) Section 607 of the Merchant Marine Act, 1936 (46 U.S.C. 1177), is amended to read as follows:

"SEC. 607. (a) Agreement Rules.

"Any citizen of the United States owning or leasing one or more eligible vessels (as defined in subsection (k)(1)) may enter into an

agreement with the Secretary of Commerce under, and as provided in, this section to establish a capital construction fund (hereinafter in this section referred to as the 'fund') with respect to any or all of such vessels. Any agreement entered into under this section shall be for the purpose of providing replacement vessels, additional vessels, or reconstructed vessels, built in the United States and documented under the laws of the United States for operation in the United States foreign, Great Lakes, or noncontiguous domestic trade or in the fisheries of the United States and shall provide for the deposit in the fund of the amounts agreed upon as necessary or appropriate to provide for qualified withdrawals under subsection (f). The deposits in the fund, and all withdrawals from the fund, whether qualified or nonqualified, shall be subject to such conditions and requirements as the Secretary of Commerce may by regulations prescribe or are set forth in such agreement; except that the Secretary of Commerce may not require any person to deposit in the fund for any taxable year more than 50 percent of that portion of such person's taxable income for such year (computed in the manner provided in subsection (b)(1)(A)) which is attributable to the operation of the agreement vessels.

Capital construction fund.

“(b) Ceiling on Deposits.

“(1) The amount deposited under subsection (a) in the fund for any taxable year shall not exceed the sum of:

“(A) that portion of the taxable income of the owner or lessee for such year (computed as provided in chapter 1 of the Internal Revenue Code of 1954 but without regard to the carryback of any net operating loss or net capital loss and without regard to this section) which is attributable to the operation of the agreement vessels in the foreign or domestic commerce of the United States or in the fisheries of the United States,

26 USC 1 et seq.

“(B) the amount allowable as a deduction under section 167 of the Internal Revenue Code of 1954 for such year with respect to the agreement vessels,

68A Stat. 51;
83 Stat. 625, 649.
26 USC 167.

“(C) if the transaction is not taken into account for purposes of subparagraph (A), the net proceeds (as defined in joint regulations) from (i) the sale or other disposition of any agreement vessel, or (ii) insurance or indemnity attributable to any agreement vessel, and

“(D) the receipts from the investment or reinvestment of amounts held in such fund.

“(2) In the case of a lessee, the maximum amount which may be deposited with respect to an agreement vessel by reason of paragraph (1)(B) for any period shall be reduced by any amount which, under an agreement entered into under this section, the owner is required or permitted to deposit for such period with respect to such vessel by reason of paragraph (1)(B).

“(3) For purposes of paragraph (1), the term ‘agreement vessel’ includes barges and containers which are part of the complement of such vessel and which are provided for in the agreement.

“Agreement vessel.”

“(c) Requirements as to Investments.

“Amounts in any fund established under this section shall be kept in the depository or depositories specified in the agreement and shall be subject to such trustee and other fiduciary requirements as may be specified by the Secretary of Commerce. They may be invested only in interest-bearing securities approved by the Secretary of Commerce; except that, if the Secretary of Commerce consents thereto, an agreed percentage (not in excess of 60 percent) of the assets of the fund may be invested in the stock of domestic corporations. Such stock must be

currently fully listed and registered on an exchange registered with the Securities and Exchange Commission as a national securities exchange, and must be stock which would be acquired by prudent men of discretion and intelligence in such matters who are seeking a reasonable income and the preservation of their capital. If at any time the fair market value of the stock in the fund is more than the agreed percentage of the assets in the fund, any subsequent investment of amounts deposited in the fund, and any subsequent withdrawal from the fund, shall be made in such a way as to tend to restore the fund to a situation in which the fair market value of the stock does not exceed such agreed percentage. For purposes of this subsection, if the common stock of a corporation meets the requirements of this subsection and if the preferred stock of such corporation would meet such requirements but for the fact that it cannot be listed and registered as required because it is nonvoting stock, such preferred stock shall be treated as meeting the requirements of this subsection.

“(d) Nontaxability for Deposits.

“(1) For purposes of the Internal Revenue Code of 1954—

“(A) taxable income (determined without regard to this section) for the taxable year shall be reduced by an amount equal to the amount deposited for the taxable year out of amounts referred to in subsection (b) (1) (A),

“(B) gain from a transaction referred to in subsection (b) (1) (C) shall not be taken into account if an amount equal to the net proceeds (as defined in joint regulations) from such transaction is deposited in the fund,

“(C) the earnings (including gains and losses) from the investment and reinvestment of amounts held in the fund shall not be taken into account,

“(D) the earnings and profits of any corporation (within the meaning of section 316 of such Code) shall be determined without regard to this section, and

“(E) in applying the tax imposed by section 531 of such Code (relating to the accumulated earnings tax), amounts while held in the fund shall not be taken into account.

“(2) Paragraph (1) shall apply with respect to any amount only if such amount is deposited in the fund pursuant to the agreement and not later than the time provided in joint regulations.

“(e) Establishment of Accounts.

“For purposes of this section—

“(1) Within the fund established pursuant to this section three accounts shall be maintained:

“(A) the capital account,

“(B) the capital gain account, and

“(C) the ordinary income account.

“(2) The capital account shall consist of—

“(A) amounts referred to in subsection (b) (1) (B),

“(B) amounts referred to in subsection (b) (1) (C) other than that portion thereof which represents gain not taken into account by reason of subsection (d) (1) (B),

“(C) 85 percent of any dividend received by the fund with respect to which the person maintaining the fund would (but for subsection (d) (1) (C)) be allowed a deduction under section 243 of the Internal Revenue Code of 1954, and

“(D) interest income exempt from taxation under section 103 of such Code.

“(3) The capital gain account shall consist of—

26 USC 1
et seq.

68A Stat. 98.
26 USC 316.

68A Stat. 179.
26 USC 531.

78 Stat. 52.
26 USC 243.

26 USC 103.

“(A) amounts representing capital gains on assets held for more than 6 months and referred to in subsection (b) (1) (C) or (b) (1) (D) reduced by

“(B) amounts representing capital losses on assets held in the fund for more than 6 months.

“(4) The ordinary income account shall consist of—

“(A) amounts referred to in subsection (b) (1) (A),

“(B) (i) amounts representing capital gains on assets held for 6 months or less and referred to in subsection (b) (1) (C) or (b) (1) (D), reduced by—

“(ii) amounts representing capital losses on assets held in the fund for 6 months or less,

“(C) interest (not including any tax-exempt interest referred to in paragraph (2) (D)) and other ordinary income (not including any dividend referred to in subparagraph (E)) received on assets held in the fund,

“(D) ordinary income from a transaction described in subsection (b) (1) (C), and

“(E) 15 percent of any dividend referred to in paragraph (2) (C).

“(5) Except on termination of a fund, capital losses referred to in paragraph (3) (B) or in paragraph (4) (B) (ii) shall be allowed only as an offset to gains referred to in paragraph (3) (A) or (4) (B) (i), respectively.

“(f) Purposes of Qualified Withdrawals.

“(1) A qualified withdrawal from the fund is one made in accordance with the terms of the agreement but only if it is for:

“(A) the acquisition, construction, or reconstruction of a qualified vessel,

“(B) the acquisition, construction, or reconstruction of barges and containers which are part of the complement of a qualified vessel, or

“(C) the payment of the principal on indebtedness incurred in connection with the acquisition, construction or reconstruction of a qualified vessel or a barge or container which is part of the complement of a qualified vessel.

Except to the extent provided in regulations prescribed by the Secretary of Commerce, subparagraph (B), and so much of subparagraph (C) as relates only to barges and containers, shall apply only with respect to barges and containers constructed in the United States.

“(2) Under joint regulations, if the Secretary of Commerce determines that any substantial obligation under any agreement is not being fulfilled, he may, after notice and opportunity for hearing to the person maintaining the fund, treat the entire fund or any portion thereof as an amount withdrawn from the fund in a nonqualified withdrawal.

“(g) Tax Treatment of Qualified Withdrawals.

“(1) Any qualified withdrawal from a fund shall be treated—

“(A) first as made out of the capital account,

“(B) second as made out of the capital gain account, and

“(C) third as made out of the ordinary income account.

“(2) If any portion of a qualified withdrawal for a vessel, barge, or container is made out of the ordinary income account, the basis of such vessel, barge, or container shall be reduced by an amount equal to such portion.

“(3) If any portion of a qualified withdrawal for a vessel, barge, or container is made out of the capital gain account, the basis of such

vessel, barge, or container shall be reduced by an amount equal to—

72 Stat. 1650.
26 USC 1371.

“(A) Five-eighths of such portion, in the case of a corporation (other than an electing small business corporation, as defined in section 1371 of the Internal Revenue Code of 1954), or

“(B) One-half of such portion, in the case of any other person.

“(4) If any portion of a qualified withdrawal to pay the principal on any indebtedness is made out of the ordinary income account or the capital gain account, then an amount equal to the aggregate reduction which would be required by paragraphs (2) and (3) if this were a qualified withdrawal for a purpose described in such paragraphs shall be applied, in the order provided in joint regulations, to reduce the basis of vessels, barges, and containers owned by the person maintaining the fund. Any amount of a withdrawal remaining after the application of the preceding sentence shall be treated as a nonqualified withdrawal.

“(5) If any property the basis of which was reduced under paragraph (2), (3), or (4) is disposed of, any gain realized on such disposition, to the extent it does not exceed the aggregate reduction in the basis of such property under such paragraphs, shall be treated as an amount referred to in subsection (h) (3) (A) which was withdrawn on the date of such disposition. Subject to such conditions and requirements as may be provided in joint regulations, the preceding sentence shall not apply to a disposition where there is a redeposit in an amount determined under joint regulations which will, insofar as practicable, restore the fund to the position it was in before the withdrawal.

“(h) Tax Treatment of Nonqualified Withdrawals.

“(1) Except as provided in subsection (i), any withdrawal from a fund which is not a qualified withdrawal shall be treated as a nonqualified withdrawal.

“(2) Any nonqualified withdrawal from a fund shall be treated—

“(A) first as made out of the ordinary income account,

“(B) second as made out of the capital gain account, and

“(C) third as made out of the capital account.

For purposes of this section, items withdrawn from any account shall be treated as withdrawn on a first-in-first-out basis; except that (i) any nonqualified withdrawal for research, development, and design expenses incident to new and advanced ship design, machinery and equipment, and (ii) any amount treated as a nonqualified withdrawal under the second sentence of subsection (g) (4), shall be treated as withdrawn on a last-in-first-out basis.

“(3) For purposes of the Internal Revenue Code of 1954—

“(A) any amount referred to in paragraph (2) (A) shall be included in income as an item of ordinary income for the taxable year in which the withdrawal is made,

“(B) any amount referred to in paragraph (2) (B) shall be included in income for the taxable year in which the withdrawal is made as an item of gain realized during such year from the disposition of an asset held for more than 6 months, and

“(C) for the period on or before the last date prescribed for payment of tax for the taxable year in which this withdrawal is made—

68A Stat. 817.
26 USC 6601.

“(i) no interest shall be payable under section 6601 of such Code and no addition to the tax shall be payable under section 6651 of such Code,

83 Stat. 727.
26 USC 6651.

“(ii) interest on the amount of the additional tax attributable to any item referred to in subparagraph (A) or (B) shall be paid at the applicable rate (as defined in paragraph

(4)) from the last date prescribed for payment of the tax for the taxable year for which such item was deposited in the fund, and

“(iii) no interest shall be payable on amounts referred to in clauses (i) and (ii) of paragraph (2) or in the case of any nonqualified withdrawal arising from the application of the recapture provision of section 606(5) of the Merchant Marine Act of 1936 as in effect on December 31, 1969.

“(4) For purposes of paragraph (3) (C) (ii), the applicable rate of interest for any nonqualified withdrawal—

“(A) made in a taxable year beginning in 1970 or 1971 is 8 percent, or

“(B) made in a taxable year beginning after 1971, shall be determined and published jointly by the Secretary of the Treasury and the Secretary of Commerce and shall bear a relationship to 8 percent which the Secretaries determine under joint regulations to be comparable to the relationship which the money rates and investment yields for the calendar year immediately preceding the beginning of the taxable year bear to the money rates and investment yields for the calendar year 1970.

“(i) Certain Corporate Reorganizations and Changes in Partnerships.

“Under joint regulations—

“(1) a transfer of a fund from one person to another person in a transaction to which section 381 of the Internal Revenue Code of 1954 applies may be treated as if such transaction did not constitute a nonqualified withdrawal, and

68A Stat. 124.
26 USC 381.

“(2) a similar rule shall be applied in the case of a continuation of a partnership (within the meaning of subchapter K of such Code).

26 USC 701.

“(j) Treatment of Existing Funds.

“(1) Any person who was maintaining a fund or funds (hereinafter in this subsection referred to as ‘old fund’) under this section (as in effect before the enactment of this subsection) may elect to continue such old fund but—

“(A) may not hold moneys in the old fund beyond the expiration date provided in the agreement under which such old fund is maintained (determined without regard to any extension or renewal entered into after April 14, 1970),

“(B) may not simultaneously maintain such old fund and a new fund established under this section, and

“(C) if he enters into an agreement under this section to establish a new fund, may agree to the extension of such agreement to some or all of the amounts in the old fund.

“(2) In the case of any extension of an agreement pursuant to paragraph (1) (C), each item in the old fund to be transferred shall be transferred in a nontaxable transaction to the appropriate account in the new fund established under this section. For purposes of subsection (h) (3) (C), the date of the deposit of any item so transferred shall be July 1, 1971, or the date of the deposit in the old fund, whichever is the later.

“(k) Definitions.

“For purposes of this section—

“(1) The term ‘eligible vessel’ means any vessel—

“Eligible
vessel.”

“(A) constructed in the United States and, if reconstructed, reconstructed in the United States,

“(B) documented under the laws of the United States, and

“(C) operated in the foreign or domestic commerce of the United States or in the fisheries of the United States.

Any vessel which (i) was constructed outside of the United States but documented under the laws of the United States on April 15, 1970, or (ii) constructed outside the United States for use in the United States foreign trade pursuant to a contract entered into before April 15, 1970, shall be treated as satisfying the requirements of subparagraph (A) of this paragraph and the requirements of subparagraph (A) of paragraph (2).

"Qualified vessel."

"(2) The term 'qualified vessel' means any vessel—

"(A) constructed in the United States and, if reconstructed, reconstructed in the United States,

"(B) documented under the laws of the United States, and

"(C) which the person maintaining the fund agrees with the Secretary of Commerce will be operated in the United States foreign, Great Lakes, or noncontiguous domestic trade or in the fisheries of the United States.

"Agreement vessel."

"(3) The term 'agreement vessel' means any eligible vessel or qualified vessel which is subject to an agreement entered into under this section.

"United States."

"(4) The term 'United States', when used in a geographical sense, means the continental United States including Alaska, Hawaii, and Puerto Rico.

"United States foreign trade."

"(5) The term 'United States foreign trade' includes (but is not limited to) those areas in domestic trade in which a vessel built with construction-differential subsidy is permitted to operate under the first sentence of section 506 of this Act.

52 Stat. 958.
46 USC 1156.
"Joint regulations."

"(6) The term 'joint regulations' means regulations prescribed under subsection (1).

"Vessel."

"(7) The term 'vessel' includes cargo handling equipment which the Secretary of Commerce determines is intended for use primarily on the vessel. The term 'vessel' also includes an ocean-going towing vessel or an ocean-going barge or comparable towing vessel or barge operated on the Great Lakes.

"Noncontiguous trade."

"(8) The term 'noncontiguous trade' means (i) trade between the contiguous forty-eight States on the one hand and Alaska, Hawaii, Puerto Rico and the insular territories and possessions of the United States on the other hand, and (ii) trade between Alaska, Hawaii, and Puerto Rico and such territories and possessions and (iii) trade between the islands of Hawaii.

"(1) Records; Reports; Changes in Regulations.

"Each person maintaining a fund under this section shall keep such records and shall make such reports as the Secretary of Commerce or the Secretary of the Treasury shall require. The Secretary of the Treasury and the Secretary of Commerce shall jointly prescribe all rules and regulations, not inconsistent with the foregoing provisions of this section, as may be necessary or appropriate to the determination of tax liability under this section. If, after an agreement has been entered into under this section, a change is made either in the joint regulations or in the regulations prescribed by the Secretary of Commerce under this section which could have a substantial effect on the rights or obligations of any person maintaining a fund under this section, such person may terminate such agreement."

Effective date.

(b) The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1969.

53 Stat. 1186.
46 USC 1204.

SEC. 22. Section 714 of the Merchant Marine Act, 1936 is amended as follows:

(a) By striking out the words "Commission" and "Commission's" wherever they appear and inserting in lieu thereof the words "Secretary of Commerce" and "Secretary of Commerce's" respectively.

(b) By striking out in the first sentence the words "3½ per centum of the depreciated foreign cost computed annually upon the basis of a twenty-five year life of the vessel." and inserting in lieu thereof "an amount equal to (i) the sum of a percentage of the depreciated foreign cost computed annually upon the basis of a twenty-five year life of the vessel determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the term of the charter, adjusted to the nearest one-eighth of 1 per centum, plus (ii) an allowance adequate in the judgment of the Secretary of Commerce to cover administrative costs."

(c) By striking out of the last sentence of the first paragraph thereof the words "of 3½ per centum per annum from the date of purchase." and inserting in lieu thereof, "from the date of purchase, at a rate not less than (i) a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans, adjusted to the nearest one-eighth of 1 per centum, plus (ii) an allowance adequate in the judgment of the Secretary of Commerce to cover administrative costs."

SEC. 23. Section 803 of the Merchant Marine Act, 1936 (46 U.S.C. 1221), is amended by striking out the section in its entirety.

49 Stat. 2012;
52 Stat. 963.

SEC. 24. Section 804 of the Merchant Marine Act, 1936 (46 U.S.C. 1222), is amended to read as follows:

"SEC. 804. (a) Except as provided in subsections (b) and (c) of this section, it shall be unlawful for any contractor receiving an operating-differential subsidy under title VI or for any charterer of vessels under title VII of this Act, or any holding company, subsidiary, affiliate, or associate of such contractor or such charterer, or any officer, director, agent, or executive thereof, directly or indirectly to own, charter, act as agent or broker for, or operate any foreign-flag vessel which competes with any American-flag service determined by the Secretary of Commerce to be essential as provided in section 211 of this Act.

46 USC 1171.
46 USC 1191.

"(b) Under special circumstances and for good cause shown, the Secretary of Commerce may, in his discretion, waive the provisions of subsection (a) of this section as to any contractor, for a specific period of time.

Ante, p. 1018.

"(c) Upon application to the Secretary of Commerce the provisions of subsection (a) of this section shall not apply to the following specified activities of any contractor under title VI, or those in the foregoing specified relationship to him, who was not such a contractor on April 15, 1970, and who shall have complied with the requirement set forth in subsection (d) of this section:

"(1) Until April 15, 1990—

"(A) the continued ownership, charter, or operation of a foreign-flag vessel engaged in the carriage of dry or liquid cargoes in bulk which was owned, chartered, or operated by such contractor, or those in the foregoing specified relationship to him, on April 15, 1970;

"(B) the continued acting as agent or broker for a vessel described in subsection (c)(1)(A) of this section which is owned, chartered, or operated by such contractor, or those in the foregoing specified relationship to him, and for which

such contractor, or those in the foregoing specified relationship to him, were acting as agent or broker on April 15, 1970;

“(2) Until April 15, 1972, the continued acting as agent or broker for a foreign-flag vessel engaged in the carriage of dry or liquid cargoes in bulk (other than one described in subsection (c)(1)(A)), for which the contractor, or those in the foregoing specified relationship to him, were acting as agent or broker on April 15, 1970.

46 USC 1171. “(d) No contractor under title VI, whether he shall have become such a contractor before or after the date of enactment of this section, shall avail himself of the provisions of subsection (c) of this section unless not later than ninety days after the enactment of this section there shall have been filed with the Secretary of Commerce a full and complete statement, satisfactory in form and substance to the Secretary, of all foreign-flag vessels which he, or those in the foregoing specified relationship to him, directly or indirectly owned, chartered, acted as agent or broker for, or operated on April 15, 1970.

49 Stat. 1985.
46 USC 1101. “(e) During the period of time provided for in subsection (c) of this section, the Secretary of Commerce shall, at the beginning of each regular session, make a report to the Congress on the activities of contractors under such subsection, including but not limited to, the nature and extent of such activities; its effect, if any, upon carrying forward the national policy declared in section 101 of this Act; and the Secretary's recommendations for legislation, if such is deemed to be necessary.”

66 Stat. 765. SEC. 25. Section 805 of the Merchant Marine Act, 1936 (46 U.S.C. 1223), is amended by striking out subsection (c) thereof.

49 Stat. 2015. SEC. 26. (a) Section 809 of the Merchant Marine Act, 1936 (46 U.S.C. 1213) is amended by inserting after the comma following the word “Gulf” the words “Great Lakes” and a comma.

(b) Section 605(a) of the Merchant Marine Act, 1936 (46 U.S.C. 1175), is amended by deleting from the last sentence thereof the words “on the Great Lakes or”.

68 Stat. 832;
75 Stat. 565. SEC. 27. Section 901 of the Merchant Marine Act, 1936 (46 U.S.C. 1241) is amended as follows:

(a) By redesignating subsection (b) as subsection (b)(1).

(b) By striking the words “section 901(b)” in redesignated subsection (b)(1) and inserting in lieu thereof the words “section 901(b)(1)”.

(c) By adding a new subsection (b)(2) to read as follows:

“(2) Every department or agency having responsibility under this subsection shall administer its programs with respect to this subsection under regulations issued by the Secretary of Commerce. The Secretary of Commerce shall review such administration and shall annually report to the Congress with respect thereto.”

52 Stat. 964.
46 USC 1151. SEC. 28. Section 905(a) of the Merchant Marine Act, 1936 (46 U.S.C. 1244(a)), is amended by striking the period at the end thereof, substituting a comma therefor, and adding the words “except that in the context of title V of this Act concerning construction-differential subsidy, the said words ‘foreign commerce’ or ‘foreign trade’ shall to the extent provided in uniform regulations promulgated by the Secretary of Commerce also include, in the case of liquid and dry bulk cargo carrying services, trading between foreign ports in accordance with normal commercial bulk shipping practices in such manner as will permit U.S.-flag bulk vessels freely to compete with foreign-flag bulk carrying vessels.”

SEC. 29. Section 1101(c) of the Merchant Marine Act, 1936 (46 U.S.C. 1271(c)), is amended as follows:

(1) By striking out the word "and" immediately before the words "floating drydocks".

(2) By inserting after the word "walls" and before the word "owned" a comma and the words "and oceanographic research or instruction vessels,".

SEC. 30. Section 1103(e) of the Merchant Marine Act, 1936 (46 U.S.C. 1273(e)), is amended by striking the figure "\$1,000,000,000" and inserting in lieu thereof the figure "\$3,000,000,000".

SEC. 31. Section 1104(a) of the Merchant Marine Act, 1936 (46 U.S.C. 1274(a)), is amended by inserting in paragraph (8) immediately before the words "commercial use" the words "research, or for".

SEC. 32. Section 1104(b) of the Merchant Marine Act, 1936 (46 U.S.C. 1274(b)), is amended as follows:

(1) By inserting in paragraph (2) immediately before the words "commercial use" the words "research or for".

(2) By striking from paragraph (4) the words "be less than" and inserting in lieu thereof the words "not exceed".

(3) By inserting at the end of paragraph (4), immediately before the semicolon, a colon and a proviso to read as follows: "*Provided, however,* That in the case of a vessel, the size and speed of which are approved by the Secretary of Commerce, and which is eligible for mortgage aid for construction under section 509 of this Act and in respect of which the minimum downpayment by the mortgagor required by that section would be 12½ per centum of the cost of such vessel, the advance and the principal amount of all other advances under insured loans outstanding at the time of said advance shall not exceed 87½ per centum of such actual cost".

SEC. 33. Section 1105(d) of the Merchant Marine Act, 1936 (46 U.S.C. 1275(d)) is amended by striking the last sentence thereof and inserting a new sentence to read as follows: "Such installments shall include interest on the purchase price remaining unpaid at a rate not less than (i) a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such installments, adjusted to the nearest one-eighth of 1 per centum, plus (ii) an allowance adequate in the judgment of the Secretary of Commerce to cover administrative costs."

SEC. 34. Section 1214 of the Merchant Marine Act, 1936 (46 U.S.C. 1294), is amended by striking out the words "20 years from the date of enactment of this title" and inserting in lieu thereof the date "September 7, 1975".

SEC. 35. (a) The word "Commission" is stricken out of sections 210, 211, 501, 502, 503, 504, 505, 510(b), 601(a), 602, 603, 605(c), and 606 of the Merchant Marine Act, 1936, wherever it appears, and the words "Secretary of Commerce" are inserted in lieu thereof.

(b) Subsection (a) of section 211 of the Merchant Marine Act, 1936, is amended by striking out the word "its" and inserting in lieu thereof the word "his".

(c) The second sentence of section 501(a) of the Merchant Marine Act, 1936, is amended by striking out the word "it" and inserting the word "he" in lieu thereof.

(d) The second sentence of section 501(c) of the Merchant Marine Act, 1936, is amended by striking out the word "its" and inserting the word "his" in lieu thereof.

(e) The first sentence of section 502(a) of the Merchant Marine Act, 1936, is amended by striking out the word "it" and inserting the word "he" in lieu thereof.

68 Stat. 1267;
74 Stat. 733.

68 Stat. 1268.

Ante, p. 1022.

79 Stat. 264.

46 USC 1120,
1121, 1151-1155,
1160, 1171-1173,
1175, 1176.

(f) The third sentence of section 502(c) of the Merchant Marine Act, 1936, is amended by striking out the word "Commission's" and inserting the words "Secretary of Commerce's" in lieu thereof.

(g) The next to the last sentence of section 502(e) of the Merchant Marine Act, 1936, is amended by striking out the word "its" and inserting in lieu thereof the word "his".

(h) The third sentence of section 601(a) of the Merchant Marine Act, 1936, is amended by striking out the word "it" and inserting the word "he" in lieu thereof.

(i) The first sentence of section 603(a) of the Merchant Marine Act, 1936, is amended by striking out the word "it" and inserting the word "he" in lieu thereof.

(j) The last sentence of section 605(c) of the Merchant Marine Act, 1936, is amended by striking out the word "it" and inserting the word "he" in lieu thereof.

(k) Section 606 of the Merchant Marine Act, 1936, is amended as follows:

(1) By striking out of subdivision (1) the word "its" wherever it appears and inserting in lieu thereof the word "his".

(2) By striking out of subdivision (1) and (3) the word "it" and inserting in lieu thereof the word "he".

(3) By striking out of subdivision (1) the word "Its" and inserting in lieu thereof the word "His".

SEC. 36. Section 201(b) of the Merchant Marine Act, 1936 (46 U.S.C. 1111(b)), is amended by striking out the word "Commission" wherever it appears in the last sentence thereof and inserting in lieu thereof the words "Federal Maritime Commission".

SEC. 37. Section 303 of Reorganization Plan Numbered 21 of 1950 (64 Stat. 1273) is amended by striking out the words at the end thereof "or of the Maritime Administration".

SEC. 38. Reorganization Plan Numbered 7 of 1961 (75 Stat. 840) is amended as follows:

(a) By striking out section 201 and inserting in lieu thereof a new section 201 to read as follows:

"SEC. 201. MARITIME ADMINISTRATOR.—There shall be at the head of the Maritime Administration (established by the provisions of part II of Reorganization Plan 21 of 1950) a Maritime Administrator, hereinafter referred to as the Administrator. The Assistant Secretary of Commerce for Maritime Affairs shall, ex officio, be the Administrator. The Administrator shall perform such duties as the Secretary of Commerce shall prescribe."

(b) By striking out of section 301 the words at the end thereof "and to the Maritime Administrator and all other officers and employees of the Maritime Administration".

SEC. 39. The Act of April 29, 1941 (40 U.S.C. 270e), is hereby amended by adding a new section 2 to read as follows:

"SEC. 2. The Secretary of Commerce may waive the Act of August 24, 1935 (49 Stat. 793-794), with respect to contracts for the construction, alteration, or repair, of vessels of any kind or nature, entered into pursuant to the Act of June 30, 1932 (47 Stat. 382, 417-418), as amended, the Merchant Marine Act, 1936, or the Merchant Ship Sales Act of 1946, regardless of the terms of such contracts as to payment or title."

SEC. 40. (a) The amendments made by this Act shall not affect any contract with the Secretary of Commerce or his delegates that is in effect on the date of enactment of this Act. At the request of the other party to such operating-differential subsidy contract, the Secretary of Commerce shall amend such contract so as to be in accordance with all of the amendments made by this Act. No amendment

made by this Act shall be incorporated in such contract unless all such amendments are incorporated in such contract, except that if the other party elects to continue under the "old fund" as provided in section 607 as amended by section 21 of this Act, such amendment need not be incorporated in such contract. Until such contract is amended or if such contract is not amended, it shall be administered in accordance with the provisions of the Merchant Marine Act, 1936, as they existed immediately prior to enactment of this Act. Nothing in section 16 of this Act amending section 603 of the Merchant Marine Act, 1936 or in the contracts made thereunder, shall be deemed to affect or to change existing law or contracts with respect to the proceedings now pending before the Secretary of Commerce relating to the payment of subsidy in respect of cargoes covered by section 901 (b) (1) of the Merchant Marine Act, 1936, section 616(a) of title 15, United States Code, or section 2631 of title 10, United States Code.

(b) If any operating-differential subsidy contract in existence on the date of enactment of this Act is amended by including all of the amendments made by this Act or all of the amendments made by this Act other than those made by section 21, the operator may elect to terminate his recapture period as of the date of such contract amendment and have his recapture computed on the basis of the shortened period, or he may elect to continue his recapture period until the end of its ten-year term and continue his recapture obligations as provided by the Merchant Marine Act, 1936, prior to the enactment of this Act until the end of such ten-year period. The amendments in either event shall provide that, with respect to seafaring personnel, in determining the rights and obligations of the contractor under such contract, the limitation of section 805(c) of the Merchant Marine Act, 1936, as it existed immediately before the enactment of this Act shall not apply.

SEC. 41. (1) There is hereby established a commission to be known as the Commission on American Shipbuilding (hereinafter referred to as the "Commission"). The Commission shall be composed of seven members appointed by the President. Members of the Commission shall be appointed for the life of the Commission. The President shall designate one of the members of the Commission as Chairman.

(2) Members of the Commission who are not full-time employees of the United States Government shall each be entitled to receive the per diem equivalent of the rate authorized for GS-18 of the General Schedule under section 5332 of title 5 of the United States Code when engaged in the actual performance of duties vested in the Commission, including traveltime, and while away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

(3) The Commission shall meet at the call of the Chairman or at the call of a majority of the members thereof.

(4) The Commission may appoint an Executive Director without regard to the provisions of title 5 of the United States Code governing appointments in the competitive service and shall fix his compensation without regard to the provisions of chapter 51 and subtitle III of chapter 53 of such title relating to classification and General Schedule pay rates.

(5) The Commission shall have the power to appoint and fix the compensation of such personnel, as it deems advisable, subject (except as provided in paragraph (4) hereof) to the civil service laws and classification laws.

Ante, p. 1026.

46 USC 1245.

Ante, p. 1023.

Ante, p. 1034.

48 Stat. 500.

70A Stat. 146.

Operating-differential subsidy contracts, amendment provisions.

66 Stat. 765.

46 USC 1223.

Commission on American Shipbuilding, establishment.

Compensation, travel expenses.

Ante, p. 198-1.

80 Stat. 499;
83 Stat. 190.

Executive Director.

80 Stat. 443,
467.

5 USC 5101,
5331.

Experts and
consultants.
80 Stat. 416.

Ante, p. 198-1.

80 Stat. 499;
83 Stat. 190.

American ship-
building indus-
try, status re-
view.

46 USC 1151.
Recommendations.

Report to
President and
Congress.
Ante, p. 1020.

Appropriation.

Assistant Sec-
retary of Com-
merce for Mari-
time Affairs,
appointment by
President.

Compensation.
83 Stat. 863.

St. Lawrence
Seaway Develop-
ment Corp.
68 Stat. 94;
71 Stat. 307.

(6) The Commission may procure, in accordance with the provisions of section 3109 of title 5 of the United States Code, the temporary or intermittent services of experts or consultants; individuals so employed shall receive compensation at the rate to be fixed by the Commission, but not in excess of the per diem equivalent of the rate authorized for GS-18 of the General Schedule under section 5332 of title 5 of the United States Code, including traveltime, and while away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

(7) The Commission shall review the status of the American shipbuilding industry, its problems and its progress toward increasing its productivity and reducing production costs. The Commission shall determine whether the American shipbuilding industry can achieve a level of productivity by the fiscal year 1976 such that the construction-differential subsidy payable under title V of the Merchant Marine Act, 1936, will not exceed 35 per centum of the United States construction cost. The Commission shall recommend a course of action which should be taken on the part of Government and industry to improve the competitive situation of the United States shipbuilding industry in world shipbuilding markets and if the Commission shall determine that the construction-differential subsidy cannot be reduced to 35 per centum of the United States cost it shall recommend alternatives to the ship construction program then in effect.

(8) The Commission shall not later than three years after the date of enactment of this Act or such earlier dates as shall be required by section 502(b) of the Merchant Marine Act, 1936, submit a comprehensive report of its findings and recommendations to the President and to the Congress, and sixty days thereafter shall cease to exist.

(9) There are hereby authorized to be appropriated such amounts as may be necessary to permit the Commission to carry out its responsibilities under this Act.

SEC. 42. (a) There shall be in the Department of Commerce, in addition to the Assistant Secretaries now provided by law, one additional Assistant Secretary of Commerce who shall be known as the Assistant Secretary of Commerce for Maritime Affairs, shall be appointed by the President by and with the advice and consent of the Senate, shall receive compensation at the rate prescribed by law for Assistant Secretaries of Commerce, and shall perform such duties as the Secretary of Commerce shall prescribe.

(b) Section 5315 of title 5, United States Code, is amended by striking "(5)" at the end of item (12) and substituting "(6)".

SEC. 43. (a) (1) Section 5 of the Act of May 13, 1954, as amended (33 U.S.C. 985), is further amended by inserting "(a)" immediately after "SEC. 5.", and by striking out the fourth, fifth, and eighth sentences thereof.

(2) Such section is further amended by adding at the end thereof the following new subsection:

"(b) Effective as of the date of enactment of this subsection the obligations of the Corporation incurred under subsection (a) of this section shall bear no interest, and the obligation of the Corporation to pay the unpaid interest which has accrued on such obligations is terminated."

(b) (1) Subsection (a) of section 12 of such Act (33 U.S.C. 988(a)) is amended by inserting after the first sentence the following: "Any formula for a division of revenues which takes into consideration annual debt charges shall include the total cost, including both inter-

est and debt principal, incurred by the United States in financing activities authorized by this Act, whether or not reimbursable by the Corporation."

(2) Subsection (b) (4) of such section 12 is amended by striking out the words " , payment of interest on the obligations of the Corporation,"

68 Stat. 96.
33 USC 988.

SEC. 44. This Act may be cited as the "Merchant Marine Act of 1970".

Short title.

Approved October 21, 1970.

Public Law 91-470

AN ACT

To permit the use for any public purpose of certain real property in the State of Georgia.

October 21, 1970
[H. R. 9164]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States hereby consents to the use of the land described as the "Rocky Face Ridge Site" in the quitclaim deed to the State of Georgia executed by the Secretary of the Interior pursuant to the Act of September 21, 1950 (64 Stat. 896), for any public purpose, notwithstanding the provisions of said Act and deed limiting the use of the land to use as a part of the park system of the State. Said deed shall be deemed to be corrected accordingly, and an appropriate reference to this Act shall be noted on the records of the county in which said deed is recorded.

Georgia.
Real property,
public use.

Approved October 21, 1970.

Public Law 91-471

AN ACT

To declare that the United States holds 19.57 acres of land, more or less, in trust for the Yankton Sioux Tribe.

October 21, 1970
[H. R. 13519]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all right, title, and interest of the United States in and to the following described federally owned land situated in the southwest quarter southwest quarter, section 26, township 94 north, range 64 west, fifth principal meridian, South Dakota, are hereby declared to be held by the United States in trust for the Yankton Sioux Tribe:

Yankton Sioux
Tribe, S. Dak.
Lands held in
trust.

Beginning at a point 4 chains and 36 links east of the southwest corner of said section 26; running thence north 31 degrees 30 minutes east 6 chains and 52 links; thence north 58 degrees 30 minutes west 54½ links; thence north 31 degrees 31 minutes east 16 chains and 83 links; thence east 3 chains and 87 links to the northeast corner of the southwest quarter of the southwest quarter of said section 26; thence south 19 chains and 93 links to the southeast corner of said 40-acre tract; thence west 15 chains and 44 links to place of beginning; containing 19.57 acres, more or less.

SEC. 2. The Indian Claims Commission is directed to determine in accordance with the provisions of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the title conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission.

Claims offset
against U. S.
25 USC 70a.

Approved October 21, 1970.

Public Law 91-472

October 21, 1970
[H. R. 17575]

AN ACT

Making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

Departments of
State, Justice,
and Commerce,
the Judiciary,
and Related
Agencies Appro-
priation Act,
1971.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1971, and for other purposes, namely:

TITLE I—DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

For necessary expenses of the Department of State, not otherwise provided for, including expenses authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801-1158), and allowances as authorized by 5 U.S.C. 5921-5925; expenses of binational arbitrations arising under international air transport agreements; expenses necessary to meet the responsibilities and obligations of the United States in Germany (including those arising under the supreme authority assumed by the United States on June 5, 1945, and under contractual arrangements with the Federal Republic of Germany); hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; dues for library membership in organizations which issue publications to members only, or to members at a price lower than to others; expenses authorized by section 2 of the Act of August 1, 1956 (22 U.S.C. 2669), as amended; refund of fees erroneously charged and paid for passports; radio communications; payment in advance for subscriptions to commercial information, telephone and similar services abroad; care and transportation of prisoners and persons declared insane; expenses, as authorized by law (18 U.S.C. 3192), of bringing to the United States from foreign countries persons charged with crime; expenses necessary to provide maximum physical security in Government-owned and leased properties abroad; and procurement by contract or otherwise, of services, supplies, and facilities, as follows: (1) translating, (2) analysis and tabulation of technical information, and (3) preparation of special maps, globes, and geographic aids; \$221,850,000: *Provided*, That passenger motor vehicles in possession of the Foreign Service abroad may be replaced in accordance with section 7 of the Act of August 1, 1956 (22 U.S.C. 2674), and the cost, including the exchange allowance, of each such replacement shall not exceed \$3,800 in the case of the chief of mission automobile at each diplomatic mission (except that four such vehicles may be purchased at not to exceed \$7,800 each) and such amounts as may be otherwise provided by law for all other such vehicles: *Provided further*, That in addition, this appropriation shall be available for the purchase (not to exceed thirty-three) and modification of passenger motor vehicles for protective purposes without regard to any maximum price limitations otherwise established by law.

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 901 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1131), \$993,000.

ACQUISITION, OPERATION, AND MAINTENANCE OF BUILDINGS ABROAD

For necessary expenses of carrying into effect the Foreign Service Buildings Act, 1926, as amended (22 U.S.C. 292-300), including personal services in the United States and abroad; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801-1158); allowances as authorized by 5 U.S.C. 5921-5925; and services as authorized by 5 U.S.C. 3109; \$14,300,000, to remain available until expended: *Provided*, That not to exceed \$1,300,000 may be used for administrative expenses during the current fiscal year.

44 Stat. 403;
80 Stat. 881;
82 Stat. 461.

60 Stat. 999.
80 Stat. 510.
80 Stat. 416.

ACQUISITION, OPERATION, AND MAINTENANCE OF BUILDINGS ABROAD
(SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States and for payments in Ceylonese rupees, for the purposes authorized by section 104(b) (4) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704), to be credited to and expended under the appropriation account for "Acquisition, operation, and maintenance of buildings abroad", to remain available until expended, \$6,500,000.

80 Stat. 1530.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, to be expended pursuant to the requirement of section 291 of the Revised Statutes (31 U.S.C. 107), \$2,100,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties, conventions, or specific Acts of Congress, \$140,911,000, of which not less than \$2,500,000 shall be used for payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States.

MISSIONS TO INTERNATIONAL ORGANIZATIONS

For expenses necessary for permanent representation to certain international organizations in which the United States participates pursuant to treaties, conventions, or specific Acts of Congress, including expenses authorized by the pertinent Acts and conventions providing for such representation; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801-1158); allowances as authorized by 5 U.S.C. 5921-5925; and expenses authorized by section 2 (a) and (e) of the Act of August 1, 1956, as amended (22 U.S.C. 2669); \$4,384,000.

70 Stat. 890.

INTERNATIONAL CONFERENCES AND CONTINGENCIES

For necessary expenses of participation by the United States, upon approval by the Secretary of State, in international activities which arise from time to time in the conduct of foreign affairs and for which specific appropriations have not been provided pursuant to treaties, conventions, or special Acts of Congress, including personal services

without regard to civil service and classification laws; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801-1158); allowances as authorized by 5 U.S.C. 5921-5925; hire of passenger motor vehicles; contributions for the share of the United States in expenses of international organizations; and expenses authorized by section 2(a) of the Act of August 1, 1956, as amended (22 U.S.C. 2669); \$1,850,000, of which not to exceed a total of \$70,000 may be expended for representation allowances as authorized by section 901 of the Act of August 13, 1946, as amended (22 U.S.C. 1131) and for official entertainment.

60 Stat. 999.
80 Stat. 510.

70 Stat. 890.

74 Stat. 801.

INTERNATIONAL COMMISSIONS

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For expenses necessary to enable the United States to meet its obligations under the treaties of 1884, 1889, 1905, 1906, 1933, 1944, and 1963 between the United States and Mexico, and to comply with the other laws applicable to the United States Section, International Boundary and Water Commission, United States and Mexico, including operation and maintenance of the Rio Grande rectification, canalization, flood control, bank protection, water supply, power, irrigation, boundary demarcation, and sanitation projects; detailed plan preparation and construction (including surveys and operation and maintenance and protection during construction); Rio Grande emergency flood protection; expenditures for the purposes set forth in sections 101 through 104 of the Act of September 13, 1950 (22 U.S.C. 277d-1-277d-4); purchase of four passenger motor vehicles for replacement only; purchase of planographs and lithographs; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); and leasing of private property to remove therefrom sand, gravel, stone, and other materials, without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5); as follows:

24 Stat. 1011;
26 Stat. 1512;
35 Stat. 1863;
34 Stat. 2953;
48 Stat. 1621;
59 Stat. 1219;
15 UST 21.

64 Stat. 846.

80 Stat. 508;
81 Stat. 206.

SALARIES AND EXPENSES

For salaries and expenses not otherwise provided for, including examinations, preliminary surveys, and investigations, \$990,000.

OPERATION AND MAINTENANCE

For operation and maintenance of projects or parts thereof, as enumerated above, including gaging stations, \$2,475,000: *Provided*, That expenditures for the Rio Grande bank protection project shall be subject to the provisions and conditions contained in the appropriation for said project as provided by the Act approved April 25, 1945 (59 Stat. 89).

CONSTRUCTION

For detailed plan preparation and construction of projects authorized by the convention concluded February 1, 1933, between the United States and Mexico, the Acts approved August 19, 1935, as amended (22 U.S.C. 277-277f), August 29, 1935 (49 Stat. 961), June 4, 1936 (49 Stat. 1463), June 28, 1941 (22 U.S.C. 277f), September 13, 1950 (22 U.S.C. 277d-1-9), October 10, 1966 (80 Stat. 884), and the projects stipulated in the treaty between the United States and Mexico signed at Washington on February 3, 1944, \$4,200,000, to remain available until expended: *Provided*, That no expenditures shall be made for the

49 Stat. 660.
55 Stat. 338.
64 Stat. 846.
22 USC 277d-32,
277d-33.
59 Stat. 1219.

Lower Rio Grande flood-control project for construction on any land, site, or easement in connection with this project except such as has been acquired by donation and the title thereto has been approved by the Attorney General of the United States: *Provided further*, That the Anzalduas diversion dam shall not be operated for irrigation or water supply purposes in the United States unless suitable arrangements have been made with the prospective water users for repayment to the Government of such portions of the costs of said dam as shall have been allocated to such purposes by the Secretary of State.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For expenses necessary to enable the President to perform the obligations of the United States pursuant to treaties between the United States and Great Britain, in respect to Canada, signed January 11, 1909 (36 Stat. 2448), and February 24, 1925 (44 Stat. 2102); and the treaty between the United States and Canada, signed February 27, 1950; including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; \$613,000, to be disbursed under the direction of the Secretary of State, and to be available also for additional expenses of the American Sections, International Commissions, as hereinafter set forth:

1 UST 694.
80 Stat. 416.

International Joint Commission, United States and Canada, the salary of the Commissioners on the part of the United States who shall serve at the pleasure of the President; salaries of clerks and other employees appointed by the Commissioners on the part of the United States with the approval solely of the Secretary of State; travel expenses and compensation of witnesses in attending hearings of the Commission at such places in the United States and Canada as the Commission or the American Commissioners shall determine to be necessary; and special and technical investigations in connection with matters falling within the Commission's jurisdiction: *Provided*, That transfers of funds may be made to other agencies of the Government for the performance of work for which this appropriation is made.

International Boundary Commission, United States and Canada, the completion of such remaining work as may be required under the award of the Alaskan Boundary Tribunal and the existing treaties between the United States and Great Britain; commutation of subsistence to employees while on field duty, not to exceed \$8 per day each (but not to exceed \$5 per day each when a member of a field party and subsisting in camp); hire of freight and passenger motor vehicles from temporary field employees; and payment for timber necessarily cut in keeping the boundary line clear.

INTERNATIONAL FISHERIES COMMISSIONS

For expenses, not otherwise provided for, necessary to enable the United States to meet its obligations in connection with participation in international fisheries commissions pursuant to treaties or conventions, and implementing Acts of Congress, \$2,505,800: *Provided*, That the United States share of such expenses may be advanced to the respective commissions.

EDUCATIONAL EXCHANGE

MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE ACTIVITIES

For expenses, not otherwise provided for, necessary to enable the Secretary of State to carry out the functions of the Department of State under the provisions of the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451-2458), and the Act of August 9, 1939 (22 U.S.C. 501), including expenses authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801-1158); expenses of the National Commission on Educational, Scientific, and Cultural Cooperation as authorized by sections 3, 5, and 6 of the Act of July 30, 1946 (22 U.S.C. 287o, 287q, 287r); hire of passenger motor vehicles; not to exceed \$10,000 for representation expenses; not to exceed \$1,000 for official entertainment within the United States; services as authorized by 5 U.S.C. 3109; and advance of funds notwithstanding section 3648 of the Revised Statutes, as amended (31 U.S.C. 529); \$36,500,000, of which not less than \$5,800,000 shall be used for payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States: *Provided*, That not to exceed \$2,423,000 may be used for administrative expenses during the current fiscal year.

CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to any appropriate agency of the State of Hawaii, \$5,260,000: *Provided*, That none of the funds appropriated herein shall be used to pay any salary, or to enter into any contract providing for the payment thereof, in excess of the highest rate authorized in the General Schedule of the Classification Act of 1949, as amended.

GENERAL PROVISIONS—DEPARTMENT OF STATE

Security guard services.

SEC. 102. Appropriations under this title for "Salaries and expenses", "International conferences and contingencies", and "Missions to international organizations" are available for reimbursement of the General Services Administration for security guard services for protection of confidential files.

Salaries and expenses, restriction.

SEC. 103. No part of any appropriation contained in this title shall be used to pay the salary or expenses of any person assigned to or serving in any office of any of the several States of the United States or any political subdivision thereof.

Advocates of one world government.

SEC. 104. None of the funds appropriated in this title shall be used (1) to pay the United States contribution to any international organization which engages in the direct or indirect promotion of the principle or doctrine of one world government or one world citizenship; (2) for the promotion, direct or indirect, of the principle or doctrine of one world government or one world citizenship.

Communist China.

SEC. 105. It is the sense of the Congress that the Communist Chinese Government should not be admitted to membership in the United Nations as the representative of China.

Citation of title.

This title may be cited as the "Department of State Appropriation Act, 1971".

TITLE II—DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES AND GENERAL ADMINISTRATION

SALARIES AND EXPENSES, GENERAL ADMINISTRATION

For expenses necessary for the administration of the Department of Justice and for examination of judicial offices, including purchase (one for replacement only) and hire of passenger motor vehicles; and miscellaneous and emergency expenses authorized or approved by the Attorney General or the Assistant Attorney General for Administration; \$8,598,000.

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including miscellaneous and emergency expenses authorized or approved by the Attorney General or the Assistant Attorney General for Administration; not to exceed \$20,000 for expenses of collecting evidence, to be expended under the direction of the Attorney General and accounted for solely on his certificate; and advances of public moneys pursuant to law (31 U.S.C. 529); \$33,400,000: *Provided*, That not to exceed \$206,000 may be transferred to this appropriation from the "Alien Property Fund, World War II", for the general administrative expenses of alien property activities, including rent of private or Government-owned space in the District of Columbia.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, \$10,250,000: *Provided*, That none of this appropriation shall be expended for the establishment and maintenance of permanent regional offices of the Antitrust Division.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS AND MARSHALS

For necessary expenses of the offices of the United States attorneys and marshals, including purchase of firearms and ammunition; and purchase of not to exceed nine passenger motor vehicles for replacement only; \$54,365,000, of which not to exceed \$50,000 shall be available for the employment of temporary deputy marshals in lieu of bailiffs at a rate of not to exceed \$12.80 per day: *Provided*, That of the amount herein appropriated not to exceed \$200,000 shall be available for payment of compensation and expenses of Commissioners appointed in condemnation cases under Rule 71A(h) of the Federal Rules of Civil Procedure.

28 USC app.

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, and per diems of witnesses and for per diems in lieu of subsistence, as authorized by law, and not to exceed \$500,000 for such compensation and expenses of witnesses (including expert witnesses) pursuant to section 524 of title 28, United States Code and sections 4244-48 of title 18, United States Code; \$5,500,000: *Provided*, That no part of the sum herein appropriated shall be used to pay any witness more than one attendance fee for any one calendar day.

80 Stat. 615.
63 Stat. 686.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service established by title X of the Civil Rights Act of 1964 (42 U.S.C. 2000g—2000g-3), \$4,300,000.

78 Stat. 267.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For expenses necessary for the detection and prosecution of crimes against the United States; protection of the person of the President of the United States; acquisition, collection, classification and preservation of identification and other records and their exchange with, and for the official use of, the duly authorized officials of the Federal Government, of States, cities, and other institutions, such exchange to be subject to cancellation if dissemination is made outside the receiving departments or related agencies; and such other investigations regarding official matters under the control of the Department of Justice and the Department of State as may be directed by the Attorney General, including purchase for police-type use without regard to the general purchase price limitation for the current fiscal year (not to exceed five hundred and one, including one armored vehicle, for replacement only) and hire of passenger motor vehicles; firearms and ammunition; not to exceed \$10,000 for taxicab hire to be used exclusively for the purposes set forth in this paragraph; payment of rewards; and not to exceed \$70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; \$260,235,000: *Provided*, That the compensation of the Director of the Bureau shall be \$42,500 per annum so long as the position is held by the present incumbent.

FBI Director,
compensation.

None of the funds appropriated for the Federal Bureau of Investigation shall be used to pay the compensation of any civil-service employee.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including advance of cash to aliens for meals and lodging while en route; payment of allowances (at a rate not in excess of \$1 per day) to aliens, while held in custody under the immigration laws, for work performed; payment of rewards; not to exceed \$50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General and accounted for solely on his certificate; purchase for police-type use, without regard to the general purchase price limitation for the current fiscal year (not to exceed four hundred and forty-four, of which three hundred and seventy-eight shall be for replacement only) and hire of passenger motor vehicles; purchase (not to exceed four for replacement only) and maintenance and operation of aircraft; firearms and ammunition, attendance at firearms matches; refunds of head tax, maintenance bills, immigration fines, and other items properly returnable, except deposits of aliens who become public charges and deposits to secure payment of fines and passage money; operation, maintenance, remodeling, and repair of buildings and the purchase of equipment incident thereto; acquisition of land as sites for enforcement fence and construction incident to such fence; reimbursement of the General

Services Administration for security guard services for protection of confidential files; and maintenance, care, detention, surveillance, parole, and transportation of alien enemies and their wives and dependent children, including return of such persons to place of bona fide residence or to such other place as may be authorized by the Attorney General; \$111,480,000: *Provided*, That of the amount herein appropriated, not to exceed \$50,000 may be used for the emergency replacement of aircraft upon certificate of the Attorney General.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES, BUREAU OF PRISONS

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including supervision of United States prisoners in non-Federal institutions; purchase of not to exceed twenty-six of which twenty-four shall be for replacement only, and hire of passenger motor vehicles; compilation of statistics relating to prisoners in Federal and non-Federal penal and correctional institutions; assistance to State and local governments to improve their correctional systems; firearms and ammunition; medals and other awards; payment of rewards; purchase and exchange of farm products and livestock; construction of buildings at prison camps; and acquisition of land as authorized by section 4010 of title 18, United States Code, \$86,100,000: *Provided*, That there may be transferred to the Public Health Service such amounts as may be necessary, in the discretion of the Attorney General, for direct expenditure by that Service for medical relief for inmates of Federal penal and correctional institutions.

80 Stat. 610.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, \$22,150,000, to remain available until expended: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation.

SUPPORT OF UNITED STATES PRISONERS

For support of United States prisoners in non-Federal institutions, including necessary clothing and medical aid, payment of rewards, and reimbursement to St. Elizabeths Hospital for the care and treatment of United States prisoners, at per diem rates approved by the Bureau of the Budget, as authorized by law (24 U.S.C. 168a), \$9,500,000.

61 Stat. 751.

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

SALARIES AND EXPENSES

For grants, contracts, loans, and other law enforcement assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, including departmental salaries and other expenses in connection therewith, \$480,000,000.

82 Stat. 197.
42 USC 3701
note.

BUREAU OF NARCOTICS AND DANGEROUS DRUGS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Narcotics and Dangerous Drugs, including hire of passenger motor vehicles; payment in advance for special tests and studies by contract; not to exceed \$70,000 for miscellaneous and emergency expenses of enforcement activities, authorized or approved by the Attorney General and to be accounted for solely on his certificate; purchase of not to exceed two hundred and twenty (of which one hundred and thirty-two are for replacement only) passenger motor vehicles for police-type use without regard to the general purchase price limitation for the current fiscal year; payment of rewards; payment for publication of technical and informational materials in professional and trade journals; purchase of chemicals, apparatus, and scientific equipment; and not to exceed \$255,000 for payment for accommodations in the District of Columbia in connection with training activities; \$34,445,000.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

Attorneys,
qualifications.

SEC. 202. None of the funds appropriated by this title may be used to pay the compensation of any person hereafter employed as an attorney (except foreign counsel employed in special cases) unless such person shall be duly licensed and authorized to practice as an attorney under the laws of a State, territory, or the District of Columbia.

Reimbursement
to U.S.

SEC. 203. Seventy-five per centum of the expenditures for the offices of the United States attorney and the United States marshal for the District of Columbia from all appropriations in this title shall be reimbursed to the United States from any funds in the Treasury of the United States to the credit of the District of Columbia.

Attendance at
meetings.

SEC. 204. Appropriations and authorizations made in this title which are available for expenses of attendance at meetings shall be expended for such purposes in accordance with regulations prescribed by the Attorney General.

Experts and
consultants.

SEC. 205. Appropriations and authorizations made in this title for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

80 Stat. 416.
Uniform
allowances.

SEC. 206. Appropriations for the current fiscal year for "Salaries and expenses, general administration", "Salaries and expenses, United States Attorneys and Marshals", "Salaries and expenses, Federal Bureau of Investigation", "Salaries and expenses, Immigration and Naturalization Service", and "Salaries and expenses, Bureau of Prisons", shall be available for uniforms and allowances therefor as authorized by law (5 U.S.C. 5901-5902).

80 Stat. 508;
81 Stat. 206.
Government mo-
tor vehicles,
insurance.

SEC. 207. Appropriations made in this title shall be available for the purchase of insurance for motor vehicles operated on official Government business in foreign countries.

Citation of
title.

This title may be cited as the "Department of Justice Appropriation Act, 1971".

TITLE III—DEPARTMENT OF COMMERCE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce, including not to exceed \$1,500 for official entertainment, \$6,065,000.

OFFICE OF BUSINESS ECONOMICS

SALARIES AND EXPENSES

For necessary expenses of the Office of Business Economics, \$3,790,000.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, and publishing current census statistics, provided for by law, and modernization or development of automatic data processing equipment, \$21,500,000.

NINETEENTH DECENNIAL CENSUS

For an additional amount for expenses necessary to prepare for taking, compiling, and publishing the nineteenth decennial census, as authorized by law, \$39,279,000, to remain available until December 31, 1972.

1972 CENSUS OF GOVERNMENTS

For expenses necessary to prepare for taking, compiling, and publishing the 1972 census of governments, as authorized by law, \$320,000, to remain available until December 31, 1974.

1972 ECONOMIC CENSUSES

For expenses necessary to prepare for taking, compiling, and publishing the 1972 censuses of business, transportation, manufactures, and mineral industries, as authorized by law, \$1,200,000, to remain available until December 31, 1975.

MODERNIZATION OF COMPUTING EQUIPMENT

For expenses necessary for the purchase of two electronic computer systems and peripheral equipment, \$3,000,000.

ECONOMIC DEVELOPMENT ADMINISTRATION

DEVELOPMENT FACILITIES

For grants and loans for development facilities as authorized by titles I, II and IV of the Public Works and Economic Development Act of 1965, as amended (79 Stat. 552; 81 Stat. 266; 83 Stat. 219), \$160,000,000: *Provided*, That no part of any appropriation contained in this Act shall be used for administrative or any other expenses in the creation or operation of an economic development revolving fund. 42 USC 3121
note.

INDUSTRIAL DEVELOPMENT LOANS AND GUARANTEES

For loans and guarantees of working capital loans for industrial development, pursuant to titles II and IV of the Public Works and Economic Development Act of 1965, as amended (79 Stat. 552; 81 Stat. 690; 83 Stat. 219), \$50,000,000.

PLANNING, TECHNICAL ASSISTANCE, AND RESEARCH

For payments for technical assistance, research, and planning grants, as authorized by title III of the Public Works and Economic Development Act of 1965, as amended (79 Stat. 558; 81 Stat. 266; 83 Stat. 219), \$20,795,000.

OPERATIONS AND ADMINISTRATION

For necessary expenses of administering the economic development assistance programs, not otherwise provided for, \$21,100,000, of which not less than \$1,200,000 shall be advanced to the Small Business Administration for the processing of loan applications.

REGIONAL ACTION PLANNING COMMISSIONS

REGIONAL DEVELOPMENT PROGRAMS

For expenses necessary to carry out the programs authorized by Title V of the Public Works and Economic Development Act of 1965, as amended, (79 Stat. 564) \$39,000,000, to remain available until expended.

83 Stat. 216.
42 USC 3181
et seq.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Business and Defense Services Administration, \$7,235,000.

INTERNATIONAL ACTIVITIES

SALARIES AND EXPENSES

For necessary expenses for the promotion of foreign commerce, including trade centers and trade and industrial exhibits, abroad, without regard to the provisions of law set forth in 41 U.S.C. 5 and 13; 44 U.S.C. 501, 3702, and 3703; purchase of commercial and trade reports; employment of aliens by contract for services abroad; rental of space abroad, for periods not exceeding five years, and expenses of alteration, repair, or improvement; advance of funds under contracts abroad; payment of tort claims, in the manner authorized in the first paragraph of section 2672 of title 28 of the United States Code, when such claims arise in foreign countries; and not to exceed \$3,000 for official representation expenses abroad; \$21,500,000, of which \$11,100,000 shall remain available for international trade promotions until June 30, 1972: *Provided*, That the provisions of the first sentence of section 105(f) and all of 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87-256) shall apply in carrying out the activities concerned with international trade promotions.

82 Stat. 1243,
1305.

80 Stat. 306.

75 Stat. 532.
22 USC 2455,
2458.

SALARIES AND EXPENSES (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States for necessary expenses for the promotion of foreign commerce, as authorized herein under the appropriation for "Salaries and expenses," \$200,000, to remain available until expended.

EXPORT CONTROL

For expenses necessary for carrying out export regulation and control activities, as authorized by the Export Administration Act of 1969 including awards of compensation to informers under said Act and as authorized by the Act of August 13, 1953 (22 U.S.C. 401), \$5,900,000, of which not to exceed \$1,880,000 may be advanced to the Bureau of Customs, Treasury Department, for enforcement of the export control program.

83 Stat. 841.
50 USC app.
2401 note.
67 Stat. 577.

OFFICE OF FIELD SERVICES

SALARIES AND EXPENSES

For expenses necessary to operate and maintain field offices for the collection and dissemination of information useful in the development and improvement of commerce throughout the United States and its possessions, \$5,851,000.

FOREIGN DIRECT INVESTMENT REGULATION

SALARIES AND EXPENSES

For necessary expenses for carrying out the provisions of Executive Order 11387, January 1, 1968, \$2,750,000.

12 USC 95a
note.

MINORITY BUSINESS ENTERPRISE

SALARIES AND EXPENSES

For necessary expenses for carrying out the provisions of Executive Order 11458 of March 5, 1969, \$1,850,000.

15 USC 631
note.

NATIONAL INDUSTRIAL POLLUTION CONTROL COUNCIL

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of Executive Order 11523 of April 9, 1970, establishing the National Industrial Pollution Control Council, \$300,000.

42 USC 4321
note.

UNITED STATES TRAVEL SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the International Travel Act of 1961 (75 Stat. 129), including employment of aliens by contract for service abroad; rental of space abroad, for periods not exceeding five years, and expenses of alteration, repair or improvement; advance of funds under contracts abroad; payment of tort claims, in the manner authorized in the first paragraph of section 2672 of title 28 of the United States Code, when such claims arise in foreign countries; and not to exceed \$3,500 for representation expenses abroad; \$4,500,000.

22 USC 2121
note.

80 Stat. 306.

ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the Environmental Science Services Administration, including maintenance, operation, and hire of aircraft; expenses of an authorized strength of 339 commissioned officers on the active list; pay of commissioned officers retired in accordance with law and payments under the Retired Serviceman's Family Protection Plan; purchase of supplies for the upper-air weather measurements program for delivery through December 31 of the next fiscal year; \$140,713,000: *Provided*, That this appropriation shall be reimbursed for at least press costs and costs of paper for navigational charts furnished for official use of other Government departments and agencies.

70A Stat. 108;
82 Stat. 751.
10 USC 1431-
1446.

RESEARCH AND DEVELOPMENT

For expenses necessary for the conduct of research by the Environmental Science Services Administration, including development, testing, and evaluation of new operational systems and equipment; maintenance, operation, and hire of aircraft; and the acquisition and installation of research instrumentation; \$27,500,000, to remain available until expended.

FACILITIES, EQUIPMENT, AND CONSTRUCTION

For an additional amount for expenses necessary for the construction of surveying ships, magnetic, seismological, oceanographic, and meteorological facilities, including the initial equipment and outfitting of new facilities; alteration, modernization, and relocation of operational facilities; acquisition, establishment, and relocation of research facilities and related equipment; and the acquisition of land for the foregoing facilities; \$4,365,000, to remain available until expended.

SATELLITE OPERATIONS

For expenses necessary to observe environmental conditions from space satellites, and for the reporting and processing of the data obtained for use in environmental forecasting, \$25,000,000, to remain available until expended: *Provided*, That this appropriation shall be available for payment to the National Aeronautics and Space Administration for procurement, in accordance with the authority available to that Administration, of such equipment or facilities as may be necessary, for the purposes of this appropriation.

PATENT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Patent Office, including defense of suits instituted against the Commissioner of Patents, \$50,000,000.

NATIONAL BUREAU OF STANDARDS

RESEARCH AND TECHNICAL SERVICES

31 Stat. 1449;
82 Stat. 35.
15 USC 278f,
278g.

72 Stat. 1711.

For expenses necessary in performing the functions authorized by the Act of March 3, 1901, as amended (15 U.S.C. 271-278e), including general administration; operation, maintenance, alteration, and protection of grounds and facilities; and improvement and construction of facilities as authorized by the Act of September 2, 1958 (15 U.S.C. 278d); \$42,050,000, of which not to exceed \$800,000 shall be available for transfer to the "Working capital fund", National Bureau of Standards, for additional capital.

RESEARCH AND TECHNICAL SERVICES (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses of the National Bureau of Standards, as authorized by law, \$500,000, to remain available until expended: *Provided*, That this appropriation shall be available, in addition to other appropriations to the Bureau, for payments in the foregoing currencies.

PLANT AND FACILITIES

For expenses incurred, as authorized by law (15 U.S.C. 278c-278e), in the acquisition, construction, improvement, alteration, or emergency repair of buildings, grounds, and other facilities; construction of a microwave antenna measurement range; and procurement and installation of special research equipment and facilities therefor; \$965,000, to remain available until expended.

72 Stat. 1711.

MARITIME ADMINISTRATION

SHIP CONSTRUCTION

For construction-differential subsidy and cost of national-defense features incident to construction of ships for operation in foreign commerce (46 U.S.C. 1152, 1154); for construction-differential subsidy and cost of national-defense features incident to the reconstruction and reconditioning of ships under title V of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1154); and for acquisition of used ships pursuant to section 510 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1160); to remain available until expended, \$187,500,000.

49 Stat. 1996;
52 Stat. 958;
Ante, pp. 1019,
1021.

53 Stat. 1183;
Ante, p. 1022.

OPERATING-DIFFERENTIAL SUBSIDIES (LIQUIDATION OF CONTRACT
AUTHORITY)

For the payment of obligations incurred for operating-differential subsidies granted on or after January 1, 1947, as authorized by the Merchant Marine Act, 1936, as amended, and in appropriations heretofore made to the United States Maritime Commission, \$193,000,000, to remain available until expended: *Provided*, That no contracts shall be executed during the current fiscal year by the Secretary of Commerce which will obligate the Government to pay operating-differential subsidy on more than two thousand four hundred voyages in any one calendar year, including voyages covered by contracts in effect at the beginning of the current fiscal year.

49 Stat. 1985.
46 USC 1245.

RESEARCH AND DEVELOPMENT

For expenses necessary for research, development, fabrication, and test operation of experimental facilities and equipment; collection and dissemination of maritime technical and engineering information; studies to improve water transportation systems; \$20,700,000 to remain available until expended: *Provided*, That transfers may be made from this appropriation to the "Vessel operations revolving fund" for losses resulting from expenses of experimental ship operations.

SALARIES AND EXPENSES

For expenses necessary for carrying into effect the Merchant Marine Act, 1936, and other laws administered by the Maritime Administration, including not to exceed \$1,125 for entertainment of officials of other countries when specifically authorized by the Maritime Administrator; not to exceed \$1,250 for representation allowances; \$20,750,000.

MARITIME TRAINING

For training cadets as officers of the Merchant Marine at the Merchant Marine Academy at Kings Point, New York; not to exceed \$2,500 for contingencies for the Superintendent, United States Merchant Marine Academy, to be expended in his discretion; and uniform

and textbook allowances for cadet midshipmen, at an average yearly cost of not to exceed \$475 per cadet; \$6,800,000: *Provided*, That, except as herein provided for uniform and textbook allowances, this appropriation shall not be used for compensation or allowances for cadets: *Provided further*, That reimbursement may be made to this appropriation for expenses in support of activities financed from the appropriations for "Research and development", "Ship construction", and "Salaries and expenses".

STATE MARINE SCHOOLS

46 USC 1381
note.

For financial assistance to State marine schools and the students thereof as authorized by the Maritime Academy Act of 1958 (72 Stat. 622-624), \$2,325,000, of which \$977,000 is for maintenance and repair of vessels loaned by the United States for use in connection with such State marine schools, and \$1,348,000, to remain available until expended, is for liquidation of obligations incurred under authority granted by said Act, to enter into contracts to make payments for expenses incurred in the maintenance and support of marine schools, and to pay allowances for uniforms, textbooks, and subsistence of cadets at State marine schools.

GENERAL PROVISIONS—MARITIME ADMINISTRATION

No additional vessel shall be allocated under charter, nor shall any vessel be continued under charter by reason of any extension of chartering authority beyond June 30, 1949, unless the charterer shall agree that the Maritime Administration shall have no obligation upon redelivery to accept or pay for consumable stores, bunkers, and slopchest items, except with respect to such minimum amounts of bunkers as the Maritime Administration considers advisable to be retained on the vessel and that prior to such redelivery all consumable stores, slopchest items, and bunkers over and above such minimums shall be removed from the vessel by the charterer at his own expense.

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received by the Maritime Administration for utilities, services, and repairs so furnished or made shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy on account of items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

50 Stat. 839.
46 USC 1116.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act, or in any prior appropriation Act, and all receipts which otherwise would be deposited to the credit of said fund shall be covered into the Treasury as miscellaneous receipts.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

63 Stat. 907.

SEC. 302. During the current fiscal year applicable appropriations and funds available to the Department of Commerce shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by said Act.

SEC. 303. During the current fiscal year appropriations to the Department of Commerce which are available for salaries and

expenses shall be available for hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

80 Stat. 416.
80 Stat. 508;
81 Stat. 206.

SEC. 304. No part of any appropriation contained in this title shall be used for construction of any ship in any foreign country.

This title may be cited as the "Department of Commerce Appropriation Act, 1971".

Citation of
title.

TITLE IV—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES

For the Chief Justice and eight Associate Justices, and all other officers and employees, whose compensation shall be fixed by the Court, except as otherwise provided by law, and who may be employed and assigned by the Chief Justice to any office or work of the Court \$2,943,500.

PRINTING AND BINDING SUPREME COURT REPORTS

For printing and binding the advance opinions, preliminary prints, and bound reports of the Court, \$215,000.

MISCELLANEOUS EXPENSES

For miscellaneous expenses, to be expended as the Chief Justice may approve, \$224,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by the Act approved May 7, 1934 (40 U.S.C. 13a-13b), including improvements, maintenance, repairs, equipment, supplies, materials, and appurtenances; special clothing for workmen; and personal and other services (including temporary labor without reference to the Classification and Retirement Acts, as amended), and for snow removal by hire of men and equipment or under contract without compliance with section 3709 of the Revised Statutes, as amended (41 U.S.C. 5); \$462,000.

48 Stat. 668.

63 Stat. 954;
70 Stat. 743.
5 USC 5101
et seq., 8331
et seq.

AUTOMOBILE FOR THE CHIEF JUSTICE

For purchase, exchange, lease, driving, maintenance, and operation of an automobile for the Chief Justice of the United States, \$11,000.

BOOKS FOR THE SUPREME COURT

For books and periodicals for the Supreme Court to be purchased by the Librarian of the Supreme Court, under the direction of the Chief Justice, \$46,000.

COURT OF CUSTOMS AND PATENT APPEALS

SALARIES AND EXPENSES

For salaries of the chief judge, four associate judges, and all other officers and employees of the court, and necessary expenses of the court, including exchange of books, and traveling expenses, as may be approved by the chief judge, \$615,000.

CUSTOMS COURT

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges; salaries of the officers and employees of the court; services as authorized by 5 U.S.C. 3109; and necessary expenses of the court, including exchange of books and traveling expenses, as may be approved by the court; \$2,128,800: *Provided*, That traveling expenses of judges of the Customs Court shall be paid upon written certificate of the judge.

80 Stat. 416.

COURT OF CLAIMS

SALARIES AND EXPENSES

For salaries of the chief judge, six associate judges, and all other officers and employees of the court, and for other necessary expenses, including stenographic and other fees and charges necessary in the taking of testimony, and travel, \$1,941,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES OF JUDGES

For salaries of circuit judges; district judges (including judges of the district courts of the Virgin Islands, the Panama Canal Zone, and Guam); justices and judges retired or resigned under title 28, United States Code, sections 371, 372, and 373; and annuities of widows of Justices of the Supreme Court of the United States in accordance with title 28, United States Code, section 375; \$22,975,000.

68 Stat. 12.

68 Stat. 918.

SALARIES OF SUPPORTING PERSONNEL

For salaries of all officials and employees of the Federal Judiciary, not otherwise specifically provided for, \$53,862,000: *Provided*, That the compensation of secretaries and law clerks of circuit and district judges shall be fixed by the Director of the Administrative Office of the United States Courts without regard to the provisions of chapter 51 of title 5, United States Code, except that the salary of a secretary shall conform with that of the General Schedule grades (GS) 5, 6, 7, 8, 9, or 10, as the appointing judge shall determine, and the salary of a law clerk shall conform with that of the General Schedule grades (GS) 7, 8, 9, 10, 11, or 12, as the appointing judge shall determine, subject to review by the Judicial Conference of the United States if requested by the Director, such determination by the judge otherwise to be final: *Provided further*, That (exclusive of step increases corresponding with those provided for by chapter 53 of title 5 of the United States Code, and of compensation paid for temporary assistance needed because of an emergency) the aggregate salaries paid to secretaries and law clerks appointed by each of the circuit and district judges shall not exceed \$34,874 and \$26,785 per annum, respectively, except in the case of the chief judge of each circuit and the chief judge of each district court having five or more district judges, in which case the aggregate salaries shall not exceed \$45,126 and \$34,424 per annum, respectively.

80 Stat. 443.
5 USC 5101.

Ante, p. 198-1.

80 Stat. 457.
5 USC 5301.

FEES AND EXPENSES OF COURT-APPOINTED COUNSEL

For compensation and reimbursement of expenses of attorneys appointed to represent defendants in criminal cases and for investi-

gative, expert or other services pursuant to the Criminal Justice Act of 1964 (62 Stat. 684), \$4,800,000.

78 Stat. 552;
Ante, p. 916.
18 USC 3006A
note.

FEES OF JURORS

For fees, expenses, and costs of jurors; and compensation of jury commissioners: \$14,930,000.

TRAVEL AND MISCELLANEOUS EXPENSES

For necessary travel and miscellaneous expenses, not otherwise provided for, incurred by the Judiciary, including the purchase of firearms and ammunition, and the cost of contract statistical services for the office of Register of Wills of the District of Columbia, \$7,950,000: *Provided*, That this sum shall be available in an amount not to exceed \$16,500 for expenses of attendance at meetings concerned with the work of Federal probation when incurred on the written authorization of the Director of the Administrative Office of the United States Courts.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

For necessary expenses of the Administrative Office of the United States Courts, including travel, advertising, and rent in the District of Columbia and elsewhere, \$2,375,000: *Provided*, That not to exceed \$90,000 of the appropriations contained in this title shall be available for the study of rules of practice and procedure.

SALARIES AND EXPENSES OF UNITED STATES MAGISTRATES

For compensation and expenses of United States Magistrates, including secretarial and clerical assistance, as authorized by the Act of October 17, 1968 (28 U.S.C. 634-635), \$4,560,000: *Provided*, That this appropriation shall be available for fees of United States Commissioners.

82 Stat. 1112.

SALARIES OF REFEREES

For salaries of referees as authorized by the Act of June 28, 1946, as amended (11 U.S.C. 68), not to exceed \$6,232,000, to be derived from the Referees' salary and expense fund established in pursuance of said Act.

81 Stat. 518,
643; 83 Stat.
864.

EXPENSES OF REFEREES

For expenses of referees as authorized by the Act of June 28, 1946, as amended (11 U.S.C. 68, 102), not to exceed \$9,400,000, to be derived from the Referees' salary and expense fund established in pursuance of said Act: *Provided*, That \$410,000 shall be transferred to the appropriation for "Administrative Office of the United States Courts" for general administrative expenses of the bankruptcy system.

60 Stat. 329.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90-219, \$700,000.

81 Stat. 664.
28 USC 620-629.

GENERAL PROVISIONS—THE JUDICIARY

SEC. 402. Sixty per centum of the expenditures for the District Court of the United States for the District of Columbia from all appropriations under this title and 30 per centum of the expenditures

Reimburse-
ment to U.S.

for the United States Court of Appeals for the District of Columbia from all appropriations under this title shall be reimbursed to the United States from any funds in the Treasury to the credit of the District of Columbia.

U.S. Court of
Appeals, reports.

Sec. 403. The reports of the United States Court of Appeals for the District of Columbia shall not be sold for a price exceeding that approved by the court and for not more than \$9.00 per volume.

Sec. 404. None of the funds contained in this title shall be available for the salaries or expenses of deputy clerks in any office that has discontinued the taking of applications for passports subsequent to October 31, 1968 and has not resumed such service on a permanent basis.

Citation of
title.

This title may be cited as the "Judiciary Appropriation Act, 1971".

TITLE V—RELATED AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchase and repair of uniforms for caretakers of national cemeteries and monuments, outside of the United States and its territories and possessions; not to exceed \$65,000 for expenses of travel; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries when required by law of such countries; \$2,739,000: *Provided*, That where station allowance has been authorized by the Department of the Army for officers of the Army serving the Army at certain foreign stations, the same allowance shall be authorized for officers of the Armed Forces assigned to the Commission while serving at the same foreign stations, and this appropriation is hereby made available for the payment of such allowance: *Provided further*, That when traveling on business of the Commission, officers of the Armed Forces serving as members or as secretary of the Commission may be reimbursed for expenses as provided for civilian members of the Commission: *Provided further*, That the Commission shall reimburse other Government agencies, including the Armed Forces, for salary, pay and allowances of personnel assigned to it.

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL DISARMAMENT ACTIVITIES

For necessary expenses, not otherwise provided for, for arms control and disarmament activities authorized by the Act of September 26, 1961, as amended (22 U.S.C. 2589 (a)), \$8,250,000.

75 Stat. 639;
Ante, p. 207.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For expenses necessary for the Commission on Civil Rights, including hire of passenger motor vehicles, \$3,200,000.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

OFFICE OF EDUCATION

CIVIL RIGHTS EDUCATION

For carrying out title IV of the Civil Rights Act of 1964 relating to functions of the Commissioner of Education, including not to exceed \$3,000,000 for salaries and expenses, including services as authorized by 5 U.S.C. 3109, \$19,000,000.

78 Stat. 246.
42 USC 2000c.

80 Stat. 416.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission established by title VII of the Civil Rights Act of 1964, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed \$1,050,000 for payments to State and local agencies for services to the Commission pursuant to title VII of the Civil Rights Act, \$15,485,000.

78 Stat. 253.
42 USC 2000e.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902, \$4,479,000.

80 Stat. 508;
81 Stat. 206.

FOREIGN CLAIMS SETTLEMENT COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry on the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109; allowances and benefits similar to those provided by title IX of the Foreign Service Act of 1946, as amended, as determined by the Commission; expenses of packing, shipping, and storing personal effects of personnel assigned abroad; rental or lease, for such periods as may be necessary, of office space and living quarters for personnel assigned abroad; maintenance, improvement, and repair of properties rented or leased abroad, and furnishing fuel, water, and utilities for such properties; insurance on official motor vehicles abroad; and advances of funds abroad; not to exceed \$5,000 for expenses of travel; advances or reimbursements to other Government agencies for use of their facilities and services in carrying out the functions of the Commission; hire of motor vehicles for field use only; and employment of aliens; \$710,000.

60 Stat. 1025;
81 Stat. 671.
22 USC 1131.

NATIONAL COMMISSION ON REFORM OF FEDERAL CRIMINAL LAWS

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Act of November 8, 1966 (Public Law 89-801), including hire of passenger motor vehicles, \$100,000.

80 Stat. 1516;
83 Stat. 44.
18 USC prec. 1
note.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

81 Stat. 711.
42 USC 2906b.

For necessary expenses, not otherwise provided for, of the Small Business Administration, including hire of passenger motor vehicles, and not to exceed \$5,000,000 for expenses necessary to carry out the provisions of section 406 of the Economic Opportunity Act of 1964, as amended, \$18,950,000, and in addition there may be transferred to this appropriation not to exceed a total of \$53,100,000 from the "Disaster loan fund," the "Business loan and investment fund" and the "Lease guarantees revolving fund," in such amounts as may be necessary for administrative expenses in connection with activities respectively financed under said funds: *Provided*, That 10 per centum of the amount authorized to be transferred from these revolving funds shall be apportioned for use, pursuant to section 3679 of the Revised Statutes, as amended, only in such amounts and at such times as may be necessary to carry out the business and disaster loan, and lease guarantee programs.

31 USC 665.

BUSINESS LOAN AND INVESTMENT FUND

72 Stat. 384.
15 USC 631 note.

For additional capital for the "Business loan and investment fund," authorized by the Small Business Act, as amended \$200,000,000, to remain available without fiscal year limitation.

BUSINESS LOAN AND INVESTMENT FUND

DISASTER LOAN FUND

LEASE GUARANTEES REVOLVING FUND

61 Stat. 584.
31 USC 849.

The Small Business Administration is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the following funds, and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for the "Disaster loan fund", the "Business loan and investment fund", and the "Lease guarantees revolving fund."

PAYMENT OF PARTICIPATION SALES INSUFFICIENCIES

81 Stat. 431.
78 Stat. 800;
80 Stat. 164, 1236.
12 USC 1717.

For the payment of such insufficiencies as may be required by the Government National Mortgage Association, as trustee, on account of outstanding beneficial interests or participations in obligations of the Small Business Administration authorized by the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1968, to be issued pursuant to section 302(c) of the Government National Mortgage Association Charter Act, as amended, \$1,840,000.

SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

SALARIES AND EXPENSES

80 Stat. 416.

For expenses necessary for the Special Representative for Trade Negotiations, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, \$597,000: *Provided*, That none of the

funds contained in this paragraph shall be made available for the collection and preparation of information which will not be available to Committees of Congress in the regular discharge of their duties.

SUBVERSIVE ACTIVITIES CONTROL BOARD

SALARIES AND EXPENSES

For necessary expenses of the Subversive Activities Control Board, including services as authorized by 5 U.S.C. 3109, not to exceed \$15,000 for expenses of travel, and not to exceed \$500 for the purchase of newspapers and periodicals, \$401,400.

80 Stat. 416.

TARIFF COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Tariff Commission, not to exceed \$70,000 for expenses of travel, and services as authorized by 5 U.S.C. 3109, \$3,845,000: *Provided*, That no part of this appropriation shall be used to pay the salary of any member of the Tariff Commission who shall hereafter participate in any proceedings under sections 336, 337, and 338 of the Tariff Act of 1930, wherein he or any member of his family has any special, direct, and pecuniary interest, or in which he has acted as attorney or special representative: *Provided further*, That no part of the foregoing appropriation shall be used for making any special study, investigation, or report at the request of any other agency of the executive branch of the Government unless reimbursement is made for the cost thereof.

46 Stat. 701.
19 USC 1336,
1337, 1338.

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

For expenses necessary to enable the United States Information Agency, as authorized by Reorganization Plan No. 8 of 1953, the Mutual Educational and Cultural Exchange Act (75 Stat. 527), and the United States Information and Educational Exchange Act, as amended (22 U.S.C. 1431 et seq.), to carry out international information activities, including employment, without regard to the civil service and classification laws, of (1) persons on a temporary basis (not to exceed \$20,000), (2) aliens within the United States, and (3) aliens abroad for service in the United States relating to the translation or narration of colloquial speech in foreign languages (such aliens to be investigated for such employment in accordance with procedures established by the Director of the Agency and the Attorney General); travel expenses of aliens employed abroad for service in the United States and their dependents to and from the United States; salaries, expenses, and allowances of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801-1158); entertainment within the United States not to exceed \$500; hire of passenger motor vehicles; insurance on official motor vehicles in foreign countries; services as authorized by 5 U.S.C. 3109; payment of tort claims, in the manner authorized in the first paragraph of section 2672, as amended, of title 28 of the United States Code when such claims arise in foreign countries; advance of funds notwithstanding section 3648 of the Revised Statutes, as amended; dues for library

67 Stat. 642.
22 USC 1461
note.
22 USC 2451
note.
62 Stat. 6.

60 Stat. 999;
81 Stat. 671.

80 Stat. 306.

31 USC 529.

80 Stat. 498;
83 Stat. 190.

63 Stat. 384.

membership in organizations which issue publications to members only, or to members at a price lower than to others; employment of aliens, by contract, for service abroad; purchase of ice and drinking water abroad; payment of excise taxes on negotiable instruments abroad; purchase of uniforms for not to exceed fifteen guards; actual expenses of preparing and transporting to their former homes the remains of persons, not United States Government employees who may die away from their homes while participating in activities authorized under this appropriation; radio activities and acquisition and production of motion pictures and visual materials and purchase or rental of technical equipment and facilities therefor, narration, scriptwriting, translation, and engineering services, by contract or otherwise; maintenance, improvement, and repair of properties used for information activities in foreign countries; fuel and utilities for Government-owned or leased property abroad; rental or lease for periods not exceeding five years of offices, buildings, grounds, and living quarters for officers and employees engaged in informational activities abroad; travel expenses for employees attending official international conferences, without regard to the Standardized Government Travel Regulations and to the rates of per diem allowances in lieu of subsistence expenses under 5 U.S.C. 5701-5708, but at rates not in excess of comparable allowances approved for such conferences by the Secretary of State; and purchase of objects for presentation to foreign governments, schools, or organizations; \$165,433,000: *Provided*, That not to exceed \$110,000 may be used for representation abroad: *Provided further*, That this appropriation shall be available for expenses in connection with travel of personnel outside the continental United States, including travel of dependents and transportation of personal effects, household goods, or automobiles of such personnel, when any part of such travel or transportation begins in the current fiscal year pursuant to travel orders issued in that year, notwithstanding the fact that such travel or transportation may not be completed during the current year: *Provided further*, That passenger motor vehicles used abroad exclusively for the purposes of this appropriation may be exchanged or sold pursuant to section 201(c) of the Act of June 30, 1949 (40 U.S.C. 481(c)), and the exchange allowances or proceeds of such sales shall be available for replacement of an equal number of such vehicles and the cost, including the exchange allowance of each such replacement, shall not exceed such amounts as may be otherwise provided by law: *Provided further*, That, notwithstanding the provisions of section 3679 of the Revised Statutes, as amended (31 U.S.C. 665), the United States Information Agency is authorized, in making contracts for the use of international short-wave radio stations and facilities, to agree on behalf of the United States to indemnify the owners and operators of said radio stations and facilities from such funds as may be hereafter appropriated for the purpose against loss or damage on account of injury to persons or property arising from such use of said radio stations and facilities.

SALARIES AND EXPENSES (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States and for payments in Ceylonese rupees, for necessary expenses of the United States Information Agency, as authorized by law \$13,000,000, to remain available until expended.

SPECIAL INTERNATIONAL EXHIBITIONS

For expenses necessary to carry out the functions of the United States Information Agency under section 102(a)(3) of the Mutual Educational and Cultural Exchange Act of 1961 (75 Stat. 527), \$4,033,000, to remain available until expended: *Provided*, That not to exceed a total of \$7,200 may be expended for representation.

76 Stat. 263.
22 USC 2452.

SPECIAL INTERNATIONAL EXHIBITIONS (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses of the United States Information Agency in connection with special international exhibitions under the Mutual Educational and Cultural Exchange Act of 1961 (75 Stat. 527), \$332,000, to remain available until expended: *Provided*, That not to exceed \$1,250 may be expended for representation.

22 USC 2451
note.

ACQUISITION AND CONSTRUCTION OF RADIO FACILITIES

For an additional amount for the purchase, rent, construction, and improvement of facilities for radio transmission and reception, purchase and installation of necessary equipment for radio transmission and reception, without regard to the provisions of the Act of June 30, 1932 (40 U.S.C. 278a), and acquisition of land and interests in land by purchase, lease, rental, or otherwise, \$600,000 to remain available until expended: *Provided*, That this appropriation shall be available for acquisition of land outside the continental United States without regard to section 355 of the Revised Statutes (40 U.S.C. 255), and title to any land so acquired shall be approved by the Director of the United States Information Agency.

47 Stat. 412,
1517.

TITLE VI—FEDERAL PRISON INDUSTRIES,
INCORPORATED

The following corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to such corporation, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of not to exceed seven of which six shall be for replacement only, and hire of passenger motor vehicles, except as hereinafter provided:

61 Stat. 584.
31 USC 849.

LIMITATION ON ADMINISTRATIVE AND VOCATIONAL TRAINING EXPENSES,
FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed \$854,000 of the funds of the corporation shall be available for its administrative expenses, and not to exceed \$4,000,000 for the expenses of vocational training of prisoners, both amounts to be available for services as authorized by 5 U.S.C. 3109, and to be computed on an accrual basis and to be determined in accordance with the corporation's prescribed accounting system in effect on July 1, 1946, and shall be exclusive of depreciation, payment of claims, expenditures which the said accounting system requires to be capitalized or

80 Stat. 416.

charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

TITLE VII—GENERAL PROVISIONS

Publicity or
propaganda.

SEC. 701. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

Foreign cur-
rency funded
programs.

SEC. 702. No part of any appropriation contained in this Act shall be used to administer any program which is funded in whole or in part from foreign currencies or credits for which a specific dollar appropriation therefor has not been made.

Fiscal year
limitation.

SEC. 703. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Payment to
convicted
rioters, pro-
hibition.

SEC. 704. No part of the funds appropriated by this Act shall be used to pay the salary of any Federal employee who is finally convicted in any Federal, State, or local court of competent jurisdiction, of inciting, promoting, or carrying on a riot resulting in material damage to property or injury to persons, found to be in violation of Federal, State, or local laws designed to protect persons or property in the community concerned.

Funds for
campus dis-
rupters, pro-
hibition.

SEC. 705. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, a grant, the salary of, or any remuneration whatever to any individual applying for admission, attending, employed by, teaching at or doing research at an institution of higher education who has engaged in conduct on or after August 1, 1969, which involves the use of (or the assistance to others in the use of) force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the availability of certain curriculum, or to prevent the faculty, administrative officials or students in such institution from engaging in their duties or pursuing their studies at such institution.

Short title.

This Act may be cited as the "Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1971".

Approved October 21, 1970.

Public Law 91-473

October 21, 1970
[S. J. Res. 242]

JOINT RESOLUTION

To provide for the temporary extension of the Federal Housing Administration's insurance authority.

Housing.
Ante, p. 886;
Post, p. 1770.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled. That (a) section 2(a) of the National Housing Act is amended by striking out "November 1, 1970" in the first sentence and inserting in lieu thereof "December 1, 1970".

(b) Section 217 of such Act is amended by striking out "November 1, 1970" and inserting in lieu thereof "December 1, 1970".

(c) Section 221(f) of such Act is amended by striking out "November 1, 1970" in the fifth sentence and inserting in lieu thereof "December 1, 1970".

(d) Section 809(f) of such Act is amended by striking out "November 1, 1970" in the second sentence and inserting in lieu thereof "December 1, 1970".

Ante, p. 887;
Post, p. 1770.

(e) Section 810(k) of such Act is amended by striking out "November 1, 1970" in the second sentence and inserting in lieu thereof "December 1, 1970".

(f) Section 1002(a) of such Act is amended by striking out "November 1, 1970" in the second sentence and inserting in lieu thereof "December 1, 1970".

(g) Section 1101(a) of such Act is amended by striking out "November 1, 1970" in the second sentence and inserting in lieu thereof "December 1, 1970".

Approved October 21, 1970.

Public Law 91-474

AN ACT

To establish the Plymouth-Provincetown Celebration Commission.

October 21, 1970
[S. 2916]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in recognition of the three hundred and fiftieth anniversary, in 1970, of the landing of the Pilgrims at Provincetown and Plymouth, which led to permanent settlements whose influence on our history, culture, law, and commerce extends through the present day, there is hereby established the Plymouth-Provincetown Celebration Commission (hereafter referred to as the "Commission"), for the purpose of developing suitable plans for such anniversary and conducting celebrations at appropriate times throughout the period beginning September 1, 1970, and ending November 30, 1971.

Plymouth-
Provincetown
Celebration Com-
mission.
Establishment.

SEC. 2. (a) The Commission shall be composed of thirteen members as follows:

Membership.

(1) four Members of the Senate, two from each of the two major political parties, to be appointed by the President pro tempore of the Senate;

(2) four Members of the House of Representatives, two from each of the two major political parties, to be appointed by the Speaker of the House of Representatives; and

(3) five members to be appointed by the President.

(b) The President shall, at the time of appointment, designate one of the members appointed by him to serve as Chairman.

(c) The members of the Commission shall serve without compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Commission.

Travel ex-
penses, etc.

(d) Within ninety days after the termination of such celebration, the Commission shall furnish a report of its activities, including an accounting of funds received and expended, to the Congress. Upon submission of such report to the Congress, the Commission shall terminate.

Report to
Congress.
Termination.

SEC. 3. In order to carry out the purposes of this Act, the Commission is authorized—

(1) to appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

Personnel, com-
pensation.

80 Stat. 443.
5 USC 5101,
5331.
Ante, p. 198-1.

Experts and consultants.

80 Stat. 416.

Volunteers.

80 Stat. 499;

83 Stat. 190.

Gifts, acceptance.

(2) to obtain the services of experts and consultants, in accordance with the provisions of section 3109 of title 5, United States Code, at rates for individuals not to exceed \$100 per diem;

(3) to accept and to utilize the services of voluntary and uncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code;

(4) to solicit and to accept gifts of money or property;

(5) to procure supplies, services, and property, and to make contracts, without regard to the laws and procedures applicable to Federal agencies;

(6) to request the assistance and advice of, and to cooperate with, civic, historic, and patriotic bodies, institutions of learning, and State and local governments;

(7) to request the cooperation and assistance of such Federal departments and agencies as may be appropriate;

(8) to invite the participation of such other nations as may be appropriate, with the assistance and advice of the Department of State; and

(9) to make such expenditures as it may deem advisable from funds appropriated or received as gifts.

Acquired property, reversion to U.S.

SEC. 4. Any property acquired by the Commission remaining upon termination of such celebration is the property of the United States and may be used by the Secretary of the Interior for purposes of the national park system, or may be disposed of as surplus property. The net revenue, after payment of Commission expenses, is the property of the United States and shall be deposited in the Treasury of the United States.

Appropriation.

SEC. 5. There is hereby authorized to be appropriated the sum of \$100,000 to carry out the purposes of this Act.

Approved October 21, 1970.

Public Law 91-475

AN ACT

October 21, 1970
[H. R. 9548]

To amend section 15-503 of the District of Columbia Code with respect to exemptions from attachment and certain other process in the case of persons not residing in the District of Columbia.

D. C.
Nonresidents,
exemptions from
attachment.
77 Stat. 530.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 15-503 of the District of Columbia Code is amended by redesignating subsection (c) as subsection (d) and by inserting immediately after subsection (b) the following new subsection (c):

77 Stat. 554.

“(c) Notwithstanding any other provision of law, the wages (as defined in section 16-571 of the District of Columbia Code) of any person not residing in the District of Columbia who does not earn the major portion of such wages in the District of Columbia shall, in any case arising out of a contract or transaction entered into outside of the District of Columbia, be exempt from attachment, levy, or seizure, by any process or proceeding of any court, judge, or officer of the District of Columbia in the same amount and to the same extent as is provided by law of the State in which such person resides for persons residing therein. Whenever any claim is made for an exemption from attachment pursuant to this subsection, the burden shall be upon the plaintiff to prove that the contract or transaction involved in the case was entered into within the District of Columbia.”

Approved October 21, 1970.

Public Law 91-476

AN ACT

To provide for the establishment of the King Range National Conservation Area in the State of California.

October 21, 1970
[H. R. 12870]

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled. That the Secretary of the Interior (hereinafter referred to as the "Secretary") is hereby authorized and directed, after compliance with sections 3 and 4 of this Act, to establish, within the boundaries described in section 9 of this Act, the King Range National Conservation Area in the State of California (hereinafter referred to as the "Area"), and to consolidate and manage the public lands in the area with the purpose of conserving and developing, for the use and benefit of the people of the United States, the lands and other resources therein under a program of multiple usage and of sustained yield.

King Range Na-
tional Conserva-
tion Area, Calif.
Establishment.

SEC. 2. (a) In the management of lands in the area, the Secretary shall utilize and develop the resources in such a manner as to satisfy all legitimate requirements for the available resources as fully as possible without undue denial of any of such requirements and without undue impairment of any of the resources, taking into consideration total requirement and total availability of resources, irrespective of ownership or location.

Resources,
development.

(b) The policy set forth in subsection (a) implies—

Plan provisions.

(1) that there will be a comprehensive, balanced, and coordinated plan of land use, development, and management of the Area, and that such plan will be based on an inventory and evaluation of the available resources and requirements for such resources, and on the topography and other features of the Area.

(2) that the plan will indicate the primary or dominant uses which will be permitted on various portions of the Area.

(3) that the plan will be based on a weighing of the relative values to be obtained by utilization and development of the resources for alternative possible uses, and will be made with the object of obtaining the greatest values on a continuing basis, and that due consideration will be given to intangible values as well as to tangible values such as dollar return or production per unit.

(4) that secondary or collateral uses may be permitted to the extent that such uses are compatible with and do not unduly impair the primary or dominant uses, according to a seasonal schedule or otherwise.

(5) that management of the renewable resources will be such as to obtain a sustained, regular, or periodic yield or supply of products or services without impairment of the productivity, or the enjoyment or carrying capacity of the land.

(6) that the plan will be reviewed and reevaluated periodically.

(7) that the resources to be considered are all the natural resources including but not limited to the soils, bodies of water including the shorelines thereof, forest growth including timber, vegetative cover including forage, fish, and other wildlife, and geological resources including minerals.

(8) that the uses to be considered are all of the legitimate uses of such resources including but not limited to all forms of outdoor recreation including scenic enjoyment, hunting, fishing, hiking, riding, camping, picnicking, boating, and swimming, all uses of water resources, watershed management, production of timber and other forest products, grazing and other agricultural uses, fish and wildlife management, mining, preservation of ecological balance, scientific study, occupancy and access.

Program.

SEC. 3. The Secretary shall use public and private assistance as he may require, for the purpose of preparing for the Area a program of multiple usage and of sustained yield of renewable natural resources. Such program shall include but need not be limited to (1) a quantitative and qualitative analysis of the resources of the Area; (2) the proposed boundaries of the Area; (3) a plan of land use, development, and management of the Area together with any proposed cooperative activities with the State of California, local governments, and others; (4) a statement of expected costs and an economic analysis of the program with particular reference to costs to the United States and expected economic effects on local communities and governments; and (5) an evaluation by the Secretary of the program in terms of the public interest.

Copies of program to Congress and Governor of California.

Publication in Federal Register.

Secretary, powers.

SEC. 4. The Secretary shall establish the Area after a period of at least ninety calendar days from and after the date that he has (1) submitted copies of the program required by section 3 to the President of the Senate and the Speaker of the House of Representatives, the Governor of the State of California, and the governing body of the county or counties in which the area is located and (2) published a notice of intention to establish the area in the Federal Register and in at least two newspapers which circulate generally within the Area.

SEC. 5. The Secretary is authorized—

(1) to conduct a public hearing or hearings to receive expression of local views relating to establishment of the area.

(2) to acquire by donation, by purchase with donated funds or with funds appropriated specifically for that purpose, or by exchange, any land or interest in land within the area described in section 9, which the Secretary, in his judgment, determines to be desirable for consolidation of public lands within the Area in order to facilitate efficient and beneficial management of the public lands or otherwise to accomplish the purposes of this Act: *Provided*, That the Secretary may not acquire, without the consent of the owner, any such lands or interests therein which are utilized on the effective date of this Act for residential, agricultural, or commercial purposes so long as he finds such property is devoted to uses compatible with the purposes of this Act. Any lands or interests in lands acquired by the United States under the authority of this section shall, upon acceptance of title, become public lands, and shall become a part of the area subject to all the laws and regulations applicable thereto.

(3) in the exercise of his authority to acquire land or interests in land by exchange under this Act, to accept title to any non-Federal land located within the Area and to convey to the grantor of such land not to exceed an equal value of surveyed, unappropriated, and unreserved public lands or interests, in lands and appropriated funds when in his judgment the exchange will be in the public interest, and in accordance with the following:

(A) The public lands offered in exchange for non-Federal lands or interests in non-Federal lands must be in the same county or counties, and must be classified by the Secretary as suitable for exchange. For a period of five years, any such public lands suitable for transfer to nonpublic ownership shall be classified for exchange under this Act.

(B) If the lands or interests in lands offered in exchange for public lands have a value at least equal to two-thirds of the value of the public lands, the exchange may be completed upon payment to the Secretary of the difference in value, or the submittal of a cash deposit or a performance bond in an

amount at least equal to the difference in value assuring that additional lands acceptable to the Secretary and at least equal to the difference in value will be conveyed to the Government within a time certain to be specified by the Secretary.

(C) If the public lands offered in exchange for non-Federal lands or interests in non-Federal lands have a value at least equal to two-thirds of the value of the non-Federal lands, the exchange may be completed upon payment by the Secretary of the difference in value.

(D) Either party to an exchange under this Act may reserve minerals, easements, or rights of use either for its own benefit, for the benefit of third parties, or for the benefit of the general public. Any such reservation, whether in lands conveyed to or by the United States, shall be subject to such reasonable conditions respecting ingress and egress and the use of the surface of the land as may be deemed necessary by the Secretary. When minerals are reserved in a conveyance by the United States, any person who prospects for or acquires the right to mine and remove the reserved mineral deposits shall be liable to the surface owners according to their respective interests for any actual damage to the surface or to the improvements thereon resulting from prospecting, entering, or mining operations; and such person shall, prior to entering, either obtain the surface owner's written consent, or file with the Secretary a good and sufficient bond or undertaking to the United States in an amount acceptable to the Secretary for the use and benefit of the surface owner to secure payment of such damages as may be determined in an action brought on the bond or undertaking in a court of competent jurisdiction.

(4) in the exercise of his authority to purchase lands under this Act to pay for any such purchased lands their fair market value, as determined by the Secretary, who may, in his discretion, base his determination on an independent appraisal obtained by him.

(5) to identify the appropriate public uses of all of the public lands and interests therein within the Area. Disposition of the public lands within the Area, or any of the lands subsequently acquired as part of the area, is prohibited, and the lands in the Area described in section 9 of this Act are hereby withdrawn from all forms of entry, selection, or location under existing or subsequent law, except as provided in section 6 of this Act. Notwithstanding any provision of this section, the Secretary may (A) exchange public lands or interests therein within the area for privately owned lands or interests therein also located within the area, and (B) issue leases, licenses, contracts, or permits as provided by other laws.

(6) to construct or cause to be constructed and to operate and maintain such roads, trails, and other access and recreational facilities in the area as the Secretary deems necessary and desirable for the proper protection, utilization, and development of the area.

(7) to reforest and revegetate such lands within the area and install such soil- and water-conserving works and practices to reduce erosion and improve forage and timber capacity as the Secretary deems necessary and desirable.

(8) to enter into such cooperative arrangements with the State of California, local governmental agencies, and nonprofit organizations as the Secretary deems necessary or desirable concerning but not limited to installation, construction, maintenance, and

Hunting and
fishing rights.

operation of access and recreational facilities, reforestation, revegetation, soil and moisture conservation, and management of fish and wildlife including hunting and fishing and control of predators. The Secretary shall permit hunting and fishing on lands and waters under the jurisdiction within the boundaries of the recreation area in accordance with the applicable laws of the United States and the State of California, except that the Secretary may designate zones where, and establish periods when, no hunting or fishing shall be permitted for reasons of public safety, administration, fish and wildlife management, or public use and enjoyment. Except in emergencies, any regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate State fish and game department.

(9) to issue such regulations and to do such other things as the Secretary deems necessary and desirable to carry out the terms of this Act.

SEC. 6. (a) Subject to valid existing rights, nothing in this Act shall affect the applicability of the United States mining laws on the federally owned lands within the Area, except that all prospecting commenced or conducted and all mining claims located after the effective date of this Act shall be subject to such reasonable regulations as the Secretary may prescribe to effectuate the purposes of this Act. Any patent issued on any mining claim located after the effective date of this Act shall recite this limitation and continue to be subject to such regulations. All such regulations shall provide, among other things, for such measures as may be reasonable to protect the scenic and esthetic values of the Area against undue impairment and to assure against pollution of the streams and waters within the Area.

(b) Nothing in this section shall be construed to limit or restrict rights of the owner or owners of any existing valid mining claim.

Administration.

SEC. 7. Except as may otherwise be provided in this Act, the public lands within the area shall be administered by the Secretary under any authority available to him for the conservation, development, and management of natural resources on public lands in California withdrawn by Executive Order Numbered 6910, dated November 26, 1934, to the extent that he finds such authority will further the purposes of this Act.

Revocation.

SEC. 8. The objectives of Executive Order Numbered 5237, dated December 10, 1929, which withdraw certain public lands for classification, having been accomplished by the enactment of this Act, that Executive order is hereby revoked effective as of the date the Secretary establishes the area.

SEC. 9. (a) The survey and investigation area referred to in the first section of this Act is described as follows:

MOUNT DIABLO MERIDIAN, CALIFORNIA

Township 24 north, range 19 west, sections 4 and 5.

HUMBOLDT MERIDIAN, CALIFORNIA

Township 5 south, range 1 east, all sections in township.

Township 5 south, range 2 east, section 6, lots 4 through 9; 16 through 21; and 24 through 26; section 7, lots 2 through 7; 10 through 15; section 18, lots 1 through 16; section 19, lots 1 through 16; southwest quarter northeast quarter and west half southeast quarter and sections 30 and 31; section 32, southwest quarter northeast quarter; south half northwest quarter; northwest quarter northwest quarter; southwest quarter and west half southeast quarter.

Township 4 south, range 1 west, all sections in township.

Township 4 south, range 1 east; section 4, south half; south half northeast quarter and south half northwest quarter; sections 5 through 9; 15 through 23; section 24, west half; section 25, west half; sections 26 through 35; section 36, lots 3 through 5 and 8 through 11 and southeast quarter.

Township 4 south, range 2 east, section 31, west half southeast quarter and southwest quarter.

Township 3 south, range 2 west, section 12, southeast quarter southeast quarter; sections 13 through 16 and 22 through 25.

Township 3 south, range 1 west, section 9, southwest quarter southwest quarter; section 12, south half southeast quarter and south half southwest quarter; sections 13 through 36.

Township 3 south, range 1 east, section 18, lots 1 through 4; section 19, lots 1 and 2, southwest quarter and west half southeast quarter; section 29, southwest quarter northwest quarter and west half southwest quarter; sections 30 and 31; section 32, west half.

Township 2 south, range 2 west, section 31, north half of lot 2 of the southwest quarter (43.40 acres of public land withdrawn by Executive Order 5237 of December 10, 1929); and 22.8 acres of acquired fee lands described by metes and bounds in section 31, township 2 south, range 2 west, and section 36, township 2 south, range 3 west; and 31.27 acres of acquired easements described by metes and bounds across certain sections in township 2 south, ranges 2 and 3 west.

(b) In addition to the lands described in subsection (a) of this section, the Secretary is authorized to acquire such land outside the area but in close proximity thereto as is necessary to facilitate sound management. Acquisition hereunder shall, however, not exceed three hundred and twenty acres and shall be limited to such purposes as headquarters facility requirements, ingress and egress routes and, where necessary, to straighten boundaries or round out acquisitions.

SEC. 10. There are authorized to be appropriated such sums as may be necessary to accomplish the purposes of this Act, but not to exceed \$1,500,000 for the purchase of lands and interests in lands and not to exceed \$3,500,000 for the construction of improvements.

Approved October 21, 1970.

Additional land acquisition.

Limitation.

Appropriation.

Public Law 91-477

AN ACT

To amend the International Travel Act of 1961, as amended, in order to improve the balance of payments by further promoting travel to the United States, and for other purposes.

October 21, 1970
[H. R. 14685]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the International Travel Act of 1961 (75 Stat. 129; 22 U.S.C. 2121-2126) is amended by changing the period at the end of clause 4 of subsection (a) to a semicolon, and by inserting after such clause the following:

International Travel Act of 1961, amendment. Tourism to U.S., promotion.

“(5) upon the application of any State or political subdivision or combination thereof, or private or public nonprofit organization or association, may make grants for projects designed to carry out the purposes of this Act if he finds that such projects will facilitate and encourage travel to any State or political subdivision or combination thereof by residents of foreign countries. No financial assistance will be made available under this clause unless the Secretary determines that matching funds will be available from State or other non-Federal sources and in no event will the amount of any grant under this clause for any project exceed 50 per

Matching funds.

centum of the cost of such project. The Secretary is authorized to establish such policies, standards, criteria, and procedures and to prescribe such rules and regulations as he may deem necessary or appropriate for the administration of this clause;

Contract au-
thority.

"(6) may enter into contracts with private profit- or non-profit-making individuals, businesses, and organizations for projects designed to carry out the purposes of this Act whenever he determines that such projects cannot be accomplished under the authority of clause (5) of this subsection; and

"(7) may make awards of merchandise manufactured and purchased in the United States to travel agents and tour operators in foreign countries as an incentive for their promotion of travel to the United States by residents of foreign countries. The Secretary is authorized to establish such policies, standards, criteria, and procedures as he may deem necessary or appropriate for the administration of this clause."

Recordkeeping.

SEC. 2. Section 3 of such Act (22 U.S.C. 2123) is amended by adding at the end thereof the following new subsections:

"(c) Each recipient of assistance under clause (5) of subsection (a) of this section shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

Audit.

"(d) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the assistance received under clause (5) of subsection (a) of this section."

SEC. 3. (a) Section 4 of such Act (22 U.S.C. 2124) is amended to read as follows:

U. S. Travel
Service; Assist-
ant Secretary of
Commerce for
Tourism, appoint-
ment.

"SEC. 4. There is established in the Department of Commerce a United States Travel Service which shall be headed by an Assistant Secretary of Commerce for Tourism who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall report directly to the Secretary. All the duties and responsibilities of the Secretary under this Act shall be exercised directly by the Secretary or by the Secretary through the Assistant Secretary of Commerce for Tourism. In addition, the Secretary shall designate at least one individual to serve as Deputy Assistant Secretary of Commerce for Tourism who shall be under the supervision of the Assistant Secretary of Commerce for Tourism."

81 Stat. 198;
83 Stat. 863.

(b) Paragraph (12) of section 5315 of title 5, United States Code (relating to level IV of the Executive Schedule), is amended by striking out "(5)" and inserting in lieu thereof "(6)".

Appropriations.
75 Stat. 130.
22 USC 2126.

SEC. 4. Section 6 of such Act is amended to read as follows:

"SEC. 6. For the purpose of carrying out the provisions of this Act, there is authorized to be appropriated not to exceed \$15,000,000 for each of the fiscal years ending June 30, 1971, June 30, 1972, and June 30, 1973. Funds appropriated under this section shall be available without regard to the provisions of section 501 and 3702 of title 44 of the United States Code. Funds appropriated under this section for printing of travel promotion materials are authorized to be made available for two fiscal years."

82 Stat. 1243,
1305.

22 USC 2121
note.

SEC. 5. Section 7 of such Act is renumbered "SEC. 8." and a new section 7 is inserted to read as follows:

"United States."
"State."

"SEC. 7. As used in this Act, the term 'United States' and the term 'State' are defined to include the District of Columbia, the Common-

wealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.”

SEC. 6. (a) There is established a commission to be known as the National Tourism Resources Review Commission (hereafter in this section referred to as the “Commission”) composed of fifteen members as follows:

National Tourism Resources Review Commission, establishment.

(1) One representative of the Department of Commerce designated by the Secretary of Commerce.

(2) One representative of the Department of the Interior designated by the Secretary of the Interior.

(3) One representative of the Department of State designated by the Secretary of State.

(4) One representative of the Department of Transportation designated by the Secretary of Transportation.

(5) Eleven individuals appointed by the President from private life who are informed about and concerned with the improvement, development, and promotion of United States tourism resources and opportunities or who are otherwise experienced in tourism research, promotion, or planning. The President shall designate one of the individuals appointed by him to serve as Chairman of the Commission.

(b) The Commission shall make a full and complete study and investigation for the purpose of—

Study.

(1) determining the domestic travel needs of the people of the United States and of visitors from other countries at the present time and to the year 1980;

(2) determining the travel resources of the United States available to satisfy such needs now and to the year 1980;

(3) determining policies and programs which will insure that the domestic travel needs of the present and the future are adequately and efficiently met;

(4) determining a recommended program of Federal assistance to the States in promoting domestic travel; and

(5) determining whether a separate agency of the Government should be established, or whether an existing department, agency, or instrumentality within the Government should be designated, to consolidate and coordinate tourism research, planning, and development activities presently performed by different existing agencies of the Government.

The Commission shall submit a comprehensive report of its activities and the results of such study and investigation, together with its recommendations with respect thereto, to the President and to the Congress not later than two years after the first meeting of the Commission. The Commission shall cease to exist sixty days after the date of the submission of its comprehensive report. The comprehensive report of the Commission shall propose such legislative enactments and administrative actions as in its judgment are necessary to carry out its recommendations.

Report to President and Congress.

Termination.

(c) The Secretary of Commerce shall make available to the Commission such secretarial, clerical, and other assistance as the Commission may require to carry out its functions under this section. The Commission is authorized to request from any department, agency, or independent instrumentality of the Government any information and assistance it deems necessary to carry out its functions under this section; and each such department, agency, and instrumentality is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information and assistance to the Commission upon request made by its Chairman.

Clerical assistance.

Agency cooperation.

(d) In order to carry out the provisions of this section, the Commission is authorized—

Powers.

(1) to make, promulgate, issue, rescind, and amend rules and regulations governing the manner of the operations of the Commission;

(2) to appoint and fix the compensation of such officers and employees as are necessary to carry out the provisions of this section and to prescribe their authority and duties; and

(3) to obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

80 Stat. 416.

(e) (1) Members of the Commission from private life, while engaged in the performance of their duties as members of the Commission, shall receive compensation at a rate to be fixed by the President, not to exceed \$100 each day, including traveltime, and shall, while so serving away from their homes or regular places of business, be entitled to travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

80 Stat. 499;
83 Stat. 190.

(2) Members of the Commission who are officers or employees of the United States shall serve without additional compensation, but shall be entitled to travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

Appropriation.

(f) There are authorized to be appropriated such sums, not to exceed \$750,000, as may be necessary to carry out the provisions of this section.

Approved October 21, 1970.

Public Law 91-478

AN ACT

October 21, 1970
[H. R. 15624]

To convey certain federally owned land to the Cherokee Tribe of Oklahoma.

Cherokee Tribe
of Oklahoma.
Land conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That upon payment by the Cherokee Tribe of Oklahoma, as provided in section 2 of this Act, all the right, title, and interest of the United States in that part of the northwest quarter northeast quarter and southwest quarter northeast quarter lying south of United States Highway Numbered 62, section 20, township 16 north, range 22 east, Indian meridian, Oklahoma, comprising 38.5 acres more or less, heretofore acquired for school purposes, shall vest in the Cherokee Indian Tribe of Oklahoma, and such land shall not be subject to any exemption from taxation, or restrictions on use, management, or disposition because of Indian ownership.

Payment to U.S.

SEC. 2. In full consideration for the transfer of title, the Cherokee Tribe of Oklahoma shall pay the United States \$2,258.80, payment to be made to the Secretary of the Interior within ninety days after this Act is approved and deposited in the general fund of the United States Treasury.

Claims offset
against U.S.

25 USC 70a.

SEC. 3. The Indian Claims Commission is directed to determine in accordance with the provisions of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the title conveyed by this Act as of August 20, 1964, less the payment of \$2,258.80 as provided in section 2, should or should not be set off against any claim the United States determined by the Commission.

Approved October 21, 1970.

Public Law 91-479

AN ACT

To establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore, and for other purposes.

October 21, 1970
[H. R. 18776]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Congress finds that certain outstanding natural features, including forests, beaches, dune formations, and ancient glacial phenomena, exist along the mainland shore of Lake Michigan and on certain nearby islands in Benzie and Leelanau Counties, Michigan, and that such features ought to be preserved in their natural setting and protected from developments and uses which would destroy the scenic beauty and natural character of the area. In order to accomplish this purpose for the benefit, inspiration, education, recreation, and enjoyment of the public, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to take appropriate action, as herein provided, to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore. In carrying out the provisions of this Act, the Secretary shall administer and protect the Sleeping Bear Dunes National Lakeshore in a manner which provides for recreational opportunities consistent with the maximum protection of the natural environment within the area.

Sleeping Bear
Dunes National
Lakeshore, Mich.

(b) In preserving the lakeshore and stabilizing its development, substantial reliance shall be placed on cooperation between Federal, State, and local governments to apply sound principles of land use planning and zoning. In developing the lakeshore, full recognition shall be given to protecting the private properties for the enjoyment of the owners.

SEC. 2. (a) The Sleeping Bear Dunes National Lakeshore (hereinafter referred to as the "lakeshore") shall comprise the land and water area generally depicted on the map entitled "A Proposed Sleeping Bear Dunes National Lakeshore Boundary Map", numbered NL-SBD-91,000 and dated May 1969, which shall be on file and available for public inspection in the offices of the National Park Service of the Department of the Interior.

(b) As soon as practicable after the date of enactment of this Act and following the acquisition by the Secretary of those lands owned by the State of Michigan within the boundaries of the area designated for inclusion in the lakeshore (excepting not to exceed three hundred acres in the Platte Bay area) and of such additional lands, if any, as are necessary to provide an area which in his opinion is efficiently administrable for the purposes of this Act, he shall establish the Sleeping Bear Dunes National Lakeshore by publication of notice thereof in the Federal Register.

Publication in
Federal Register.

SEC. 3. (a) Within thirty days, or as soon as possible thereafter, after the effective date of this Act, the Secretary shall publish in the Federal Register a map or other description of the lakeshore delineating areas constituting the following categories:

Description,
publication in Fed-
eral Register.

Category I, public use and development areas.

Category II, environmental conservation areas.

Category III, private use and development areas.

(b) Lands and interests therein designated as category I may be acquired by the Secretary in accordance with section 8 of this Act.

(c) Within one hundred and fifty days after the effective date of this Act, the Secretary shall publish in the Federal Register an additional map or other description of those lands, if any, designated as within categories II and III for acquisition by him in fee in accordance with section 8 of this Act.

Additional map,
publication in
Federal Register.

Land acquisition,
limitation.

(d) Except as provided in subsection (f) of this section, the Secretary may, after the publication provided for in subsection (c), acquire only such interests in lands designated as category II, other than those to be acquired in fee simple, as he deems appropriate to insure the continued conservation and preservation of the environmental quality of the lakeshore.

(e) Except as provided in subsection (f) of this section, the Secretary may, after the publication provided for in subsection (c), acquire only such interests in lands designated as category III, other than those lands to be acquired in fee simple, as he deems appropriate to protect lands designated for acquisition.

Real property,
use and develop-
ment restrictions,
notification.

(f) Not later than one hundred and fifty days after the effective date of this Act, the Secretary shall notify owners of real property in categories II and III, other than property designated by him for fee acquisition, of the minimum restrictions on use and development of such property under which such property can be retained in a manner compatible with the purpose for which the lakeshore was established. If the owner of any real property in categories II and III agrees to the use and development of his property in accordance with such restrictions, the Secretary may not acquire, without the consent of such owner, such property or interests therein for so long as the property affected is used in accordance with such restrictions, unless he determines that such property is needed for public use development. The foregoing limitations on acquisition shall also apply to any owners of real property to whom the Secretary did not, within the time set forth, give such a notice, except that if any property owner has not, within ninety days of the notice agreed to use the property in accordance with the notice, then the Secretary may acquire, without limitation, fee or lesser interests in property by any of the methods set forth in section 8 of this Act: *Provided*, That nothing contained in subsections (d) and (e), and in this subsection, which limits the acquisition of the fee simple title to property within the lakeshore, shall prevent the Secretary from acquiring, without the consent of the owner, the fee simple title whenever in the Secretary's judgment the estimated cost of acquiring the lesser interest would be a substantial percentage of the estimated cost of acquiring the fee simple title.

Advisory com-
mission.

SEC. 4. (a) There is hereby established a Sleeping Bear Dunes National Lakeshore Advisory Commission. The Commission shall cease to exist ten years after the establishment of the lakeshore pursuant to section 2 of this Act.

Membership.

(b) The Commission shall be composed of ten members, each appointed for a term of two years by the Secretary, as follows:

(1) Four members to be appointed from recommendations made by the counties in which the lakeshore is situated, two members to represent each such county;

(2) Four members to be appointed from recommendations made by the Governor of the State of Michigan; and

(3) Two members to be designated by the Secretary.

(c) The Secretary shall designate one member to be Chairman. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(d) A member of the Commission shall serve without compensation as such. The Secretary is authorized to pay the expenses reasonably incurred by the Commission in carrying out its responsibilities under this Act on vouchers signed by the Chairman.

(e) The Secretary or his designee shall consult with the Commission with respect to matters relating to the development of the lakeshore and with respect to the provisions of sections 9, 12, and 13 of this Act.

SEC. 5. In administering the lakeshore the Secretary shall permit

Hunting and
fishing, regu-
lations.

hunting and fishing on lands and waters under his jurisdiction in accordance with the laws of the State of Michigan and the United States applicable thereto. The Secretary, after consultation with the appropriate agency of the State of Michigan, may designate zones and establish periods where and when no hunting shall be permitted for reasons of public safety, administration, or public use and enjoyment and issue regulations, consistent with this section, as he may determine necessary to carry out the purposes of this section.

SEC. 6. (a) The administration, protection, and development of the lakeshore shall be exercised by the Secretary, subject to the provisions of this Act and of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented, relating to the areas administered and supervised by the Secretary through the National Park Service; except that authority otherwise available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of this Act.

Administration.

(b) In the administration, protection, and development of the area, the Secretary shall prepare and implement a land and water use management plan, which shall include specific provisions for—

Land and water use plan.

(1) development of facilities to provide the benefits of public recreation;

(2) protection of scenic, scientific, and historic features contributing to public enjoyment; and

(3) such protection, management, and utilization of renewable natural resources as in the judgment of the Secretary is consistent with, and will further the purpose of, public recreation and protection of scenic, scientific, and historic features contributing to public enjoyment.

(c) Within four years from the date of enactment of this Act, the Secretary of the Interior shall review the area within the Sleeping Bear Dunes National Lakeshore and shall report to the President, in accordance with subsections 3(c) and 3(d) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132 (c) and (d)), his recommendation as to the suitability or nonsuitability of any area within the lakeshore for preservation as wilderness, and any designation of any such area as a wilderness shall be accomplished in accordance with said subsections of the Wilderness Act.

Area review; report to President.

(d) In developing the lakeshore the Secretary shall provide public use areas in such places and manner as he determines will not diminish the value or enjoyment for the owner or occupant of any improved property located thereon.

SEC. 7. Nothing in this Act shall be construed as prohibiting any governmental jurisdiction in the State of Michigan from assessing taxes upon any interest in real estate retained under the provisions of section 10 of this Act to the owner of such interest.

Tax assessments.

SEC. 8. (a) The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, transfer funds, transfer from any Federal agency, or exchange lands and interests therein for the purposes of this Act. When an individual tract of land is only partly within the area designated, the Secretary may acquire the entire tract by any of the above methods to avoid the payment of severance costs. Land so acquired outside the designated area may be exchanged by the Secretary for non-Federal lands within such area, and any portion of the land not utilized for such exchanges may be disposed of in accordance with the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended (40 U.S.C. 471 et seq.).

Land acquisition or exchange.

(b) In exercising his authority to acquire property under this Act, the Secretary shall give immediate and careful consideration to any offer made by an individual owning property within the lakeshore to sell such property to the Secretary. An individual owning property within the lakeshore may notify the Secretary that the continued ownership by such individual of that property would result in hardship to him, and the Secretary shall immediately consider such evidence and shall within one year following the submission of such notice, subject to the availability of funds, purchase such property offered for a price which does not exceed its fair market value.

Federal property, transfer.

(c) Any property or interests therein, owned by the State of Michigan or any political subdivisions thereof, may be acquired only by donation. Notwithstanding any other provision of law, any property owned by the United States on the date of enactment of this Act located within such area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the provisions of this Act.

Acquisition by condemnation.

(d) With respect to that property which the Secretary is authorized to acquire by condemnation under the terms of this Act, the Secretary shall initiate no condemnation proceedings until after he has made every reasonable effort to acquire such property by negotiation and purchase. The certificate of the determination by the Secretary or his designated representative that there has been compliance with the provisions of this subsection and of subsection (b) of this section shall be prima facie evidence of such compliance.

(e) Nothing in this Act shall be construed to prohibit the use of condemnation as a means of acquiring a clear and marketable title, free of any and all encumbrances.

Zoning bylaws.

SEC. 9. (a) The Secretary shall, at the request of any township or county in or adjacent to the lakeshore affected by this Act, assist and consult with the appropriate officers and employees of such township or county in establishing zoning bylaws for the purpose of this Act. Such assistance may include payments to the county or township for technical aid.

(b) No improved property within the area designated for inclusion in the lakeshore shall be acquired by the Secretary by condemnation so long as the affected county or township has in force and applicable thereto a duly adopted, valid zoning bylaw approved by the Secretary in accordance with the provisions of subsection (d) of this section and the use of improved property is in compliance therewith. In the event that the affected county or township does not have in effect and applicable to any improved property a duly adopted, valid zoning bylaw so approved, the Secretary shall be prohibited from acquiring such property by condemnation, if the owner thereof notifies the Secretary in writing of such owner's agreement to use his property in a manner consistent with the applicable standard set forth in subsection (d) of this section, and such prohibition against condemnation shall remain in effect for so long as such property is so used.

(c) If the Secretary determines that any such property referred to in subsection (b) of this section covered by any such bylaw is being used in a way which is not in substantial compliance with such bylaw, or that any such property referred to in subsection (b) with respect to which an agreement has been made is being used in a manner which is not substantially consistent with such applicable standards, he shall so notify the owner of any such property in writing. Such notice shall contain a detailed statement as to why the Secretary believes that such use is not in substantial compliance with such zoning bylaw or why such use is not substantially consistent with such applicable standards, as the case may be. Any such owner shall have sixty days following the

receipt by him of that written notification within which to discontinue the use referred to in such notification. Discontinuance of such use within such sixty-day period shall have the effect of prohibiting the Secretary from acquiring such property by condemnation by reason of such use. In any case in which such use is not discontinued within such sixty-day period, the Secretary may, in his discretion, acquire such property by condemnation.

(d) Any zoning bylaw or amendment thereto submitted to the Secretary for approval for the purposes of this Act shall be approved by him if such bylaw or amendment contains provisions which—

Bylaws, conditions for approval.

(1) contribute to the effect of prohibiting the commercial and industrial use (other than a use for a commercial purpose as authorized under section 13 of this Act) of all property within the boundaries of such area which is situated within the county or township adopting such bylaw or amendment;

(2) are consistent with the objectives and purposes of this Act so that, to the extent possible under Michigan law, the scenic and scientific values of the lakeshore area will be protected;

(3) are designed to preserve the lakeshore character of the area by appropriate restrictions upon the burning of cover, cutting of timber (except tracts managed for sustained yield), removal of sand or gravel, and dumping, storage, or piling of refuse and other unsightly objects or other uses which would detract from the natural or traditional lakeshore scene;

(4) provide that no construction, reconstruction, moving, alteration, or enlargement of any property, including improved property as defined in this Act, within the lakeshore area shall be permitted, if such construction, reconstruction, moving, alteration, or enlargement would afford less than a fifty-foot setback from all streets measured at a right angle with the street line, and a twenty-five-foot distance from all contiguous properties. Any owner or zoning authority may request the Secretary of the Interior to determine whether a proposed move, alteration, construction, reconstruction, or enlargement of any such property would subject such property to acquisition by condemnation, and the Secretary, within sixty days of the receipt of such request, shall advise the owner or zoning authority in writing whether the intended use will subject the property to acquisition by condemnation; and

(5) have the effect of providing that the Secretary shall receive notice of any variance granted under, and of any exception made to the application of, such bylaw or amendment.

(e) The approval of any bylaw or amendment pursuant to subsection (d) shall not be withdrawn or revoked by the Secretary for so long as such bylaw or amendment remains in effect as approved. Any such bylaw or amendment so approved shall not be retroactive in its application.

SEC. 10. (a) Any owner or owners of improved property situated within the area designated for inclusion in the lakeshore on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain, for a term of not to exceed twenty-five years, or for a term ending at the death of such owner or owners, the right of use and occupancy of such property for any residential purpose which is not incompatible with the purposes of this Act or which does not impair the usefulness and attractiveness of the area designated for inclusion. The Secretary shall pay to the owner the value of the property on the date of such acquisition, less the value on such date of the right retained by the owner. Where any such owner retains a right of use and occupancy as herein provided, such right during its existence may be conveyed or leased for noncommercial residential purposes in accordance with the provisions of this section.

Property owners, retention of use.

(b) Any deed or other instrument used to transfer title to property, with respect to which a right of use and occupancy is retained under this section, shall provide that such property shall not be used for any purpose which is incompatible with purposes of this Act, or which impairs the usefulness and attractiveness of such area and if it should be so used, the Secretary shall have authority to terminate such right. In the event the Secretary exercises his power of termination under this subsection he shall pay to the owner of the right terminated an amount equal to the value of that portion of such right which remained unexpired on the date of such termination.

"Improved
property."

SEC. 11. As used in this Act, the term "improved property" means a detached, one-family dwelling, construction of which was begun before December 31, 1964, together with so much of the land on which the dwelling is situated, such land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the lands so designated. The amount of the land so designated shall in every case be at least three acres in area, or all of such lesser acreage as may be held in the same ownership as the dwelling, and in making such designation the Secretary shall take into account the manner of noncommercial residential use in which the dwelling and land have customarily been enjoyed: *Provided, however*, That the Secretary may exclude from the land so designated any beach or waters on Lake Michigan, together with so much of the land adjoining any such beach or waters, as the Secretary may deem necessary for public access thereto. If the Secretary makes such exclusion, an appropriate buffer zone shall be provided between any residence and the public access or beach.

Scenic roads.

SEC. 12. In order to facilitate visitor travel, provide scenic overlooks for public enjoyment and interpretation of the national lakeshore and related features, and in order to enhance recreational opportunities, the Secretary is authorized to construct and administer as a part of the national lakeshore scenic roads of parkway standards generally lying within the parkway zone designated on the map specified in section 2(a) of this Act. Such scenic roads shall include necessary connections, bridges, and other structural utilities. Notwithstanding any other provision of this Act, the Secretary may procure for this purpose land, or interest therein, by donation, purchase with appropriated or donated funds, or otherwise: *Provided*, That land and interest so procured shall not exceed one hundred and fifty acres per mile of scenic road, except that tracts may be procured in their entirety in order to avoid severances. Property so acquired in excess of the acreage limitation provided in this section may be exchanged by the Secretary for any land of approximately equal value authorized for acquisition by this Act.

Commercial
property.

SEC. 13. In any case not otherwise provided for in this Act, the Secretary shall be prohibited from condemning any commercial property used for commercial purposes in existence on December 31, 1964, so long as, in his opinion, the use thereof would further the purpose of this Act, and such use does not impair the usefulness and attractiveness of the area designated for inclusion in the lakeshore. The following uses, among others, shall be considered to be uses compatible with the purposes of this Act: Commercial farms, orchards, motels, rental cottages, camps, craft and art studios, marinas, medical, legal, architectural, and other such professional offices, and tree farms.

SEC. 14. The Secretary shall furnish to any interested person requesting the same a certificate indicating, with respect to any property

which the Secretary has been prohibited from acquiring by condemnation in accordance with provisions of this Act, that such authority is prohibited and the reasons therefor.

SEC. 15. There are authorized to be appropriated not more than \$19,800,000 for the acquisition of lands and interests in lands and not more than \$18,769,000 (June 1970 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the type of construction involved herein.

Approved October 21, 1970.

Appropriation.

Public Law 91-480

AN ACT

To revise the per diem allowance authorized for members of the American Battle Monuments Commission when in a travel status.

October 21, 1970
[H. R. 18731]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second paragraph of the first section of the Act entitled "An Act for the creation of an American Battle Monuments Commission to erect suitable memorials commemorating the services of the American soldier in Europe, and for other purposes," approved March 4, 1923 (42 Stat. 1509, as amended by the Act of July 25, 1956, 70 Stat. 640; 36 U.S.C. 121), is amended to read as follows:

"The members of the Commission shall serve as such without compensation, except that (1) their actual expenses in connection with the work of the Commission, (2) when in a travel status outside the continental United States, a per diem of \$40 in lieu of subsistence, and (3) when in a travel status within the continental United States, a per diem at the same rate authorized to be paid under section 5703(c) (1) of title 5, United States Code, may be paid to them from any funds appropriated for the purposes of this Act, or acquired by other means hereinafter authorized."

American Battle
Monuments Com-
mission members.
Per diem allow-
ance, increase.

80 Stat. 499;
83 Stat. 190.

Approved October 21, 1970.

Public Law 91-481

AN ACT

To authorize subsistence, without charge, to certain air evacuation patients.

October 21, 1970
[H. R. 9654]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subchapter I of chapter 57 of title 5, United States Code, is amended as follows:

(1) By adding the following new section:

"§ 5709. Air evacuation patients: furnished subsistence

"Notwithstanding any other provision of law, and under regulations prescribed under section 5707 of this title, an employee and his dependents may be furnished subsistence without charge while being evacuated as a patient by military aircraft of the United States."

(2) By adding the following new item at the end of the analysis:

"5709. Air evacuation patients: furnished subsistence."

SEC. 2. Chapter 55 of title 10, United States Code, is amended as follows:

(1) By adding the following new section:

Air evacuation
patients.
Subsistence.
80 Stat. 498;
83 Stat. 190.
5 USC 5701-
5708.

72 Stat. 1445;
80 Stat. 866.
10 USC 1071-
1087.

“§ 1088. Air evacuation patients: furnished subsistence

“Notwithstanding any other provision of law, and under regulations to be prescribed by the Secretary concerned, a person entitled to medical and dental care under this chapter may be furnished subsistence without charge while being evacuated as a patient by military aircraft of the United States.”

(2) By adding the following new item at the end of the analysis:

“1088. Air evacuation patients: furnished subsistence.”

Approved October 21, 1970.

Public Law 91-482

AN ACT

October 21, 1970
[H. R. 15112]

To repeal several obsolete sections of title 10, United States Code, and section 208 of title 37, United States Code.

Titles 10 and
37, U. S. Code.
Obsolete provisions, repeal.
70A Stat. 255-
415; 71 Stat. 161;
76 Stat. 461.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) sections 4539, 4623, 5981, 6159, and 6406 of title 10, United States Code, are hereby repealed, and (b) section 208 of title 37, United States Code, is hereby repealed.

SEC. 2. A. The analysis of chapter 433 of title 10, United States Code, is amended by striking out the following:

“4539. Horses and mules.”

B. The analysis of chapter 439 of title 10, United States Code, is amended by striking out the following:

“4623. Tobacco: enlisted members of Army.”

C. The analysis of chapter 553 of title 10, United States Code, is amended by striking out the following:

“5981. Squadrons: detail of officers on active duty to command.”

D. The analysis of chapter 561 of title 10, United States Code, is amended by striking out the following:

“6159. Half rating to disabled naval enlisted personnel serving twenty years.”

E. The analysis of chapter 573 of title 10, United States Code, is amended by striking out the following:

“6406. Regular Navy and Regular Marine Corps; officers: furlough; furlough pay.”

F. The analysis of chapter 3 of title 37, United States Code, is amended by striking out the following:

“208. Furlough pay: officers of Regular Navy or Regular Marine Corps.”

SEC. 3. Notwithstanding the first section of this Act, a person who is entitled to a pension under section 6159 of title 10, United States Code, on the day before the date of enactment of this Act shall continue to be entitled to that pension on and after that date of enactment.

Approved October 21, 1970.

Pension, continuation provision.

Public Law 91-483

AN ACT

To authorize the Secretary of the Interior to provide financial assistance for development and operation costs of the Ice Age National Scientific Reserve in the State of Wisconsin, and for other purposes.

October 21, 1970
[H. R. 4172]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That the Act of October 13, 1964 (78 Stat. 1087) is amended as follows:

(1) Section 3 is repealed.

(2) Section 4 is amended by deleting everything after the word "nonprofit" and inserting the word "corporation."

(3) Section 5 is amended to read as follows:

"Sec. 5. (a) The Secretary is authorized to provide technical assistance to the State of Wisconsin for planning and development of the reserve in accordance with the comprehensive plan.

"(b) In addition to grants made pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 4601-8), the Secretary is authorized to make grants of not to exceed 25 per centum of the actual cost of each development project within the reserve in accordance with the comprehensive plan: *Provided*, That the maximum amount of such grants for all projects shall not exceed \$425,000.

"(c) The Secretary, pursuant to an agreement with the State of Wisconsin, may pay up to 50 per centum of the annual costs of management, protection, maintenance, and rehabilitation of the reserve.

"(d) Whenever the Secretary determines that appropriate management and protection set down in the comprehensive plan are not being afforded the nationally significant values within the reserve or that funds are not being provided on the prescribed matching basis by the State of Wisconsin or other non-Federal sources, he may terminate contributions under this Act."

(4) Section 6 is repealed.

Approved October 21, 1970.

Ice Age National
Scientific Reserve.
Financial assist-
ance.
16 USC 469d-
469i.
Repeal.

Contributions,
termination.

Repeal.

Public Law 91-484

AN ACT

To amend title 37, United States Code, to provide that enlisted members of a uniformed service who accept appointments as officers shall not receive less than the pay and allowances to which they were previously entitled by virtue of their enlisted status.

October 21, 1970
[H. R. 16732]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 17 of title 37, United States Code, is amended—

(1) by adding the following new section:

"§ 907. Enlisted members appointed as officers; pay and allowances stabilized

"An enlisted member who accepts a permanent or temporary appointment as an officer in a regular or reserve component of a uniformed service shall, following his appointment, be paid the greater of—

"(1) the pay and allowances to which, immediately prior to his appointment, he was entitled as an enlisted member, including—

Uniformed serv-
ices.
Officer appoint-
ments, pay and
allowances.
76 Stat. 486.
37 USC 901-
906.

“(A) proficiency pay to which he would be entitled had he not been appointed as an officer; and

“(B) clothing allowance, except when such member is eligible for payment of a uniform allowance as provided in section 415 of this title; or

76 Stat. 477.

“(2) the pay and allowances to which he thereafter becomes entitled as an officer.

However, proficiency pay, incentive pay for hazardous duty, special pay for diving duty, and sea and foreign duty pay may be used in calculating the amount of his former pay and allowances only for so long as the member continues to perform the duty and would be eligible to receive payment had he remained in his former status”; and

(2) by adding the following new item to the analysis:

“907. Enlisted members appointed as officers: pay and allowances stabilized.”

Approved October 21, 1970.

Public Law 91-485

AN ACT

October 22, 1970
[S.1708]

To amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes.

Federal lands
for parks and
recreation.
82 Stat. 355.
16 USC 4601-5.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection 2(c) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-5(c)) is amended as follows:

(a) In clause (1), strike out “five fiscal years beginning July 1, 1968, and ending June 30, 1973” and insert “fiscal years 1968, 1969, and 1970, and not less than \$300,000,000 for each fiscal year thereafter through June 30, 1989.”

(b) In clause (2), after “\$200,000,000” insert “or \$300,000,000” and after “for each of such fiscal years,” insert “as provided in clause (1),”.

Disposals by
Secretary of In-
terior.
63 Stat. 387.

SEC. 2. Section 203 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484), is further amended by redesignating section 203(k)(2) as section 203(k)(3), and by adding a new section 203(k)(2) as follows:

“(k)(2) Under such regulations as he may prescribe, the Administrator is authorized, in his discretion, to assign to the Secretary of the Interior for disposal, such surplus real property, including buildings, fixtures, and equipment situated thereon, as is recommended by the Secretary of the Interior as needed for use as a public park or recreation area.

“(A) Subject to the disapproval of the Administrator within thirty days after notice to him by the Secretary of the Interior of a proposed transfer of property for public park or public recreational use, the Secretary of the Interior, through such officers or employees of the Department of the Interior as he may designate, may sell or lease such real property, including buildings, fixtures, and equipment situated thereon, for public park or public recreational purposes to any State, political subdivision, instrumentalities thereof, or municipality.

“(B) In fixing the sale or lease value of property to be disposed of under subparagraph (A) of this paragraph, the Secretary of the Interior shall take into consideration any benefit which has accrued or may accrue to the United States from the use of such property by any such State, political subdivision, instrumentality, or municipality.

“(C) The deed of conveyance of any surplus real property disposed of under the provisions of this subsection—

Deed of conveyance.

“(i) shall provide that all such property shall be used and maintained for the purpose for which it was conveyed in perpetuity, and that in the event that such property ceases to be used or maintained for such purpose during such period, all or any portion of such property shall in its then existing condition, at the option of the United States, revert to the United States; and

Title, reversion.

“(ii) may contain such additional terms, reservations, restrictions, and conditions as may be determined by the Secretary of the Interior to be necessary to safeguard the interests of the United States.

“(D) ‘States’ as used in this subsection includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.”

“States.”

SEC. 3. The first sentence of subsection (n) of section 203 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484(n)), is amended by striking “(k)” and substituting “(k) (1)” in lieu thereof.

Surplus property, State use.

70 Stat. 494.

SEC. 4. Subsection (o) of section 203 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484(o)), is amended to read as follows:

69 Stat. 84, 430; 79 Stat. 1312.

“(o) The Secretary of Health, Education, and Welfare, with respect to personal property donated under subsection (j) of this section, and the head of each executive agency disposing of real property under subsection (k) of this section shall submit during the calendar quarter following the close of each fiscal year a report to the Senate (or to the Secretary of the Senate if the Senate is not in session) and to the House of Representatives (or to the Clerk of the House if the House is not in session) showing the acquisition cost of all personal property so donated and of all real property so disposed of during the preceding fiscal year.”

Reports to Congress.

SEC. 5. Section 13(h) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(h)) is amended by—

62 Stat. 350.

(1) striking out the phrase “public park, public recreational area, or” in paragraph (1) thereof; and

(2) striking out the first full sentence of paragraph (2) thereof.

Approved October 22, 1970.

Public Law 91-486

AN ACT

To amend section 405 of title 37, United States Code, relating to cost-of-living allowances for members of the uniformed services on duty outside the United States or in Hawaii or Alaska.

October 22, 1970
[H. R. 14322]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the text of section 405 of title 37, United States Code, is amended by adding the following additional language at the end thereof:

Uniformed services.
Station housing allowance.
76 Stat. 473.

“A station housing allowance may be prescribed under this section without regard to costs other than housing costs and may consist of the difference between basic allowance for quarters and applicable housing cost. Housing cost and allowance may be disregarded in prescribing a station cost of living allowance under this section.”

Approved October 22, 1970.

Public Law 91-487

October 22, 1970
[H. R. 11876]

AN ACT

To amend section 1482 of title 10, United States Code, to authorize the payment of certain expenses incident to the death of members of the armed forces in which no remains are recovered.

Armed Forces.
Expenses inci-
dent to death.
70A Stat. 113;
72 Stat. 708.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1482 of title 10, United States Code, is amended by adding the following new subsection:

“(e) When the remains of a decedent covered by section 1481 of this title, whose death occurs after January 1, 1961, are determined to be nonrecoverable, the person who would have been designated under subsection (c) to direct disposition of the remains if they had been recovered may be—

“(1) presented with a flag of the United States; however, if the person designated by subsection (c) is other than a parent of the deceased member, a flag of equal size may also be presented to the parents, and

“(2) reimbursed by the Secretary concerned for the necessary expenses of a memorial service.

However, the amount of the reimbursement shall be determined in the manner prescribed in subsection (b) for an interment, but may not be larger than that authorized when the United States provides the grave site. A claim for reimbursement under this subsection may be allowed only if it is presented within two years after the effective date of this subsection, or the date of death, whichever is later.”

Approved October 22, 1970.

Public Law 91-488

October 22, 1970
[H. R. 13307]

AN ACT

To amend chapter 3 of title 16 of the District of Columbia Code to change the requirement of consent to the adoption of a person under twenty-one years of age.

D. C.
Adoption con-
sent.
77 Stat. 538.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subparagraph (C) of subsection (b) (2) of section 16-304 of title 16 of the District of Columbia Code is amended by striking out “according to the laws of any jurisdiction” and inserting in lieu thereof “according to the laws of the District of Columbia”.

Approved October 22, 1970.

Public Law 91-489

October 22, 1970
[H. R. 9311]

AN ACT

To declare that certain lands shall be held by the United States in trust for the Makah Indian Tribe, Washington.

Makah Indian
Tribe, Wash.
Lands in trust.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That approximately seven hundred and nineteen acres of land, which were set apart by Executive order of April 12, 1893, as a reservation for certain Ozette Indians, are hereby declared to be held by the United States in trust for the use and benefit of the Makah Indian Tribe, Washington.

Approved October 22, 1970.

Public Law 91-490

AN ACT

To authorize voluntary admission of patients to the District of Columbia institution providing care, education, and treatment of substantially retarded persons.

October 22, 1970
[H. R. 4182]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. The first four sections of the Act entitled "An Act to provide for commitments to, maintenance in, and discharges from the District Training School, and for other purposes", approved March 3, 1925, is amended as follows:

(1) The first section of such Act (D.C. Code, sec. 32-601) is amended—

(A) by striking out "feeble-minded" and inserting "substantially retarded";

(B) by striking out "Board" and inserting "Department", and

(C) by striking out "The District Training School" and inserting "Forest Haven".

(2) Section 2 of such Act (D.C. Code, sec. 32-603) is amended to read as follows:

"SEC. 2. For the purposes of this Act, the term 'substantially retarded persons' means persons afflicted with mental defectiveness from birth or from an early age, so pronounced that they are incapable of managing themselves and their affairs, and who require supervision, control, and care for their own welfare, for the welfare of others, or for the welfare of the community, and who are not insane nor of unsound mind to such an extent as to require their commitment to a hospital for the mentally ill."

(3) Section 3 of such Act (D.C. Code, sec. 32-604) is amended—

(A) by striking out "Board" and inserting "Department",

(B) by striking out "inmates" and inserting "patients", and

(C) by striking out "board" each place it appears and inserting "Department".

(4) Section 4 of such Act (D.C. Code, sec. 32-605) is amended—

(A) by striking out "Board" and inserting "Department",

(B) by striking out "feeble-minded" and inserting "substantially retarded"; and

(C) by striking out "board" and inserting "Department".

SEC. 2. (a) Chapter 11 of title 21 of the District of Columbia Code (relating to commitment and maintenance of feeble-minded persons) is amended as follows:

(1) Such chapter is amended by striking out "feeble-minded" each place it appears in sections 21-1102 through 21-1108, 21-1110, 21-1111, 21-1113 through 21-1115, 21-1118, and 21-1123 and inserting in each such place in those sections "substantially retarded".

(2) Such chapter is amended by striking out "the District Training School" each place it appears in sections 21-1102, 21-1108 through 21-1113, 21-1116, and 21-1118 through 21-1122 and inserting in each such place in those sections "Forest Haven".

(3)(A) Such chapter is amended by inserting after section 21-1108 the following new section:

"§ 21-1108A. Voluntary admission to Forest Haven

"(a) The Director of Public Welfare (hereinafter in this section referred to as the 'Director') may admit a person to Forest Haven as a patient under this section only if—

"(1) such person is certified by the Director of Public Health to be substantially retarded and in need of care at Forest Haven;

"(2) such person either by himself, his parents, his spouse, or

D.C.
Institution for
retarded, volun-
tary admission.

43 Stat. 1135.
D.C. Code 32-
602.

Forest Haven.

"Substantially
retarded per-
sons."

44 Stat. 208.

79 Stat. 766.
D.C. Code 21-
1101 to 21-1123.

Ante, p. 568.

his legal guardian makes written application for admission to Forest Haven; and

“(3) any contract required by subsection (d) has been executed.

Release.

79 Stat. 766;
Ante, p. 1087.

“(b) Any person admitted to Forest Haven pursuant to subsection (a) of this section shall be released therefrom no later than five days after receipt by the Superintendent of Forest Haven of a written request for release, except that if within such five-day period a petition concerning such person, as provided by section 21-1103, is filed in the United States District Court for the District of Columbia, such person shall be detained until a final judgment is entered by the court upon such petition.

Discharge.

“(c) The Director may discharge any patient of Forest Haven admitted under this section if the Director is satisfied that such discharge will not adversely affect the welfare or interests of the person, the community, or others.

Payment contract.

“(d) (1) If the Director finds that any person with respect to whom an application for admission to Forest Haven has been made, as provided in this section, or any parent, spouse, adult child, or legal guardian of such person, is able to pay all or any part of the cost of maintenance and care of such person, the Director shall not admit such person unless a contract for payment, satisfactory to the Director, is executed by such person, parent, spouse, adult child, or legal guardian.

“(2) The Director is authorized to enter into any agreement he deems necessary with any applicant to become a patient in Forest Haven, or with his parent, spouse, adult child, or legal guardian, for payment to the District of Columbia of all or part of the cost of such maintenance and care. Upon default of payment provided by any contract entered into under this section, the Director is authorized to discharge the patient of Forest Haven with respect to whose cost of maintenance and care the contract was entered into, and, in addition, he may utilize the procedures provided for in sections 21-1110 and 21-1111 to secure payment.

“(e) The District of Columbia Council is authorized to issue regulations to carry out the purposes of this section.

“(f) The authority contained in this section shall extend to January 1, 1975, unless repealed prior to that date.”

(B) The table of sections for such chapter is amended by inserting after the item relating to section 21-1108 the following:

“21-1108A. Voluntary admission to Forest Haven.”

(4) Section 21-1101 is amended to read as follows:

“§ 21-1101. Definitions

“For purposes of this chapter—

42 Stat. 1360.
Ante, p. 1087.

“‘Forest Haven’ means the institution established pursuant to section 32-601, and designated ‘Forest Haven’ by section 32-602, or any successor to that institution; and

“‘substantially retarded person’ means any person afflicted with mental defectiveness from birth or from an early age, so pronounced that he is incapable of managing himself and his affairs, and who requires supervision, control, and care for his own welfare, for the welfare of others, or for the welfare of the community, and who is not insane nor of unsound mind to such an extent as to require his commitment to a hospital for the mentally ill.”

79 Stat. 769.

(5) The first sentence of section 21-1110 is amended by inserting immediately after “as a public patient” the following: “or when a person is admitted to Forest Haven as a patient under section 21-1108A”.

(6) The first sentence of section 21-1111 is amended by striking out "and finds" and inserting "or when a person is admitted to Forest Haven as a patient under section 21-1108A, and the court finds".

79 Stat. 769.

(7) Section 21-1117 is amended by striking out "in feeble-mindedness" and inserting "initiated by a petition filed under section 21-1103".

Ante, p. 1087.

(8) Section 21-1121 is amended by striking out "and inmate" and inserting "a patient".

(9) The section heading for section 21-1102 and the item relating to such section in the table of sections for such chapter is amended by striking out "District Training School" and inserting "Forest Haven".

(10) The section heading for section 21-1103 and the item relating to such section in the table of sections for such chapter is amended by striking out "feeble-mindedness" and inserting "substantial retardation".

(11) The section heading for section 21-1108 and the item relating to such section in the table of sections for such chapter is amended by striking out "District Training School" and inserting "Forest Haven".

(12) The section heading for section 21-1114 and the item relating to such section in the table of sections for such chapter is amended by striking out "feeble-minded" and inserting "substantially retarded".

(13) The section heading for section 21-1117 and the item relating to such section in the table of sections for such chapter is amended by striking out "of feeble-minded cases" and inserting "of cases brought under section 21-1103".

(14) The section heading for section 21-1118 and the item relating to such section in the table of sections for such chapter is amended by striking out "feeble-minded" and inserting "substantially retarded".

(15) The section heading for section 21-1121 and the item relating to such section in the table of sections for such chapter is amended by striking out "inmates" and inserting "patients".

(16) The section heading for section 21-1122 and the item relating to such section in the table of sections for such chapter is amended by striking out "inmates" and inserting "patients".

(17) The chapter heading for such chapter is amended by striking out "FEEBLE-MINDED" and inserting "SUBSTANTIALLY RETARDED".

(b) The table of chapters for title 21 of the District of Columbia Code is amended by striking out in the item relating to chapter 11 "Feeble-Minded" and inserting "Substantially Retarded".

Approved October 22, 1970.

Public Law 91-491

AN ACT

To adjust the date of rank of commissioned officers of the Marine Corps.

October 22, 1970
[H. R. 10317]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5769 of title 10, United States Code, is amended as follows:

"(1) By striking out 'Except as provided in subsection (d), each' in the first sentence of subsection (c) and inserting 'Each' in place thereof.

"(2) By striking out subsection (d).

SEC. 2. The amendments made by this Act are effective on January 1, 1959.

Approved October 22, 1970.

Marine Corps
officers.
Date of rank.
70A Stat. 356.

Effective date.

Public Law 91-492

October 22, 1970
[H. R. 2175]

AN ACT

To amend title 18 of the United States Code to authorize the Attorney General to admit to residential community treatment centers persons who are placed on probation, released on parole, or mandatorily released.

Residential
community treat-
ment centers.
62 Stat. 842.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3651 of title 18 of the United States Code is amended by inserting the following paragraphs before the last one.

Probationary
personnel.

"The court may require a person as conditions of probation to reside in or participate in the program of a residential community treatment center, or both, for all or part of the period of probation: *Provided*, That the Attorney General certifies that adequate treatment facilities, personnel, and programs are available. If the Attorney General determines that the person's residence in the center or participation in its program, or both, should be terminated, because the person can derive no further significant benefits from such residence or participation, or both, or because his such residence or participation adversely affects the rehabilitation of other residents or participants, he shall so notify the court, which shall thereupon, by order, make such other provision with respect to the person on probation as it deems appropriate.

Payment.

"A person residing in a residential community treatment center may be required to pay such costs incident to residence as the Attorney General deems appropriate."

Parolee or
prisoner.

Sec. 2. Section (a) of section 4203 of such title is amended by inserting the following paragraphs between the second and third:

65 Stat. 98.

"The Board may require a parolee or a prisoner released pursuant to section 4164 of this title as conditions of parole or release to reside in or participate in the program of a residential community treatment center, or both, for all or part of the period of parole: *Provided*, That the Attorney General certifies that adequate treatment facilities, personnel and programs are available. If the Attorney General determines that the person's residence in the center or participation in its program, or both, should be terminated, because the person can derive no further significant benefits from such residence or participation, or both, or because his such residence or participation adversely affects the rehabilitation of other residents or participants, he shall so notify the Board of Parole, which shall thereupon make such other provision with respect to the person as it deems appropriate.

Payment.

"A person residing in a residential community treatment center may be required to pay such costs incident to residence as the Attorney General deems appropriate."

62 Stat. 842,
854.

Sec. 3. Funds collected pursuant to section 3651 and section 4203 of title 18, as amended, shall be deposited in the Treasury of the United States as miscellaneous receipts.

Approved October 22, 1970.

Public Law 91-493

October 22, 1970
[H. R. 6240]

AN ACT

To amend the Act entitled "An Act authorizing the village of Baudette, State of Minnesota, its public successors or public assigns, to construct, maintain, and operate a toll bridge across the Rainy River at or near Baudette, Minnesota", approved December 21, 1950.

Baudette, Minn.
Rainy River
toll bridge.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the Act entitled "An Act authorizing the village of Baudette, State of Minnesota, its public successors or public assigns, to construct, main-

tain, and operate a toll bridge across the Rainy River, at or near Baudette, Minnesota", approved December 21, 1950 (64 Stat. 1115), as revised and reenacted by the Act approved June 16, 1955 (69 Stat. 159), is hereby amended by deleting that portion of the first sentence which reads, "but within a period of not to exceed thirty years from the completion thereof" and by deleting the entire second sentence.

Approved October 22, 1970.

Public Law 91-494

AN ACT

To provide for the immunity from taxation in the District of Columbia in the case of the International Telecommunications Satellite Consortium, and any successor organization thereto.

October 22, 1970
[H. R. 14982]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall apply to the International Telecommunications Satellite Consortium, and any successor organization thereto, in which the United States through its designated entity participates pursuant to the Communications Satellite Act of 1962 (47 U.S.C. 701 and following).

D.C.
International
Telecommunica-
tions Satellite
Consortium, tax
exemption.
76 Stat. 419.

SEC. 2. The International Telecommunications Satellite Consortium, and any successor organization thereto, its property, income, operations and other transactions, and the participants therein other than the designated United States entity, shall be exempt from all taxes imposed by the District of Columbia and shall not be required to obtain any license required by the District of Columbia Income and Franchise Tax Act of 1947, as the same hereafter may be amended: *Provided, however,* That this exemption shall not apply to any property which shall not be used for the purposes of said Consortium or successor organization, or to any income, operations, or other transactions which shall not be related to the purposes of said Consortium or successor organization.

61 Stat. 331.
D.C. Code 47-
1551 note.

SEC. 3. The District of Columbia Council is authorized to promulgate regulations to carry out the purpose of this Act.

Regulations.

SEC. 4. This Act shall be effective with respect to taxable years beginning after December 31, 1964.

Effective date.

Approved October 22, 1970.

Public Law 91-495

AN ACT

To authorize each of the Five Civilized Tribes of Oklahoma to popularly select their principal officer, and for other purposes.

October 22, 1970
[S. 3116]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provisions of law, the principal chiefs of the Cherokee, Choctaw, Creek, and Seminole Tribes of Oklahoma and the governor of the Chickasaw Tribe of Oklahoma shall be popularly selected by the respective tribes in accordance with procedures established by the officially recognized tribal spokesman and or governing entity. Such established procedures shall be subject to approval by the Secretary of the Interior.

Five Civilized
Tribes of Okla-
homa.
Principal chiefs,
popular selection.

SEC. 2. The Secretary of the Interior or his representative is hereby authorized to assist, upon request, any of such officially recognized tribal spokesman and/or governing entity in the development and implementation of such procedures.

Sec. 3. A principal officer selected pursuant to section 1 of this Act shall be duly recognized as the principal chief, or in the case of the Chickasaw Tribe, the governor, of that tribe.

Term of office.

Sec. 4. Any principal officer currently holding office at the date of enactment of this Act shall continue to serve for a period not to exceed twelve months or until expiration of his most recent appointment, whichever is shorter, unless an earlier vacancy arises from resignation, disability, or death of the incumbent, in which case the office of principal chief or governor may be filled at the earliest possible date in accordance with section 1 of this Act.

Sec. 5. Nothing in this Act shall prevent any such incumbent referred to in section 4 of this Act from being elected as a principal chief or governor.

Approved October 22, 1970.

Public Law 91-496

AN ACT

October 22, 1970
[H. R. 9634]

To amend title 38 of the United States Code in order to improve and make more effective the Veterans' Administration program of sharing specialized medical resources, and for other purposes.

Veterans.
Specialized medical resources,
sharing program,
improvement.
76 Stat. 309.

81 Stat. 631.
38 USC 4107
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4114 of title 38, United States Code, is amended by inserting in subsection (a)(3)(A) immediately after the first sentence thereof the following: "Temporary full-time appointments of persons who have successfully completed a full course of nursing in a recognized school of nursing, approved by the Administrator, and are pending registration as a graduate nurse in a State, shall not exceed one year."

Sec. 2. (a) Section 4107(a) of title 38, United States Code, is amended—

(1) by striking out the comma immediately after "Chief Medical Director" and inserting in lieu thereof "and";

(2) by striking out "and Associate Deputy Chief Medical Director,"; and

(3) by inserting immediately below the heading "Section 4103 Schedule" the following:

"Associate Deputy Chief Medical Director, \$36,000."

Repeal.

(b) Section 103(c) of the Act of November 7, 1966, entitled "An Act to amend title 38 of the United States Code to clarify, improve, and add additional programs relating to the Department of Medicine and Surgery of the Veterans' Administration, and for other purposes" is hereby repealed.

80 Stat. 1369.
38 USC 4107
note.

80 Stat. 1371.

Sec. 3. Section 4114 of title 38, United States Code, is amended by inserting in subsection (d)(1) immediately after the word "physician" the following: "or dentist".

Sec. 4. Section 5053(a)(1) of title 38, United States Code, is amended by deleting "for the exchange of use" and inserting in lieu thereof "for the mutual use, or exchange of use,".

Approved October 22, 1970.

Public Law 91-497

AN ACT

To revise certain provisions of the criminal laws of the District of Columbia relating to offenses against hotels, motels, and other commercial lodgings, and for other purposes.

October 22, 1970
[H. R. 10335]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 842 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (31 Stat. 1326; D.C. Code, sec. 22-1301), is amended—

D.C.
Offenses against
hotels, motels,
etc.
50 Stat. 628;
67 Stat. 99.

(1) by inserting "(a)" immediately before "Whoever";

(2) by inserting "any service or" immediately before "anything of value";

(3) by striking out "value of the money or property" and inserting in lieu thereof "value of the money, property, or service";

(4) by striking out "\$200" and inserting in lieu thereof "\$1,000";

(5) by striking out the second sentence and inserting in lieu thereof:

"(b) (1) Whoever obtains, at a hotel, motel, or other establishment which provides lodging to transient guests—

"(A) lodging, food, or any other item of value, with intent to defraud the proprietor or manager of such establishment, or

"(B) credit by the use of false pretenses,

shall, if the unpaid amount of such lodging, food, or other item of value is \$100 or more, be guilty of a felony and fined not more than \$3,000 or imprisoned for not less than one year nor more than three years, or both; or if such unpaid amount is less than \$100, be guilty of a misdemeanor and fined not more than \$1,000 or imprisoned not more than one year, or both.

"(2) Proof that a person—

"(A) obtained lodging, food, any other item of value, or credit, at a hotel, motel, or other establishment which provides lodging to transient guests and failed to pay in full upon demand any amount then due for such credit or item of value, or

"(B) departed or removed his baggage from a hotel, motel, or other establishment which provides lodging to transient guests without the express consent of the proprietor or manager of such establishment and without first paying in full any amount due for food, lodging, any other item of value, or credit,

shall be prima facie evidence that the acts specified in clause (A) of paragraph (1) were committed with fraudulent intent.

"(c) Whoever, in the District of Columbia, registers at a hotel, motel, or other establishment which provides lodging to transient guests, under any name or address other than his actual name or address, with intent to defraud the proprietor or manager of such establishment, shall be guilty of a misdemeanor and fined not more than \$500 or imprisoned not more than six months, or both."

Penalty.

SEC. 2. Subsection (b) of section 207 of the Act entitled "An Act to provide for the more effective prevention, detection, and punishment of crime in the District of Columbia", approved June 29, 1953 (D.C. Code, 23-306(b)) is amended—

(1) by striking out "section 863(a)" and inserting in lieu thereof "sections 863(a) and 842 (b) and (c)"; and

(2) by inserting immediately before the period at the end the following: "(failure to pay for lodging or food; D.C. Code, sec. 22-1301)".

67 Stat. 96; *Ante*,
p. 654.

Supra.

SEC. 3. The Act entitled "An Act regulating the issuance of checks, drafts, and orders for the payment of money within the District of Columbia", approved July 1, 1922 (42 Stat. 820; D.C. Code, sec. 22-1410), is amended—

(1) by striking out "or order" in each place it appears and inserting in lieu thereof "order, or other instrument";

(2) by striking out "shall be guilty of a misdemeanor punishable by imprisonment for not more than one year or fined not more than \$1,000, or both." and inserting in lieu thereof "shall, if the amount of such check, draft, order, or other instrument is \$100 or more, be guilty of a felony and fined not more than \$3,000 or imprisoned for not less than one year nor more than three years, or both; or if the amount of such check, draft, order, or other instrument is less than \$100, be guilty of a misdemeanor and fined not more than \$1,000 or imprisoned not more than one year, or both.";

(3) by inserting, in the second sentence, after "notice in person, or writing, that such" the following: "check,".

Approved October 22, 1970.

Public Law 91-498

October 22, 1970
[S. J. Res. 165]

JOINT RESOLUTION

Granting the consent of the Congress to an agreement between the State of Florida and the State of Georgia establishing a boundary between such States.

Whereas the Legislature of the State of Florida passed an Act amending section 6.09 Florida Statutes, relating to the boundary between the States of Florida and Georgia, which was approved by the Governor of the State of Florida on April 25, 1969; and

Whereas the Legislature of the State of Georgia passed an act amending Georgia Code section 15-105, relating to the boundary between such States, which was approved by the Governor of Georgia on April 25, 1969; and

Whereas such acts both provide in substance that such acts would be effective only if the Congress of the United States ratifies, confirms, adopts, or otherwise consents to the effect of such acts by November 1, 1970; and

Whereas such acts both provided in substance that the boundary between such States at the mouth of the Saint Marys River and adjacent thereto should be as follows: From a point 37 links north of Ellicotts Mound on the Saint Marys River; thence down said river to the Atlantic Ocean; thence along the middle of the presently existing Saint Marys entrance navigational channel to the point of intersection with a hypothetical line connecting the seawardmost points of the jetties now protecting such channel; thence along said line to a control point of latitude 30 degrees 42 minutes 45.6 seconds north, longitude 81 degrees 24 minutes 15.9 seconds west, thence due east to the seaward limit of Georgia and Florida as now or hereafter fixed by the Congress of the United States; such boundary to be extended on the same true 90-degree bearing so far as a need for further delimitation may arise; and

Whereas such acts of the States of Florida and Georgia constitute an agreement between such States establishing a boundary line between them: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of the Congress is hereby granted to such agreement and to the establishment of such boundary, and such acts of the States of Florida and Georgia are hereby approved.

Fla. + Ga.
Boundary agree-
ment.
Consent of
Congress.

SEC. 2. The Secretary of Commerce is hereby authorized, empowered, and instructed to survey and properly mark by suitable monuments the seaward boundary between the State of Florida and State of Georgia, and so much of the interior boundary as is considered necessary by the two States, and the necessary appropriations for this work are hereby authorized.

Appropriation.

SEC. 3. The right to alter, amend, or repeal this Act is expressly reserved.

Approved October 22, 1970.

Public Law 91-499

AN ACT

To authorize the Commissioner of the District of Columbia to sell or exchange certain real property owned by the District in Prince William County, Virginia.

October 22, 1970
[H. R. 18086]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of the District of Columbia (hereinafter, "Commissioner" and "District") is authorized to convey to Prince William County, in the Commonwealth of Virginia, all right, title, and interest of the District in and to a portion, not in excess of thirty-seven acres, of certain real property owned by the District and located in that county, comprised of approximately three hundred fifty and four-tenths acres of land and more particularly described in a deed conveying such real property to the District and recorded on May 22, 1922, in liber 77, folio 55, in the clerk's office of the circuit court of Prince William County. Such conveyance to Prince William County shall be in consideration, among other considerations, of the issuance to the District by the county authorities of a permit or permits to establish and operate a sanitary landfill for the disposal of refuse in an area of the county determined by the District of Columbia to be suitable for such use.

Prince William
County, Va.
Conveyance.

SEC. 2. The Commissioner is further authorized to transfer to the Secretary of the Interior jurisdiction over all or any part of the balance of the property described in the first section, including such portions of the property as may be described as "wetlands", by which term is meant those low-lying portions of the property in the nature of a marsh, swamp, bog, pothole, swale, glade, slash, overflow land of river flats, pool, slough, hole, as well as those areas necessary to protect the natural features of a contiguous wetland area. The area encompassed by the definition of wetlands is to be determined jointly by the Commissioner and the Secretary of the Interior. Such transfer to the Secretary of the Interior may be in consideration of the payment by him to the District of such sum or sums as may be agreed upon, or in exchange for land under the jurisdiction of the Department of the Interior which may be put to some municipal use by the District, approximately equal in value or area, or both value and area, to the land transferred by the District to the Secretary.

Jurisdiction,
transfer.

"Wetlands."

Sale or exchange.

Limitation.

Expenses.

SEC. 3. Beginning three years after the effective date of this Act, the Commissioner is authorized to sell, or to exchange for other real property suitable for use by the District, all or any part of so much of the balance of the property described in the first section, not including the wetlands, as has not been transferred to the jurisdiction of the Department of the Interior, pursuant to section 2, within three years after enactment of this Act. Any such sale or exchange may either be on the basis of competitive bids or by negotiation, as the Commissioner determines is in the best interest of the District of Columbia. The Commissioner is further authorized to pay the reasonable and necessary expenses of the sale or exchange of such land, and shall deposit the net proceeds of any such sale in the Treasury of the United States to the credit of the District of Columbia.

Approved October 22, 1970.

Public Law 91-500

AN ACT

October 22, 1970
[H. R. 693]

To amend title 38 of the United States Code to provide that veterans who are seventy-two years of age or older shall be deemed to be unable to defray the expenses of necessary hospital or domiciliary care, and for other purposes.

Older veterans.
Medical care,
expenses.
72 Stat. 1144.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 622 of title 38, United States Code, is amended by inserting "(a)" immediately before "For", and by adding at the end thereof the following new subsection:

"(b) Notwithstanding the provisions of subsection (a) of this section, the receipt of pension under any law administered by the Veterans' Administration shall constitute sufficient evidence of inability to defray necessary expenses, and any veteran in receipt of such pension shall be exempt from making any statement under oath regarding his inability to defray necessary expenses."

78 Stat. 504.

SEC. 2. Subsection (g) of section 612 of title 38, United States Code, is amended to read as follows:

"(g) Where any veteran is in receipt of increased pension or additional compensation or allowance based on the need of regular aid and attendance or by reason of being permanently housebound, or who, but for the receipt of retired pay, would be in receipt of such pension, compensation, or allowance, the Administrator may furnish the veteran such medical services as he finds to be reasonably necessary."

81 Stat. 183.

SEC. 3. Subsection (h) of section 612 of title 38, United States Code, is amended by inserting immediately after the words "by reason of being" the following: "permanently housebound or".

72 Stat. 1141.

SEC. 4. Subsection (a) of section 610 of title 38, United States Code, is amended (1) by striking out "and" at the end of clause (2); (2) by striking out the period at the end of clause (3) and inserting in lieu thereof "; and"; and (3) by adding at the end thereof the following:

"(4) any veteran for a non-service-connected disability if such veteran is sixty-five years of age or older."

Approved October 22, 1970.

Public Law 91-501

AN ACT

To authorize the Secretary of the Interior to declare that the United States holds in trust for the Eastern Band of Cherokee Indians of North Carolina certain lands on the Cherokee Indian Reservation heretofore used for school or other purposes.

October 22, 1970
[H. R. 16811]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized, upon request of the tribal council of the Eastern Band of Cherokee Indians of North Carolina, to declare by publication of a notice in the Federal Register that the United States holds in trust for said band of Indians, subject to valid existing rights, all of the right, title, and interest of the United States in any of the federally owned lands within the Cherokee Indian Reservation, together with the improvements thereon, that are now or hereafter become excess to the needs of the government for the administration of Indian affairs, as determined by the Secretary of the Interior.

Cherokee Indians,
N. C.
Lands in trust.
Publication in
Federal Register.

Approved October 22, 1970.

Public Law 91-502

AN ACT

To amend the Central Valley reclamation project to include Black Butte project.

October 23, 1970
[H. R. 18298]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Central Valley project, California, authorized by section 2 of the Act of Congress of August 26, 1937 (50 Stat. 850), is hereby amended to include the Black Butte project on Stony Creek, which was authorized for construction by the Corps of Engineers by the Flood Control Act approved December 22, 1944 (58 Stat. 887). Subject to the provisions of this Act, the Black Butte project shall be financially integrated with the Central Valley project and coordinated operationally with the other storage units of the Central Valley project by the Bureau of Reclamation under the Secretary of the Interior: *Provided*, That the Black Butte Dam and Reservoir will be physically operated and maintained by the Corps of Engineers and in a manner compatible with recreational use of the reservoir.

Central Valley
reclamation proj-
ect, Calif.
Black Butte
project.

Approved October 23, 1970.

Public Law 91-503

AN ACT

To revise and clarify the Federal Aid in Wildlife Restoration Act and the Federal Aid in Fish Restoration Act, and for other purposes.

October 23, 1970
[H. R. 12475]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Fish and wild-
life restoration
projects.

TITLE I—FEDERAL AID IN WILDLIFE RESTORATION

SEC. 101. The first sentence of section 3 of the Federal Aid in Wildlife Restoration Act of September 2, 1937 (16 U.S.C. 669b), is amended to read as follows: "An amount equal to all revenues accruing

50 Stat. 917.

each fiscal year (beginning with the fiscal year 1971) from any tax imposed on specified articles by section 4181 of the Internal Revenue Code of 1954 (26 U.S.C. 4181) shall, subject to the exemptions in section 4182 of such Code, be covered into the Federal aid to wildlife restoration fund in the Treasury (hereinafter referred to as the 'fund') and is authorized to be appropriated and made available until expended to carry out the purposes of this Act."

SEC. 102. Sections 4, 5, 6, 7, 8, and 8(a) of the Federal Aid in Wildlife Restoration Act of September 2, 1937 (16 U.S.C. 669c—669g-1), are amended to read as follows:

SEC. 4. (a) So much, not to exceed 8 per centum, of the revenues covered into said fund in each fiscal year as the Secretary of the Interior may estimate to be necessary for his expenses in the administration and execution of this Act and the Migratory Bird Conservation Act shall be deducted for that purpose, and such sum is authorized to be made available therefor until the expiration of the next succeeding fiscal year, and within sixty days after the close of such fiscal year the Secretary of the Interior shall apportion such part thereof as remains unexpended by him, if any, and make certificate thereof to the Secretary of the Treasury and to the State fish and game departments on the same basis and in the same manner as is provided as to other amounts authorized by this Act to be apportioned among the States for such current fiscal year. The Secretary of the Interior, after making the aforesaid deduction, shall apportion, except as provided in subsection (b) of this section, the remainder of the revenue in said fund for each fiscal year among the several States in the following manner: One-half in the ratio which the area of each State bears to the total area of all the States, and one-half in the ratio which the number of paid hunting-license holders of each State in the second fiscal year preceding the fiscal year for which such apportionment is made, as certified to said Secretary by the State fish and game departments, bears to the total number of paid hunting-license holders of all the States. Such apportionments shall be adjusted equitably so that no State shall receive less than one-half of 1 per centum nor more than 5 per centum of the total amount apportioned. The term fiscal year as used in this Act shall be a period of twelve consecutive months from July 1 through the succeeding June 30, except that the period for enumeration of paid hunting-license holders shall be a State's fiscal or license year.

"(b) One-half of the revenues accruing to the fund under this Act each fiscal year (beginning with the fiscal year 1971) from any tax imposed on pistols and revolvers shall be apportioned among the States in proportion to the ratio that the population of each State bears to the population of all the States: *Provided*, That each State shall be apportioned not more than 3 per centum and not less than 1 per centum of such revenues. For the purpose of this subsection, population shall be determined on the basis of the latest decennial census for which figures are available, as certified by the Secretary of Commerce.

"SEC. 5. For each fiscal year, the Secretary of the Interior shall certify to the Secretary of the Treasury and to each State fish and

68A Stat. 490.

83 Stat. 269.

50 Stat. 918;
55 Stat. 632.

Administrative
expenses.

45 Stat. 1222.
16 USC 715.

Funds, appor-
tionment.

Fiscal year.

Certification.

game department the sum which he has estimated to be deducted for administering and executing this Act and the Migratory Bird Conservation Act and the sum which he has apportioned to each State. Any State desiring to avail itself of the benefits of this Act shall notify the Secretary of the Interior to this effect within sixty days after it has received the certification referred to in this section. The sum apportioned to any State which fails to notify the Secretary of the Interior as herein provided is authorized to be made available for expenditure by the Secretary of the Interior in carrying out the provisions of the Migratory Bird Conservation Act.

45 Stat. 1222.
16 USC 715.

"SEC. 6. (a) Any State desiring to avail itself of the benefits of this Act shall, by its State fish and game department, submit programs or projects for wildlife restoration in either of the following two ways:

Projects, sub-
mission and ap-
proval.

"(1) The State shall prepare and submit to the Secretary of the Interior a comprehensive fish and wildlife resource management plan which shall insure the perpetuation of these resources for the economic, scientific, and recreational enrichment of the people. Such plan shall be for a period of not less than five years and be based on projections of desires and needs of the people for a period of not less than fifteen years. It shall include provisions for updating at intervals of not more than three years and be provided in a format as may be required by the Secretary of the Interior. If the Secretary of the Interior finds that such plans conform to standards established by him and approves such plans, he may finance up to 75 per centum of the cost of implementing segments of those plans meeting the purposes of this Act from funds apportioned under this Act upon his approval of an annual agreement submitted to him.

"(2) A State may elect to avail itself of the benefits of this Act by its State fish and game department submitting to the Secretary of the Interior full and detailed statements of any wildlife-restoration project proposed for that State. If the Secretary of the Interior finds that such project meets with the standards set by him and approves said project, the State fish and game department shall furnish to him such surveys, plans, specifications, and estimates therefor as he may require. If the Secretary of the Interior approves the plans, specifications, and estimates for the project, he shall notify the State fish and game department and immediately set aside so much of said fund as represents the share of the United States payable under this Act on account of such project, which sum so set aside shall not exceed 75 per centum of the total estimated cost thereof.

"The Secretary of the Interior shall approve only such comprehensive plans or projects as may be substantial in character and design and the expenditure of funds hereby authorized shall be applied only to such approved comprehensive wildlife plans or projects and if otherwise applied they shall be replaced by the State before it may participate in any further apportionment under this Act. No payment of any money apportioned under this Act shall be made on any comprehensive wildlife plan or project until an agreement to participate therein shall have been submitted to and approved by the Secretary of the Interior.

"(b) If the State elects to avail itself of the benefits of this Act by preparing a comprehensive fish and wildlife plan under option (1)

"Project."

of subsection (a) of this section, then the term 'project' may be defined for the purposes of this Act as a wildlife program, all other definitions notwithstanding.

Ante, p. 1097.

"(c) Administrative costs in the form of overhead or indirect costs for services provided by State central service activities outside of the State agency having primary jurisdiction over the wildlife resources of the State which may be charged against programs or projects supported by the fund established by section 3 of this Act shall not exceed in any one fiscal year 3 per centum of the annual apportionment to the State.

Funds, payment.

"SEC. 7. (a) When the Secretary of the Interior shall find that any project approved by him has been completed or, if involving research relating to wildlife, is being conducted, in compliance with said plans and specifications, he shall cause to be paid to the proper authority of said State the amount set aside for said project. The Secretary of the Interior may, in his discretion, from time to time, make payments on said project as the same progresses; but these payments, including previous payments, if any, shall not be more than the United States pro rata share of the project in conformity with said plans and specifications. If a State has elected to avail itself of the benefits of this Act by preparing a comprehensive fish and wildlife plan as provided for under option (1) of subsection (a) of section 6 of this Act, and this plan has been approved by the Secretary of the Interior, then the Secretary may, in his discretion, and under such rules and regulations as he may prescribe, advance funds to the State for financing the United States pro rata share agreed upon between the State fish and game department and the Secretary.

Ante, p. 1099.

Construction
work and labor.

"(b) Any construction work and labor in each State shall be performed in accordance with its laws and under the direct supervision of the State fish and game department, subject to the inspection and approval of the Secretary of the Interior and in accordance with rules and regulations made pursuant to this Act. The Secretary of the Interior and the State fish and game department of each State may jointly determine at what times and in what amounts payments shall be made under this Act. Such payments shall be made by the Secretary of the Treasury, on warrants drawn by the Secretary of the Interior against the said fund to such official or officials, or depository, as may be designated by the State fish and game department and authorized under the laws of the State to receive public funds of the State.

Project main-
tenance.

50 Stat. 917.
16 USC 669a.

"SEC. 8. (a) Maintenance of wildlife-restoration projects established under the provisions of this Act shall be the duty of the States in accordance with their respective laws. Beginning July 1, 1945, the term 'wildlife-restoration project', as defined in section 2 of this Act, shall include maintenance of completed projects. Notwithstanding any other provisions of this Act, funds apportioned to a State under this Act may be expended by the State for management (exclusive of law enforcement and public relations) of wildlife areas and resources.

Ante, p. 1098.

Regulations.

"(b) Each State may use the funds apportioned to it under section 4(b) of this Act to pay up to 75 per centum of the costs of a hunter safety program and the construction, operation, and maintenance of public outdoor target ranges, as a part of such program. The non-Federal share of such costs may be derived from license fees paid by hunters, but not from other Federal grant programs. The Secretary shall issue not later than the 120th day after the effective date of this subsection such regulations as he deems advisable relative to the criteria for the establishment of hunter safety programs and public outdoor target ranges under this subsection.

"SEC. 8A. The Secretary of the Interior is authorized to cooperate with the Secretary of Agriculture of Puerto Rico, the Governor of Guam, and the Governor of the Virgin Islands, in the conduct of wildlife-restoration projects, as defined in section 2 of this Act, upon such terms and conditions as he shall deem fair, just, and equitable, and is authorized to apportion to Puerto Rico, Guam, and the Virgin Islands, out of the money available for apportionment under this Act, such sums as he shall determine, not exceeding for Puerto Rico one-half of 1 per centum, for Guam one-sixth of 1 per centum, and for the Virgin Islands one-sixth of 1 per centum of the total amount apportioned, in any one year, but the Secretary shall in no event require any of said cooperating agencies to pay an amount which will exceed 25 per centum of the cost of any project. Any unexpended or unobligated balance of any apportionment made pursuant to this section shall be available for expenditure in Puerto Rico, Guam, or the Virgin Islands, as the case may be, in the succeeding year, on any approved project, and if unexpended or unobligated at the end of such year is authorized to be made available for expenditure by the Secretary of the Interior in carrying out the provisions of the Migratory Bird Conservation Act."

50 Stat. 917.
16 USC 669a.

SEC. 103. This title may be cited as the "Federal Aid in Wildlife Restoration Act Amendments of 1970."

45 Stat. 1222.
16 USC 715.
Citation of title.

TITLE II—FEDERAL AID IN SPORT FISH RESTORATION

SEC. 201. Section 4 of the Federal Aid in Fish Restoration Act of 1950 (16 U.S.C. 777c) is amended to read as follows:

Administrative
expenses.
64 Stat. 432.

"SEC. 4. So much, not to exceed 8 per centum, of each annual appropriation made in pursuance of the provisions of section 3 of this Act as the Secretary of the Interior may estimate to be necessary for his expenses in the conduct of necessary investigations, administration, and the execution of this Act and for aiding in the formulation, adoption, or administration of any compact between two or more States for the conservation and management of migratory fishes in marine or fresh waters shall be deducted for that purpose, and such sum is authorized to be made available therefor until the expiration of the next succeeding fiscal year. The Secretary of the Interior, after making the aforesaid deduction, shall apportion the remainder of the appropriation for each fiscal year among the several States in the following manner: 40 per centum in the ratio which the area of each State including coastal and Great Lakes waters (as determined by the Secretary of the Interior) bears to the total area of all the States, and 60 per centum in the ratio which the number of persons holding paid licenses to fish for sport or recreation in the State in the second fiscal year preceding the fiscal year for which such apportionment is made, as certified to said Secretary by the State fish and game departments, bears to the number of such persons in all the States. Such apportionments shall be adjusted equitably so that no State shall receive less than 1 per centum nor more than 5 per centum of the total amount apportioned. Where the apportionment to any State under this section is less than \$4,500 annually, the Secretary of the Interior may allocate not more than \$4,500 of said appropriation to said State to carry out the purposes of this Act when said State certifies to the Secretary of the Interior that it has set aside not less than \$1,500 from its fish-and-game funds or has made, through its legislature, an appropriation in this amount for said purposes. So much of any sum not allocated under the provisions of this section for any fiscal year is hereby authorized to be made available for expenditure to carry

Funds, appor-
tionment.

Fiscal year .

out the purposes of this Act until the close of the succeeding fiscal year, and if unexpended or unobligated at the end of such year, such sum is hereby authorized to be made available for expenditure by the Secretary of the Interior in carrying on the research program of the Fish and Wildlife Service in respect to fish of material value for sport or recreation. The term fiscal year as used in this section shall be a period of twelve consecutive months from July 1 through the succeeding June 30, except that the period for enumeration of persons holding licenses to fish shall be a State's fiscal or license year."

64 Stat. 432.

SEC. 202. Sections 6, 7, and 8 of the Federal Aid in Fish Restoration Act of 1950 (16 U.S.C. 777e-777g) are amended to read as follows:

Program options,
submission and
approval.

"SEC. 6. (a) Any State desiring to avail itself of the benefits of this Act shall, by its State fish and game department, submit programs or projects for fish restoration in either of the following two ways:

"(1) The State shall prepare and submit to the Secretary of the Interior a comprehensive fish and wildlife resource management plan which shall insure the perpetuation of these resources for the economic, scientific, and recreational enrichment of the people. Such plan shall be for a period of not less than five years and be based on projections of desires and needs of the people for a period of not less than fifteen years. It shall include provisions for updating at intervals of not more than three years and be provided in a format as may be required by the Secretary of the Interior. If the Secretary of the Interior finds that such plans conform to standards established by him and approves such plans, he may finance up to 75 per centum of the cost of implementing segments of those plans meeting the purposes of this Act from funds apportioned under this Act upon his approval of an annual agreement submitted to him.

"(2) A State may elect to avail itself of the benefits of this Act by its State fish and game department submitting to the Secretary of the Interior full and detailed statements of any fish restoration and management project proposed for that State. If the Secretary of the Interior finds that such project meets with the standards set by him and approves said project, the State fish and game department shall furnish to him such surveys, plans, specifications, and estimates therefor as he may require. If the Secretary of the Interior approves the plans, specifications, and estimates for the project, he shall notify the State fish and game department and immediately set aside so much of said appropriation as represents the share of the United States payable under this Act on account of such project, which sum so set aside shall not exceed 75 per centum of the total estimated cost thereof.

"The Secretary of the Interior shall approve only such comprehensive plans or projects as may be substantial in character and design and the expenditure of funds hereby authorized shall be applied only to such approved comprehensive fishery plan or projects and if otherwise applied they shall be replaced by the State before it may participate in any further apportionment under this Act. No payment of any money apportioned under this Act shall be made on any comprehensive fishery plan or project until an agreement to participate therein shall have been submitted to and approved by the Secretary of the Interior.

"Project."

"(b) If the State elects to avail itself of the benefits of this Act by preparing a comprehensive fish and wildlife plan under option (1) of subsection (a) of this section, then the term 'project' may be defined for the purpose of this Act as a fishery program, all other definitions notwithstanding.

“(c) Administrative costs in the form of overhead or indirect costs for services provided by State central service activities outside of the State fish and game department charged against programs or projects supported by funds made available under this Act shall not exceed in any one fiscal year 3 per centum of the annual apportionment to the State.

“SEC. 7. (a) When the Secretary of the Interior shall find that any project approved by him has been completed or, if involving research relating to fish, is being conducted, in compliance with said plans and specifications, he shall cause to be paid to the proper authority of said State the amount set aside for said project. The Secretary of the Interior may, in his discretion, from time to time, make payments on said project as the same progresses; but these payments, including previous payments, if any, shall not be more than the United States’ pro rata share of the project in conformity with said plans and specifications. If a State has elected to avail itself of the benefits of this Act by preparing a comprehensive fish and wildlife plan as provided for under option (1) of subsection (a) of section 6 of this Act, and this plan has been approved by the Secretary of the Interior, then the Secretary may, in his discretion, and under such rules and regulations, as he may prescribe, advance funds to the State for financing the United States’ pro rata share agreed upon between the State fish and game department and the Secretary.

Funds, payment.

Ante, p. 1102.

“(b) Any construction work and labor in each State shall be performed in accordance with its laws and under the direct supervision of the State fish and game department, subject to the inspection and approval of the Secretary of the Interior and in accordance with the rules and regulations made pursuant to this Act. The Secretary of the Interior and the State fish and game department of each State may jointly determine at what times and in what amounts payments shall be made under this Act. Such payments shall be made against the said appropriation to such official or officials, or depository, as may be designated by the State fish and game department and authorized under the laws of the State to receive public funds of the State.

Construction work and labor.

“SEC. 8. To maintain fish-restoration and management projects established under the provisions of this Act shall be the duty of the States according to their respective laws. Beginning July 1, 1953, maintenance of projects heretofore completed under the provisions of this Act may be considered as projects under this Act. Title to any real or personal property acquired by any State, and to improvements placed on State-owned lands through the use of funds paid to the State under the provisions of this Act, shall be vested in such State.”

Project maintenance.

SEC. 203. Section 12 of the Federal Aid in Fish Restoration Act of 1950 (16 U.S.C. 777k) is amended to read as follows:

64 Stat. 434;
70 Stat. 908.

“SEC. 12. The Secretary of the Interior is authorized to cooperate with the Secretary of Agriculture of Puerto Rico, the Governor of Guam, the Governor of American Samoa, and the Governor of the Virgin Islands, in the conduct of fish restoration and management projects, as defined in section 2 of this Act, upon such terms and conditions as he shall deem fair, just, and equitable, and is authorized to apportion to Puerto Rico, Guam, American Samoa, and the Virgin Islands, out of money available for apportionment under this Act, such sums as he shall determine, not exceeding for Puerto Rico 1 per centum, for Guam one-third of 1 per centum, for American Samoa one-third of 1 per centum, and for the Virgin Islands one-third of 1 per centum of the total amount apportioned in any one year, but the Secretary shall in no event require any of said cooperating agencies

16 USC 777a.

to pay an amount which will exceed 25 per centum of the cost of any project. Any unexpended or unobligated balance of any apportionment made pursuant to this section shall be made available for expenditure in Puerto Rico, Guam, or the Virgin Islands, as the case may be, in the succeeding year, on any approved projects, and if unexpended or unobligated at the end of such year is authorized to be made available for expenditure by the Secretary of the Interior in carrying on the research program of the Fish and Wildlife Service in respect to fish of material value for sport or recreation."

SEC. 204. This title may be cited as the "Federal Aid in Fish Restoration Act Amendments of 1970".

Approved October 23, 1970.

Citation of
title.

Public Law 91-504

AN ACT

October 23, 1970
[S. 3014]

To designate certain lands as wilderness.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Wilderness
areas.
Designation.

DESIGNATION OF WILDERNESS AREAS WITHIN NATIONAL WILDLIFE REFUGES

SECTION 1. In accordance with section 3(c) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132(c)), the following lands are hereby designated as wilderness:

Bering Sea.
Bogoslof.
Tuxedni.
Saint Lazaria.
Hazy Islands.
Forrester Island.

(a) certain lands in the (1) Bering Sea, Bogoslof, and Tuxedni National Wildlife Refuges, Alaska, which comprise about forty-one thousand one hundred and thirteen acres, three hundred and ninety acres, and six thousand four hundred and two acres, respectively, and which are depicted on maps entitled "Bering Sea Wilderness—Proposed", and "Bogoslof Wilderness—Proposed", and "Tuxedni Wilderness—Proposed", dated August 1967, and (2) the lands comprising the Saint Lazaria, Hazy Island, and Forrester Island National Wildlife Refuges, Alaska, which comprise about sixty-two acres, forty-two acres, and two thousand six hundred and thirty acres, respectively, and which are depicted on maps entitled "Southeastern Alaska Proposed Wilderness Areas", dated August 1967, which shall be known as the "Bering Sea Wilderness", "Bogoslof Wilderness", "Tuxedni Wilderness", "Saint Lazaria Wilderness", "Hazy Islands Wilderness", and "Forrester Island Wilderness", respectively;

Three Arch.
Rocks.
Oregon Islands.
Washington
Islands.

(b) certain lands in the (1) Three Arch Rocks and Oregon Islands National Wildlife Refuges, Oregon, which comprise about seventeen acres and twenty-one acres, respectively, and which are depicted on maps entitled "Three Arch Rocks Wilderness—Proposed", and "Oregon Islands Wilderness—Proposed", dated July 1967, and (2) the lands comprising the Copalis, Flattery Rocks, and Quillayute Needles National Wildlife Refuges, Washington, which comprise about five acres, one hundred and twenty-five acres, and forty-nine acres, respectively, and which are depicted on a map entitled "Washington Islands Wilderness—Proposed", dated August 1967, as revised January 1969, which shall be known as "Three Arch Rocks Wilderness", "Oregon Islands Wilderness", and "Washington Islands Wilderness", respectively;

Salt Creek.

(c) certain lands in the Bitter Lake National Wildlife Refuge, New Mexico, which comprise about eight thousand five hundred

acres and which are depicted on a map entitled "Salt Creek Wilderness—Proposed", and dated August 1967, which shall be known as the "Salt Creek Wilderness";

(d) certain lands in (1) the Island Bay and Passage Key National Wildlife Refuges, Florida, which comprise about twenty acres each and which are depicted on maps entitled "Island Bay Wilderness—Proposed" and "Passage Key Wilderness—Proposed", dated August 1967, and (2) the Wichita Mountains National Wildlife Refuge, Oklahoma, which comprise about eight thousand nine hundred acres and which are depicted on a map entitled "Wichita Mountains Wilderness—Proposed", dated October 1967, which shall be known as "Island Bay Wilderness", "Passage Key Wilderness", and "Wichita Mountains Wilderness", respectively;

Island Bay.
Passage Key.
Wichita Mountains.

(e) certain lands in (1) the Seney, Huron Islands, and Michigan Islands National Wildlife Refuges, Michigan, which comprise about twenty-five thousand one hundred and fifty acres, one hundred and forty-seven acres, and twelve acres, respectively, and which are depicted on maps entitled "Seney Wilderness—Proposed", "Huron Islands Wilderness—Proposed", and "Michigan Islands Wilderness—Proposed", (2) the Gravel Island and Green Bay National Wilderness Refuges, Wisconsin, which comprise about twenty-seven acres and two acres, respectively, and which are depicted on a map entitled "Wisconsin Islands Wilderness—Proposed", and (3) the Moosehorn National Wildlife Refuge, Maine, which comprise about two thousand seven hundred and eighty-two acres and which are depicted on a map entitled "Edmunds Wilderness and Birch Islands Wilderness—Proposed", all said maps being dated August 1967, which shall be known as "Seney Wilderness", "Huron Islands Wilderness", "Michigan Islands Wilderness", "Wisconsin Islands Wilderness", and "Moosehorn Wilderness", respectively;

Seney.
Huron Islands.
Michigan Islands.
Wisconsin Islands.
Moosehorn.

(f) certain lands in the Pelican Island National Wildlife Refuge, Florida, which comprise about three acres and which are depicted on a map entitled "Pelican Island Wilderness—Proposed" and dated August 1970, which shall be known as the "Pelican Island Wilderness"; and

Pelican Island.

(g) certain lands in the Monomoy National Wildlife Refuge, Massachusetts, which comprise about two thousand six hundred acres but excepting and excluding therefrom two tracts of land containing approximately ninety and one hundred and seventy acres, respectively and which are depicted on a map entitled "Monomoy Wilderness—Proposed" and dated August 1970, which shall be known as the "Monomoy Wilderness".

Monomoy.

DESIGNATION OF WILDERNESS AREAS WITHIN NATIONAL PARKS AND MONUMENTS

SEC. 2. In accordance with section 3(c) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132(c)), the following lands are hereby designated as wilderness:

(a) certain lands in the Craters of the Moon National Monument, which comprise about forty-three thousand two hundred and forty-three acres and which are depicted on a map entitled

Craters of the Moon.

Petrified
Forest.

"Wilderness Plan, Craters of the Moon National Monument, Idaho", numbered 131-91,000 and dated March 1970, which shall be known as the "Craters of the Moon National Wilderness Area";

(b) certain lands in the Petrified Forest National Park, which comprise about fifty thousand two hundred and sixty acres and which are depicted on a map entitled "Recommended Wilderness, Petrified Forest National Park, Arizona", numbered NP-PF-3320-O and dated November 1967, which shall be known as the "Petrified Forest National Wilderness Area".

DESIGNATION OF WILDERNESS AREAS WITHIN NATIONAL FORESTS

Mount Baldy.

SEC. 3. In accordance with section 3(b) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132(b)), the following lands are hereby designated as wilderness: the area classified as the Mount Baldy Primitive Area with the proposed additions thereto and deletions therefrom, as generally depicted on a map entitled "Proposed Mount Baldy Wilderness", dated April 1, 1966, comprising an area of approximately seven thousand acres, within and as a part of the Apache National Forest, in the State of Arizona.

Maps and de-
scriptions, filing
with congressional
committees.

SEC. 4. As soon as practicable after this Act takes effect, a map and a legal description of each wilderness area shall be filed with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however*, That correction of clerical and typographical errors in such legal description and map may be made.

Administration.

78 Stat. 890.
16 USC 1131
note.

SEC. 5. Wilderness areas designated by or pursuant to this Act shall be administered in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act, and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary who has administrative jurisdiction over the area.

Approved October 23, 1970.

Public Law 91-505

AN ACT

October 23, 1970
[H.R. 15405]

To render the assertion of land claims by the United States based upon accretion or avulsion subject to legal and equitable defenses to which private persons asserting such claims would be subject.

Riverside Coun-
ty land tract,
Calif.

Equitable set-
tlement between
U.S. and private
parties.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States shall be subject to all legal and equitable defenses which are available against a private party litigant under the laws of the State in which the subject real property is located on the date of enactment of this Act in any case wherein the United States seeks to establish title to land or seeks to obtain relief dependent on ownership of such lands and (1) such title or ownership is claimed on the basis of accretion or avulsion, (2) the lands to which the United States seeks title or ownership are not necessary to provide riparian frontage to other contiguous lands owned by the United States, (3) the facts upon which the United

States bases its claim of accretion or avulsion occurred more than forty years prior to the effective date of this Act, (4) the defendant has paid real property taxes on the disputed lands on the same basis as other owners of fee lands within the same taxing jurisdiction, (5) defendants claim title to the disputed lands or lands to which the disputed lands are claimed to have accreted by chains of title deriving from a conveyance from the State or Federal Government or a political agency or subdivision thereof, and (6) a reasonably prudent man would have believed that, when he acquired title to the real property in question, he had obtained title free of the likelihood of any claim by the United States Government, any State, or any private person, but in no event shall the provisions of this Act apply to any land other than that land situated in Riverside County, California, within three miles of any portion of the Colorado River between river points 13.00 and 13.17, as defined in the interstate compact defining the boundary between the States of Arizona and California (80 Stat. 340).

SEC. 2. For purposes of determining the date of acquisition of title to the real property in question by a private party litigant, his date of acquisition of title shall be deemed that of the earliest date when he first acquired title to the real property and for purposes of determining said acquisition and ownership of stock or real property under this Act—

Title acquisition,
date determination.

(A) ownership by any person related by blood or marriage to another shall be deemed ownership by the other;

(B) ownership by an estate or trustee shall be deemed ownership by the decedent or grantor of the trust, respectively;

(C) ownership by a corporation shall be deemed ownership by its transferor or transferors: *Provided*, That (1) at least 50 per centum of the stock of the corporation was owned by all transferors immediately after the transfer or (2) the corporation acquired the real property in question pursuant to a transaction where said real property was transferred solely in exchange for stock in such corporation and immediately after the transfer all corporations and persons transferring any property to the transferee corporation owned at least 80 per centum of the shares of the transferee corporation;

(D) ownership by a corporation shall be deemed ownership as tenants in common by each of its shareholders who own at least 10 per centum of the outstanding stock of the corporation; and

(E) property or stock acquired or held by tenants in common, joint tenants or persons associated together in business shall be deemed to be and have been entirely owned by either party so long as owned by any or all of them.

SEC. 3. The application of the attribution rules once shall not preclude any number of subsequent applications of the attribution rules set forth in section 2 of this Act.

SEC. 4. The provisions of this Act shall apply in any case with respect to which an action has been brought by the United States before the date of the enactment of this Act, only if such action has not been concluded by a final determination by the trial court or by such appellate courts as may review the action of the trial court in those actions wherein review by such courts is or has been timely sought.

Applicability.

Approved October 23, 1970.

Public Law 91-506

AN ACT

October 23, 1970
[H. R. 16710]

To amend chapter 37 of title 38, United States Code, to authorize guaranteed and direct loans to eligible veterans for mobile homes and lots therefor if used as permanent dwellings, to remove the time limitation on the use of entitlement to benefits under such chapter, and to restore such entitlements which have lapsed prior to use or expiration, to eliminate the guaranteed and direct loan fee collected under such chapter, and for other purposes.

Veterans' Housing Act of 1970.
75 Stat. 201.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Veterans' Housing Act of 1970".

81 Stat. 190.

SEC. 2. (a) Section 1802(b) of title 38, United States Code, is amended by striking out the last sentence thereof.

(b) Section 1803 of such title is amended by striking out subsection (a) and inserting in lieu thereof the following:

"(a) (1) Any loan to a World War II or Korean conflict veteran, if made for any of the purposes, and in compliance with the provisions, specified in this chapter is automatically guaranteed by the United States in an amount not more than 60 per centum of the loan if the loan is made for any of the purposes specified in section 1810 of this title and not more than 50 per centum of the loan if the loan is for any of the purposes specified in section 1812, 1813, or 1814 of this title.

Expired loan entitlement, restoration.

"(2) Any unused entitlement of World War II or Korean conflict veterans which expired under provisions of law in effect prior to the date of enactment of the Veterans' Housing Act of 1970 is hereby restored and shall not expire until used."

72 Stat. 1205.

(c) Section 1803 of such title is amended—

(1) by striking out "1810 and 1811" in subsection (b) and inserting in lieu thereof "1810, 1811, and 1819"; and

(2) by inserting immediately after "years" in the first sentence of subsection (d) (1) the following: "except as provided in section 1819 of this title".

Post, p. 1110.

(d) Subsection (b) of section 1804 of such title is amended by striking out "The" and inserting in lieu thereof "Subject to notice and opportunity for a hearing, the"; and subsection (d) of such section is amended by striking out "Whenever" and inserting in lieu thereof "Subject to notice and opportunity for a hearing, whenever".

80 Stat. 25.

(e) Section 1818 of such title is amended by striking out subsections (c), (d), and (e) and inserting in lieu thereof the following:

"(c) Notwithstanding the exception in subsection (a) of this section, entitlement derived under such subsection (a) shall include eligibility for any of the purposes specified in sections 1813 and 1815, and business loans under section 1814 of this title, if (1) the veteran previously derived entitlement to the benefits of this chapter based on service during World War II or the Korean conflict, and (2) he has not used any of his entitlement derived from such service.

"(d) Any entitlement to the benefits of this section which had not expired as of the date of enactment of the Veterans' Housing Act of 1970 and any entitlement to such benefits accruing after such date shall not expire until used."

72 Stat. 1207.

SEC. 3. Section 1810 of title 38, United States Code, is amended by—

(1) adding the following new clause after clause (4) of subsection (a):

"(5) To refinance existing mortgage loans or other liens which are secured of record on a dwelling or farm residence owned and occupied by him as his home. Nothing in this chapter shall preclude a veteran from paying to a lender any discount required by such lender in connection with such refinancing."; and

(2) adding at the end of that section the following new subsection:

“(d) Nothing in this chapter shall be deemed to preclude the guaranty of a loan to an eligible veteran to purchase a one-family residential unit to be owned and occupied by him as a home in a condominium housing development or project as to which the Secretary of Housing and Urban Development has issued, under section 234 of the National Housing Act, as amended (12 U.S.C. 1715y), evidence of insurance on at least one loan for the purchase of a one-family unit. The Administrator shall guarantee loans to veterans on such residential units when such loans meet those requirements of this chapter which he shall, by regulation, determine to be applicable to such loans.”

75 Stat. 160;
78 Stat. 780;
83 Stat. 384.

SEC. 4. Section 1811 of title 38, United States Code, is amended—

72 Stat. 1208.

(1) by striking out “1810” in subsection (a) and (b) inserting in lieu thereof: “1810 or 1819”;

Post, p. 1110.

(2) by striking out the second sentence of subsection (b) and inserting in lieu thereof the following: “He shall, with respect to any such area, make, or enter into commitments to make, to any veteran eligible under this title, a loan for any or all of the purposes described in section 1810(a) or 1819 of this title.”;

(3) by inserting after “guaranteed home loans” the phrase “or mobile home loans, as appropriate” in subsection (c) (1), and by striking out in such subsection “1810 of this title” and inserting in lieu thereof “1810 or 1819 of this title, as appropriate”;

(4) by inserting after “guaranteed home loans” in subsection (d) (1) the phrase “or mobile home loans, as appropriate”;

(5) by striking out “The” in subsection (d) (2) and inserting in lieu thereof “(A) Except for any loan made under this chapter for the purposes described in section 1819 of this title, the”;

(6) by inserting immediately after subsection (d) (2) (as amended by clause (4) above) the following new paragraph:

“(B) The original principal amount of any loan made under this section for the purposes described in section 1819 of this title shall not exceed the amount specified by the Administrator pursuant to subsection (d) of such section.”;

(7) by striking out “1810 of this title” in subsection (g) and inserting in lieu thereof “1810 or 1819 of this title, as appropriate”; and

78 Stat. 380.

(8) by striking out subsections (h), (i), and (j) and inserting in lieu thereof the following:

“(h) The Administrator may exempt dwellings constructed through assistance provided by this section from the minimum land planning and subdivision requirements prescribed pursuant to subsection (a) of section 1804 of this title, and with respect to such dwellings may prescribe special minimum land planning and subdivision requirements which shall be in keeping with the general housing facilities in the locality but shall require that such dwellings meet minimum requirements of structural soundness and general acceptability.

Minimum land planning requirements, exemption authority.

“(i) The Administrator is authorized, without regard to the provisions of subsections (a), (b), and (c) of this section, to make or enter into a commitment to make a loan to any veteran to assist the veteran in acquiring a specially adapted housing unit authorized under chapter 21 of this title, if the veteran is determined to be eligible for the benefits of such chapter 21, and is eligible for loan guaranty benefits under this chapter.

Housing for disabled veterans.

“(j) (1) If any builder or sponsor proposes to construct one or more dwellings in a housing credit shortage area, or in any area for

72 Stat. 1167;
73 Stat. 472; Post,
p. 1113.
38 USC 801.

72 Stat. 1167;
73 Stat. 472; *Post*,
p. 1113.
38 USC 801.

a veteran who is determined to be eligible for assistance in acquiring a specially adapted housing unit under chapter 21 of this title, the Administrator may enter into commitment with such builder or sponsor, under which funds available for loans under this section will be reserved for a period not in excess of three months, or such longer period as the Administrator may authorize to meet the needs in any particular case, for the purpose of making loans to veterans to purchase such dwellings. Such commitment may not be assigned or transferred except with the written approval of the Administrator. The Administrator shall not enter into any such commitment unless such builder or sponsor pays a nonrefundable commitment fee to the Administrator in an amount determined by the Administrator, not to exceed 2 per centum of the funds reserved for such builder or sponsor.

“(2) Whenever the Administrator finds that a dwelling with respect to which funds are being reserved under this subsection has been sold, or contracted to be sold, to a veteran eligible for a direct loan under this section, the Administrator shall enter into a commitment to make the veteran a loan for the purchase of such dwelling. With respect to any loan made to an eligible veteran under this subsection, the Administrator may make advances during the construction of the dwelling, up to a maximum in advances of (A) the cost of the land plus (B) 80 per centum of the value of the construction in place.”

72 Stat. 1207;
80 Stat. 25.
38 USC 1810.

SEC. 5. Subchapter II of chapter 37 of title 38, United States Code, is amended by adding at the end thereof the following new section:

“§ 1819. Loans to purchase mobile homes and mobile home lots

“(a) Notwithstanding any other provision of this chapter, any veteran eligible for loan guaranty benefits under this chapter who has maximum home loan guaranty entitlement available for use shall be eligible for the mobile home loan guaranty benefit under this section. Use of the mobile home loan guaranty benefit provided by this section shall preclude the use of any home loan guaranty entitlement under any other section of this chapter until the mobile home loan guaranteed under this section has been paid in full.

“(b) Subject to the limitations in subsection (d) of this section, a loan to purchase a mobile home under this section may include (or be augmented by a separate loan for) (1) an amount to finance the acquisition of a lot on which to place such home, and (2) an additional amount to pay expenses reasonably necessary for the appropriate preparation of such a lot, including, but not limited to, the installation of utility connections, sanitary facilities and paving, and the construction of a suitable pad.

“(c) (1) Any loan to a veteran eligible under subsection (a) shall be guaranteed by the Administrator if (1) the loan is for the purpose of purchasing a new mobile home or for the purchase of a used mobile home which is the security for a prior loan guaranteed or made under this section or for a loan guaranteed, insured or made by another Federal agency, and (2) the loan complies in all other respects with the requirements of this section. Loans for such purpose (including those which will also finance the acquisition of a lot or site preparation as authorized by subsection (b) of this section) shall be submitted to the Administrator for approval prior to loan closing except that the Administrator may exempt any lender of a class listed in section 1802(d) of this title from compliance with such prior approval requirement if he determines that the experience of such lender or class of lenders in mobile home financing warrants such exemption.

“(2) Upon determining that a loan submitted for prior approval

72 Stat. 1204;
73 Stat. 156.

is eligible for guaranty under this section, the Administrator shall issue a commitment to guarantee such loan and shall thereafter guarantee the loan when made if such loan qualifies therefor in all respects.

“(3) The Administrator’s guaranty shall not exceed 30 per centum of the loan, including any amount for lot acquisition and site preparation, and payment of such guaranty shall be made only after liquidation of the security for the loan and the filing of an accounting with the Administrator. In any such accounting the Administrator shall permit to be included therein accrued unpaid interest from the date of the first uncured default to such cutoff date as the Administrator may establish, and he shall allow the holder of the loan to charge against the liquidation or resale proceeds, accrued interest from the cutoff date established to such further date as he may determine and such costs and expenses as he determines to be reasonable and proper. The liability of the United States under the guaranty provided for by this section shall decrease or increase pro rata with any decrease or increase of the amount of the unpaid portion of the obligation.

“(d)(1) The Administrator shall establish a loan maximum for each type of loan authorized by this section. In the case of a new mobile home, the Administrator may establish a maximum loan amount based on the manufacturer’s invoice cost to the dealer and such other cost factors as the Administrator considers proper to take into account. In the case of a used mobile home, the Administrator shall establish a maximum loan amount based on his determination of the reasonable value of the property. In the case of any lot on which to place a mobile home financed through the assistance of this section and in the case of necessary site preparation, the loan amount shall not be increased by an amount in excess of the reasonable value of such lot or an amount appropriate to cover the cost of necessary site preparation or both, as determined by the Administrator.

Maximum loan
amounts.

“(2) The maximum permissible loan amounts and the term for which the loans are made shall not exceed—

“(A) \$10,000 for twelve years and thirty-two days in the case of a loan covering the purchase of a mobile home only, and such additional amount as is determined by the Administrator to be appropriate to cover the cost of necessary site preparation where the veteran owns the lot, or

“(B) \$15,000 (but not to exceed \$10,000 for the mobile home) for fifteen years and thirty-two days in the case of a loan covering the purchase of a mobile home and an undeveloped lot on which to place such home, and such additional amount as is determined by the Administrator to be appropriate to cover the cost of necessary site preparation, or

“(C) \$17,500 (but not to exceed \$10,000 for the mobile home) for fifteen years and thirty-two days in the case of a loan covering the purchase of a mobile home and a suitably developed lot on which to place such home.

“(3) Such limitations set forth in paragraph (2) of this subsection on the amount and term of any loan shall not be deemed to preclude the Administrator, under regulations which he shall prescribe, from consenting to necessary advances for the protection of the security or the holder’s lien, or to a reasonable extension of the term or reamortization of such loan.

“(e) No loan shall be guaranteed under this section unless—

Conditions.

“(1) the loan is repayable in approximately equal monthly installments;

“(2) the terms of repayment bear a proper relationship to the veteran’s present and anticipated income and expenses, and the veteran is a satisfactory credit risk, taking into account the purpose of this program to make available lower cost housing to low and lower income veterans, especially those who have been recently discharged or released from active military, naval, or air service, who may not have previously established credit ratings;

“(3) the loan is secured by a first lien on the mobile home and any lot acquired or improved with the proceeds of the loan;

“(4) the amount of the loan, subject to the maximums established in subparagraph (d) of this section, is not in excess of the maximum amount prescribed by the Administrator;

“(5) the veteran certifies, in such form as the Administrator shall prescribe, that he will personally occupy the property as his home;

“(6) the mobile home is or will be placed on a site which meets specifications which the Administrator shall establish by regulation; and

“(7) the interest rate to be charged on the loan does not exceed the permissible rate established by the Administrator.

Interest rate.

“(f) The Administrator shall establish such rate of interest for mobile home loans as he determines to be necessary in order to assure a reasonable supply of mobile home loan financing for veterans under this section.

“(g) Entitlement to the loan guaranty benefit used under this section shall be restored a single time for any veteran by the Administrator provided the first loan has been repaid in full.

Regulations.

“(h) The Administrator shall promulgate such regulations as he determines to be necessary or appropriate in order to fully implement the provisions of this section, and such regulations may specify which provisions in other sections of this chapter he determines should be applicable to loans guaranteed or made under this section. The Administrator shall have such powers and responsibilities in respect to matters arising under this section as he has in respect to loans made or guaranteed or under other sections of this chapter.

Standards, compliance.

“(i) No loan for the purchase of a mobile home shall be guaranteed under this section unless the mobile home and lot, if any, meet or exceed standards for planning, construction, and general acceptability as prescribed by the Administrator. Such standards shall be designed to encourage the maintenance and development of sites for mobile homes which will be attractive residential areas and which will be free from, and not substantially contribute to, adverse scenic or environmental conditions. For the purpose of assuring compliance with such standards, the Administrator shall from time to time inspect the manufacturing process of mobile homes to be sold to veterans and conduct random onsite inspections of mobile homes purchased with assistance under this chapter.

Written warranty.

“(j) The Administrator shall require the manufacturer to become a warrantor of any new mobile home which is approved for purchase with financing through the assistance of this chapter and to furnish to the purchaser a written warranty in such form as the Administrator shall require. Such warranty shall include (1) a specific statement that the mobile home meets the standards prescribed by the Administrator pursuant to the provisions of subsection (i) of this section; and (2) a provision that the warrantor’s liability to the purchaser or owner is limited under the warranty to instances of substantial non-

conformity to such standards which become evident within one year from date of purchase and as to which the purchaser or owner gives written notice to the warrantor not later than ten days after the end of the warranty period. The warranty prescribed herein shall be in addition to, and not in derogation of, all other rights and privileges which such purchaser or owner may have under any other law or instrument and shall so provide in the warranty document.

“(k) Subject to notice and opportunity for a hearing, the Administrator is authorized to deny guaranteed or direct loan financing in the case of mobile homes constructed by any manufacturer who refuses to permit the inspections provided for in subsection (i) of this section; or in the case of mobile homes which are determined by the Administrator not to conform to the aforesaid standards; or where the manufacturer of mobile homes fails or is unable to discharge his obligations under the warranty.

“(l) Subject to notice and opportunity for a hearing, the Administrator may refuse to approve as acceptable any site in a mobile home park or subdivision owned or operated by any person whose rental or sale methods, procedures, requirements, or practices are determined by the Administrator to be unfair or prejudicial to veterans renting or purchasing such sites. The Administrator may also refuse to guarantee or make direct loans for veterans to purchase mobile homes offered for sale by any dealer if substantial deficiencies have been discovered in such homes, or if he determines that there has been a failure or indicated inability of the dealer to discharge contractual liabilities to veterans, or that the type of contract of sale or methods, procedures, or practices pursued by the dealer in the marketing of such properties have been unfair or prejudicial to veteran purchasers.

“(m) The Administrator's annual report to Congress shall, beginning 12 months following the date of enactment of the Veterans' Housing Act of 1970, include a report on operations under this section, including the results of inspections required by subsection (i) of this section, experience with compliance with the warranty required by subsection (j) of this section, and the experience regarding defaults and foreclosures.

Report to
Congress.

“(n) The provisions of section 1804(d) and section 1821 of this chapter shall be fully applicable to lenders making guaranteed mobile home loans and holders of such loans.

72 Stat. 1206;
73 Stat. 156.

“(o) No loans shall be guaranteed or made by the Administrator under the provisions of this section on and after July 1, 1975, except pursuant to commitments issued prior to such date.”

Termination
date.

SEC. 6. Clause (3) of section 802 of title 38, United States Code, is amended to read as follows:

Assistance,
limitation.
72 Stat. 1168.

“(3) where the veteran elects to remodel a dwelling which is not adapted to the requirements of his disability, acquired by him prior to application for assistance under this chapter, the Administrator shall pay not to exceed (A) the cost to the veteran of such remodeling; or (B) 50 per centum of the cost to the veteran of such remodeling; plus the smaller of the following sums: (i) 50 per centum of the cost to the veteran of such dwelling and the necessary land upon which it is situated, or (ii) the full amount of the unpaid balance, if any, of the cost to the veteran of such dwelling and the necessary land upon which it is situated; and”.

SEC. 7. The table of sections at the beginning of chapter 37 of title 38 is amended by inserting immediately after

"1818. Veterans who serve after January 31, 1955."

the following:

"1819. Loans to purchase mobile homes and mobile home lots."

Effective date.

SEC. 8. Section 5 of this Act shall become effective sixty days following the date of enactment.

Approved October 23, 1970.

Public Law 91-507

October 26, 1970

[S. J. Res. 223]

JOINT RESOLUTION

To authorize and request the President to issue a proclamation designating January 1971 as "National Blood Donor Month".

National Blood
Donor Month.
Proclamation.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in recognition of the vital contribution of the voluntary blood donor to medical care, the President is authorized and requested to issue a proclamation designating the month of January 1971 as "National Blood Donor Month", and calling upon the people of the United States and interested groups and organizations to observe such month with appropriate ceremonies and activities.

Approved October 26, 1970.

Public Law 91-508

October 26, 1970

[H. R. 15073]

AN ACT

To amend the Federal Deposit Insurance Act to require insured banks to maintain certain records, to require that certain transactions in United States currency be reported to the Department of the Treasury, and for other purposes.

Federal Deposit
Insurance Act,
amendments.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—FINANCIAL RECORDKEEPING

Chapter

1. INSURED BANKS AND INSURED INSTITUTIONS.....

2. OTHER FINANCIAL INSTITUTIONS.....

Sec.

101

121

Chapter 1.—INSURED BANKS AND INSURED INSTITUTIONS

Sec.

101. Retention of records by insured banks.

102. Retention of records by insured institutions.

§ 101. Retention of records by insured banks

The Federal Deposit Insurance Act is amended (1) by redesignating sections 21 and 22 as 22 and 23, respectively, and (2) by inserting the following new section immediately after section 20:

"SEC. 21. (a) (1) The Congress finds that adequate records maintained by insured banks have a high degree of usefulness in criminal, tax, and regulatory investigations and proceedings. The Congress further finds that microfilm or other reproductions and other records made by banks of checks, as well as records kept by banks of the identity of persons maintaining or authorized to act with respect to accounts therein, have been of particular value in this respect.

64 Stat. 893;
81 Stat. 610.
12 USC 1830,
1831.

“(2) It is the purpose of this section to require the maintenance of appropriate types of records by insured banks in the United States where such records have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings.

“(b) Where the Secretary of the Treasury (referred to in this section as the ‘Secretary’) determines that the maintenance of appropriate types of records and other evidence by insured banks has a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings, he shall prescribe regulations to carry out the purposes of this section.

“(c) Each insured bank shall maintain such records and other evidence, in such form as the Secretary shall require, of the identity of each person having an account in the United States with the bank and of each individual authorized to sign checks, make withdrawals, or otherwise act with respect to any such account. The Secretary may make such exemptions from any requirement otherwise imposed under this subsection as are consistent with the purposes of this section.

Exemptions.

“(d) Each insured bank shall make, to the extent that the regulations of the Secretary so require—

“(1) a microfilm or other reproduction of each check, draft, or similar instrument drawn on it and presented to it for payment; and

“(2) a record of each check, draft, or similar instrument received by it for deposit or collection, together with an identification of the party for whose account it is to be deposited or collected, unless the bank has already made a record of the party's identity pursuant to subsection (c).

“(e) Whenever any individual engages (whether as principal, agent, or bailee) in any transaction with an insured bank which is required to be reported or recorded under the Currency and Foreign Transactions Reporting Act, the bank shall require and retain such evidence of the identity of that individual as the Secretary may prescribe as appropriate under the circumstances.

Post, p. 1118.

“(f) In addition to or in lieu of the records and evidence otherwise referred to in this section, each insured bank shall maintain such records and evidence as the Secretary may prescribe to carry out the purposes of this section.

“(g) Any type of record or evidence required under this section shall be retained for such period as the Secretary may prescribe for the type in question. Any period so prescribed shall not exceed six years unless the Secretary determines, having regard for the purposes of this section, that a longer period is necessary in the case of a particular type of record or evidence.

“(h) The Secretary shall include in his annual report to the Congress information on his implementation of the authority conferred by this section and any similar authority with respect to recordkeeping or reporting requirements conferred by other provisions of law.”

Report to Congress.

§ 102. Retention of records by insured institutions

48 Stat. 1255;
81 Stat. 611.
12 USC 1724.

Title IV of the National Housing Act is amended by adding at the end thereof the following new section:

"SEC. 411. The Secretary of the Treasury shall prescribe such regulations as may be appropriate to carry out, with respect to insured institutions, the purposes set forth in section 21 of the Federal Deposit Insurance Act with respect to insured banks."

Ante, p. 1114.

Chapter 2.—OTHER FINANCIAL INSTITUTIONS

Sec.

121. Congressional findings and purpose.

122. Authority of Secretary with respect to reports on ownership and control.

123. Authority of Secretary with respect to recordkeeping and procedures.

124. Injunctions.

125. Civil penalties.

126. Criminal penalty.

127. Additional criminal penalty in certain cases.

128. Compliance.

129. Administrative procedure.

§ 121. Congressional findings and purpose

(a) The Congress finds that certain records maintained by businesses engaged in the functions described in section 123(b) of this Act have a high degree of usefulness in criminal, tax, and regulatory investigations and proceedings. The Congress further finds that the power to require reports of changes in the ownership, control, and managements of types of financial institutions referred to in section 122 of this Act may be necessary for the same purpose.

(b) It is the purpose of this chapter to require the maintenance of appropriate types of records and the making of appropriate reports by such businesses in the United States where such records or reports have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings.

§ 122. Authority of Secretary with respect to reports on ownership and control

Where the Secretary determines that the making of appropriate reports by uninsured banks or uninsured institutions of any type with respect to their ownership, control, and managements and any changes therein has a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings, he may by regulation require such banks or institutions to make such reports as he determines in respect of such ownership, control, and managements and changes therein.

§ 123. Authority of Secretary with respect to recordkeeping and procedures

(a) Where the Secretary determines that the maintenance of appropriate records and procedures by any uninsured bank or uninsured institution, or any person engaging in the business of carrying on in the United States any of the functions referred to in subsection (b) of this section, has a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings, he may by regulation require such bank, institution, or person—

(1) to require, retain, or maintain, with respect to its functions as an uninsured bank or uninsured institution or its functions referred to in subsection (b), any records or evidence of any type which the Secretary is authorized under section 21 of the Federal Deposit Insurance Act to require insured banks to require, retain, or maintain; and

Ante, p. 1114.

(2) to maintain procedures to assure compliance with requirements imposed under this chapter. For the purposes of any civil or criminal penalty, a separate violation of any requirement under this paragraph occurs with respect to each day and each separate office, branch, or place of business in which the violation occurs or continues.

(b) The authority of the Secretary under this section extends to any person engaging in the business of carrying on any of the following functions:

(1) Issuing or redeeming checks, money orders, travelers' checks, or similar instruments, except as an incident to the conduct of its own nonfinancial business.

(2) Transferring funds or credits domestically or internationally.

(3) Operating a currency exchange or otherwise dealing in foreign currencies or credits.

(4) Operating a credit card system.

(5) Performing such similar, related, or substitute functions for any of the foregoing or for banking as may be specified by the Secretary in regulations.

§ 124. Injunctions

Whenever it appears to the Secretary that any person has engaged, is engaged, or is about to engage in any acts or practices constituting a violation of any regulation under this chapter, he may in his discretion bring an action, in the proper district court of the United States or the proper United States court of any territory or other place subject to the jurisdiction of the United States, to enjoin such acts or practices, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted without bond. Upon application of the Secretary, any such court may also issue mandatory injunctions commanding any person to comply with any regulation of the Secretary under this chapter.

§ 125. Civil penalties

(a) For each willful violation of any regulation under this chapter, the Secretary may assess upon any person to which the regulation applies, and, if such person is a partnership, corporation, or other entity, upon any partner, director, officer, or employee thereof who willfully participates in the violation, a civil penalty not exceeding \$1,000.

(b) In the event of the failure of any person to pay any penalty assessed under this section, a civil action for the recovery thereof may, in the discretion of the Secretary, be brought in the name of the United States.

§ 126. Criminal penalty

Whoever willfully violates any regulation under this chapter shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

§ 127. Additional criminal penalty in certain cases

Ante, p. 1114.
Ante, p. 1116.

Whoever willfully violates any regulation under this chapter, section 21 of the Federal Deposit Insurance Act, or section 411 of the National Housing Act, where the violation is committed in furtherance of the commission of any violation of Federal law punishable by imprisonment for more than one year, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

§ 128. Compliance

The Secretary shall have the responsibility to assure compliance with the requirements of this title and may delegate such responsibility to the appropriate bank supervisory agency, or other supervisory agency.

§ 129. Administrative procedure

80 Stat. 381.
5 USC 551, 701.

The administrative procedure and judicial review provisions of subchapter II of chapter 5 and chapter 7 of title 5, United States Code, shall apply to all proceedings under this chapter, section 21 of the Federal Deposit Insurance Act, and section 411 of the National Housing Act.

TITLE II—REPORTS OF CURRENCY AND
FOREIGN TRANSACTIONS

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Chapter 1.—GENERAL PROVISIONS

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212. Availability of information to other Federal agencies.
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Citation of
title.

§ 201. Short title

This title may be cited as the “Currency and Foreign Transactions Reporting Act”.

§ 202. Purpose

It is the purpose of this title to require certain reports or records where such reports or records have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings.

§ 203. Definitions and rules of construction

- (a) The definitions and rules of construction set forth in this section apply for the purposes of this title.
- (b) The term “Secretary” means the Secretary of the Treasury.
- (c) The term “person” includes natural persons, partnerships, trusts, estates, associations, corporations, and all entities cognizable

as legal personalities. The term also includes any governmental department or agency specified by the Secretary either for the purpose of this title generally or any particular requirement thereunder.

(d) The term "United States", used in a geographical sense, includes the States and the District of Columbia, and to the extent the Secretary shall by regulation specify, either for the purposes of this title generally or any particular requirement thereunder, the Commonwealth of Puerto Rico, the possessions of the United States, United States military establishments, and United States diplomatic establishments.

(e) The term "financial institution" means any person which does business in any one or more of the following capacities:

(1) an insured bank as defined in section 3 of the Federal Deposit Insurance Act;

64 Stat. 873.
12 USC 1813.

(2) a commercial bank or trust company;

(3) a private banker;

(4) an agency or a branch within the United States of any foreign bank;

(5) an insured institution as defined in section 401 of the National Housing Act;

48 Stat. 1255.
12 USC 1724.

(6) a savings bank, building and loan association, credit union, industrial bank, or other thrift institution;

(7) a broker or dealer registered with the Securities and Exchange Commission under the Securities Exchange Act of 1934;

48 Stat. 881.
15 USC 78a.

(8) a broker or dealer in securities or commodities;

(9) an investment banker or investment company;

(10) a currency exchange;

(11) an issuer, redeemer or cashier of travelers' checks, checks, money orders, or similar instruments;

(12) an operator of a credit card system;

(13) an insurance company;

(14) a dealer in precious metals, stones, or jewels;

(15) a pawnbroker;

(16) a loan or finance company;

(17) a travel agency;

(18) a licensed transmitter of funds;

(19) a telegraph company;

(20) a Federal, State, or local government institution which performs any of the functions of any of the businesses listed above; or

(21) any other type of business or institution performing similar, related, or substitute functions specified by the Secretary by regulation for the purposes of the provision of this title to which the regulation relates.

(f) The term "domestic", used with reference to institutions or agencies, limits the applicability of the provision wherein it appears to the performance by such institutions or agencies of functions within the United States.

(g) The term "financial agency" means any person which acts in the capacity of a financial institution or in the capacity of a bailee, depository trustee, agent, or in any other similar capacity with respect to money, credit, securities, or gold or transactions therein, on behalf of any person other than a government, a monetary or financial authority when acting as such, or an international financial institution of which the United States is a member.

(h) The term "foreign", used with reference to institutions or agencies, limits the applicability of the provision wherein it appears to the performance by such institutions or agencies of functions outside the United States.

(i) References to this title or any provision thereof include regulations issued under this title or the provision thereof in question.

81 Stat. 54.

62 Stat. 749.

(j) All reports required under this title and all records of any such reports are specifically exempted from disclosure under section 552 of title 5, United States Code.

(k) For the purposes of section 1001 of title 18, United States Code, the contents of reports required under any provision of this title are statements and representations in matters within the jurisdiction of an agency of the United States.

(l) The term "monetary instruments" means coin and currency of the United States, and in addition, such foreign coin and currencies, and such types of travelers' checks, bearer negotiable instruments, bearer investment securities, bearer securities, and stock with title passing upon delivery, or the equivalent thereof, as the Secretary may by regulation specify for the purposes of the provision of this title to which the regulation relates.

§ 204. Regulations

The Secretary shall prescribe such regulations as he may deem appropriate to carry out the purposes of this title.

§ 205. Compliance

(a) The Secretary shall have the responsibility to assure compliance with the requirements of this title and may delegate such responsibility to the appropriate bank supervisory agency, or other supervisory agency.

(b) The Secretary may by regulation require any class of domestic financial institutions to maintain such procedures as he may deem appropriate to assure compliance with the provisions of this title. For the purposes of both civil and criminal penalties for violations of this section, a separate violation shall be deemed to occur with respect to each day and each separate office, branch, or place of business in which the violation occurs or continues.

§ 206. Exemptions

The Secretary may make such exemptions from any requirement otherwise imposed under this title as he may deem appropriate. Any such exemption may be conditional or unconditional, by regulation, order, or licensing, or any combination thereof, and may relate to any particular transaction, to the type or amount of the transaction, to the party or parties or the classification of parties, or to any combination thereof. The Secretary may in his discretion, in any manner giving actual or constructive notice to the parties affected, revoke any exemption made under this section. Any such revocation shall remain in effect pending any judicial review.

§ 207. Civil penalty

(a) For each willful violation of this title, the Secretary may assess upon any domestic financial institution, and upon any partner, director, officer, or employee thereof who willfully participates in the violation, a civil penalty not exceeding \$1,000.

(b) In the event of the failure of any person to pay any penalty assessed under this title, a civil action for the recovery thereof may, in the discretion of the Secretary, be brought in the name of the United States.

§ 208. Injunctions

Whenever it appears to the Secretary that any person has engaged, is engaged, or is about to engage in any acts or practices constituting a violation of the provisions of this title, or of any order thereunder, he may in his discretion bring an action, in the proper district court

of the United States or the proper United States court of any territory or other place subject to the jurisdiction of the United States, to enjoin such acts or practices, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted without bond. Upon application of the Secretary, any such court may also issue mandatory injunctions commanding any person to comply with the provisions of this title or any order of the Secretary made in pursuance thereof.

§ 209. Criminal penalty

Whoever willfully violates any provision of this title or any regulation under this title shall be fined not more than \$1,000, or imprisoned not more than one year, or both.

§ 210. Additional criminal penalty in certain cases

Whoever willfully violates any provision of this title where the violation is—

(1) committed in furtherance of the commission of any other violation of Federal law, or

(2) committed as part of a pattern of illegal activity involving transactions exceeding \$100,000 in any twelve-month period, shall be fined not more than \$500,000 or imprisoned not more than five years, or both.

§ 211. Immunity of witnesses

Whenever a witness refuses on the basis of his privilege against self-incrimination, to testify or provide other information in a proceeding involving any violation of this title before or ancillary to—

(1) a court or grand jury of the United States,

(2) an agency of the United States, or

(3) either House of Congress, a joint committee of the two Houses, or a committee or a subcommittee of either House, and the person presiding over the proceeding communicates to the witness an order requiring him to give testimony or provide other information, the witness may not refuse to comply with the order on the basis of his privilege against self-incrimination. No such testimony or other information so compelled under the order or evidence or other information which is obtained by the exploitation of such testimony may be used against the witness in any criminal case, except a prosecution for perjury, giving a false statement, or otherwise failing to comply with the order.

§ 212. Availability of information to other Federal agencies

The Secretary shall, upon such conditions and pursuant to such procedures as he may by regulation prescribe, make any information set forth in reports filed pursuant to this title available for a purpose consistent with the provisions of this title to any other department or agency of the Federal Government on the request of the head of such department or agency.

§ 213. Administrative procedure

Subject to section 203(j), the administrative procedure and judicial review provisions of subchapter II of chapter 5 and chapter 7 of title 5, United States Code, shall apply to all proceedings under this title.

Ante, p. 1120.

80 Stat. 381,
5 USC 551, 701.

Chapter 2.—DOMESTIC CURRENCY TRANSACTIONS

Sec.

221. Reports of currency transactions required.

222. Persons required to file reports.

223. Reporting procedure.

§ 221. Reports of currency transactions required

Transactions involving any domestic financial institution shall be reported to the Secretary at such time, in such manner, and in such detail as the Secretary may require if they involve the payment, receipt, or transfer of United States currency, or such other monetary instruments as the Secretary may specify, in such amounts, denominations, or both, or under such circumstances, as the Secretary shall by regulation prescribe.

§ 222. Persons required to file reports

The report of any transaction required to be reported under this chapter shall be signed or otherwise made both by the domestic financial institution involved and by one or more of the other parties thereto or participants therein, as the Secretary may require. If any party to or participant in the transaction is not an individual acting only for himself, the report shall identify the person or persons on whose behalf the transaction is entered into, and shall be made by the individuals acting as agents or bailees with respect thereto.

§ 223. Reporting procedure

(a) The Secretary may in his discretion designate domestic financial institutions, individually or by class, as agents of the United States to receive reports required under this chapter, except that an institution which is not insured, chartered, examined, or registered as such by any agency of the United States may not be so designated without its consent. The Secretary may suspend or revoke any such designation for any violation of this Act, or section 21 of the Federal Deposit Insurance Act, or section 411 of the National Housing Act.

(b) Any person (other than an institution designated under subsection (a)) required to file a report under this chapter with respect to a transaction with a domestic financial institution shall file the report with that institution, except that (1) if the institution is not designated under subsection (a), the report shall be filed as the Secretary shall prescribe, and (2) any such person may, at his election and in lieu of filing the report in the manner hereinabove prescribed, file the report with the Secretary. Domestic financial institutions designated under subsection (a) shall transmit reports filed with them, and shall file their own reports, as the Secretary shall prescribe.

Ante, pp. 1114,
1116.

Chapter 3.—REPORTS OF EXPORTS AND IMPORTS OF MONETARY INSTRUMENTS

Sec.

- 231. Reports required.
- 232. Forfeiture.
- 233. Civil liability.
- 234. Remission by the Secretary.
- 235. Enforcement authority.

§ 231. Reports required

(a) Except as provided in subsection (c) of this section, whoever, whether as principal, agent, or bailee, or by an agent or bailee, knowingly—

(1) transports or causes to be transported monetary instruments—

(A) from any place within the United States to or through any place outside the United States, or

(B) to any place within the United States from or through any place outside the United States, or

(2) receives monetary instruments at the termination of their transportation to the United States from or through any place outside the United States

in an amount exceeding \$5,000 on any one occasion shall file a report or reports in accordance with subsection (b) of this section.

(b) Reports required under this section shall be filed at such times and places, and may contain such of the following information and any additional information, in such form and in such detail, as the Secretary may require:

(1) The legal capacity in which the person filing the report is acting with respect to the monetary instruments transported.

(2) The origin, destination, and route of the transportation.

(3) Where the monetary instruments are not legally and beneficially owned by the person transporting the same, or are transported for any purpose other than the use in his own behalf of the person transporting the same, the identities of the person from whom the monetary instruments are received, or to whom they are to be delivered, or both.

(4) The amounts and types of monetary instruments transported.

(c) Subsection (a) does not apply to any common carrier of passengers in respect of monetary instruments in the possession of its passengers, nor to any common carrier of goods in respect of shipments of monetary instruments not declared to be such by the shipper.

§ 232. Forfeiture

(a) Any monetary instruments which are in the process of any transportation with respect to which any report required to be filed under section 231(1) either has not been filed or contains material omissions or misstatements are subject to seizure and forfeiture to the United States.

(b) For the purpose of this section, monetary instruments transported by mail, by any common carrier, or by any messenger or bailee, are in process of transportation from the time they are delivered into the possession of the postal service, common carrier, messenger, or bailee until the time they are delivered into or retained in the possession of the addressee or intended recipient or any agent of the addressee or intended recipient for purposes other than further transportation within, or across any border of, the United States.

§ 233. Civil liability

The Secretary may assess a civil penalty upon any person who fails to file any report required under section 231, or who files such a report containing any material omission or misstatement. The amount of the penalty shall not exceed the amount of the monetary instruments with respect to whose transportation the report was required to be filed. The liabilities imposed by this chapter are in addition to any other liabilities, civil or criminal, except that the liability under this section shall be reduced by any amount actually forfeited under section 232.

§ 234. Remission by the Secretary

The Secretary may in his discretion remit any forfeiture or penalty under this chapter in whole or in part upon such terms and conditions as he deems reasonable and just.

§ 235. Enforcement authority

(a) If the Secretary has reason to believe that monetary instruments are in the process of transportation and with respect to which a report required under section 231 has not been filed or contains material omissions or misstatements, he may apply to any court of competent jurisdiction for a search warrant. Upon a showing of probable cause, the court may issue a warrant authorizing the search of any or all of the following:

(1) One or more designated persons.

(2) One or more designated or described places or premises.

(3) One or more designated or described letters, parcels, packages, or other physical objects.

Search warrant,
issuance.

(4) One or more designated or described vehicles.

Any application for a search warrant pursuant to this section shall be accompanied by allegations of fact supporting the application.

(b) This section is not in derogation of the authority of the Secretary under any other law.

Chapter 4.—FOREIGN TRANSACTIONS

Sec.

241. Records and reports required.

242. Classifications and requirements.

§ 241. Records and reports required

(a) The Secretary of the Treasury, having due regard for the need to avoid impeding or controlling the export or import of currency or other monetary instruments and having due regard also for the need to avoid burdening unreasonably persons who legitimately engage in transactions with foreign financial agencies, shall by regulation require any resident or citizen of the United States, or person in the United States and doing business therein, who engages in any transaction or maintains any relationship, directly or indirectly, on behalf of himself or another, with a foreign financial agency to maintain records or to file reports, or both, setting forth such of the following information, in such form and in such detail, as the Secretary may require:

(1) The identities and addresses of the parties to the transaction or relationship.

(2) The legal capacities in which the parties to the transaction or relationship are acting, and the identities of the real parties in interest if one or more of the parties are not acting solely as principals.

(3) A description of the transaction or relationship including the amounts of money, credit, or other property involved.

Disclosure.

(b) No person required to maintain records under this section shall be required to produce or otherwise disclose the contents of the records except in compliance with a subpoena or summons duly authorized and issued or as may otherwise be required by law.

§ 242. Classifications and requirements

The Secretary may prescribe:

(1) Any reasonable classification of persons subject to or exempt from any requirement imposed under section 241.

(2) The foreign country or countries as to which any requirement imposed under section 241 applies or does not apply if, in the judgment of the Secretary, uniform applicability of any such requirement to all foreign countries is unnecessary or undesirable.

(3) The magnitude of transactions subject to any requirement imposed under section 241.

(4) Types of transactions subject to or exempt from any requirement imposed under section 241.

(5) Such other matters as he may deem necessary to the application of this chapter.

TITLE III—MARGIN REQUIREMENTS

§ 301. Amendment of section 7 of the Securities Exchange Act of 1934

(a) Section 7 of the Securities Exchange Act of 1934 (15 U.S.C. 78g) is amended by adding at the end thereof the following new subsection:

“(f) (1) It is unlawful for any United States person, or any foreign person controlled by a United States person or acting on behalf of or in conjunction with such person, to obtain, receive, or enjoy the beneficial use of a loan or other extension of credit from any lender (without regard to whether the lender’s office or place of business is in a State or the transaction occurred in whole or in part within a State) for the purpose of (A) purchasing or carrying United States securities, or (B) purchasing or carrying within the United States of any other securities, if, under this section or rules and regulations prescribed thereunder, the loan or other credit transaction is prohibited or would be prohibited if it had been made or the transaction had otherwise occurred in a lender’s office or other place of business in a State.

“(2) For the purposes of this subsection—

“(A) The term ‘United States person’ includes a person which is organized or exists under the laws of any State or, in the case of a natural person, a citizen or resident of the United States; a domestic estate; or a trust in which one or more of the foregoing persons has a cumulative direct or indirect beneficial interest in excess of 50 per centum of the value of the trust.

“United States person.”

“(B) The term ‘United States security’ means a security (other than an exempted security) issued by a person incorporated under the laws of any State, or whose principal place of business is within a State.

“United States security.”

“(C) The term ‘foreign person controlled by a United States person’ includes any noncorporate entity in which United States persons directly or indirectly have more than a 50 per centum beneficial interest, and any corporation in which one or more United States persons, directly or indirectly, own stock possessing more than 50 per centum of the total combined voting power of all classes of stock entitled to vote, or more than 50 per centum of the total value of shares of all classes of stock.

“Foreign person controlled by a United States person.”

“(3) The Board of Governors of the Federal Reserve System may, in its discretion and with due regard for the purposes of this section, by rule or regulation exempt any class of United States persons or foreign persons controlled by a United States person from the application of this subsection.”

Exemption.

(b) The amendment made by subsection (a) of this section does not affect the continuing validity of any rule or regulation under section 7 of the Securities Exchange Act of 1934 in effect prior to the effective date of the amendment.

Ante, p. 1124.

TITLE IV—EFFECTIVE DATES

§ 401. Effective dates

(a) Except as otherwise provided in this section, titles I, II, and III of this Act and the amendments made thereby take effect on the first day of the seventh calendar month which begins after the date of enactment.

Ante, pp. 1114, 1118, 1124.

(b) The Secretary of the Treasury may by regulation provide that any provision of title I or II or any amendment made thereby shall be effective on any date not earlier than the publication of the regulation in the Federal Register and not later than the first day of the thirteenth calendar month which begins after the date of enactment.

Publication in Federal Register.

(c) The Board of Governors of the Federal Reserve System may by regulation provide that the amendment made by title III shall be effective on any date not earlier than the publication of the regulation in the Federal Register and not later than the first day of the thirteenth calendar month which begins after the date of enactment.

Publication in Federal Register.

TITLE V—PROVISIONS RELATING TO CREDIT CARDS

15 USC 1602.

SEC. 501. Section 103 of the Truth in Lending Act (82 Stat. 146) is amended by redesignating subsections (j), (k), and (l) as subsections (p), (q), and (r), respectively, and by adding after subsection (i) the following:

“Adequate
notice,”
Infra.

“(j) The term ‘adequate notice’, as used in section 133, means a printed notice to a cardholder which sets forth the pertinent facts clearly and conspicuously so that a person against whom it is to operate could reasonably be expected to have noticed it and understood its meaning. Such notice may be given to a cardholder by printing the notice on any credit card, or on each periodic statement of account, issued to the cardholder, or by any other means reasonably assuring the receipt thereof by the cardholder.

“Credit card.”

“(k) The term ‘credit card’ means any card, plate, coupon book or other credit device existing for the purpose of obtaining money, property, labor, or services on credit.

“Accepted
credit card.”

“(l) The term ‘accepted credit card’ means any credit card which the cardholder has requested and received or has signed or has used, or authorized another to use, for the purpose of obtaining money, property, labor, or services on credit.

“Cardholder.”

“(m) The term ‘cardholder’ means any person to whom a credit card is issued or any person who has agreed with the card issuer to pay obligations arising from the issuance of a credit card to another person.

“Card issuer.”

“(n) The term ‘card issuer’ means any person who issues a credit card, or the agent of such person with respect to such card.

“Unauthorized
use.”

“(o) The term ‘unauthorized use’, as used in section 133, means a use of a credit card by a person other than the cardholder who does not have actual, implied, or apparent authority for such use and from which the cardholder receives no benefit.”

15 USC 1601

note.

15 USC 1641.

SEC. 502. (a) The Truth in Lending Act (82 Stat. 146) is amended by adding after section 131 the following sections:

“§ 132. Issuance of credit cards

Prohibition.

“No credit card shall be issued except in response to a request or application therefor. This prohibition does not apply to the issuance of a credit card in renewal of, or in substitution for, an accepted credit card.

“§ 133. Liability of holder of credit card

“(a) A cardholder shall be liable for the unauthorized use of a credit card only if the card is an accepted credit card, the liability is not in excess of \$50, the card issuer gives adequate notice to the cardholder of the potential liability, the card issuer has provided the cardholder with a self-addressed, prestamped notification to be mailed by the cardholder in the event of the loss or theft of the credit card, and the unauthorized use occurs before the cardholder has notified the card issuer that an unauthorized use of the credit card has occurred or may occur as the result of loss, theft, or otherwise. Notwithstanding the foregoing, no cardholder shall be liable for the unauthorized use of any credit card which was issued on or after the effective date of this section, and, after the expiration of twelve months following such effective date, no cardholder shall be liable for the unauthorized use of any credit card regardless of the date of its issuance, unless (1) the conditions of liability specified in the preceding sentence are met, and (2) the card issuer has provided a method whereby the user of such card can be identified as the person authorized to use it. For the purposes of this section, a cardholder notifies a card issuer by taking such steps as may be reasonably required in the ordinary course of business to provide the card issuer with the pertinent information whether or not any particular officer, employee, or agent of the card issuer does in fact receive such information.

“(b) In any action by a card issuer to enforce liability for the use of a credit card, the burden of proof is upon the card issuer to show that the use was authorized or, if the use was unauthorized, then the burden of proof is upon the card issuer to show that the conditions of liability for the unauthorized use of a credit card, as set forth in subsection (a), have been met.

“(c) Nothing in this section imposes liability upon a cardholder for the unauthorized use of a credit card in excess of his liability for such use under other applicable law or under any agreement with the card issuer.

“(d) Except as provided in this section, a cardholder incurs no liability from the unauthorized use of a credit card.

“§ 134. Fraudulent use of credit card

“Whoever, in a transaction affecting interstate or foreign commerce, uses any counterfeit, fictitious, altered, forged, lost, stolen, or fraudulently obtained credit card to obtain goods or services, or both, having a retail value aggregating \$5,000 or more, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.”

(b) The table of contents of chapter 2 of the Truth in Lending Act is amended by adding at the end thereof the following:

“132. Issuance of credit cards.

“133. Liability of holder of credit card.

“134. Fraudulent use of credit card.”

Penalty.

82 Stat. 152.
15 USC 1631.

SEC. 503. The amendments to the Truth in Lending Act made by this title become effective as follows:

Effective dates.

(1) Section 132 of such Act takes effect upon the date of enactment of this title.

(2) Section 133 of such Act takes effect upon the expiration of 90 days after such date of enactment.

(3) Section 134 of such Act applies to offenses committed on or after such date of enactment.

TITLE VI—PROVISIONS RELATING TO CREDIT REPORTING AGENCIES

AMENDMENT OF CONSUMER CREDIT PROTECTION ACT

SEC. 601. The Consumer Credit Protection Act is amended by adding at the end thereof the following new title:

82 Stat. 146.
15 USC 1601
note.

“TITLE VI—CONSUMER CREDIT REPORTING

“Sec.

“601. Short title.

“602. Findings and purpose.

“603. Definitions and rules of construction.

“604. Permissible purposes of reports.

“605. Obsolete information.

“606. Disclosure of investigative consumer reports.

“607. Compliance procedures.

“608. Disclosures to governmental agencies.

“609. Disclosure to consumers.

“610. Conditions of disclosure to consumers.

“611. Procedure in case of disputed accuracy.

“612. Charges for certain disclosures.

“613. Public record information for employment purposes.

“614. Restrictions on investigative consumer reports.

“615. Requirements on users of consumer reports.

“616. Civil liability for willful noncompliance.

“617. Civil liability for negligent noncompliance.

“618. Jurisdiction of courts; limitation of actions.

“619. Obtaining information under false pretenses.

“620. Unauthorized disclosures by officers or employees.

“621. Administrative enforcement.

“622. Relation to State laws.

Citation of
title.

"§ 601. Short title

"This title may be cited as the Fair Credit Reporting Act.

"§ 602. Findings and purpose

"(a) The Congress makes the following findings:

"(1) The banking system is dependent upon fair and accurate credit reporting. Inaccurate credit reports directly impair the efficiency of the banking system, and unfair credit reporting methods undermine the public confidence which is essential to the continued functioning of the banking system.

"(2) An elaborate mechanism has been developed for investigating and evaluating the credit worthiness, credit standing, credit capacity, character, and general reputation of consumers.

"(3) Consumer reporting agencies have assumed a vital role in assembling and evaluating consumer credit and other information on consumers.

"(4) There is a need to insure that consumer reporting agencies exercise their grave responsibilities with fairness, impartiality, and a respect for the consumer's right to privacy.

"(b) It is the purpose of this title to require that consumer reporting agencies adopt reasonable procedures for meeting the needs of commerce for consumer credit, personnel, insurance, and other information in a manner which is fair and equitable to the consumer, with regard to the confidentiality, accuracy, relevancy, and proper utilization of such information in accordance with the requirements of this title.

"§ 603. Definitions and rules of construction

"(a) Definitions and rules of construction set forth in this section are applicable for the purposes of this title.

"(b) The term 'person' means any individual, partnership, corporation, trust, estate, cooperative, association, government or governmental subdivision or agency, or other entity.

"(c) The term 'consumer' means an individual.

"(d) The term 'consumer report' means any written, oral, or other communication of any information by a consumer reporting agency bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing the consumer's eligibility for (1) credit or insurance to be used primarily for personal, family, or household purposes, or (2) employment purposes, or (3) other purposes authorized under section 604. The term does not include (A) any report containing information solely as to transactions or experiences between the consumer and the person making the report; (B) any authorization or approval of a specific extension of credit directly or indirectly by the issuer of a credit card or similar device; or (C) any report in which a person who has been requested by a third party to make a specific extension of credit directly or indirectly to a consumer conveys his decision with respect to such request, if the third party advises the consumer of the name and address of the person to whom the request was made and such person makes the disclosures to the consumer required under section 615.

Post, p. 1133.

"(e) The term 'investigative consumer report' means a consumer report or portion thereof in which information on a consumer's character, general reputation, personal characteristics, or mode of living is obtained through personal interviews with neighbors, friends, or associates of the consumer reported on or with others with whom he is acquainted or who may have knowledge concerning any such

items of information. However, such information shall not include specific factual information on a consumer's credit record obtained directly from a creditor of the consumer or from a consumer reporting agency when such information was obtained directly from a creditor of the consumer or from the consumer.

"(f) The term 'consumer reporting agency' means any person which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports.

"(g) The term 'file', when used in connection with information on any consumer, means all of the information on that consumer recorded and retained by a consumer reporting agency regardless of how the information is stored.

"(h) The term 'employment purposes' when used in connection with a consumer report means a report used for the purpose of evaluating a consumer for employment, promotion, reassignment or retention as an employee.

"(i) The term 'medical information' means information or records obtained, with the consent of the individual to whom it relates, from licensed physicians or medical practitioners, hospitals, clinics, or other medical or medically related facilities.

"§ 604. Permissible purposes of reports

"A consumer reporting agency may furnish a consumer report under the following circumstances and no other:

"(1) In response to the order of a court having jurisdiction to issue such an order.

"(2) In accordance with the written instructions of the consumer to whom it relates.

"(3) To a person which it has reason to believe—

"(A) intends to use the information in connection with a credit transaction involving the consumer on whom the information is to be furnished and involving the extension of credit to, or review or collection of an account of, the consumer; or

"(B) intends to use the information for employment purposes; or

"(C) intends to use the information in connection with the underwriting of insurance involving the consumer; or

"(D) intends to use the information in connection with a determination of the consumer's eligibility for a license or other benefit granted by a governmental instrumentality required by law to consider an applicant's financial responsibility or status; or

"(E) otherwise has a legitimate business need for the information in connection with a business transaction involving the consumer.

"§ 605. Obsolete information

"(a) Except as authorized under subsection (b), no consumer reporting agency may make any consumer report containing any of the following items of information:

"(1) Bankruptcies which, from date of adjudication of the most recent bankruptcy, antedate the report by more than fourteen years.

"(2) Suits and judgments which, from date of entry, antedate the report by more than seven years or until the governing statute of limitations has expired, whichever is the longer period.

"(3) Paid tax liens which, from date of payment, antedate the report by more than seven years.

"(4) Accounts placed for collection or charged to profit and loss which antedate the report by more than seven years.

"(5) Records of arrest, indictment, or conviction of crime which, from date of disposition, release, or parole, antedate the report by more than seven years.

"(6) Any other adverse item of information which antedates the report by more than seven years.

"(b) The provisions of subsection (a) are not applicable in the case of any consumer credit report to be used in connection with—

"(1) a credit transaction involving, or which may reasonably be expected to involve, a principal amount of \$50,000 or more;

"(2) the underwriting of life insurance involving, or which may reasonably be expected to involve, a face amount of \$50,000 or more; or

"(3) the employment of any individual at an annual salary which equals, or which may reasonably be expected to equal \$20,000, or more.

"§ 606. Disclosure of investigative consumer reports

"(a) A person may not procure or cause to be prepared an investigative consumer report on any consumer unless—

"(1) it is clearly and accurately disclosed to the consumer that an investigative consumer report including information as to his character, general reputation, personal characteristics, and mode of living, whichever are applicable, may be made, and such disclosure (A) is made in a writing mailed, or otherwise delivered, to the consumer, not later than three days after the date on which the report was first requested, and (B) includes a statement informing the consumer of his right to request the additional disclosures provided for under subsection (b) of this section; or

"(2) the report is to be used for employment purposes for which the consumer has not specifically applied.

"(b) Any person who procures or causes to be prepared an investigative consumer report on any consumer shall, upon written request made by the consumer within a reasonable period of time after the receipt by him of the disclosure required by subsection (a) (1), shall make a complete and accurate disclosure of the nature and scope of the investigation requested. This disclosure shall be made in a writing mailed, or otherwise delivered, to the consumer not later than five days after the date on which the request for such disclosure was received from the consumer or such report was first requested, whichever is the later.

"(c) No person may be held liable for any violation of subsection (a) or (b) of this section if he shows by a preponderance of the evidence that at the time of the violation he maintained reasonable procedures to assure compliance with subsection (a) or (b).

"§ 607. Compliance procedures

"(a) Every consumer reporting agency shall maintain reasonable procedures designed to avoid violations of section 605 and to limit the furnishing of consumer reports to the purposes listed under section 604. These procedures shall require that prospective users of the information identify themselves, certify the purposes for which the information is sought, and certify that the information will be used for no other purpose. Every consumer reporting agency shall make a reasonable effort to verify the identity of a new prospective user and the uses certified by such prospective user prior to furnishing such user a consumer report. No consumer reporting agency may furnish a consumer report to any person if it has reasonable grounds for believing that the consumer report will not be used for a purpose listed in section 604.

“(b) Whenever a consumer reporting agency prepares a consumer report it shall follow reasonable procedures to assure maximum possible accuracy of the information concerning the individual about whom the report relates.

“§ 608. Disclosures to governmental agencies

“Notwithstanding the provisions of section 604, a consumer reporting agency may furnish identifying information respecting any consumer, limited to his name, address, former addresses, places of employment, or former places of employment, to a governmental agency.

“§ 609. Disclosures to consumers

“(a) Every consumer reporting agency shall, upon request and proper identification of any consumer, clearly and accurately disclose to the consumer:

“(1) The nature and substance of all information (except medical information) in its files on the consumer at the time of the request.

“(2) The sources of the information; except that the sources of information acquired solely for use in preparing an investigative consumer report and actually used for no other purpose need not be disclosed: *Provided*, That in the event an action is brought under this title, such sources shall be available to the plaintiff under appropriate discovery procedures in the court in which the action is brought.

“(3) The recipients of any consumer report on the consumer which it has furnished—

“(A) for employment purposes within the two-year period preceding the request, and

“(B) for any other purpose within the six-month period preceding the request.

“(b) The requirements of subsection (a) respecting the disclosure of sources of information and the recipients of consumer reports do not apply to information received or consumer reports furnished prior to the effective date of this title except to the extent that the matter involved is contained in the files of the consumer reporting agency on that date.

“§ 610. Conditions of disclosure to consumers

“(a) A consumer reporting agency shall make the disclosures required under section 609 during normal business hours and on reasonable notice.

“(b) The disclosures required under section 609 shall be made to the consumer—

“(1) in person if he appears in person and furnishes proper identification; or

“(2) by telephone if he has made a written request, with proper identification, for telephone disclosure and the toll charge, if any, for the telephone call is prepaid by or charged directly to the consumer.

“(c) Any consumer reporting agency shall provide trained personnel to explain to the consumer any information furnished to him pursuant to section 609.

“(d) The consumer shall be permitted to be accompanied by one other person of his choosing, who shall furnish reasonable identification. A consumer reporting agency may require the consumer to furnish a written statement granting permission to the consumer reporting agency to discuss the consumer's file in such person's presence.

“(e) Except as provided in sections 616 and 617, no consumer may bring any action or proceeding in the nature of defamation, invasion of privacy, or negligence with respect to the reporting of information

against any consumer reporting agency, any user of information, or any person who furnishes information to a consumer reporting agency, based on information disclosed pursuant to section 609, 610, or 615, except as to false information furnished with malice or willful intent to injure such consumer.

“§ 611. Procedure in case of disputed accuracy

“(a) If the completeness or accuracy of any item of information contained in his file is disputed by a consumer, and such dispute is directly conveyed to the consumer reporting agency by the consumer, the consumer reporting agency shall within a reasonable period of time reinvestigate and record the current status of that information unless it has reasonable grounds to believe that the dispute by the consumer is frivolous or irrelevant. If after such reinvestigation such information is found to be inaccurate or can no longer be verified, the consumer reporting agency shall promptly delete such information. The presence of contradictory information in the consumer's file does not in and of itself constitute reasonable grounds for believing the dispute is frivolous or irrelevant.

“(b) If the reinvestigation does not resolve the dispute, the consumer may file a brief statement setting forth the nature of the dispute. The consumer reporting agency may limit such statements to not more than one hundred words if it provides the consumer with assistance in writing a clear summary of the dispute.

“(c) Whenever a statement of a dispute is filed, unless there is reasonable grounds to believe that it is frivolous or irrelevant, the consumer reporting agency shall, in any subsequent consumer report containing the information in question, clearly note that it is disputed by the consumer and provide either the consumer's statement or a clear and accurate codification or summary thereof.

“(d) Following any deletion of information which is found to be inaccurate or whose accuracy can no longer be verified or any notation as to disputed information, the consumer reporting agency shall, at the request of the consumer, furnish notification that the item has been deleted or the statement, codification or summary pursuant to subsection (b) or (c) to any person specifically designated by the consumer who has within two years prior thereto received a consumer report for employment purposes, or within six months prior thereto received a consumer report for any other purpose, which contained the deleted or disputed information. The consumer reporting agency shall clearly and conspicuously disclose to the consumer his rights to make such a request. Such disclosure shall be made at or prior to the time the information is deleted or the consumer's statement regarding the disputed information is received.

“§ 612. Charges for certain disclosures

“A consumer reporting agency shall make all disclosures pursuant to section 609 and furnish all consumer reports pursuant to section 611(d) without charge to the consumer if, within thirty days after receipt by such consumer of a notification pursuant to section 615 or notification from a debt collection agency affiliated with such consumer reporting agency stating that the consumer's credit rating may be or has been adversely affected, the consumer makes a request under section 609 or 611(d). Otherwise, the consumer reporting agency may impose a reasonable charge on the consumer for making disclosure to such consumer pursuant to section 609, the charge for which shall be indicated to the consumer prior to making disclosure; and for furnishing notifications, statements, summaries, or codifications to person designated by the consumer pursuant to section 611(d), the charge for which shall be indicated to the consumer prior to furnish-

ing such information and shall not exceed the charge that the consumer reporting agency would impose on each designated recipient for a consumer report except that no charge may be made for notifying such persons of the deletion of information which is found to be inaccurate or which can no longer be verified.

“§ 613. Public record information for employment purposes

“A consumer reporting agency which furnishes a consumer report for employment purposes and which for that purpose compiles and reports items of information on consumers which are matters of public record and are likely to have an adverse effect upon a consumer's ability to obtain employment shall—

“(1) at the time such public record information is reported to the user of such consumer report, notify the consumer of the fact that public record information is being reported by the consumer reporting agency, together with the name and address of the person to whom such information is being reported; or

“(2) maintain strict procedures designed to insure that whenever public record information which is likely to have an adverse effect on a consumer's ability to obtain employment is reported it is complete and up to date. For purposes of this paragraph, items of public record relating to arrests, indictments, convictions, suits, tax liens, and outstanding judgments shall be considered up to date if the current public record status of the item at the time of the report is reported.

“§ 614. Restrictions on investigative consumer reports

“Whenever a consumer reporting agency prepares an investigative consumer report, no adverse information in the consumer report (other than information which is a matter of public record) may be included in a subsequent consumer report unless such adverse information has been verified in the process of making such subsequent consumer report, or the adverse information was received within the three-month period preceding the date the subsequent report is furnished.

“§ 615. Requirements on users of consumer reports

“(a) Whenever credit or insurance for personal, family, or household purposes, or employment involving a consumer is denied or the charge for such credit or insurance is increased either wholly or partly because of information contained in a consumer report from a consumer reporting agency, the user of the consumer report shall so advise the consumer against whom such adverse action has been taken and supply the name and address of the consumer reporting agency making the report.

“(b) Whenever credit for personal, family, or household purposes involving a consumer is denied or the charge for such credit is increased either wholly or partly because of information obtained from a person other than a consumer reporting agency bearing upon the consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living, the user of such information shall, within a reasonable period of time, upon the consumer's written request for the reasons for such adverse action received within sixty days after learning of such adverse action, disclose the nature of the information to the consumer. The user of such information shall clearly and accurately disclose to the consumer his right to make such written request at the time such adverse action is communicated to the consumer.

“(c) No person shall be held liable for any violation of this section if he shows by a preponderance of the evidence that at the time of the alleged violation he maintained reasonable procedures to assure compliance with the provisions of subsections (a) and (b).

“§ 616. Civil liability for willful noncompliance

“Any consumer reporting agency or user of information which willfully fails to comply with any requirement imposed under this title with respect to any consumer is liable to that consumer in an amount equal to the sum of—

“(1) any actual damages sustained by the consumer as a result of the failure;

“(2) such amount of punitive damages as the court may allow; and

“(3) in the case of any successful action to enforce any liability under this section, the costs of the action together with reasonable attorney’s fees as determined by the court.

“§ 617. Civil liability for negligent noncompliance

“Any consumer reporting agency or user of information which is negligent in failing to comply with any requirement imposed under this title with respect to any consumer is liable to that consumer in an amount equal to the sum of—

“(1) any actual damages sustained by the consumer as a result of the failure;

“(2) in the case of any successful action to enforce any liability under this section, the costs of the action together with reasonable attorney’s fees as determined by the court.

“§ 618. Jurisdiction of courts; limitation of actions

“An action to enforce any liability created under this title may be brought in any appropriate United States district court without regard to the amount in controversy, or in any other court of competent jurisdiction, within two years from the date on which the liability arises, except that where a defendant has materially and willfully misrepresented any information required under this title to be disclosed to an individual and the information so misrepresented is material to the establishment of the defendant’s liability to that individual under this title, the action may be brought at any time within two years after discovery by the individual of the misrepresentation.

“§ 619. Obtaining information under false pretenses

“Any person who knowingly and willfully obtains information on a consumer from a consumer reporting agency under false pretenses shall be fined not more than \$5,000 or imprisoned not more than one year, or both.

“§ 620. Unauthorized disclosures by officers or employees

“Any officer or employee of a consumer reporting agency who knowingly and willfully provides information concerning an individual from the agency’s files to a person not authorized to receive that information shall be fined not more than \$5,000 or imprisoned not more than one year, or both.

“§ 621. Administrative enforcement

“(a) Compliance with the requirements imposed under this title shall be enforced under the Federal Trade Commission Act by the Federal Trade Commission with respect to consumer reporting agencies and all other persons subject thereto, except to the extent that enforcement of the requirements imposed under this title is specifically committed to some other government agency under subsection (b) hereof. For the purpose of the exercise by the Federal Trade Commission of its functions and powers under the Federal Trade Commission Act, a violation of any requirement or prohibition imposed

under this title shall constitute an unfair or deceptive act or practice in commerce in violation of section 5(a) of the Federal Trade Commission Act and shall be subject to enforcement by the Federal Trade Commission under section 5(b) thereof with respect to any consumer reporting agency or person subject to enforcement by the Federal Trade Commission pursuant to this subsection, irrespective of whether that person is engaged in commerce or meets any other jurisdictional tests in the Federal Trade Commission Act. The Federal Trade Commission shall have such procedural, investigative, and enforcement powers, including the power to issue procedural rules in enforcing compliance with the requirements imposed under this title and to require the filing of reports, the production of documents, and the appearance of witnesses as though the applicable terms and conditions of the Federal Trade Commission Act were part of this title. Any person violating any of the provisions of this title shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act as though the applicable terms and provisions thereof were part of this title.

“(b) Compliance with the requirements imposed under this title with respect to consumer reporting agencies and persons who use consumer reports from such agencies shall be enforced under—

“(1) section 8 of the Federal Deposit Insurance Act, in the case of:

“(A) national banks, by the Comptroller of the Currency;

“(B) member banks of the Federal Reserve System (other than national banks), by the Federal Reserve Board; and

“(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System), by the Board of Directors of the Federal Deposit Insurance Corporation.

“(2) section 5(d) of the Home Owners Loan Act of 1933, section 407 of the National Housing Act, and sections 6(i) and 17 of the Federal Home Loan Bank Act, by the Federal Home Loan Bank Board (acting directly or through the Federal Savings and Loan Insurance Corporation), in the case of any institution subject to any of those provisions;

“(3) the Federal Credit Union Act, by the Administrator of the National Credit Union Administration with respect to any Federal credit union;

“(4) the Acts to regulate commerce, by the Interstate Commerce Commission with respect to any common carrier subject to those Acts;

“(5) the Federal Aviation Act of 1958, by the Civil Aeronautics Board with respect to any air carrier or foreign air carrier subject to that Act; and

“(6) the Packers and Stockyards Act, 1921 (except as provided in section 406 of that Act), by the Secretary of Agriculture with respect to any activities subject to that Act.

“(c) For the purpose of the exercise by any agency referred to in subsection (b) of its powers under any Act referred to in that subsection, a violation of any requirement imposed under this title shall be deemed to be a violation of a requirement imposed under that Act. In addition to its powers under any provision of law specifically referred to in subsection (b), each of the agencies referred to in that subsection may exercise, for the purpose of enforcing compliance with any requirement imposed under this title any other authority conferred on it by law.

66 Stat. 632.
15 USC 45.
52 Stat. 112.

64 Stat. 879;
80 Stat. 1046,
1054.
12 USC 1818.

80 Stat. 1028.
12 USC 1464.
80 Stat. 1036.
12 USC 1730.
47 Stat. 727;
69 Stat. 640.
12 USC 1426,
1437.

73 Stat. 628;
Anfe, pp. 49, 994.
12 USC 1751.

49 USC I et seq.
72 Stat. 731.
49 USC 1301
note.

42 Stat. 159.
7 USC 181.
72 Stat. 1749.
7 USC 226, 227.

“§ 622. Relation to State laws

“This title does not annul, alter, affect, or exempt any person subject to the provisions of this title from complying with the laws of any State with respect to the collection, distribution, or use of any information on consumers, except to the extent that those laws are inconsistent with any provision of this title, and then only to the extent of the inconsistency.”

EFFECTIVE DATE

82 Stat. 167.

SEC. 602. Section 504 of the Consumer Credit Protection Act is amended by adding at the end thereof the following new subsection:

“(d) Title VI takes effect upon the expiration of one hundred and eighty days following the date of its enactment.”

Approved October 26, 1970.

Public Law 91-509

AN ACT

October 26, 1970
[S. 2695]

To provide for the retirement of officers and members of the Metropolitan Police force, the Fire Department of the District of Columbia, the United States Park Police force, the Executive Protective Service, and of certain officers and members of the United States Secret Service, and for other purposes.

Policemen and
Firemen's Retirement and Disability Act Amendments of 1970.
Definitions.
71 Stat. 391.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 12 of the Act of September 1, 1916 (39 Stat. 718), as amended (D.C. Code, sec. 4-521 et seq.) is amended as follows:

(1) Paragraph (4) of subsection (a) of such section (D.C. Code, sec. 4-521) is amended to read as follows:

“(4) The term ‘widower’ means the surviving husband of a member who was married to such individual while she was a member.”

(2) Paragraph (5) of subsection (a) of such section (D.C. Code, sec. 4-521) is amended to read as follows:

“(5) (A) The term ‘child’ means an unmarried child, including (i) an adopted child, and (ii) a stepchild or recognized natural child who lives with the member in a regular parent-child relationship, under the age of eighteen years, or such unmarried child regardless of age who, because of physical or mental disability incurred before the age of eighteen, is incapable of self-support.

“(B) The term ‘student child’ means an unmarried child who is a student between the ages of eighteen and twenty-two years, inclusive, and who is regularly pursuing a full-time course of study or training in residence or in a high school, trade school, technical or vocational institute, junior college, college, university, or comparable recognized educational institution.”

(3) Subsection (d) of such section (D.C. Code, sec. 4-524) is amended as follows:

(A) Paragraph (1) of such subsection is amended to read as follows:

“(1) On and after the first day of the first pay period which begins on or after the effective date of the Policemen and Firemen's Retirement and Disability Act Amendments of 1970 there shall be deducted and withheld from each member's basic salary an amount equal to 7 per centum of such basic salary. Such deductions and withholdings shall be paid to the Collector of Taxes of the District of Columbia, and shall be deposited in the Treasury to the credit of the District of Columbia.”

(B) Paragraph (3) of such subsection is amended by inserting

Deductions.
71 Stat. 393;
72 Stat. 686.

immediately before the period at the end thereof a colon and the following: "Provided, That if no natural person is determined to be entitled thereto such payment shall escheat to the government of the District of Columbia."

(C) Such subsection is amended by adding at the end thereof the following new paragraph:

"(4) In order to facilitate the settlement of the accounts of each former member coming under the provisions of this section who dies after retirement (1) leaving no survivor entitled to receive an annuity under the provisions of this section and (2) before the aggregate amount of the annuity paid to such former member equals the total amount deducted and withheld for retirement from his salary as a member, the Commissioner shall pay the difference to the person or persons surviving at the time of death in the following order of precedence, and such payment shall be a bar to recovery by any other person of the amount so paid:

"First, to the beneficiary or beneficiaries designated in writing by such former member, filed with the Commissioner and received by him prior to the death of such former member;

"Second, if there be no such beneficiary, to the child or children of such deceased former member and the descendants of deceased children by representation;

"Third, if there be none of the above, to the parents of such former member, or the survivor of them; and

"Fourth, if there be none of the above, to the duly appointed legal representative of the estate of the deceased former member, or if there be none to the person or persons determined to be entitled thereto under the laws of the domicile of the deceased former member: *Provided*, That if no natural person is determined to be entitled thereto such payment shall escheat to the government of the District of Columbia."

(4) Subsection (g) of such section (D.C. Code, sec. 4-527) is amended by deleting "2 per centum" wherever it appears therein and inserting in lieu thereof "2½ per centum".

(5) Paragraph (1) of subsection (h) of such section (D.C. Code, sec. 4-528) is amended—

(A) by striking out "attains the age of fifty years and"; and

(B) by striking out "2 per centum" and inserting in lieu thereof "2½ per centum".

(6) Paragraph (3) of subsection (h) of such section is amended by striking out "70 per centum" and inserting in lieu thereof "80 per centum".

(7) Subsection (j) of such section (D.C. Code, sec. 4-530) is amended by deleting "fifty-five" wherever it appears therein and inserting in lieu thereof "fifty".

(8) Subsection (k) of such section (D.C. Code, sec. 4-531) is amended to read as follows:

"(k)(1) In the event that any member dies in the performance of duty, and such death is determined by the Commissioner to have been the sole and direct result of a personal injury sustained while performing such duty, leaving a survivor who received more than one-half his support from a member, such survivor shall be entitled to receive a lump sum payment of \$50,000: *Provided*, That if such death is caused by the willful misconduct of the member or by the member's intention to bring about the death of himself, or if intoxication of the injured member is the proximate cause of such death, no such lump sum payment shall be made: *And provided further*, That if such

Persons entitled to refunds for deductions, order,
71 Stat. 393;
72 Stat. 686.
D. C. Code 4-524.

Disability retirement.
71 Stat. 394;
76 Stat. 1133.
Optional retirement.

Disability recovery.

Survivor annuities.

Amount.

member is survived by more than one person who received more than one-half of his support from the member, each such survivor shall be entitled to receive an equal share of such lump-sum payment.

Ante, p. 354.

“(2) In case of the death of any member before retirement, or of any former member after retirement, leaving a widow or widower, such widow or widower shall be entitled to receive an annuity in the greater amount of (1) 40 per centum of such member's basic salary at the time of death, or 40 per centum of the basis upon which the annuity, relief, or retirement compensation being received by such former member at the time of death was computed, or (2) 40 per centum of the corresponding salary for step 6, subclass (a), class 1 of the District of Columbia Police and Firemen's Salary Act salary schedule currently in effect at the time of such member or former member's death: *Provided*, That such annuity shall not exceed the current rate of compensation of the position occupied by such member at the time of death, or by such former member immediately prior to retirement.

“(3) Each surviving child or student-child of any member who dies before retirement, or of any former member who dies after retirement, shall be entitled to receive an annuity equal to the smallest of (1) 60 per centum of the member's basic salary at the time of his death or of the basis upon which the former member's annuity at the time of his death was computed, divided by the number of eligible children; (2) \$996; or (3) \$2,988 divided by the number of eligible children: *Provided*, That such member or former member is survived by a wife or husband. If such member or former member is not survived by a wife or husband, each surviving child or student-child shall be paid an annuity equal to the smallest of (1) 75 per centum of the member's basic salary at the time of his death or of the basis upon which the former member's annuity at the time of his death was computed, divided by the number of eligible children; (2) \$1,200; or (3) \$3,600 divided by the number of eligible children.

“(4) Each widow or widower who, on the effective date of the Policemen and Firemen's Retirement and Disability Act Amendments of 1970, was receiving relief or annuity computed in accordance with the provisions of this subsection shall be entitled to receive an annuity in the greater amount of (1) \$3,144; or (2) 35 per centum of the basis upon which such relief or annuity was computed. Each child who, on said effective date, was receiving relief or annuity computed in accordance with the provisions of this subsection, shall be entitled to benefits computed in accordance with the provisions of paragraph (3) of this subsection.

Annuities, commencement and termination.

“(5) The annuity of any widow or widower under this subsection shall begin on the first day of the month in which the member or former member dies, and such annuity or any right thereto shall terminate upon the survivor's death or remarriage before age sixty: *Provided*, That any annuity terminated by remarriage may be restored if such remarriage is later terminated by death, annulment, or divorce. The annuity of any child under this subsection shall begin on the first day of the month in which the member or former member dies, and such annuity of such child or any right thereto shall terminate upon (A) his attaining age eighteen, unless incapable of self-support, (B) his becoming capable of self-support after age eighteen, (C) his marriage, or (D) his death. The annuity of any student-child under this subsection shall begin on the first day of the month in which the member or former member dies, and such annuity of such child or any right thereto shall terminate upon (i) his ceasing to be a student, (ii) his attaining age twenty-two, (iii) his marriage, or (iv)

his death. Such student-child whose birthday falls during the school year (September 1 to June 30) shall be considered not to have reached age twenty-two until July 1 following his actual twenty-second birthday.

“(6) Any member retiring under subsection (f), (g), or (h) of this section, may, at the time of such retirement, elect to receive a reduced annuity in lieu of full annuity, and designate in writing the person to receive an increased annuity after the retired annuitant's death: *Provided*, That the person so designated be the surviving spouse or child of the retiring member. Whenever such an election is made, the annuity of the designee shall be increased by an amount equal to the amount by which the annuity of such retiring member is reduced. The annuity payable to the member making such election shall be reduced by 10 per centum of the annuity computed as provided in subsection (f), (g), or (h). Such increase in annuity payable to the designee shall be reduced by 5 per centum for each full five years the designee is younger than the retiring member, but such total reduction shall not exceed 40 per centum. The increase in annuity payable to the designee pursuant to this paragraph shall be paid in addition to the annuity provided for such designee pursuant to paragraph (2) or (3) of this subsection and shall be subject to the same limitations as to duration and other conditions as the annuity paid pursuant to paragraphs (2), (3), and (5) of this subsection. If, at any time after such former member's retirement, the designee dies, and is survived by such former member, the annuity payable to such former member shall be increased to the amount computed as provided in subsection (f), (g), or (h).

Reduced annuity,
election.
71 Stat. 394;
Ante, p. 1137.
D.C. Code 4-526
to 4-528.

“(7) (i) Each month after the effective date of this subsection the Commissioner shall determine the per centum change in the price index. On the basis of this determination, and effective the first day of the third month which begins after the price index shall have equaled the rise of at least 3 per centum for three consecutive months over the price index for the base month, each annuity payable under this subsection which has a commencing date not later than such effective date shall be increased by 1 per centum plus the per centum rise in the price index (calculated on the highest level of the price index during the three consecutive months) adjusted to the nearest one-tenth of 1 per centum.

Annuity in-
crease.

“(ii) The monthly installment of annuity after adjustment under this subsection shall be fixed at the nearest dollar, except that such installment shall after adjustment reflect an increase of at least \$1.

“(iii) For purposes of this subsection, the term ‘price index’ shall mean the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics. The term ‘base month’ shall mean the month for which the price index showed a per centum rise, forming the basis for a cost-of-living annuity increase.”

“Price index.”

“Base month.”

SEC. 2. The provisions of this Act shall take effect on the first day of the first pay period which begins on or after the date of enactment.

Effective date.

SEC. 3. This Act may be cited as the “Policemen and Firemen's Retirement and Disability Act Amendments of 1970”.

Short title.

Approved October 26, 1970.

Public Law 91-510

AN ACT

October 26, 1970
[H. R. 17654]

To improve the operation of the legislative branch of the Federal Government, and for other purposes.

Legislative Re-
organization Act
of 1970.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act, divided into titles, parts, and sections according to the following table of contents, may be cited as the "Legislative Reorganization Act of 1970".

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RULEMAKING POWER OF SENATE AND HOUSE

SEC. 101. The following sections of this title are enacted by the Congress—

(1) insofar as applicable to the Senate, as an exercise of the rulemaking power of the Senate and, to the extent so applicable, those sections are deemed a part of the Standing Rules of the Senate, superseding other individual rules of the Senate only to the extent that those sections are inconsistent with those other individual Senate rules, subject to and with full recognition of the power of the Senate to enact or change any rule of the Senate at any time in its exercise of its constitutional right to determine the rules of its proceedings; and

(2) insofar as applicable to the House of Representatives, as an exercise of the rulemaking power of the House of Representatives, subject to and with full recognition of the power of the House of Representatives to enact or change any rule of the House at any time in its exercise of its constitutional right to determine the rules of its proceedings.

CALLING OF COMMITTEE MEETINGS

SEC. 102. (a) Section 133(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 190a(a)) is amended to read as follows:

“(a) Each standing committee of the Senate shall fix regular weekly, biweekly, or monthly meetings days for the transaction of business before the committee and additional meetings may be called by the chairman as he may deem necessary. If at least three members of any such committee desire that a special meeting of the committee be called by the chairman, those members may file in the offices of the committee their written request to the chairman for that special meeting. Immediately upon the filing of the request, the clerk of the committee shall notify the chairman of the filing of the request. If, within three calendar days after the filing of the request, the chairman does not call the requested special meeting, to be held within seven calendar

60 Stat. 831.

Post, p. 1440.

days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour of that special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the committee shall notify all members of the committee that such special meeting will be held and inform them of its date and hour. If the chairman of any such committee is not present at any regular, additional, or special meeting of the committee, the ranking member of the majority party on the committee who is present shall prescribe at that meeting."

(b) Clause 26 of Rule XI of the Rules of the House of Representatives is amended to read as follows:

"26. (a) Each standing committee of the House shall fix, by written rule adopted by the committee, regular meeting days of the committee, not less frequent than monthly, for the conduct of its business. Each such committee shall meet, for the consideration of any bill or resolution pending before the committee or for the transaction of other committee business, on all regular meeting days fixed by the committee, unless otherwise provided by written rule adopted by the committee.

"(b) The chairman of each standing committee may call and convene, as he considers necessary, additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business. The committee shall meet for such purpose pursuant to that call of the chairman.

"(c) If at least three members of any standing committee desire that a special meeting of the committee be called by the chairman, those members may file in the offices of the committee their written request to the chairman for that special meeting. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the committee shall notify the chairman of the filing of the request. If, within three calendar days after the filing of the request, the chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour of, and the measure or matter to be considered at, that special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the committee shall notify all members of the committee that such special meeting will be held and inform them of its date and hour and the measure or matter to be considered; and only the measure or matter specified in that notice may be considered at that special meeting.

"(d) If the chairman of any standing committee is not present at any regular, additional, or special meeting of the committee, the ranking member of the majority party on the committee who is present shall preside at that meeting.

"(e) For the purposes of this clause, 'chairman' includes a Member acting as chairman under clause 3 of Rule X."

OPEN COMMITTEE BUSINESS MEETINGS

60 Stat. 831.

SEC. 103. (a) Section 133(b) of the Legislative Reorganization Act of 1946 (2 U.S.C. 190a(b)) is amended by inserting immediately after "(b)" the following: "Meetings for the transaction of business of each standing committee of the Senate, other than for the conduct of

hearings, shall be open to the public except during executive sessions for marking up bills or for voting or when the committee by majority vote orders an executive session.”.

(b) Clause 26 of Rule XI of the Rules of the House of Representatives, as amended by section 102(b) of this Act, is further amended by adding at the end thereof the following new paragraph:

“(f) Meetings for the transaction of business of each standing committee shall be open to the public except when the committee, by majority vote, determines otherwise. This paragraph does not apply to open committee hearings which are provided for by paragraphs (f) (2) and (g) (3) of clause 27 of this Rule.”.

PUBLIC ANNOUNCEMENT OF COMMITTEE VOTES

SEC. 104. (a) Section 133(b) of the Legislative Reorganization Act of 1946 (2 U.S.C. 190a(b)), as amended by section 103(a) of this Act, is further amended by adding at the end thereof the following: “The results of rollcall votes taken in any meeting of any such standing committee of the Senate upon any measure, or any amendment thereto, shall be announced in the committee report on that measure unless previously announced by the committee, and such announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment by each member of the committee who was present at that meeting.”.

Votes, tabulation.

(b) Clause 27(b) of Rule XI of the Rules of the House of Representatives is amended by adding at the end thereof the following: “The result of each rollcall vote in any meeting of any committee shall be made available by that committee for inspection by the public at reasonable times in the offices of that committee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each Member voting for and each Member voting against such amendment, motion, order, or proposition, and whether by proxy or in person, and the names of those Members present but not voting. With respect to each record vote by any committee on each motion to report any bill or resolution of a public character, the total number of votes cast for, and the total number of votes cast against, the reporting of such bill or resolution shall be included in the committee report.”.

Information, public inspection.

FILING OF COMMITTEE REPORTS

SEC. 105. (a) Section 133(c) of the Legislative Reorganization Act of 1946 (2 U.S.C. 190a(c)) is amended—

60 Stat. 831.

(1) by striking out “each such committee” and inserting in lieu thereof “each standing committee of the Senate”;

(2) by striking out “or House of Representatives as the case may be,”; and

(3) by adding at the end thereof the following:

“In any event, the report of any such committee upon a measure which has been approved by the committee shall be filed within seven calendar days (exclusive of days on which the Senate is not in session) after the day on which there has been filed with the clerk of the committee a written and signed request of a majority of the committee for the reporting of that measure. Upon the filing of any such request, the clerk of the committee shall transmit immediately to the chairman of the committee notice of the filing of that request.”.

(b) Clause 27(d) of Rule XI of the Rules of the House of Representatives is amended—

(1) by inserting “(1)” immediately after “(d)”; and

(2) by adding at the end thereof the following subparagraph:

“(2) In any event, the report of any committee on a measure which has been approved by the committee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by a majority of the members of the committee, for the reporting of that measure. Upon the filing of any such request, the clerk of the committee shall transmit immediately to the chairman of the committee notice of the filing of that request. This subparagraph does not apply to a report of the Committee on Rules with respect to the rules, joint rules, or order of business of the House or to the reporting of a resolution of inquiry addressed to the head of an executive department.”.

PROXY VOTING

60 Stat. 831. SEC. 106. (a) Section 133(d) of the Legislative Reorganization Act of 1946 (2 U.S.C. 190a(d)) is amended—

(1) by striking out “any such committee” and inserting in lieu thereof “any standing committee of the Senate (including the Committee on Appropriations)”; and

(2) by adding at the end thereof the following:

Majority of mem-
bers present, con-
currence.

“The vote of the committee to report a measure or matter shall require the concurrence of a majority of the members of the committee who are present. No vote of any member of any such committee to report a measure or matter may be cast by proxy if rules adopted by such committee forbid the casting of votes for that purpose by proxy; however, proxies shall not be voted for such purpose except when the absent committee member has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded. Action by any such committee in reporting any measure or matter in accordance with the requirements of this subsection shall constitute the ratification by the committee of all action theretofore taken by the committee with respect to that measure or matter, including votes taken upon the measure or matter or any amendment thereto, and no point of order shall lie with respect to that measure or matter on the ground that such previous action with respect thereto by such committee was not taken in compliance with such requirements. Whenever any such committee by rollcall vote reports any measure or matter, the report of the committee upon such measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each member of the committee. Nothing contained in this subsection shall abrogate the power of any committee of the Senate to adopt rules—

Votes, tabula-
tion.

“(1) providing for proxy voting on all matters other than the reporting of a measure or matter, or

“(2) providing in accordance with the rules of the Senate for a lesser number as a quorum for any action other than the reporting of a measure or matter.”.

(b) Clause 27(e) of Rule XI of the Rules of the House of Representatives is amended by adding at the end thereof the following: “No vote by any member of any committee with respect to any measure or matter may be cast by proxy unless such committee, by written rule adopted by the committee, permits voting by proxy and requires that

the proxy authorization shall be in writing, shall designate the person who is to execute the proxy authorization, and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto.”.

SUPPLEMENTAL, MINORITY, AND ADDITIONAL VIEWS

SEC. 107. (a) Section 133(e) of the Legislative Reorganization Act of 1946 (2 U.S.C. 190a(e)) is amended to read as follows:

Filing, notice.
60 Stat. 831.

“(e) If, at the time of approval of a measure or matter by any standing committee of the Senate, any member of the committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than three calendar days in which to file such views, in writing, with the clerk of the committee. All such views so filed by one or more members of the committee shall be included within, and shall be a part of, the report filed by the committee with respect to that measure or matter. The report of the committee upon that measure or matter shall be printed in a single volume which—

“(1) shall include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report, and

“(2) shall bear upon its cover a recital that supplemental, minority, or additional views are included as part of the report.

This subsection does not preclude—

“(A) the immediate filing and printing of a committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by this subsection; or

“(B) the filing by any such committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by that committee upon that measure or matter.”.

(b) Clause 27(d) of Rule XI of the Rules of the House of Representatives, as amended by section 105(b) of this Act, is further amended by adding at the end thereof the following subparagraph:

“(3) If, at the time of approval of any measure or matter by any committee (except the Committee on Rules) any member of the committee, gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than three calendar days (excluding Saturdays, Sundays, and legal holidays), in which to file such views, in writing and signed by that member, with the clerk of the committee. All such views so filed by one or more members of the committee shall be included within, and shall be a part of, the report filed by the committee with respect to that measure or matter. The report of the committee upon that measure or matter shall be printed in a single volume which—

“(A) shall include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report, and

“(B) shall bear upon its cover a recital that supplemental, minority, or additional views are included as part of the report.

This subparagraph does not preclude—

“(i) the immediate filing or printing of a committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by this subparagraph; or

“(ii) the filing by any such committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by that committee upon that measure or matter.”.

AVAILABILITY OF COMMITTEE REPORTS AND PRINTED HEARINGS ON
MEASURES AND MATTERS BEFORE FLOOR CONSIDERATION THEREOF

60 Stat. 831.

SEC. 108. (a) Section 133(f) of the Legislative Reorganization Act of 1946 (2 U.S.C. 190a(f)) is amended to read as follows:

Hearings,
printing and dis-
tribution.

“(f) A measure or matter reported by any standing committee of the Senate (including the Committee on Appropriations) shall not be considered in the Senate unless the report of that committee upon that measure or matter has been available to the Members of the Senate for at least three calendar days (excluding Saturdays, Sundays, and legal holidays) prior to the consideration of that measure or matter in the Senate. If hearings have been held on any such measure or matter so reported, the committee reporting the measure or matter shall make every reasonable effort to have such hearings printed and available for distribution to the Members of the Senate prior to the consideration of such measure or matter in the Senate. This subsection—

Waiver.

“(1) may be waived by joint agreement of the majority leader and the minority leader of the Senate; and

“(2) shall not apply to—

“(A) any measure for the declaration of war, or the declaration of a national emergency, by the Congress, and

“(B) any executive decision, determination, or action which would become, or continue to be, effective unless disapproved or otherwise invalidated by one or both Houses of Congress.”.

(b) Clause 27(d) of Rule XI of the Rules of the House of Representatives, as amended by sections 105(b) and 107(b) of this Act, is further amended by adding at the end thereof the following subparagraph:

“(4) A measure or matter reported by any committee (except the Committee on Appropriations, the Committee on House Administration, the Committee on Rules, and the Committee on Standards of Official Conduct) shall not be considered in the House unless the report of that committee upon that measure or matter has been available to the Members of the House for at least three calendar days (excluding Saturdays, Sundays, and legal holidays) prior to the consideration of that measure or matter in the House. If hearings have been held on any such measure or matter so reported, the committee reporting the measure or matter shall make every reasonable effort to have such hearings printed and available for distribution to the Members of the House prior to the consideration of such measure or matter in the House. This subparagraph shall not apply to—

“(A) any measure for the declaration of war, or the declaration of a national emergency, by the Congress; and

“(B) any executive decision, determination, or action which would become, or continue to be, effective unless disapproved or otherwise invalidated by one or both Houses of Congress.”.

(c) Clause 6 of Rule XXI of the Rules of the House of Representatives is amended to read as follows:

“6. No general appropriation bill shall be considered in the House until printed committee hearings and a committee report thereon have been available for the Members of the House for at least three calendar days (excluding Saturdays, Sundays, and legal holidays).”.

(d) Section 139(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 190f(a)) is repealed.

Repeal.
60 Stat. 833.

MOTIONS FOR CONSIDERATION BY THE HOUSE OF MEASURES PREVIOUSLY
MADE IN ORDER BY RESOLUTION FOR CONSIDERATION

SEC. 109. Clause 27(d) of Rule XI of the Rules of the House of Representatives, as amended by sections 105(b), 107(b), and 108(b) of this Act, is further amended by adding at the end thereof the following subparagraph:

“(5) If, within seven calendar days after a measure has, by resolution, been made in order for consideration by the House, no motion has been offered that the House consider that measure, the Speaker may, in his discretion, recognize any member of the committee which reported that measure to offer a motion that the House shall consider that measure, if that committee has duly authorized that member to offer that motion.”.

COMMITTEE FUNDS AND SENATE APPROPRIATIONS COMMITTEE EXCEPTION

SEC. 110. (a) Section 133 of the Legislative Reorganization Act of 1946 (2 U.S.C. 190a), as amended by sections 102 to 108, inclusive, of this Act, is further amended by adding at the end thereof the following new subsections:

60 Stat. 831.

“(g) Each standing committee of the Senate which, in any year beginning on or after January 1, 1971, requires authorization for the expenditure of funds in excess of the amount specified by section 134 (a) of this Act shall offer one annual authorization resolution to procure such authorization. Each such annual authorization resolution shall include a specification of the amount of all such funds sought by such committee for expenditure by all subcommittees thereof during that year and the amount so sought for each such subcommittee. The annual authorization resolution of any such committee of the Senate for each year beginning on or after January 1, 1971, shall be offered not later than January 31 of that year, except that, whenever the designation of members of standing committees of the Senate occurs during the first session of any Congress at a date later than January 20, such resolution may be offered by any standing committee of the Senate at any time within thirty days after the date on which a majority of the members of such committee have been designated during that session. After the date on which an annual authorization resolution has been offered by any such committee in any year, or the last date on which such committee pursuant to the preceding sentence may offer such a resolution, whichever date occurs earlier, such committee in any year may procure authorization for the expenditure of funds in excess of the amount specified by section 134(a) of this Act only by offering a supplemental authorization resolution. Each such supplemental authorization resolution shall specify with particularity the purpose for which such authorization is sought, and shall contain an explicit statement of the reason why authorization for the expenditures described therein could not have been sought at the time of, or within the period provided for, the submission by such committee of an annual authorization resolution for that year. The minority shall receive fair consideration in the appointment of staff personnel pursuant to any such annual or supplemental resolution.

Expenditure au-
thorization reso-
lution.

2 USC 190b.

Supplemental au-
thorization reso-
lution.

“(h) Except as otherwise specifically provided by this section, the foregoing provisions of this section do not apply to the Committee on Appropriations of the Senate.”.

Exception.

(b) Rule XI of the Rules of the House of Representatives is amended by adding at the end thereof the following new clause:

Primary expense
resolution.

“32. (a) Whenever any standing committee (except the Committee on Appropriations) is to be granted authorization for the payment, from the contingent fund of the House, of its expenses in any year, other than those expenses to be paid from appropriations provided by statute, such authorization initially shall be procured by one primary expense resolution for that committee providing funds for the payment of the expenses of the committee for that year from the contingent fund of the House. Any such primary expense resolution reported to the House shall not be considered in the House unless a printed report on that resolution has been available to the Members of the House for at least one calendar day prior to the consideration of that resolution in the House. Such report shall, for the information of the House—

Printed reports,
availability.

Contents.

“(1) state the total amount of the funds to be provided to the committee under the primary expense resolution for all anticipated activities and programs of the committee; and

“(2) to the extent practicable, contain such general statements regarding the estimated foreseeable expenditures for the respective anticipated activities and programs of the committee as may be appropriate to provide the House with basic estimates with respect to the expenditure generally of the funds to be provided to the committee under the primary expense resolution.

Additional ex-
pense resolution.

“(b) After the date of adoption by the House of any such primary expense resolution for any such standing committee for any year, authorization for the payment from the contingent fund of additional expenses of such committee in that year, other than those expenses to be paid from appropriations provided by statute, may be procured by one or more additional expense resolutions for that committee, as necessary. Any such additional expense resolution reported to the House shall not be considered in the House unless a printed report on that resolution has been available to the Members of the House for at least one calendar day prior to the consideration of that resolution in the House. Such report shall, for the information of the House—

Printed reports,
availability.

Contents.

“(1) state the total amount of additional funds to be provided to the committee under the additional expense resolution and the purpose or purposes for which those additional funds are to be used by the committee; and

“(2) state the reason or reasons for the failure to procure the additional funds for the committee by means of the primary expense resolution.

Minority party
staff personnel,
funds.

“(c) The minority party on any such standing committee is entitled, if they so request, to not less than one-third of the funds provided for the appointment of committee staff personnel pursuant to each such primary or additional expense resolution.

Exceptions.

“(d) The preceding provisions of this clause do not apply to—

“(1) any resolution providing for the payment from the contingent fund of the House of sums necessary to pay compensation for staff services performed for, or to pay other expenses of, any standing committee at any time from and after the beginning of any year and before the date of adoption by the House of the primary expense resolution providing funds to pay the expenses of that committee for that year; and

“(2) any resolution providing in any Congress, for all of the standing committees of the House, additional office equipment,

airmail and special delivery postage stamps, supplies, staff personnel, or any other specific item for the operation of the standing committees, and containing an authorization for the payment from the contingent fund of the House of the expenses of any of the foregoing items provided by that resolution, subject to and until enactment of the provisions of the resolution as permanent law.”.

PUBLIC NOTICE OF COMMITTEE HEARINGS

SEC. 111. (a) (1) Part 3 of title I of the Legislative Reorganization Act of 1946 (60 Stat. 831) is amended by inserting immediately after section 133 thereof the following new section:

2 USC 190 *et seq.*

“SENATE COMMITTEE HEARING PROCEDURE

“SEC. 133A. (a) Each standing, select, or special committee of the Senate (except the Committee on Appropriations) shall make public announcement of the date, place, and subject matter of any hearing to be conducted by the committee on any measure or matter at least one week before the commencement of that hearing unless the committee determines that there is good cause to begin such hearing at an earlier date.”.

(2) Title I of the table of contents of the Legislative Reorganization Act of 1946 (60 Stat. 813) is amended by inserting, immediately below the item relating to section 133 contained in that title, the following:

“Sec. 133A. Senate committee hearing procedure.”.

(b) Clause 27(f) of Rule XI of the Rules of the House of Representatives is amended to read as follows:

“(f) (1) Each committee of the House (except the Committee on Rules) shall make public announcement of the date, place, and subject matter of any hearing to be conducted by the committee on any measure or matter at least one week before the commencement of that hearing, unless the committee determines that there is good cause to begin such hearing at an earlier date. If the committee makes that determination, the committee shall make such public announcement at the earliest possible date. Such public announcement also shall be published in the Daily Digest portion of the Congressional Record as soon as possible after such public announcement is made by the committee.”.

Publication in
Congressional
Record.

OPEN COMMITTEE HEARINGS

SEC. 112. (a) Section 133A of the Legislative Reorganization Act of 1946, as enacted by section 111(a) of this Act, is amended by adding at the end thereof the following new subsection:

“(b) Each hearing conducted by each standing, select, or special committee of the Senate (except the Committee on Appropriations) shall be open to the public except when the committee determines that the testimony to be taken at that hearing may relate to a matter of national security, may tend to reflect adversely on the character or reputation of the witness or any other individual, or may divulge matters deemed confidential under other provisions of law or Government regulation.”.

(b) Clause 27(f) of Rule XI of the Rules of the House of Representatives, as amended by section 111(b) of this Act, is further amended by adding at the end thereof the following new subparagraph:

“(2) Each hearing conducted by each committee shall be open to the public except when the committee, by majority vote, determines otherwise.”.

STATEMENTS OF WITNESSES AT COMMITTEE HEARINGS

SEC. 113. (a) Section 133A of the Legislative Reorganization Act of 1946, as enacted and amended by section 111(a) and 112(a) of this Act, is further amended by adding at the end thereof the following new subsections:

Proposed testimony, written statement.

"(c) Each standing, select, or special committee of the Senate (except the Committee on Appropriations) shall require each witness who is to appear before the committee in any hearing to file with the clerk of the committee, at least one day before the date of the appearance of that witness, a written statement of his proposed testimony unless the committee chairman and the ranking minority member determine that there is good cause for the failure of the witness to file such a statement in compliance with this subsection. If so requested by any such committee, the staff of the committee shall prepare for the use of the members of the committee before each day of hearing before the committee a digest of the statements which have been so filed by witnesses who are to appear before the committee on that day.

Statements, digest.

Summary and printing.

"(d) After the conclusion of each day of hearing, if so requested by any such committee, the staff shall prepare for the use of the members of the committee a summary of the testimony given before the committee on that day. After approval by the chairman and the ranking minority member of the committee, each such summary may be printed as a part of the committee hearings if such hearings are ordered by the committee to be printed."

(b) Clause 27(f) of Rule XI of the Rules of the House of Representatives, as amended by section 111(b) and 112(b) of this Act, is further amended by adding at the end thereof the following new subparagraph:

"(3) Each committee shall require, so far as practicable, each witness who is to appear before it to file with the committee, in advance of his appearance, a written statement of his proposed testimony and to limit his oral presentation at his appearance to a brief summary of his argument."

CALLING OF WITNESSES SELECTED BY THE MINORITY AT COMMITTEE HEARINGS

SEC. 114. (a) Section 133A of the Legislative Reorganization Act of 1946, as enacted and amended by section 111(a), 112(a), and 113(a) of this Act, is further amended by adding at the end thereof the following new subsection:

"(e) Whenever any hearing is conducted by any such committee of the Senate (except the Committee on Appropriations) upon any measure or matter, the minority on the committee shall be entitled, upon request made by a majority of the minority members to the chairman before the completion of such hearing, to call witnesses selected by the minority to testify with respect to the measure or matter during at least one day of hearing thereon."

(b) Clause 27(f) of Rule XI of the Rules of the House of Representatives, as amended by section 111(b), 112(b), and 113(b) of this Act, is further amended by adding at the end thereof the following new subparagraph:

"(4) Whenever any hearing is conducted by any committee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the chairman by a majority of those minority party members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon."

POINTS OF ORDER WITH RESPECT TO COMMITTEE HEARING PROCEDURE

SEC. 115. (a) Section 133A of the Legislative Reorganization Act of 1946, as enacted and amended by section 111(a), 112(a), 113(a), and 114(a) of this Act, is further amended by adding at the end thereof the following new subsection:

“(f) Whenever any such committee of the Senate (except the Committee on Appropriations) has reported any measure, by action taken in conformity with the requirements of section 133(d) of this Act, no point of order shall lie with respect to that measure on the ground that hearings upon that measure by the committee were not conducted in accordance with the provisions of this section.”

Ante, p. 1146.

(b) Clause 27(f) of Rule XI of the Rules of the House of Representatives, as amended by sections 111(b), 112(b), 113(b), and 114(b) of this Act, is further amended by adding at the end thereof the following new subparagraph:

“(5) No point of order shall lie with respect to any measure reported by any committee on the ground that hearings upon such measure were not conducted in accordance with the provisions of this clause; except that a point of order on that ground may be made by any member of the committee which has reported the measure if, in the committee, such point of order was (A) timely made and (B) improperly overruled or not properly considered.”

BROADCASTING OF COMMITTEE HEARINGS

SEC. 116. (a) Section 133A(b) of the Legislative Reorganization Act of 1946, as enacted by section 112(a) of this Act, is amended by adding at the end thereof the following: “Whenever any such hearing is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee may adopt.”

Ante, p. 1151.

(b) Rule XI of the Rules of the House of Representatives is amended by adding at the end thereof the following new clause:

“33. (a) It is the purpose of this clause to provide a means, in conformity with acceptable standards of dignity, propriety, and decorum, by which committee hearings which are open to the public may be covered, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage—

Radio, television, etc., coverage.

“(1) for the education, enlightenment, and information of the general public, on the basis of accurate and impartial news coverage, regarding the operations, procedures, and practices of the House as a legislative and representative body and regarding the measures, public issues, and other matters before the House and its committees, the consideration thereof, and the action taken thereon; and

Purpose.

“(2) for the development of the perspective and understanding of the general public with respect to the role and function of the House under the Constitution of the United States as an organ of the Federal Government.

“(b) In addition, it is the intent of this clause that radio and television tapes and television film of any coverage under this clause shall not be used, or made available for use, as partisan political campaign material to promote or oppose the candidacy of any person for elective public office.

Prohibition.

“(c) It is, further, the intent of this clause that the general conduct of each meeting of any hearing or hearings covered, under authority of this clause, by television broadcast, radio broadcast, and still pho-

tography, or by any of such methods of coverage, and the personal behavior of the committee members and staff, other Government officials and personnel, witnesses, television, radio, and press media personnel, and the general public at the hearing shall be in strict conformity with and observance of the acceptable standards of dignity, propriety, courtesy, and decorum traditionally observed by the House in its operations and shall not be such as to—

“(A) distort the objects and purposes of the hearing or the activities of committee members in connection with that hearing or in connection with the general work of the committee or of the House; or

“(B) cast discredit or dishonor on the House, the committee, or any Member or bring the House, the committee, or any Member into disrepute.

“(d) The coverage of committee hearings by television broadcast, radio broadcast, or still photography is a privilege made available by the House and shall be permitted and conducted only in strict conformity with the purposes, provisions, and requirements of this clause.

“(e) Whenever any hearing conducted by any committee of the House is open to the public, that committee may permit, by majority vote of the committee, that hearing to be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, but only under such written rules as the committee may adopt in accordance with the purposes, provisions, and requirements of this clause.

Written rules,
provisions.

“(f) The written rules which may be adopted by a committee under paragraph (e) of this clause shall contain provisions to the following effect:

“(1) If the television or radio coverage of the hearing is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

“(2) No witness served with a subpoena by the committee shall be required against his will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off. This subparagraph is supplementary to paragraph (m) of clause 27 of this rule, relating to the protection of the rights of witnesses.

Television cam-
eras, numerical
limitation.

“(3) Not more than four television cameras, operating from fixed positions, shall be permitted in a hearing room. The allocation among the television media of the positions of the number of television cameras permitted in a hearing room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

“(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the committee or the visibility of that witness and that member to each other.

“(5) Television cameras shall not be placed in positions which obstruct unnecessarily the coverage of the hearing by the other media.

“(6) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing room while the committee is in session.

"(7) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing, except that the television media may install additional lighting in the hearing room, without cost to the Government, in order to raise the ambient lighting level in the hearing room to the lowest level necessary to provide adequate television coverage of the hearing at the then current state of the art of television coverage.

"(8) Not more than five press photographers shall be permitted to cover a hearing by still photography. In the selection of these photographers, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If request is made by more than five of the media for coverage of the hearing by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

Press photog-
raphers, num-
erical limitation.

"(9) Photographers shall not position themselves, at any time during the course of the hearing, between the witness table and the members of the committee.

"(10) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

"(11) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

"(12) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

"(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner."

COMMITTEE MEETINGS DURING SESSIONS OF THE HOUSES OF CONGRESS

SEC. 117. (a) Section 134(c) of the Legislative Reorganization Act of 1946 (2 U.S.C. 190b(b)) is amended to read as follows:

Restrictions.
60 Stat. 831;
Post, p. 1440.

"(c) Except as otherwise provided in this subsection, no standing committee of the Senate shall sit, without special leave, while the Senate is in session. The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations of the Senate. Any other standing committee of the Senate may sit for any purpose while the Senate is in session if consent therefor has been obtained from the majority leader and the minority leader of the Senate. In the event of the absence of either of such leaders, the consent of the absent leader may be given by a Senator designated by such leader for that purpose. Notwithstanding the provisions of this subsection, any standing committee of the Senate may sit without special leave for any purpose as authorized by paragraph 5 of rule XXV of the Standing Rules of the Senate."

Exception.

(b) Clause 31 of rule XI of the Rules of the House of Representatives is amended to read as follows:

Five-minute rule.

"31. No committee of the House (except the Committee on Appropriations, the Committee on Government Operations, the Committee on Internal Security, the Committee on Rules, and the Committee on Standards of Official Conduct) may sit, without special leave, while the House is reading a measure for amendment under the five-minute rule."

LEGISLATIVE REVIEW BY STANDING COMMITTEES

60 Stat. 832. SEC. 118. (a) (1) Section 136 of the Legislative Reorganization Act of 1946 (2 U.S.C. 190d) is amended to read as follows:

“LEGISLATIVE REVIEW BY SENATE STANDING COMMITTEES

“SEC. 136. (a) In order to assist the Senate in—

“(1) its analysis, appraisal, and evaluation of the application, administration, and execution of the laws enacted by the Congress, and

“(2) its formulation, consideration, and enactment of such modifications of or changes in those laws, and of such additional legislation, as may be necessary or appropriate, each standing committee of the Senate shall review and study, on a continuing basis, the application, administration, and execution of those laws, or parts of laws, the subject matter of which is within the jurisdiction of that committee.

Report to Senate. “(b) Each standing committee of the Senate shall submit, not later than March 31 of each odd-numbered year beginning on and after January 1, 1973, to the Senate a report on the activities of that committee under this section during the Congress ending at noon on January 3 of such year.

Exception. “(c) The preceding provisions of this section do not apply to the Committee on Appropriations of the Senate.”

(2) Title I of the table of contents of the Legislative Reorganization Act of 1946 (60 Stat. 813) is amended by striking out—

“Sec. 136. Legislative oversight by standing committees.”

and inserting in lieu thereof—

“Sec. 136. Legislative review by Senate standing committees.”.

(b) Clause 28 of Rule XI of the Rules of the House of Representatives is amended to read as follows:

“28. (a) In order to assist the House in—

“(1) its analysis, appraisal, and evaluation of the application, administration, and execution of the laws enacted by the Congress, and

“(2) its formulation, consideration, and enactment of such modifications of or changes in those laws, and of such additional legislation, as may be necessary or appropriate, each standing committee shall review and study, on a continuing basis, the application, administration, and execution of those laws, or parts of laws, the subject matter of which is within the jurisdiction of that committee.

Report to House. “(b) Each standing committee shall submit to the House, not later than January 2 of each odd-numbered year beginning on or after January 1, 1973, a report on the activities of that committee under this clause during the Congress ending at noon on January 3 of such year.

Exceptions. “(c) The preceding provisions of this clause do not apply to the Committee on Appropriations, the Committee on House Administration, the Committee on Rules, and the Committee on Standards of Official Conduct.”.

DEBATE TIME UNDER FIVE-MINUTE RULE IN COMMITTEE OF THE WHOLE
HOUSE FOR AMENDMENTS PREVIOUSLY PRINTED IN CONGRESSIONAL RECORD

SEC. 119. Clause 6 of Rule XXIII of the Rules of the House of Representatives is amended by adding at the end thereof the following new sentence: "However, if debate is closed on any section or paragraph under this clause before there has been debate on any amendment which any Member shall have caused to be printed in the Congressional Record after the reporting of the bill by the committee but at least one day prior to floor consideration of such amendment, the Member who caused such amendment to be printed in the Record shall be given five minutes in which to explain such amendment, after which the first person to obtain the floor shall be given five minutes in opposition to it, and there shall be no further debate thereon; but such time for debate shall not be allowed when the offering of such amendment is dilatory."

RECORDING OF TELLER VOTES IN THE HOUSE

SEC. 120. Clause 5 of Rule I of the Rules of the House of Representatives is amended to read as follows:

"5. He shall rise to put a question, but may state it sitting; and shall put questions in this form, to wit: 'As many as are in favor (as the question may be), say "Aye"'; and after the affirmative voice is expressed, 'As many as are opposed, say "No"'. If he doubts, or a division is called for, the House shall divide; those in the affirmative of the question shall first rise from their seats, and then those in the negative; if he still doubts, or a count is required by at least one-fifth of a quorum, he shall name one or more from each side of the question to tell the Members in the affirmative and negative; which being reported, he shall rise and state the decision. If before tellers are named any Member requests tellers with clerks and that request is supported by at least one-fifth of a quorum, the names of those voting on each side of the question and the names of those not voting shall be recorded by clerks or by electronic device, and shall be entered in the Journal. Members shall have not less than twelve minutes from the naming of tellers with clerks to be counted."

RECORDING OF ROLL CALLS AND QUORUM CALLS THROUGH
ELECTRONIC EQUIPMENT IN THE HOUSE

SEC. 121. (a) Rule XV of the Rules of the House of Representatives is amended by adding at the end thereof the following new clause:

"5. In lieu of the calling of the names of Members in the manner provided for under the preceding provisions of this Rule, upon any roll call or quorum call, the names of such Members voting or present may be recorded through the use of appropriate electronic equipment. In any such case, the Clerk shall enter in the Journal and publish in the Congressional Record, in alphabetical order in each category, a list of the names of those Members recorded as voting in the affirmative, of those Members recorded as voting in the negative, and of those Members voting present, as the case may be, as if their names had been called in the manner provided for under such preceding provisions."

(b) The contingent fund of the House of Representatives shall be available to provide the electronic equipment necessary to carry out the purpose of the amendment made by subsection (a).

EXPEDITIOUS CONDUCT OF CALLS OF THE HOUSE

SEC. 122. (a) Clause 2 of Rule XV of the Rules of the House of Representatives is amended—

(1) by inserting “(a)” immediately after “2.”; and

(2) by adding at the end thereof the following new paragraph:

“(b) When a call of the House in the absence of a quorum is ordered, the Speaker of the House or the Chairman of the Committee of the Whole House, as the case may be, in his discretion may order the Clerk of the House to lay out tally sheets on which the presence of the Members shall be recorded by the Clerk or the respective Members. When a quorum has been recorded, which in the Committee of the Whole House shall be one hundred Members, the Clerk shall advise the Speaker or Chairman of this fact, after which it shall be in order to entertain a motion, which is privileged and shall be decided without debate, to dispense with further proceedings under the call, and the business of the House or the Committee of the Whole shall then resume. However, for a period of thirty minutes following the commencement of such quorum call, Members who are present before the expiration of such thirty-minute period may have their presence recorded on such tally sheets. Absent Members shall be recorded in the Journal of the House.”

Absent Members,
recording.

(b) Clause 2 of Rule XXIII of the Rules of the House of Representatives is amended to read as follows:

“2. Unless the Chairman invokes the procedure for the call of the roll under paragraph (b) of clause 2 of Rule XV, whenever a Committee of the Whole House or of the Whole House on the State of the Union finds itself without a quorum, which shall consist of one hundred Members, the Chairman shall cause the roll to be called, and thereupon the committee shall rise, and the Chairman shall report the names of the absentees to the House, which shall be entered on the Journal; but if on such call a quorum shall appear, the committee shall thereupon resume its sitting without further order of the House.”

DEBATE ON MOTION TO RECOMMIT WITH INSTRUCTIONS AFTER PREVIOUS QUESTION IS ORDERED IN THE HOUSE

SEC. 123. Clause 4 of Rule XVI of the Rules of the House of Representatives is amended by adding at the end thereof the following new sentence: “However, with respect to any motion to recommit with instructions after the previous question shall have been ordered, it always shall be in order to debate such motion for ten minutes before the vote is taken on that motion, one half of such time to be given to debate by the mover of the motion and one half to debate in opposition to the motion.”

DELIVERY OF COPIES OF AMENDMENTS OFFERED IN COMMITTEE OF THE WHOLE HOUSE

SEC. 124. Clause 5 of Rule XXIII of the Rules of the House of Representatives is amended by adding at the end thereof the following: “Upon the offering of any amendment by a Member, when the House is meeting in the Committee of the Whole, the Clerk shall promptly transmit to the majority committee table five copies of the amendment and five copies to the minority committee table. Further, the Clerk shall deliver at least one copy of the amendment to the majority cloak room and at least one copy to the minority cloak room.”

CONFERENCE REPORTS

SEC. 125. (a) (1) The section caption of section 135 of the Legislative Reorganization Act of 1946 (2 U.S.C. 190c) is amended to read as follows:

60 Stat. 832.

“SENATE CONFERENCE REPORTS”.

(2) Section 135 of the Legislative Reorganization Act of 1946 (2 U.S.C. 190c) is amended by adding at the end thereof the following new subsections:

“(c) Each report made by a committee of conference to the Senate shall be printed as a report of the Senate. As so printed, such report shall be accompanied by an explanatory statement prepared jointly by the conferees on the part of the House and the conferees on the part of the Senate. Such statement shall be sufficiently detailed and explicit to inform the Senate as to the effect which the amendments or propositions contained in such report will have upon the measure to which those amendments or propositions relate.

Printing as
Senate report.

“(d) If time for debate in the consideration of any report of a committee of conference upon the floor of the Senate is limited, the time allotted for debate shall be equally divided between the majority party and the minority party.”.

Debate, equal
time.

(3) The item relating to section 135 contained in the table of contents of the Legislative Reorganization Act of 1946 (60 Stat. 813) is amended to read as follows:

“Sec. 135. Senate Conference Reports.”.

(b) (1) Paragraph (c) of clause 1 of Rule XXVIII of the Rules of the House of Representatives is amended to read as follows:

“(c) Each report made by a committee of conference to the House shall be printed as a report of the House. As so printed, such report shall be accompanied by an explanatory statement prepared jointly by the conferees on the part of the House and the conferees on the part of the Senate. Such statement shall be sufficiently detailed and explicit to inform the House as to the effect which the amendments or propositions contained in such report will have upon the measure to which those amendments or propositions relate.”.

Printing as
House report.

(2) Clause 2 of Rule XXVIII of the Rules of the House of Representatives is amended to read as follows:

“2. It shall not be in order to consider the report of a committee of conference unless such report and the accompanying statement shall have been printed in the Record, at least three calendar days (excluding Saturdays, Sundays, and legal holidays) prior to the consideration of such report by the House; but this provision does not apply during the last six days of the session. Nor shall it be in order to consider any conference report unless copies of the report and accompanying statement are then available on the floor. The time allotted for debate in the consideration of any such report shall be equally divided between the majority party and the minority party.”.

Printing of conference report in
Record.

Availability on
floor.

(3) Clause 3 of Rule XXVIII of the Rules of the House of Representatives is amended—

(1) by striking out “, but their report shall not include matter not committed to the conference committee by either House.”; and

(2) by inserting in lieu thereof the following: “, but the introduction of any language in that substitute presenting a specific additional topic, question, issue, or proposition not committed to the conference committee by either House shall not constitute a

germane modification of the matter in disagreement. Moreover, their report shall not include matter not committed to the conference committee by either House, nor shall their report include a modification of any specific topic, question, issue, or proposition committed to the conference committee by either or both Houses if that modification is beyond the scope of that specific topic, question, issue, or proposition as so committed to the conference committee.”.

MOTIONS IN THE HOUSE TO DISPOSE OF NONGERMANE AMENDMENTS
BETWEEN THE TWO HOUSES

SEC. 126. (a) Clause 1 of Rule XX of the Rules of the House of Representatives is amended by adding at the end thereof the following new sentences: “Such a motion, and any motion, rule, or order to dispose of amendments between the two Houses to any House or Senate bill or resolution (other than a motion to request or agree to a conference), shall require for adoption, on demand of any Member, a separate vote on each amendment to be disposed of if, originating in the House, such amendment would be subject to a point of order on a question of germaneness under clause 7 of Rule XVI. Before such separate vote is taken, it shall be in order to debate such amendment for forty minutes, one-half of such time to be given to debate in favor of, and one-half to debate in opposition to, the amendment.”.

(b) Rule XX of the Rules of the House of Representatives is amended by adding at the end thereof the following clause:

“3. No amendment of the Senate which would be in violation of the provisions of clause 7 of Rule XVI, if such amendment had been offered in the House, shall be agreed to by the managers on the part of the House unless specific authority to agree to such amendment shall be first given by the House by a separate vote on every such amendment.”.

READING OF THE JOURNAL OF THE HOUSE

SEC. 127. Clause 1 of Rule I of the Rules of the House of Representatives is amended—

(1) by striking out “at the last sitting, immediately call” and inserting in lieu thereof “at the last sitting and immediately call”; and

(2) by striking out “, and on the appearance of a quorum, cause the Journal of the proceedings of the last day’s sitting to be read, having previously examined and approved the same.” and inserting in lieu thereof a period and the following: “On the appearance of a quorum, the Speaker, having examined the Journal of the proceedings of the last day’s sitting and approved the same, shall announce to the House his approval of the Journal; whereupon, unless the Speaker, in his discretion, orders the reading of the Journal, the Journal shall be considered as read. However, it shall then be in order to offer one motion that the Journal be read and such motion is of the highest privilege and shall be determined without debate.”.

CLOSING OF THE DOORS IN CALLS OF THE HOUSE

Post, p. 1440.

SEC. 128. Clause 2 of rule XV of the Rules of the House of Representatives is amended by striking out “, and in all calls of the House the doors shall be closed, the names of the Members shall be called by

the Clerk, and the absentees noted;" and inserting in lieu thereof
", and in all calls of the House the names of the Members shall be called
by the Clerk, and the absentees noted, but the doors shall not be
closed except when so ordered by the Speaker;"

CLARIFICATION OF CERTAIN PROVISIONS AND ELIMINATION OF OBSOLETE
LANGUAGE IN CERTAIN HOUSE RULES

SEC. 129. (a) Clause 27(a) of Rule XI of the Rules of the House
of Representatives is amended to read as follows:

"(a) The Rules of the House are the rules of its committees and
subcommittees so far as applicable, except that a motion to recess from
day to day is a motion of high privilege in committees and subcom-
mittees. Any committee may adopt additional written rules not incon-
sistent with the Rules of the House and those additional rules shall
be binding on each subcommittee of that committee. Each subcommit-
tee of a committee is a part of that committee and is subject to the
authority and direction of that committee."

(b) Rule XII of the Rules of the House of Representatives is
amended to read as follows:

"RULE XII.

"RESIDENT COMMISSIONER

"The Resident Commissioner to the United States from Puerto Rico
shall be elected to serve on standing committees in the same manner
as Members of the House and shall possess in such committees the
same powers and privileges as the other Members."

(c) Clause 3 of Rule III of the Rules of the House of Representa-
tives is amended—

(1) by striking out "to Members and Delegates" and inserting
in lieu thereof "to Members and the Resident Commissioner from
Puerto Rico";

(2) by striking out "Members and officers" and inserting in
lieu thereof "Members, the Resident Commissioner from Puerto
Rico, and officers";

(3) by striking out "and Territory";

(4) by striking out "preserve for and deliver or mail to each
Member and Delegate an extra copy, in good binding, of all docu-
ments printed by order of either House of the Congress to which
he belonged;" and inserting in lieu thereof "deliver or mail to
any Member or the Resident Commissioner from Puerto Rico an
extra copy, in binding of good quality, of each document
requested by that Member or the Resident Commissioner which
has been printed, by order of either House of the Congress, in any
Congress in which he served;" and

(5) by striking out "of Members and Delegates" and inserting
in lieu thereof "of Members and the Resident Commissioner from
Puerto Rico".

(d) Clause 1 of Rule IV of the Rules of the House of Representa-
tives is amended by striking out "of Members and Delegates" and in-
serting in lieu thereof "of Members and the Resident Commissioner
from Puerto Rico".

(e) (1) Clause 2 of Rule V of the Rules of the House of Repre-
sentatives is repealed.

(2) Clause 3 of Rule V of the Rules of the House of Representa-
tives is redesignated as clause 2 of that Rule.

(f) Rule VI of the Rules of the House of Representatives is amended to read as follows:

“RULE VI.

“DUTIES OF THE POSTMASTER

“The Postmaster shall superintend the post office in the Capitol and in the respective office buildings of the House for the accommodation of Representatives, the Resident Commissioner from Puerto Rico, and officers of the House and shall be held responsible for the prompt and safe delivery of their mail.”

(g) Clause 9 of Rule XI of the Rules of the House of Representatives is amended by striking out “clause 15(d)” wherever occurring therein and inserting in lieu thereof “clause 16(d)”.

(h) Clause 23 of Rule XI of the Rules of the House of Representatives is amended—

(1) by striking out “paragraph 7” and inserting in lieu thereof “clause 7”; and

(2) by striking out “paragraph 4” and inserting in lieu thereof “clause 4”.

(i) Clause 25 of Rule XI of the Rules of the House of Representatives is amended to read as follows:

“25. The Committee on House Administration shall make final report to the House in each contested-election case at such time as the committee considers practicable in that Congress to which the contestee is elected.”

(j) Clause 27(j) of Rule XI of the Rules of the House of Representatives is amended by striking out “paragraph 27 of Rule XI of the House of Representatives” and inserting in lieu thereof “this clause of this Rule”.

(k) Clause 7 of Rule XXIV of the Rules of the House of Representatives is amended by striking out “paragraph 4” and inserting in lieu thereof “clause 4”.

(l) Clause 2 of Rule XXXIV of the Rules of the House of Representatives is amended by striking out “, one to the International News Service, and one to the United Press Associations,” and inserting in lieu thereof “and one to United Press International”.

(m) Clause 3 of Rule XXXIV of the Rules of the House of Representatives is amended—

(1) by striking out “wireless” and inserting in lieu thereof “television”;

(2) by striking out “standing Committee of Radio Reporters” and inserting in lieu thereof “Executive Committee of the Radio and Television Correspondents’ Galleries”; and

(3) by striking out “Transradio Press Service” and inserting in lieu thereof “American Broadcasting Company”.

(n) Clause 2 of Rule XXXVI of the Rules of the House of Representatives is amended—

(1) by striking out “National Archives” and inserting in lieu thereof “General Services Administration”; and

(2) by striking out “, and in so transferring he may act jointly with the Secretary of the Senate.” and inserting in lieu thereof a period and the following: “In making the transfer, the Clerk may act jointly with the Secretary of the Senate.”

SENATE COMMITTEE RULES

SEC. 130. (a) Part 3 of title I of the Legislative Reorganization Act of 1946 is further amended by adding after section 133A of such Act, as enacted by this title, the following new section:

Ante, p. 1151.

“SENATE COMMITTEE RULES

“SEC. 133B. Each standing, select, or special committee of the Senate shall adopt rules (not inconsistent with the Standing Rules of the Senate or with those provisions of law having the force and effect of Standing Rules of the Senate) governing the procedure of such committee. The rules of each such committee shall be published in the Congressional Record not later than March 1 of each year, except that if any such committee is established on or after February 1 of a year, the rules of that committee during the year of establishment shall be published in the Congressional Record not later than sixty days after such establishment. An amendment to the rules of any such committee shall be published in the Congressional Record not later than thirty days after the adoption of such amendment. If the Congressional Record is not published on the last day of any period during which the rules of any such committee, or an amendment to those rules, is required to be published in the Congressional Record by this section, such rules or amendment shall be published in the first daily edition of the Congressional Record published following such day.”

Publication in
Congressional
Record.

(b) Title I of the table of contents of the Legislative Reorganization Act of 1946 is amended by inserting, immediately below the item relating to section 133A contained in that title (as added by section 111(a)(2) of this Act), the following:

“Sec. 133B. Senate Committee Rules.”

JURISDICTION OF STANDING COMMITTEES OF THE SENATE

SEC. 131. Paragraph 1 of Rule XXV of the Standing Rules of the Senate is amended—

(1) by striking out in subparagraph (e)—

“Committee on Banking and Currency,”

and inserting in lieu thereof—

“Committee on Banking, Housing and Urban Affairs,”;

(2) by adding at the end of subparagraph (e) the following item:

“10. Urban affairs generally.”;

(3) by striking out in subparagraph (h) (relating to the Committee on Finance) the following numbered items—

“10. Veterans’ measures generally.

“11. Pensions of all the wars of the United States, general and special.

“12. Life insurance issued by the Government on account of service in the armed forces.

“13. Compensation of veterans.”;

(4) by striking out in subparagraph (m) (relating to the Committee on Labor and Public Welfare)—

“16. Vocational rehabilitation and education of veterans.

“17. Veterans’ hospitals, medical care and treatment of veterans.

“18. Soldiers’ and sailors’ civil relief.

“19. Readjustment of servicemen to civil life.”;

- (5) by adding at the end thereof the following new subparagraph—
- “(q) Committee on Veterans’ Affairs,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:
- “1. Veterans’ measures generally.
 - “2. Pensions of all wars of the United States, general and special.
 - “3. Life insurance issued by the Government on account of service in the armed forces.
 - “4. Compensation of veterans.
 - “5. Vocational rehabilitation and education of veterans.
 - “6. Veterans’ hospitals, medical care and treatment of veterans.
 - “7. Soldiers’ and sailors’ civil relief.
 - “8. Readjustment of servicemen to civil life.
 - “9. National cemeteries.”; and
- (6) by striking out in subparagraph (k) (relating to the Committee on Interior and Insular Affairs) the following item—
- “5. Military parks and battlefields, and national cemeteries.”
- and inserting in lieu thereof—
- “5. Military parks and battlefields.”

MEMBERSHIP OF STANDING COMMITTEES OF THE SENATE

SEC. 132. (a) Paragraph 1 of Rule XXV of the Standing Rules of the Senate, as such paragraph existed on the day preceding the effective date of this section, is amended—

- (1) by striking out in subparagraph (a) the words “to consist of fifteen Senators,”;
- (2) by striking out in subparagraph (b) the words “to consist of thirteen Senators,”;
- (3) by striking out in subparagraph (c) the words “to consist of twenty-four Senators,”;
- (4) by striking out in subparagraph (d) the words “to consist of eighteen Senators,”;
- (5) by striking out in subparagraph (e) the words “to consist of fifteen Senators,”;
- (6) by striking out in subparagraph (f) the words “to consist of nineteen Senators,”;
- (7) by striking out in subparagraph (g) the words “to consist of seven Senators,”;
- (8) by striking out in subparagraph (h) the words “to consist of seventeen Senators,”;
- (9) by striking out in subparagraph (i) the words “to consist of fifteen Senators,”;
- (10) by striking out in subparagraph (j) (1) the words “to consist of fifteen Senators,”;
- (11) by striking out in subparagraph (k) the words “to consist of seventeen Senators,”;
- (12) by striking out in subparagraph (l) the words “to consist of seventeen Senators,”;
- (13) by striking out in subparagraph (m) the words “to consist of seventeen Senators,”;
- (14) by striking out in subparagraph (n) the words “to consist of twelve Senators,”;
- (15) by striking out in subparagraph (o) the words “to consist of fifteen Senators,”; and
- (16) by striking out in subparagraph (p) (1) the words “to consist of nine Senators,”.

(b) Paragraphs 2, 3, 4, and 5 of Rule XXV of the Standing Rules of the Senate are redesignated as paragraphs 4, 5, 6, and 7 thereof, respectively.

(c) Rule XXV of the Standing Rules of the Senate is amended by inserting therein, immediately after paragraph 1, the following new paragraphs:

“2. Except as otherwise provided by paragraph 6 of this rule, each of the following standing committees shall consist of the number of Senators set forth in the following table on the line on which the name of that committee appears:

“Committee	Members
“Aeronautical and Space Sciences_____	14
“Agriculture and Forestry_____	13
“Appropriations_____	24
“Armed Services_____	15
“Banking, Housing, and Urban Affairs_____	15
“Commerce_____	17
“Finance_____	15
“Foreign Relations_____	15
“Government Operations_____	14
“Interior and Insular Affairs_____	14
“Judiciary_____	15
“Labor and Public Welfare_____	15
“Public Works_____	14.

“3. Except as otherwise provided by paragraph 6 of this rule, each of the following standing committees shall consist of the number of Senators set forth in the following table on the line on which the name of that committee appears:

“Committee	Members
“District of Columbia_____	7
“Post Office and Civil Service_____	9
“Rules and Administration_____	9
“Veterans’ Affairs_____	9.”.

(d) Paragraph 6 of Rule XXV of the Standing Rules of the Senate (as redesignated) is amended to read as follows:

“6. (a) Except as otherwise provided by this paragraph, each Senator shall serve on two and no more of the standing committees named in paragraph 2. Except as otherwise provided by this paragraph, no Senator shall serve on more than one committee included within the following classes: standing committees named in paragraph 3; select and special committees of the Senate; and joint committees of the Congress.

“(b) Each Senator who on the day preceding the effective date of section 132 of the Legislative Reorganization Act of 1970 was serving as a member of any standing committee shall be entitled to continue to serve on each such committee of which he was a member on that day as long as his service as a member of such committee remains continuous after that day. Each Senator who (1) on that day was serving as a member of the Committee on Aeronautical and Space Sciences or the Committee on Government Operations, (2) on that date was entitled, under the proviso contained in the first sentence of paragraph 4 of this rule as such rule existed on that day, to serve on three committees named in that sentence, and (3) on June 30, 1971, is serving on three such committees, of which at least one is the Committee on Aeronautical and Space Sciences or the Committee on Government Operations, shall be entitled to continue to serve on each of the committees of which he is a member on June 30, 1971, so long as his service as a member of each such committee remains continuous thereafter. Each Senator who, on the day preceding the effective date of section 132 of the Legislative Reorganization Act of 1970, was a member of

Ante, p. 1164.

more than one committee of the classes described in the second sentence of subparagraph (a) shall be entitled to serve on each such committee of which he was a member on that day as long as his service as a member of that committee remains continuous after that day. Notwithstanding the provisions of paragraphs 2 and 3, each committee of the Senate shall be temporarily increased in membership by such number as may be required to carry into effect the provisions of this subparagraph.

Membership,
temporary in-
creases.
Ante, p. 1165.

“(c) By agreement entered into by the majority leader and the minority leader, the membership of one or more of the standing committees named in paragraph 2 or paragraph 3 of this rule may be increased temporarily from time to time by such number or numbers as may be required to accord to the majority party a majority of the membership of all standing committees. When any such temporary increase is necessary to accord to the majority party a majority of the membership of all standing committees, members of the majority party in such number as may be required for that purpose may serve as members of three standing committees named in paragraph 2. No such temporary increase in the membership of one or more standing committees under this subparagraph or subparagraph (b) shall be continued in effect after the need therefor has ended. No standing committee may be increased in membership under this subparagraph or subparagraph (b) by more than four members in excess of the number prescribed for that committee by paragraph 2 or paragraph 3 of this rule.

Service on
temporary or joint
committees.

“(d) Notwithstanding the limitations contained in subparagraph (a), a Senator may serve at any time on one additional committee included within the following classes: a temporary committee of the Senate or a temporary joint committee of the Congress which, by the terms of the measure by which it was established as initially agreed to, will not continue in existence for more than one Congress; or a joint committee of the Congress having jurisdiction with respect to a subject matter which is directly related to the jurisdiction of a committee named in paragraph 3 of which that Senator is a member.

Ante, p. 1164.

“(e) No Senator shall serve at any time on more than one of the following committees: Committee on Appropriations, Committee on Armed Services, Committee on Finance, and Committee on Foreign Relations. Notwithstanding the limitation contained in this subparagraph, a Senator who on the day preceding the effective date of section 132 of the Legislative Reorganization Act of 1970 was a member of more than one such committee may continue to serve as a member of each such committee of which he was a member on that day as long as his service on that committee remains continuous after that day.

Service as
chairman, restric-
tions.

“(f) No Senator shall serve at any time as chairman of more than one committee included within the following classes: standing, select, and special committees of the Senate; and joint committees of the Congress except that—

Exceptions.

“(1) A Senator may serve as chairman of a joint committee of the Congress having jurisdiction with respect to a subject matter which is directly related to the jurisdiction of a committee named in paragraph 2 or paragraph 3 of which that Senator is the chairman;

“(2) A Senator who on the day preceding the effective date of section 132 of the Legislative Reorganization Act of 1970 was serving as chairman of more than one committee included within the classes described in this subparagraph may continue to serve as chairman of each such committee of which he was chairman on that day as long as his service as chairman of that committee remains continuous after that day; and

“(3) A Senator who is serving at any time as chairman of a committee included within the classes described in this subparagraph may at the same time serve also as chairman of one temporary committee of the Senate or temporary joint committee of the Congress which, by the terms of the measure by which it was established as originally agreed to, will not continue in existence for more than one Congress.

“(g) No Senator shall serve at any time as chairman of more than one subcommittee of the same committee if that committee is named in paragraph 2. Notwithstanding the limitation contained in this subparagraph, a Senator who on the day preceding the effective date of section 132 of the Legislative Reorganization Act of 1970 was serving as chairman of more than one such subcommittee may continue to serve as chairman of each such subcommittee of which he was chairman on that day as long as his service as chairman of that subcommittee remains continuous after that day.”.

Service as subcommittee chairman.

Ante, p. 1164.

TITLE II—FISCAL CONTROLS

PART 1—BUDGETARY AND FISCAL INFORMATION AND DATA

BUDGETARY AND FISCAL DATA PROCESSING SYSTEM

SEC. 201. The Secretary of the Treasury and the Director of the Office of Management and Budget, in cooperation with the Comptroller General of the United States, shall develop, establish, and maintain, insofar as practicable, for use by all Federal agencies, a standardized information and data processing system for budgetary and fiscal data.

BUDGET STANDARD CLASSIFICATIONS

SEC. 202. (a) The Secretary of the Treasury and the Director of the Office of Management and Budget, in cooperation with the Comptroller General, shall develop, establish, and maintain standard classifications of programs, activities, receipts, and expenditures of Federal agencies in order—

(1) to meet the needs of the various branches of the Government; and

(2) to facilitate the development, establishment, and maintenance of the data processing system under section 201 through the utilization of modern automatic data processing techniques.

The initial classifications under this subsection shall be established on or before December 31, 1971.

(b) The Secretary of the Treasury and the Director of the Office of Management and Budget shall submit a report to the Senate and the House of Representatives on or before September 1 of each year, commencing with 1971, with respect to the performance during the preceding fiscal year of the functions and duties imposed on them by section 201 and subsection (a) of this section. The reports made under this subsection in 1971 and 1972 shall set forth the progress achieved in the development of classifications under subsection (a) of this section. The reports made in years thereafter shall include information with respect to changes in, and additions to, classifications previously established. Each such report shall include such comments of the Comptroller General as he deems necessary or advisable.

Reports to Congress.

Contents.

AVAILABILITY TO CONGRESS OF BUDGETARY, FISCAL, AND RELATED DATA

SEC. 203. Upon request of any committee of either House, or of any joint committee of the two Houses, the Secretary of the Treasury and the Director of the Office of Management and Budget shall—

- (1) furnish to such committee or joint committee information as to the location and nature of data available in the various Federal agencies with respect to programs, activities, receipts, and expenditures of such agencies; and
- (2) to the extent feasible, prepare for such committee or joint committee summary tables of such data.

ASSISTANCE TO CONGRESS BY GENERAL ACCOUNTING OFFICE

SEC. 204. (a) The Comptroller General shall review and analyze the results of Government programs and activities carried on under existing law, including the making of cost benefit studies, when ordered by either House of Congress, or upon his own initiative, or when requested by any committee of the House of Representatives or the Senate, or any joint committee of the two Houses, having jurisdiction over such programs and activities.

(b) The Comptroller General shall have available in the General Accounting Office employees who are expert in analyzing and conducting cost benefit studies of Government programs. Upon request of any committee of either House or any joint committee of the two Houses, the Comptroller General shall assist such committee or joint committee, or the staff of such committee or joint committee—

- (1) in analyzing cost benefit studies furnished by any Federal agency to such committee or joint committee; or
- (2) in conducting cost benefit studies of programs under the jurisdiction of such committee or joint committee.

POWER AND DUTIES OF COMPTROLLER GENERAL IN CONNECTION WITH BUDGETARY, FISCAL, AND RELATED MATTERS

SEC. 205. (a) The Comptroller General shall establish within the General Accounting Office such office or division, or such offices or divisions, as he considers necessary to carry out the functions and duties imposed on him by the provisions of this title.

(b) The Comptroller General shall include in his annual report to the Congress information with respect to the performance of the functions and duties imposed on him by the provisions of this title.

PRESERVATION OF EXISTING AUTHORITIES AND DUTIES UNDER BUDGET AND ACCOUNTING AND OTHER STATUTES

SEC. 206. Nothing contained in this Act shall be construed as impairing any authority or responsibility of the Secretary of the Treasury, the Director of the Office of Management and Budget, and the Comptroller General of the United States under the Budget and Accounting Act, 1921, as amended, and the Budget and Accounting Procedures Act of 1950, as amended, or any other statutes.

DEFINITION

SEC. 207. As used in this title, the term "Federal agency" means any department, agency, wholly owned Government corporation, establishment, or instrumentality of the Government of the United States or the government of the District of Columbia.

Report to Congress.

42 Stat. 20.
31 USC 1.
64 Stat. 832.
31 USC 2 note.

"Federal agency."

PART 2—THE BUDGET

SUPPLEMENTAL BUDGET INFORMATION

SEC. 221. (a) Section 201(a) of the Budget and Accounting Act, 1921, as amended (31 U.S.C. 11), is amended—

Budget, trans-
mittal to Congress.
64 Stat. 832;
70 Stat. 782.

(1) by striking out the word “and” at the end of subparagraph (10);

(2) by striking out the period at the end of subparagraph (11) and inserting in lieu of the period a semicolon and the word “and”; and

(3) by adding immediately below subparagraph (11) the following new subparagraph:

“(12) with respect to each proposal in the Budget for new or additional legislation which would create or expand any function, activity, or authority, in addition to those functions, activities, and authorities then existing or as then being administered and operated, a tabulation showing—

“(A) the amount proposed in the Budget for appropriation and for expenditure in the ensuing fiscal year on account of such proposal; and

“(B) the estimated appropriation required on account of such proposal in each of the four fiscal years, immediately following that ensuing fiscal year, during which such proposal is to be in effect.”.

(b) Section 201 of the Budget and Accounting Act, 1921, as amended (31 U.S.C. 11) is amended by striking out the terminated and obsolete subsections (b), (c), (d), (e), and (f) and inserting in lieu thereof the following new subsections:

72 Stat. 852.

“(b) The President shall transmit to the Congress, on or before June 1 of each year, beginning with 1972, a supplemental summary of the Budget for the ensuing fiscal year transmitted to the Congress by the President under subsection (a) of this section. Such supplemental summary—

Supplemental
summary, trans-
mittal to Congress.

“(1) shall reflect with respect to that ensuing fiscal year—

“(A) all substantial alterations in or reappraisals of estimates of expenditures and receipts, and

“(B) all substantial obligations imposed on that budget after its transmission to the Congress;

“(2) shall contain current information with respect to those matters covered by subparagraph (8) and clauses (2) and (3) of subparagraph (9) of subsection (a) of this section; and

“(3) shall contain such additional information, in summary form, as the President considers necessary or advisable to provide the Congress with a complete and current summary of information with respect to that Budget and the then currently estimated functions, obligations, requirements, and financial condition of the Government for that ensuing fiscal year.

“(c) The President shall transmit to the Congress, on or before June 1 of each year, beginning with 1972, in such form and detail as he may determine—

Estimated ex-
penditure sum-
maries, trans-
mittal to Congress.

“(1) summaries of estimated expenditures, for the first four fiscal years following the ensuing fiscal year for which the Budget was transmitted to the Congress by the President under subsection (a) of this section, which will be required under continuing programs which have a legal commitment for future years or are considered mandatory under existing law; and

“(2) summaries of estimated expenditures, in fiscal years following such ensuing fiscal year, of balances carried over from such ensuing fiscal year.”.

PART 3—UTILIZATION OF REPORTS AND EMPLOYEES OF GENERAL
ACCOUNTING OFFICE

ASSISTANCE BY GENERAL ACCOUNTING OFFICE TO CONGRESSIONAL COMMITTEES
IN CONNECTION WITH PROPOSED LEGISLATION AND COMMITTEE
REVIEW OF FEDERAL PROGRAMS AND ACTIVITIES

SEC. 231. At the request of any committee of the House or Senate, or of any joint committee of the two Houses, the Comptroller General shall explain to, and discuss with, the committee or joint committee making the request, or the staff of such committee or joint committee, any report made by the General Accounting Office which would assist such committee in connection with—

(1) its consideration of proposed legislation, including requests for appropriations, or

(2) its review of any program, or of any activity of any Federal agency, which is within the jurisdiction of such committee or joint committee.

DELIVERY BY GENERAL ACCOUNTING OFFICE TO CONGRESSIONAL COMMITTEES
OF REPORTS TO CONGRESS

SEC. 232. Whenever the General Accounting Office submits any reports to the Congress, the Comptroller General shall deliver copies of such report to—

(1) the Committees on Appropriations of the House and Senate,

(2) the Committees on Government Operations of the House and Senate, and

(3) any other committee of the House or Senate, or any joint committee of the two Houses, which has requested information on any program or part thereof, or any activity of any Federal agency, which is the subject, in whole or in part, of such report.

FURNISHING TO CONGRESSIONAL COMMITTEES BY GENERAL ACCOUNTING
OFFICE OF ITS REPORTS GENERALLY

SEC. 233. At the request of any committee of the House or Senate, or of any joint committee of the two Houses, the Comptroller General shall make available to such committee or joint committee a copy of any report of the General Accounting Office which was not delivered to that committee or joint committee under section 232 of this Act.

FURNISHING TO COMMITTEES AND MEMBERS OF CONGRESS BY GENERAL
ACCOUNTING OFFICE OF MONTHLY AND ANNUAL LISTS OF ITS REPORTS;
AVAILABILITY OF REPORTS TO COMMITTEES AND MEMBERS ON REQUEST

SEC. 234. The Comptroller General shall prepare, once each calendar month, a list of all reports of the General Accounting Office issued during the immediately preceding calendar month, and, not less than once each calendar year, a cumulative list of all reports of the General Accounting Office issued during the immediately preceding twelve months, and transmit a copy of each such list of reports to each committee of the House or Senate, each joint committee of the two Houses, each Member of the House or Senate, and the Resident Commissioner from Puerto Rico. At the request of any such committee, joint committee, Member of the House or Senate, or the Resident Commissioner from Puerto Rico, the Comptroller General promptly shall transmit or deliver to that committee, joint committee, Member of the House or Senate, or the Resident Commissioner, as the case may be, a copy of each report so listed and requested.

ASSIGNMENTS OF EMPLOYEES OF GENERAL ACCOUNTING OFFICE TO DUTY
WITH COMMITTEES OF CONGRESS

SEC. 235. (a) Notwithstanding any other provision of law, the Comptroller General may not assign or detail any employee of the General Accounting Office to full-time duty on a continuing basis with any committee of the Senate or House of Representatives or with any joint committee of Congress for any period of more than one year. Detail, one-year limit.

(b) The Comptroller General shall include in his annual report to the Congress the following information— Annual report to Congress, contents.

(1) the name of each employee assigned or detailed to any committee of the Senate or House of Representatives or any joint committee of Congress;

(2) the name of each committee or joint committee to which each such employee is assigned or detailed;

(3) the length of the period of such assignment or detail of such employee;

(4) a statement as to whether such assignment or detail is finished or is currently in effect; and

(5) the pay of such employee, his travel, subsistence, and other expenses, the agency contributions for his retirement and life and health insurance benefits, and other necessary monetary expenses for personnel benefits on account of such employee, paid out of appropriations available to the General Accounting Office during the period of the assignment or detail of such employee, or, if such assignment or detail is currently in effect, during that part of the period of such assignment or detail which has been completed.

AGENCY REPORTS

SEC. 236. Whenever the General Accounting Office has made a report which contains recommendations to the head of any Federal agency, such agency shall—

(1) not later than sixty days after the date of such report, submit a written statement to the Committees on Government Operations of the House of Representatives and the Senate of the action taken by such agency with respect to such recommendations; and

(2) in connection with the first request for appropriations for that agency submitted to the Congress more than sixty days after the date of such report, submit a written statement to the Committees on Appropriations of the House of Representatives and the Senate of the action taken by such agency with respect to such recommendations.

PART 4—THE APPROPRIATIONS PROCESS

RULEMAKING POWER OF SENATE AND HOUSE

SEC. 241. The following sections of this Part are enacted by the Congress—

(1) insofar as applicable to the Senate, as an exercise of the rulemaking power of the Senate and, to the extent so applicable, those sections are deemed a part of the Standing Rules of the Senate, superseding other individual rules of the Senate only to the extent that those sections are inconsistent with those other individual Senate rules, subject to and with full recognition of the power of the Senate to enact or change any rule of the Senate at any time in its exercise of its constitutional right to determine the rules of its proceedings; and

(2) insofar as applicable to the House of Representatives, as an exercise of the rulemaking power of the House of Representatives, subject to and with full recognition of the power of the House of Representatives to enact or change any rule of the House at any time in its exercise of its constitutional right to determine the rules of its proceedings.

HEARINGS ON THE BUDGET BY COMMITTEES ON APPROPRIATIONS OF SENATE
AND HOUSE

Open hearings,
radio or television
coverage.

SEC. 242. (a) Each hearing conducted by the Committee on Appropriations of the Senate shall be open to the public except when the committee determines that the testimony to be taken at that hearing may relate to a matter of national security, may tend to reflect adversely on the character or reputation of the witness or any other individual, or may divulge matters deemed confidential under other provisions of law or Government regulation. Whenever any such hearing is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee may adopt.

Repeal.
60 Stat. 832.

(b) (1) Section 138 of the Legislative Reorganization Act of 1946 (2 U.S.C. 190e) is repealed.

(2) Title I of the table of contents of the Legislative Reorganization Act of 1946 (60 Stat. 813) is amended by striking out—

“Sec. 138. Legislative Budget.”.

(c) (1) Clause 27(g) of Rule XI of the Rules of the House of Representatives is amended to read as follows:

“(g) (1) The Committee on Appropriations shall, within thirty days after the transmittal of the Budget to the Congress each year, hold hearings on the Budget as a whole with particular reference to—

“(A) the basic recommendations and budgetary policies of the President in the presentation of the Budget; and

“(B) the fiscal, financial, and economic assumptions used as bases in arriving at total estimated expenditures and receipts.

Treasury Sec-
retary, etc., testi-
mony.

“(2) In holding hearings pursuant to subparagraph (1) of this paragraph, the committee shall receive testimony from the Secretary of the Treasury, the Director of the Office of Management and Budget, the Chairman of the Council of Economic Advisers, and such other persons as the committee may desire.

Open hearings,
exception.

“(3) Hearings pursuant to subparagraph (1) of this paragraph shall be held in open session, except when the committee determines that the testimony to be taken at that hearing may relate to a matter of national security. A transcript of all such hearings shall be printed and a copy thereof furnished to each Member and the Resident Commissioner from Puerto Rico.

Transcript,
printing and dis-
tribution.

“(4) Hearings pursuant to subparagraph (1) of this paragraph, or any part thereof, may be held before joint meetings of the committee and the Committee on Appropriations of the Senate in accordance with such procedures as the two committees jointly may determine.”.

(2) Clause 27(f) of Rule XI of the Rules of the House of Representatives, as amended by this Act, is further amended by adding at the end thereof the following new subparagraph:

Exception.

“(6) The preceding provisions of this paragraph do not apply to hearings on the Budget by the Committee on Appropriations under paragraph (g) of this clause.”.

ACTION AND PROCEDURE OF SENATE COMMITTEE ON APPROPRIATIONS

SEC. 243. The vote of the Committee on Appropriations of the Senate to report a measure or matter shall require the concurrence of a majority of the members of the committee who are present. No vote of any member of such committee to report a measure or matter may be cast by proxy if rules adopted by such committee forbid the casting of votes for that purpose by proxy; however, proxies shall not be voted for such purpose except when the absent committee member has been informed on the matter on which he is being recorded and has affirmatively requested that he be so recorded. Action by such committee in reporting any measure or matter in accordance with the requirements of this section shall constitute the ratification by the committee of all action theretofore taken by the committee with respect to that measure or matter, including votes taken upon the measure or matter or any amendment thereto, and no point of order shall lie with respect to that measure or matter on the ground that such previous action with respect thereto by such committee was not taken in compliance with such requirements. Whenever such committee by rollcall vote reports any measure or matter, the report of the committee upon such measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each member of the committee. Nothing contained in this section shall abrogate the power of the committee to adopt rules—

Concurrence of majority of members present.

Votes, tabulation.

Rules.

(1) providing for proxy voting on all matters other than the reporting of a measure or matter, or

(2) providing in accordance with the Standing Rules of the Senate for a lesser number as a quorum for any action other than the reporting of a measure or matter.

PART 5—LEGISLATIVE COMMITTEES

RULEMAKING POWER OF SENATE AND HOUSE

SEC. 251. The following sections of this Part are enacted by the Congress—

(1) insofar as applicable to the Senate, as an exercise of the rulemaking power of the Senate and, to the extent so applicable, those sections are deemed a part of the Standing Rules of the Senate, superseding other individual rules of the Senate only to the extent that those sections are inconsistent with those other individual Senate rules, subject to and with full recognition of the power of the Senate to enact or change any rule of the Senate at any time in its exercise of its constitutional right to determine the rules of its proceedings; and

(2) insofar as applicable to the House of Representatives, as an exercise of the rulemaking power of the House of Representatives, subject to and with full recognition of the power of the House of Representatives to enact or change any rule of the House at any time in its exercise of its constitutional right to determine the rules of its proceedings.

COST ESTIMATES IN REPORTS OF SENATE AND HOUSE COMMITTEES ACCOMPANYING CERTAIN LEGISLATIVE MEASURES

SEC. 252. (a) (1) The report accompanying each bill or joint resolution of a public character reported by any committee of the Senate (except the Committee on Appropriations) shall contain—

Report, contents.

(A) an estimate, made by such committee, of the costs which would be incurred in carrying out such bill or joint resolution in

the fiscal year in which it is reported and in each of the five fiscal years following such fiscal year (or for the authorized duration of any program authorized by such bill or joint resolution, if less than five years), except that, in the case of measures affecting the revenues, such reports shall require only an estimate of the gain or loss in revenues for a one-year period; and

(B) a comparison of the estimate of costs described in subparagraph (A) made by such committee with any estimate of costs made by any Federal agency; or

(C) in lieu of such estimate or comparison, or both, a statement of the reasons why compliance by the committee with the requirements of subparagraph (A) or (B), or both, is impracticable.

(2) It shall not be in order in the Senate to consider any such bill or joint resolution if such bill or joint resolution was reported in the Senate after the effective date of this subsection and the report of that committee of the Senate which reported such bill or joint resolution does not comply with the provisions of paragraph (1) of this subsection.

(3) For the purposes of this subsection, the members of the Joint Committee on Atomic Energy who are Members of the Senate shall be deemed to be a committee of the Senate.

Report, contents.

(b) Rule XIII of the Rules of the House of Representatives is amended by adding at the end thereof the following new clause:

"7. (a) The report accompanying each bill or joint resolution of a public character reported by any committee shall contain—

"(1) an estimate, made by such committee, of the costs which would be incurred in carrying out such bill or joint resolution in the fiscal year in which it is reported and in each of the five fiscal years following such fiscal year (or for the authorized duration of any program authorized by such bill or joint resolution, if less than five years), except that, in the case of measures affecting the revenues, such reports shall require only an estimate of the gain or loss in revenues for a one-year period; and

"(2) a comparison of the estimate of costs described in subparagraph (1) of this paragraph made by such committee with any estimate of such costs made by any Government agency and submitted to such committee.

"(b) It shall not be in order to consider any such bill or joint resolution in the House if the report of the committee which reported that bill or joint resolution does not comply with paragraph (a) of this clause.

"(c) For the purposes of this clause, the members of the Joint Committee on Atomic Energy who are Members of the House shall be deemed to be a committee of the House.

"(d) For the purposes of subparagraph (2) of paragraph (a) of this clause, a Government agency includes any department, agency, establishment, wholly owned Government corporation, or instrumentality of the Federal Government or the government of the District of Columbia.

Exceptions.

"(e) The preceding provisions of this clause do not apply to the Committee on Appropriations, the Committee on House Administration, the Committee on Rules, and the Committee on Standards of Official Conduct."

APPROPRIATIONS ON ANNUAL BASIS

SEC. 253. (a) Each committee of the Senate (except the Committee on Appropriations), and each joint committee of the two Houses of Congress, which is authorized to receive, report, and recommend the

enactment of, bills and joint resolutions shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, endeavor to insure that—

(1) all continuing programs of the Federal Government and of the government of the District of Columbia, within the jurisdiction of such committee or joint committee, are designed; and

(2) all continuing activities of Federal agencies, within the jurisdiction of such committee or joint committee, are carried on; so that, to the extent consistent with the nature, requirements, and objectives of those programs and activities, appropriations therefor will be made annually.

(b) Each committee of the Senate (except the Committee on Appropriations), and each joint committee of the two Houses of Congress, which is authorized to receive, report, and recommend the enactment of, bills and joint resolutions with respect to any continuing program within its jurisdiction for which appropriations are not made annually, shall review such program, from time to time, in order to ascertain whether such program could be modified so that appropriations therefor would be made annually.

Continuing programs, review by Senate and joint committees.

(c) Clause 28 of Rule XI of the Rules of the House of Representatives, as amended by this Act, is further amended by adding at the end thereof the following new paragraphs:

“(d) Each standing committee of the House shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, endeavor to insure that—

“(1) all continuing programs of the Federal Government, and of the government of the District of Columbia, within the jurisdiction of that committee, are designed; and

“(2) all continuing activities of Government agencies, within the jurisdiction of that committee, are carried on; so that, to the extent consistent with the nature, requirements, and objectives of those programs and activities, appropriations therefor will be made annually. For the purposes of this paragraph, a Government agency includes the organizational units of government listed in paragraph (d) of clause 7 of Rule XIII.

“(e) Each standing committee of the House shall review, from time to time, each continuing program within its jurisdiction for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefor would be made annually.”.

Review by House committees.

TITLE III—SOURCES OF INFORMATION

PART 1—STAFFS OF SENATE AND HOUSE STANDING COMMITTEES

INCREASE IN PROFESSIONAL STAFFS OF SENATE STANDING COMMITTEES; SENATE MINORITY PROFESSIONAL AND CLERICAL STAFFS; FAIR TREATMENT FOR SENATE MINORITY STAFFS

SEC. 301. (a) Section 202(a) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(a)), is amended to read as follows:

“(a) Each standing committee of the Senate (other than the Committee on Appropriations) is authorized to appoint, by majority vote of the committee, not more than six professional staff members in addition to the clerical staffs. Such professional staff members shall be assigned to the chairman and the ranking minority member of such committee as the committee may deem advisable, except that whenever a majority of the minority members of such committee so request, two of such professional staff members may be selected for appoint-

Professional staff members, appointment, 60 Stat. 834.

Services, termination.

Permanent appointments.

Clerical staff members, appointment.
60 Stat. 835.

Services, termination.

Appointments when no vacancy exists.

Ante, p. 1175.

Minority party staff appointees, equitable treatment.

ment by majority vote of the minority members and the committee shall appoint any staff members so selected. A staff member or members appointed pursuant to a request by the minority members of the committee shall be assigned to such committee business as such minority members deem advisable. Services of professional staff members appointed by majority vote of the committee may be terminated by a majority vote of the committee and services of professional staff members appointed pursuant to a request by the minority members of the committee shall be terminated by the committee when a majority of such minority members so request. Professional staff members authorized by this subsection shall be appointed on a permanent basis, without regard to political affiliation, and solely on the basis of fitness to perform the duties of their respective positions. Such professional staff members shall not engage in any work other than committee business and no other duties may be assigned to them."

(b) Section 202(c) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(c)), is amended to read as follows:

"(c) The clerical staff of each standing committee of the Senate (other than the Committee on Appropriations), which shall be appointed by a majority vote of the committee, shall consist of not more than six clerks to be attached to the office of the chairman, to the ranking minority member, and to the professional staff, as the committee may deem advisable, except that whenever a majority of the minority members of such committee so requests, one of the members of the clerical staff may be selected for appointment by majority vote of such minority members and the committee shall appoint any staff member so selected. The clerical staff shall handle committee correspondence and stenographic work, both for the committee staff and for the chairman and ranking minority member on matters related to committee work, except that if a member of the clerical staff is appointed pursuant to a request by the minority members of the committee, such clerical staff member shall handle committee correspondence and stenographic work for the minority members of the committee and for any members of the committee staff appointed under subsection (a) pursuant to request by such minority members, on matters related to committee work. Services of clerical staff members appointed by majority vote of the committee may be terminated by majority vote of the committee and services of clerical staff members appointed pursuant to a request by the minority members of the committee shall be terminated by the committee when a majority of such minority members so request."

(c) Section 202 of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a), is amended by striking out subsection (h) and by adding after subsection (f) the following new subsections:

"(g) In any case in which a request for the appointment of a minority staff member under subsection (a) or subsection (c) is made at any time when no vacancy exists to which the appointment requested may be made, the person appointed pursuant to such request may serve in addition to any other staff members authorized by such subsections and may be paid from the contingent fund of the Senate until such time as such a vacancy occurs, at which time such person shall be considered to have been appointed to such vacancy.

"(h) Staff members appointed pursuant to a request by minority members of a committee under subsection (a) or subsection (c), and staff members appointed to assist minority members of subcommittees pursuant to authority of Senate resolution, shall be accorded equitable treatment with respect to the fixing of salary rates, the assignment of facilities, and the accessibility of committee records."

(d) Nothing in the amendments made by subsections (a) and (b) of this section shall be construed—

(1) to require a reduction in—

(A) the number of staff members authorized, prior to January 1, 1971, to be employed by any committee of the Senate, by statute or by annual or permanent resolution, or

(B) the number of such staff members on such date assigned to, or authorized to be selected for appointment by or with the approval of, the minority members of any such committee; or

(2) to authorize the selection for appointment of staff members by the minority members of a committee in any case in which two or more professional staff members or one or more clerical staff members, as the case may be, who are satisfactory to a majority of such minority members, are otherwise assigned to assist such minority members.

(e) The additional professional staff members authorized to be employed by a committee by the amendment made by subsection (a) of this section shall be in addition to any other additional staff members authorized, prior to January 1, 1971, to be employed by any such committee.

INCREASE IN PROFESSIONAL STAFFS OF HOUSE STANDING COMMITTEES;
HOUSE MINORITY PROFESSIONAL AND CLERICAL STAFFS; FAIR TREATMENT
FOR HOUSE MINORITY STAFFS

SEC. 302. (a) This section is enacted as an exercise of the rulemaking power of the House of Representatives, subject to and with full recognition of the power of the House of Representatives to enact or change any Rule of the House at any time in its exercise of its constitutional right to determine the rules of its proceedings.

(b) Paragraphs (a) and (b) of clause 29 of Rule XI of the Rules of the House of Representatives are amended to read as follows:

Post, p. 1440.

“(a) (1) Subject to subparagraph (2) of this paragraph and paragraph (f) of this clause, each standing committee may appoint, by majority vote of the committee, not more than six professional staff members. Each professional staff member appointed under this subparagraph shall be assigned to the chairman and the ranking minority party member of such committee, as the committee considers advisable.

“(2) Subject to paragraph (f) of this clause, whenever a majority of the minority party members of a standing committee (except the Committee on Standards of Official Conduct) so request, not more than two persons may be selected, by majority vote of the minority party members, for appointment by the committee as professional staff members from among the number authorized by subparagraph (1) of this paragraph. The committee shall appoint any persons so selected whose character and qualifications are acceptable to a majority of the committee. If the committee determines that the character and qualifications of any person so selected are unacceptable to the committee, a majority of the minority party members may select other persons for appointment by the committee to the professional staff until such appointment is made. Each professional staff member appointed under this subparagraph shall be assigned to such committee business as the minority party members of the committee consider advisable.

“(3) The professional staff members of each standing committee—

Appointments,
conditions.

“(A) shall be appointed on a permanent basis, without regard to political affiliation, and solely on the basis of fitness to perform the duties of their respective positions;

“(B) shall not engage in any work other than committee business; and

“(C) shall not be assigned any duties other than those pertaining to committee business.

Services, termination.

“(4) Services of the professional staff members of each standing committee may be terminated by majority vote of the committee.

Exception.

“(5) The foregoing provisions of this paragraph do not apply to the Committee on Appropriations.

Clerical staff.

“(b) (1) The clerical staff of each standing committee shall consist of not more than six clerks, to be attached to the office of the chairman, to the ranking minority party member, and to the professional staff, as the committee considers advisable. Subject to subparagraph (2) of this paragraph and paragraph (f) of this clause, the clerical staff shall be appointed by majority vote of the committee. Except as provided by subparagraph (2) of this paragraph, the clerical staff shall handle committee correspondence and stenographic work both for the committee staff and for the chairman and the ranking minority party member on matters related to committee work.

Infra.

“(2) Subject to paragraph (f) of this clause, whenever a majority of the minority party members of a standing committee (except the Committee on Standards of Official Conduct) so request, one person may be selected, by majority vote of the minority party members, for appointment by the committee to a position on the clerical staff from among the number of clerks authorized by subparagraph (1) of this paragraph. The committee shall appoint to that position any person so selected whose character and qualifications are acceptable to a majority of the committee. If the committee determines that the character and qualifications of any person so selected are unacceptable to the committee, a majority of the minority party members may select other persons for appointment by the committee to that position on the clerical staff until such appointment is made. Each clerk appointed under this subparagraph shall handle committee correspondence and stenographic work for the minority party members of the committee and for any members of the professional staff appointed under subparagraph (2) of paragraph (a) of this clause on matters related to committee work.

Services, termination.

“(3) Services of the clerical staff members of each standing committee may be terminated by majority vote of the committee.

Exception.

“(4) The foregoing provisions of this paragraph do not apply to the Committee on Appropriations.”

Ante, p. 1177.

(c) Clause 29 of Rule XI of the Rules of the House of Representatives, as amended by this Act, is further amended by adding at the end of such clause the following new paragraphs:

“(f) If a request for the appointment of a minority professional staff member under paragraph (a), or a minority clerical staff member under paragraph (b), of this clause, is made when no vacancy exists to which that appointment may be made, the committee nevertheless shall appoint, under paragraph (a) or paragraph (b), as applicable, the person selected by the minority and acceptable to the committee. The person so appointed shall serve as an additional member of the professional staff or the clerical staff, as the case may be, of the committee, and shall be paid from the contingent fund, until such time as such a vacancy (other than a vacancy in the position of head of the professional staff, by whatever title designated) occurs, at which time that person shall be deemed to have been appointed to that vacancy. If such vacancy occurs on the professional staff when two persons have been so appointed who are eligible to fill that vacancy, a majority of the minority party members shall designate which of those persons shall fill that vacancy.

Selection between eligible members.

"(g) Each staff member appointed pursuant to a request by minority party members under paragraph (a) or (b) of this clause, and each staff member appointed to assist minority party members of a committee pursuant to House resolution, shall be accorded equitable treatment with respect to the fixing of his rate of pay, the assignment to him of work facilities, and the accessibility to him of committee records.

Minority party,
staff appointees,
equitable treat-
ment.

"(h) Paragraphs (a) and (b) of this clause shall not be construed to authorize the appointment of additional professional or clerical staff members of a committee pursuant to request under either of such paragraphs by the minority party members of that committee if two or more professional staff members or one or more clerical staff members, provided for in paragraph (a) (1) or paragraph (b) (1) of this clause, as the case may be, who are satisfactory to a majority of the minority party members, are otherwise assigned to assist the minority party members."

Ante, pp. 1177,
1178.

(d) Nothing in the amendments made by this section shall be construed to require a reduction in—

(1) the number of staff members otherwise authorized prior to January 1, 1971, to be employed by any committee of the House of Representatives by statute or by annual or permanent resolution, or

(2) the number of such staff members on such date assigned to, or authorized to be selected for appointment by or with the approval of, the minority members of any such committee.

(e) The additional professional staff members authorized to be employed by a committee by the amendment made by subsection (a) of this section shall be in addition to any other additional staff members otherwise authorized, prior to January 1, 1971, to be employed by any such committee.

Post, p. 1440.

PROCUREMENT OF TEMPORARY OR INTERMITTENT SERVICES OF CONSULTANTS FOR SENATE AND HOUSE STANDING COMMITTEES

SEC. 303. Section 202 of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a), as amended by this Act, is further amended by adding at the end thereof the following new subsection:

Ante, p. 1176.

"(i) (1) Each standing committee of the Senate or House of Representatives is authorized, with the approval of the Committee on Rules and Administration in the case of standing committees of the Senate, or the Committee on House Administration in the case of standing committees of the House of Representatives, within the limits of funds made available from the contingent funds of the respective Houses pursuant to resolutions, which shall specify the maximum amounts which may be used for such purpose, approved by such respective Houses, to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, to make studies or advise the committee with respect to any matter within its jurisdiction.

"(2) Such services in the case of individuals or organizations may be procured by contract as independent contractors, or in the case of individuals by employment at daily rates of compensation not in excess of the per diem equivalent of the highest gross rate of compensation which may be paid to a regular employee of the committee. Such contracts shall not be subject to the provisions of section 3709 of the Revised Statutes (41 U.S.C. 5) or any other provision of law requiring advertising.

Contracts.

Selection method. “(3) With respect to the standing committees of the Senate, any such consultant or organization shall be selected by the chairman and ranking minority member of the committee, acting jointly. With respect to the standing committees of the House of Representatives, the standing committee concerned shall select any such consultant or organization. The committee shall submit to the Committee on Rules and Administration in the case of standing committees of the Senate, and the Committee on House Administration in the case of standing committees of the House of Representatives, information bearing on the qualifications of each consultant whose services are procured pursuant to this subsection, including organizations, and such information shall be retained by that committee and shall be made available for public inspection upon request.”

Qualifications,
report to congress-
sional committees.

SPECIALIZED TRAINING FOR PROFESSIONAL STAFFS OF SENATE AND HOUSE
STANDING COMMITTEES

Ante, p. 1179. SEC. 304. Section 202 of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a), as amended by this Act, is further amended by adding at the end thereof the following new subsection:

“(j) (1) Each standing committee of the Senate or House of Representatives is authorized, with the approval of the Committee on Rules and Administration in the case of standing committees of the Senate, and the Committee on House Administration in the case of standing committees of the House of Representatives, and within the limits of funds made available from the contingent funds of the respective Houses pursuant to resolutions, which shall specify the maximum amounts which may be used for such purpose, approved by such respective Houses, to provide assistance for members of its professional staff in obtaining specialized training, whenever that committee determines that such training will aid the committee in the discharge of its responsibilities.

Pay, tuition, etc.
while training.

“(2) Such assistance may be in the form of continuance of pay during periods of training or grants of funds to pay tuition, fees, or such other expenses of training, or both, as may be approved by the Committee on Rules and Administration or the Committee on House Administration, as the case may be.

Continued em-
ployment agree-
ment.

“(3) A committee providing assistance under this subsection shall obtain from any employee receiving such assistance such agreement with respect to continued employment with the committee as the committee may deem necessary to assure that it will receive the benefits of such employee's services upon completion of his training.

Service credit.

“(4) During any period for which an employee is separated from employment with a committee for the purpose of undergoing training under this subsection, such employee shall be considered to have performed service (in a nonpay status) as an employee of the committee at the rate of compensation received immediately prior to commencing such training (including any increases in compensation provided by law during the period of training) for the purposes of—

“(A) subchapter III (relating to civil service retirement) of chapter 83 of title 5, United States Code,

“(B) chapter 87 (relating to Federal employees group life insurance) of title 5, United States Code, and

“(C) chapter 89 (relating to Federal employees group health insurance) of title 5, United States Code.”

80 Stat. 564;
Post, p. 1961.
5 USC 8331.
81 Stat. 219, 646.
5 USC 8701.

Ante, p. 869.
5 USC 8901.

COMPENSATION OF PROFESSIONAL AND CLERICAL STAFFS OF SENATE
STANDING COMMITTEES

SEC. 305. Subsections (e) and (f) of section 105 of the Legislative Branch Appropriation Act, 1968 (81 Stat. 142-143; Public Law 90-57), as amended (2 U.S.C. 61-1), are amended to read as follows:

"(e) (1) Subject to the provisions of paragraph (3), the professional staff members of the Senate shall receive gross annual compensation to be fixed by the chairman ranging from \$18,328 to \$32,712.

Professional staff members.

"(2) The rates of gross compensation of the clerical staff of each standing committee of the Senate shall be fixed by the chairman as follows:

Clerical staff members.

"(A) for each committee (other than the Committee on Appropriations), one chief clerk and one assistant chief clerk at \$7,888 to \$32,712, and not to exceed four other clerical assistants at \$7,888 to \$13,688; and

"(B) for the Committee on Appropriations, one chief clerk and one assistant chief clerk and two assistant clerks at \$20,416 to \$32,712; such assistant clerks as may be necessary at \$13,920 to \$20,184; and such other clerical assistants as may be necessary at \$7,888 to \$13,688.

"(3) No employee of any standing or select committee of the Senate (including the majority and minority policy committees and the conference majority and conference minority of the Senate), or of any joint committee the expenses of which are paid from the contingent fund of the Senate, shall be paid at a gross rate in excess of \$32,712 per annum, except that—

Limitation, exception.

"(A) four employees of any such committee (other than the Committee on Appropriations), who are otherwise authorized to be paid at such rate, may be paid at gross rates not in excess of \$34,104 per annum, and two such employees may be paid at gross rates not in excess of \$35,496 per annum; and

"(B) sixteen employees of the Committee on Appropriations who are otherwise authorized to be paid at such rate, may be paid at gross rates not in excess of \$34,104 per annum, and two such employees may be paid at gross rates not in excess of \$35,496 per annum.

For the purpose of this paragraph, an employee of a subcommittee shall be considered to be an employee of the full committee.

"(f) No officer or employee whose compensation is disbursed by the Secretary of the Senate shall be paid gross compensation at a rate less than \$1,160 or in excess of \$35,496, unless expressly authorized by law."

PART 2—CONGRESSIONAL RESEARCH SERVICE

IMPROVEMENT OF RESEARCH FACILITIES OF CONGRESS

SEC. 321. (a) Section 203 of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 166) is amended to read as follows:

Legislative Reference Service, redesignation. 60 Stat. 836.

"CONGRESSIONAL RESEARCH SERVICE

"SEC. 203. (a) The Legislative Reference Service in the Library of Congress is hereby continued as a separate department in the Library of Congress and is redesignated the 'Congressional Research Service'.

"(b) It is the policy of Congress that—

"(1) the Librarian of Congress shall, in every possible way, encourage, assist, and promote the Congressional Research Service in—

Functions.

“(A) rendering to Congress the most effective and efficient service,

“(B) responding most expeditiously, effectively, and efficiently to the special needs of Congress, and

“(C) discharging its responsibilities to Congress;

and

“(2) the Librarian of Congress shall grant and accord to the Congressional Research Service complete research independence and the maximum practicable administrative independence consistent with these objectives.

Director, appointment; compensation.

“(c)(1) After consultation with the Joint Committee on the Library, the Librarian of Congress shall appoint the Director of the Congressional Research Service. The basic pay of the Director shall be at a per annum rate equal to the rate of basic pay provided for level V of the Executive Schedule contained in section 5316 of title 5, United States Code.

83 Stat. 863.

Deputy Director.

“(2) The Librarian of Congress, upon the recommendation of the Director, shall appoint a Deputy Director of the Congressional Research Service and all other necessary personnel thereof. The basic pay of the Deputy Director shall be fixed in accordance with chapter 51 (relating to classification) and subchapter III (relating to General Schedule pay rates) of chapter 53 of title 5, United States Code, but without regard to section 5108(a) of such title. The basic pay of all other necessary personnel of the Congressional Research Service shall be fixed in accordance with chapter 51 (relating to classification) and subchapter III (relating to General Schedule pay rates) of chapter 53 of title 5, United States Code, except that—

80 Stat. 443, 467; Ante, p. 198-1.

5 USC 5101, 5331.
Post, p. 1955.

Exceptions.

“(A) the grade of Senior Specialist in each field within the purview of subsection (e) of this section shall not be less than the highest grade in the executive branch of the Government to which research analysts and consultants, without supervisory responsibility, are currently assigned; and

“(B) the positions of Specialist and Senior Specialist in the Congressional Research Service may be placed in GS-16, 17, and 18 of the General Schedule of section 5332 of title 5, United States Code, without regard to section 5108(a) of such title, subject to the prior approval of the Joint Committee on the Library, of the placement of each such position in any of such grades.

“(3) Each appointment made under paragraphs (1) and (2) of this subsection and subsection (e) of this section shall be without regard to the civil service laws, without regard to political affiliation, and solely on the basis of fitness to perform the duties of the position.

Congressional committees, assistance.

“(d) It shall be the duty of the Congressional Research Service, without partisan bias—

“(1) upon request, to advise and assist any committee of the Senate or House of Representatives and any joint committee of Congress in the analysis, appraisal, and evaluation of legislative proposals within that committee's jurisdiction, or of recommendations submitted to Congress, by the President or any executive agency, so as to assist the committee in—

“(A) determining the advisability of enacting such proposals;

“(B) estimating the probable results of such proposals and alternatives thereto; and

“(C) evaluating alternative methods for accomplishing those results;

and, by providing such other research and analytical services as the committee considers appropriate for these purposes, otherwise to assist in furnishing a basis for the proper evaluation and determination of legislative proposals and recommendations generally; and in the performance of this duty the Service shall have authority, when so authorized by a committee and acting as the agent of that committee, to request of any department or agency of the United States the production of such books, records, correspondence, memoranda, papers, and documents as the Service considers necessary, and such department or agency of the United States shall comply with such request; and, further, in the performance of this and any other relevant duty, the Service shall maintain continuous liaison with all committees;

“(2) to make available to each committee of the Senate and House of Representatives and each joint committee of the two Houses, at the opening of a new Congress, a list of programs and activities being carried out under existing law scheduled to terminate during the current Congress, which are within the jurisdiction of the committee;

Terminating programs, list.

“(3) to make available to each committee of the Senate and House of Representatives and each joint committee of the two Houses, at the opening of a new Congress, a list of subjects and policy areas which the committee might profitably analyze in depth;

Subjects for analysis, list.

“(4) upon request, or upon its own initiative in anticipation of requests, to collect, classify, and analyze in the form of studies, reports, compilations, digests, bulletins, indexes, translations, and otherwise, data having a bearing on legislation, and to make such data available and serviceable to committees and Members of the Senate and House of Representatives and joint committees of Congress;

Legislative data, studies, etc.

“(5) upon request, or upon its own initiative in anticipation of requests, to prepare and provide information, research, and reference materials and services to committees and Members of the Senate and House of Representatives and joint committees of Congress to assist them in their legislative and representative functions;

Information, research, etc.

“(6) to prepare summaries and digests of bills and resolutions of a public general nature introduced in the Senate or House of Representatives;

Digest of bills, preparation.

“(7) upon request made by any committee or Member of the Congress, to prepare and transmit to such committee or Member a concise memorandum with respect to one or more legislative measures upon which hearings by any committee of the Congress have been announced, which memorandum shall contain a statement of the purpose and effect of each such measure, a description of other relevant measures of similar purpose or effect previously introduced in the Congress, and a recitation of all action taken theretofore by or within the Congress with respect to each such other measure; and

Legislation, purpose and effect; memoranda, preparation.

“(8) to develop and maintain an information and research capability, to include Senior Specialists, Specialists, other employees, and consultants, as necessary, to perform the functions provided for in this subsection.

Information and research capability, development.

Specialists and
Senior Specialists,
appointment.

“(e) The Librarian of Congress is authorized to appoint in the Congressional Research Service, upon the recommendation of the Director, Specialists and Senior Specialists in the following broad fields:

- “(1) agriculture;
- “(2) American government and public administration;
- “(3) American public law;
- “(4) conservation;
- “(5) education;
- “(6) engineering and public works;
- “(7) housing;
- “(8) industrial organization and corporation finance;
- “(9) international affairs;
- “(10) international trade and economic geography;
- “(11) labor and employment;
- “(12) mineral economics;
- “(13) money and banking;
- “(14) national defense;
- “(15) price economics;
- “(16) science;
- “(17) social welfare;
- “(18) taxation and fiscal policy;
- “(19) technology;
- “(20) transportation and communications;
- “(21) urban affairs;
- “(22) veterans' affairs; and
- “(23) such other broad fields as the Director may consider appropriate.

Such Specialists and Senior Specialists, together with such other employees of the Congressional Research Service as may be necessary, shall be available for special work with the committees and Members of the Senate and House of Representatives and the joint committees of Congress for any of the purposes of subsection (d) of this section.

Director, duties.

“(f) The Director is authorized—

“(1) to classify, organize, arrange, group, and divide, from time to time, as he considers advisable, the requests for advice, assistance, and other services submitted to the Congressional Research Service by committees and Members of the Senate and House of Representatives and joint committees of Congress, into such classes and categories as he considers necessary to—

“(A) expedite and facilitate the handling of the individual requests submitted by Members of the Senate and House of Representatives,

“(B) promote efficiency in the performance of services for committees of the Senate and House of Representatives and joint committees of Congress, and

“(C) provide a basis for the efficient performance by the Congressional Research Service of its legislative research and related functions generally,

and

“(2) to establish and change, from time to time, as he considers advisable, within the Congressional Research Service, such research and reference divisions or other organizational units, or both, as he considers necessary to accomplish the purposes of this section.

Organizational
units, establish-
ment.

Budget esti-
mates.

“(g) In order to facilitate the study, consideration, evaluation, and determination by the Congress of the budget requirements of the Congressional Research Service for each fiscal year, the Librarian of Congress shall receive from the Director and submit, for inclusion in the Budget of the United States Government, the budget estimates

of the Congressional Research Service which shall be prepared separately by the Director in detail for each fiscal year as a separate item of the budget estimates of the Library of Congress for such fiscal year.

“(h) (1) The Director of the Congressional Research Service may procure the temporary or intermittent assistance of individual experts or consultants (including stenographic reporters) and of persons learned in particular or specialized fields of knowledge—

Experts or consultants, contracts.

“(A) by nonpersonal service contract, without regard to any provision of law requiring advertising for contract bids, with the individual expert, consultant, or other person concerned, as an independent contractor, for the furnishing by him to the Congressional Research Service of a written study, treatise, theme, discourse, dissertation, thesis, summary, advisory opinion, or other end product; or

“(B) by employment (for a period of not more than one year) in the Congressional Research Service of the individual expert, consultant, or other person concerned, by personal service contract or otherwise, without regard to the position classification laws, at a rate of pay not in excess of the per diem equivalent of the highest rate of basic pay then currently in effect for the General Schedule of section 5332 of title 5, United States Code, including payment of such rate for necessary travel time.

Ante, p. 198-1.

“(2) The Director of the Congressional Research Service may procure by contract, without regard to any provision of law requiring advertising for contract bids, the temporary (for respective periods not in excess of one year) or intermittent assistance of educational, research, or other organizations of experts and consultants (including stenographic reporters) and of educational, research, and other organizations of persons learned in particular or specialized fields of knowledge.

“(i) The Director of the Congressional Research Service shall prepare and file with the Joint Committee on the Library at the beginning of each regular session of Congress a separate and special report covering, in summary and in detail, all phases of activity of the Congressional Research Service for the immediately preceding fiscal year.

Special report to Joint Committee on the Library.

“(j) There are hereby authorized to be appropriated to the Congressional Research Service each fiscal year such sums as may be necessary to carry on the work of the Service.”.

Appropriation.

(b) Title II of the table of contents of the Legislative Reorganization Act of 1946 (60 Stat. 813) is amended by striking out—

“Sec. 203. Legislative Reference Service.”

and inserting in lieu thereof—

“Sec. 203. Congressional Research Service.”.

REPEAL OF OBSOLETE LAW RELATING TO THE ABOLISHED OFFICE OF COORDINATOR OF INFORMATION

SEC. 322. House Resolution 183, Eightieth Congress, relating to the Office of the Coordinator of Information of the House of Representatives, as enacted into permanent law by section 105 of the Legislative Branch Appropriation Act, 1948 (61 Stat. 377; Public Law 197, Eightieth Congress), is repealed.

2 USC 60a note.

PART 3—PARLIAMENTARY PRECEDENTS OF THE HOUSE OF
REPRESENTATIVES

PERIODIC COMPILATION OF PARLIAMENTARY PRECEDENTS OF THE HOUSE OF
REPRESENTATIVES

SEC. 331. (a) The Parliamentarian of the House of Representatives, at the beginning of the fifth fiscal year following the completion and publication of the parliamentary precedents of the House authorized by the Legislative Branch Appropriation Act, 1966 (79 Stat. 270; Public Law 89-90), and at the beginning of each fifth fiscal year thereafter, shall commence the compilation and preparation for printing of the parliamentary precedents of the House of Representatives, together with such other materials as may be useful in connection therewith, and an index digest of such precedents and other materials. Each such compilation and preparation for printing of the parliamentary precedents of the House shall be completed by the close of the fiscal year immediately following the fiscal year in which such work is commenced.

(b) As so compiled and prepared, such precedents and other materials and index digest shall be printed on pages of such size, and in such type and format, as the Parliamentarian may determine and shall be printed in such numbers and for such distribution as may be provided by law enacted prior to printing.

Personnel, appointment.

(c) For the purpose of carrying out each such compilation and preparation, the Parliamentarian may—

(1) subject to the approval of the Speaker, appoint (as employees of the House of Representatives) clerical and other personnel and fix their respective rates of pay; and

(2) utilize the services of personnel of the Library of Congress and the Government Printing Office.

PERIODIC PREPARATION BY HOUSE PARLIAMENTARIAN OF CONDENSED AND
SIMPLIFIED VERSIONS OF HOUSE PRECEDENTS

SEC. 332. The Parliamentarian of the House of Representatives shall prepare, compile, and maintain on a current basis and in cumulative form, for each Congress commencing with the Ninety-third Congress a condensed and, insofar as practicable, up-to-date version of all of the parliamentary precedents of the House of Representatives which have current use and application in the House, together with informative text prepared by the Parliamentarian and other useful related material in summary form. The Parliamentarian shall have such matter printed for each Congress on pages of such size and in such type and format as he considers advisable to promote the usefulness of such matter to the Members of the House and shall provide a printed copy thereof to each Member in each Congress, including the Resident Commissioner from Puerto Rico, and may make such other distribution of such printed copies as he considers advisable. In carrying out this section, the Parliamentarian may appoint and fix the pay of personnel and utilize the services of personnel of the Library of Congress and the Government Printing Office.

Copies to Members of Congress and Resident Commissioner from Puerto Rico.

TITLE IV—CONGRESS AS AN INSTITUTION

PART 1—JOINT COMMITTEE ON CONGRESSIONAL OPERATIONS

ESTABLISHMENT OF JOINT COMMITTEE ON CONGRESSIONAL OPERATIONS

SEC. 401. (a) There is hereby created a Joint Committee on Congressional Operations (hereafter in this Part referred to as the "Joint Committee").

(b) The Joint Committee shall be composed of ten members as follows:

Membership.

(1) five Members of the Senate, appointed by the President pro tempore of the Senate, three from the majority party and two from the minority party; and

(2) five Members of the House of Representatives appointed by the Speaker of the House of Representatives, three from the majority party and two from the minority party.

(c) Vacancies in the membership of the Joint Committee shall not affect the power of the remaining members to execute the functions of the Joint Committee and shall be filled in the same manner as in the case of the original appointment.

Vacancies.

(d) The Joint Committee shall select a chairman and a vice chairman from among its members at the beginning of each Congress. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. The chairmanship and the vice chairmanship shall alternate between the Senate and the House of Representatives with each Congress. The chairman during each even-numbered Congress shall be selected by the Members of the House of Representatives on the Joint Committee from among their number and the chairman during each odd-numbered Congress shall be selected by the Members of the Senate on the Joint Committee from among their number. The vice chairman during each Congress shall be chosen in the same manner from that House of Congress other than the House of Congress of which the chairman is a Member.

Chairman and vice chairman, selection.

DUTIES OF JOINT COMMITTEE

SEC. 402. (a) The Joint Committee shall—

(1) make a continuing study of the organization and operation of the Congress of the United States and shall recommend improvements in such organization and operation with a view toward strengthening Congress, simplifying its operations, improving its relationships with other branches of the United States Government, and enabling it better to meet its responsibilities under the Constitution of the United States; and

Congressional improvements, study and recommendations.

(2) identify any court proceeding or action which, in the opinion of the Joint Committee, is of vital interest to the Congress, or to either House of the Congress, as a constitutionally established institution of the Federal Government and call such proceeding or action to the attention of that House of the Congress which is specifically concerned or to both Houses of the Congress if both Houses are concerned.

Court proceedings or actions, identification.

(b) The Joint Committee shall exercise all functions vested in it by section 406 of this Part.

Post, p. 1189.

(c) The Joint Committee shall report, from time to time, to the Senate and the House of Representatives their recommendations with respect to matters within the jurisdiction of the Joint Committee.

Report to Congress.

(d) Nothing in this Part shall be construed to authorize the Joint Committee to make any recommendations with respect to the rules, parliamentary procedure, practices, or precedents of either House or the consideration of any matter on the floor of either House.

POWERS OF JOINT COMMITTEE

SEC. 403. The Joint Committee, or any duly authorized subcommittee thereof, is authorized to sit and act at such places and times during the sessions, recesses, and adjourned periods of Congress, to require by subpoena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths and affirmations, to take such testimony, to procure such printing and binding, and to make such expenditures, as it deems advisable. The Joint Committee may make such rules respecting its organization and procedures as it deems necessary, except that no recommendation shall be reported from the Joint Committee unless a majority of the Joint Committee assent. Subpenas may be issued over the signature of the chairman of the Joint Committee or of any member designated by him or by the Joint Committee, and may be served by such person or persons as may be designated by such chairman or member. The chairman of the Joint Committee or any member thereof may administer oaths or affirmations to witnesses.

Rule making.

Subpenas, issuance.

Oaths.

STAFF OF JOINT COMMITTEE

SEC. 404. (a) In carrying out its functions under subsections (a) and (c) of section 402 of this Part, the Joint Committee is authorized, by record vote of a majority of the members of the Joint Committee—

Professional and clerical staff members, appointment.

Pay.

Ante, p. 198-1.

Government facilities, personnel, etc., utilization.

(1) to appoint, on a permanent basis, without regard to political affiliation and solely on the basis of fitness to perform their duties, not more than six professional staff members and not more than six clerical staff members;

(2) to prescribe their duties and responsibilities;

(3) to fix their pay at respective per annum gross rates not in excess of the highest rate of basic pay, as in effect from time to time, of the General Schedule of section 5332(a) of title 5, United States Code; and

(4) to terminate their employment as the Joint Committee may deem appropriate.

(b) In carrying out any of its functions under this Part, the Joint Committee is authorized to utilize the services, information, facilities, and personnel of the departments and establishments of the Government, and to procure the temporary (not to exceed one year) or intermittent services of experts or consultants or organizations thereof by contract at rates of pay not in excess of the per diem equivalent of the highest rate of basic pay set forth in the General Schedule of section 5332 of title 5, United States Code, including payment of such rates for necessary traveltime.

RECORDS OF JOINT COMMITTEE

SEC. 405. The Joint Committee shall keep a complete record of all Joint Committee actions, including a record of the votes on any question on which a record vote is demanded. All records, data, charts and files of the Joint Committee shall be the property of the Joint Committee and shall be kept in the offices of the Joint Committee or such other places as the Joint Committee may direct.

OFFICE OF PLACEMENT AND OFFICE MANAGEMENT

SEC. 406. (a) There is hereby established for the Congress an Office of Placement and Office Management which shall be subject to the supervision and control of the Joint Committee. The Joint Committee is authorized, by record vote of a majority of the members of the Joint Committee—

(1) to appoint, on a permanent basis, without regard to political affiliation, and solely on the basis of fitness to perform his duties, a Director of the Office of Placement and Office Management to serve as the head of the staff of the Office and such personnel as the Joint Committee deems necessary;

Director and
other personnel,
appointment.

(2) to prescribe their duties and responsibilities;

(3) to fix their pay at respective per annum gross rates not in excess of the highest rate of basic pay, as in effect from time to time, of the General Schedule of section 5332(a) of title 5, United States Code; and

Pay.

Ante, p. 198-1.

(4) to terminate their employment, as the Joint Committee may deem appropriate.

(b) It shall be the duty of the Office, upon request, to assist Members, committees, and officers of the Senate and House of Representatives seeking competent personnel with specified qualifications and to furnish advice and information with respect to office management procedures.

Duties.

(c) Nothing in this section shall be held or considered to require the use of the facilities of the Office by any Member, committee, or officer of the Senate or House of Representatives, if, in the opinion of such Member, committee, or officer, the use of such facilities is inappropriate.

EXPENSES

SEC. 407. The expenses of the Joint Committee shall be paid from the contingent fund of the House of Representatives, from funds appropriated for the Joint Committee, upon vouchers approved by the chairman.

Payment.

PART 2—ABOLISHMENT OF JOINT COMMITTEE ON IMMIGRATION AND NATIONALITY POLICY

ABOLISHMENT OF JOINT COMMITTEE ON IMMIGRATION AND NATIONALITY POLICY

SEC. 421. The Joint Committee on Immigration and Nationality Policy established by section 401(a) of the Immigration and Nationality Act (66 Stat. 274; Public Law 414, Eighty-second Congress; 8 U.S.C. 1106(a)) is hereby abolished.

CONFORMING CHANGES IN EXISTING LAW

SEC. 422. (a) Section 401 of the Immigration and Nationality Act (66 Stat. 274; Public Law 414, Eighty-second Congress; 8 U.S.C. 1106) is hereby repealed.

Repeal.

(b) Title IV of the table of contents of the Immigration and Nationality Act (66 Stat. 166; Public Law 414, Eighty-second Congress) is amended by striking out—

Sec. 401. Joint Congressional Committee.”.

PART 3—AUTHORITY OF OFFICERS OF THE CONGRESS OVER CONGRESSIONAL EMPLOYEES

AUTHORITY OVER CONGRESSIONAL EMPLOYEES

SEC. 431. (a) Each officer of the Congress having responsibility for the supervision of employees, including employees appointed upon recommendation of Members of Congress, shall have authority—

(1) to determine, before the appointment of any individual as an employee under the supervision of that officer of the Congress, whether that individual possesses the qualifications necessary for the satisfactory performance of the duties and responsibilities to be assigned to him; and

(2) to remove or otherwise discipline any employee under his supervision.

“Officer of the Congress.”

(b) As used in this section, the term “officer of the Congress” means—

(1) an elected officer of the Senate or House of Representatives who is not a Member of the Senate or House; and

(2) The Architect of the Capitol.

PART 4—THE CAPITOL GUIDE SERVICE

ESTABLISHMENT AND OPERATION OF THE CAPITOL GUIDE SERVICE

SEC. 441. (a) There is hereby established an organization under the Congress of the United States, to be designated the “Capitol Guide Service”, which shall be subject to the direction, supervision, and control of a Capitol Guide Board consisting of the Architect of the Capitol, the Sergeant at Arms of the Senate, and the Sergeant at Arms of the House of Representatives.

Guided tours.

(b) The Capitol Guide Service is authorized and directed to provide guided tours of the interior of the United States Capitol Building for the education and enlightenment of the general public, without charge for such tours. All such tours shall be conducted in compliance with regulations prescribed by the Capitol Guide Board.

Capitol Guide Board, duties.

(c) The Capitol Guide Board is authorized—

(1) with the prior approval of the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives, to establish and revise such number of positions of Guide in the Capitol Guide Service as the Board considers necessary to carry out effectively the activities of the Capitol Guide Service;

Chief and Assistant Chief Guide, appointment.

(2) to appoint, on a permanent basis, without regard to political affiliation, and solely on the basis of fitness to perform their duties, a Chief Guide and an Assistant Chief Guide, and, in addition, such number of Guides as may be authorized under subparagraph (1) of this subsection;

Pay adjustment.

(3) to prescribe their duties and responsibilities;

(4) with the prior approval of the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives, to fix, and adjust from time to time, their respective rates of pay at single per annum (gross) rates; and

(5) to terminate their employment as the Board considers appropriate.

Uniforms.

(d) The Capitol Guide Board shall—

(1) prescribe a uniform dress, including appropriate insignia which shall be worn by personnel of the Capitol Guide Service when on duty; and

(2) from time to time, as may be necessary, procure and furnish such uniforms to such personnel without charge to such personnel.

(e) An employee of the Capitol Guide Service shall not charge or accept any fee, or accept any gratuity, for or on account of his official services.

Acceptance of fees, prohibition.

(f) The Capitol Guide Board may detail personnel of the Capitol Guide Service to assist the United States Capitol Police by providing ushering and informational services, and other services not directly involving law enforcement, in connection with the inauguration of the President and Vice President of the United States, the official reception of representatives of foreign nations and other persons by the Senate or House of Representatives, and other special or ceremonial occasions in the United States Capitol Building or on the United States Capitol Grounds which require the presence of additional Government personnel and which cause the temporary suspension of the performance of the regular duties of the Capitol Guide Service.

Personnel detail.

(g) The Capitol Guide Board may receive and consider advice and information from any private historical or educational organization, association, or society with respect to those operations of the Capitol Guide Service which involve the furnishing of historical and educational information to the general public.

Historical and educational information.

(h) With the prior approval of the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives, the Capitol Guide Board shall prescribe such regulations as the Board considers necessary and appropriate for the operation of the Capitol Guide Service.

Regulations.

(i) The Capitol Guide Board may take appropriate disciplinary action, including, when circumstances warrant, suspension from duty without pay, reduction in pay, demotion, or removal from employment with the Capitol Guide Service, against any employee who violates any provision of this section or any regulation prescribed by the Board pursuant to this section.

Disciplinary action.

(j) The expenses of the Capitol Guide Service shall be paid from the contingent fund of the House of Representatives, until appropriations are available for the payment of such expenses.

Expenses paid from contingent fund.

COVERAGE OF EMPLOYEES OF THE CAPITOL GUIDE SERVICE UNDER THE FEDERAL CIVIL SERVICE RETIREMENT PROGRAM WITH RESULTANT COVERAGE UNDER FEDERAL LIFE INSURANCE AND HEALTH BENEFITS PROGRAMS

SEC. 442. (a) Section 2107 of title 5, United States Code, relating to the definition of "Congressional employee", is amended—

"Congressional employee."
80 Stat. 409;
81 Stat. 196.

(1) by striking out the word "and" at the end of paragraph (7);

(2) by striking out the period at the end of paragraph (8) and inserting in lieu thereof a semicolon and the word "and"; and

(3) by adding at the end thereof the following paragraph:

"(9) an employee of the Capitol Guide Service."

(b) Section 8332(b) of title 5, United States Code, relating to creditable service for retirement purposes, is amended—

Civil service retirement.
80 Stat. 567;
83 Stat. 831.

(1) by striking out the word "and" at the end of paragraph (6);

(2) by striking out the period at the end of paragraph (7) and inserting in lieu thereof a semicolon and the word "and";

(3) by adding immediately below paragraph (7) the following paragraph:

"(8) subject to sections 8334(c) and 8339(h) of this title, service performed on and after February 19, 1929, and prior to the effective date of section 442 of the Legislative Reorganization Act of 1970, as a United States Capitol Guide."; and

83 Stat. 137;
80 Stat. 574.

(4) by inserting immediately after the fourth sentence thereof the following sentence: "The Civil Service Commission shall accept the certification of the Capitol Guide Board concerning service for the purpose of this subchapter of the type described in paragraph (8) of this subsection and performed by an employee."

TRANSITIONAL PROVISIONS RELATING TO THE ESTABLISHMENT OF THE
CAPITOL GUIDE SERVICE AND THE CONCLUSION OF THE OPERATIONS OF
THE EXISTING UNITED STATES CAPITOL GUIDES ORGANIZATION

Appointments,
effective date.

SEC. 443. (a) The initial appointments, under section 441(c) (2) of this Act, of personnel of the Capitol Guide Service shall be effective on the effective date of this section. The Capitol Guide Board shall afford, to each person who is a member of the United States Capitol Guides immediately prior to such effective date, the opportunity to be appointed to a comparable position in the Capitol Guide Service without reduction in level of rank and seniority. For the purposes of the initial appointments of such persons, the number of such persons shall be considered to have been authorized for the Capitol Guide Service under section 441(c) (1) of this Act. The per annum (gross) rate of pay of each such person so initially appointed shall be a rate equal to the per annum rate of pay received by the United States Capitol Guides, who worked full tours of duty, averaged over the last five calendar years (excluding 1968) ending prior to the date of enactment of this Act. Subject to section 441(i) of this Act, the rate of each such person so initially appointed shall not, at any time after such initial appointment, be less than the rate at which he was initially appointed so long as he remains in the same position; but, when such position becomes vacant, the rate of pay of any subsequent appointee thereto shall be fixed in accordance with section 441 of this Act.

Records, assets,
transfer.

(b) The United States Capitol Police Board shall transfer, on the effective date of this section, to the Capitol Guide Board, all personnel records, financial records, assets, and other property of the United States Capitol Guides, which exist immediately prior to such effective date.

GAO audit.

(c) As soon as practicable after the effective date of this section but not later than the close of the sixtieth day after such effective date, the Capitol Guide Board shall, out of the assets and property transferred under subsection (b) of this section, on the basis of a special audit which shall be conducted by the General Accounting Office—

(1) settle and pay any outstanding accounts payable of the United States Capitol Guides,

(2) discharge the financial and other obligations of the United States Capitol Guides (including reimbursement to purchasers of tickets for guided tours which are purchased and paid for in advance of intended use and are unused), and

(3) otherwise wind up the affairs of the United States Capitol Guides,

Monetary sur-
pluses, disposal.

which exist immediately prior to such effective date. The Capitol Guide Board shall dispose of any net monetary amounts remaining after the winding up of the affairs of the United States Capitol Guides, in accordance with the practices and procedures of the United States Capitol Guides, existing immediately prior to the effective date of this section, with respect to disposal of monetary surpluses.

PART 5—AUDIT FOR ORGANIZATIONS CONDUCTING ACTIVITIES OR PERFORMING SERVICES IN OR ON THE UNITED STATES CAPITOL BUILDINGS OR GROUNDS

AUDIT OF ACCOUNTS OF CERTAIN PRIVATE ORGANIZATIONS

SEC. 451. (a) Any private organization, except political parties and committees constituted for election of Federal officials, whether or not organized for profit and whether or not any of its income inures to the benefit of any person, which performs services or conducts activities in or on the United States Capitol Buildings or Grounds, as defined by or pursuant to law, shall be subject, for each year in which it performs such services or conducts such activities, to a special audit of its accounts which shall be conducted by the General Accounting Office. The results of such audit shall be reported by the Comptroller General to the Senate and House of Representatives.

GAO audit.

Report to Congress.

PART 6—CONGRESSIONAL ADJOURNMENT

CONGRESSIONAL ADJOURNMENT

SEC. 461. (a) This section is enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such it shall be considered as part of the rules of each House, respectively; and such rule shall supersede other rules only to the extent inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

(b) Section 132 of the Legislative Reorganization Act of 1946 (2 U.S.C. 198) is amended to read as follows:

60 Stat. 831.

“CONGRESSIONAL ADJOURNMENT

“SEC. 132. (a) Unless otherwise provided by the Congress, the two Houses shall—

“(1) adjourn sine die not later than July 31 of each year; or

“(2) in the case of an odd-numbered year, provide, not later than July 31 of such year, by concurrent resolution adopted in each House by rollcall vote, for the adjournment of the two Houses from that Friday in August which occurs at least thirty days before the first Monday in September (Labor Day) of such year to the second day after Labor Day.

“(b) This section shall not be applicable in any year if on July 31 of such year a state of war exists pursuant to a declaration of war by the Congress.”.

Nonapplicability.

PART 7—PAYROLL ADMINISTRATION IN THE HOUSE OF REPRESENTATIVES

SINGLE PER ANNUM GROSS RATES OF PAY FOR EMPLOYEES UNDER THE HOUSE OF REPRESENTATIVES

SEC. 471. Whenever the rate of pay of an employee whose pay is disbursed by the Clerk of the House of Representatives is fixed or adjusted on or after the effective date of this section, that rate, as so fixed or adjusted, shall be a single per annum gross rate.

SINGLE PER ANNUM GROSS RATES OF CLERK HIRE ALLOWANCES OF
MEMBERS; RELATED MATTERS

Clerk hire allow-
ance.

SEC. 472. (a) The clerk hire allowance of each Member of the House of Representatives and the Resident Commissioner from Puerto Rico shall be at a single per annum gross rate, determined on the basis of the population, as currently estimated by the Bureau of the Census, of the constituency of that Member or the Resident Commissioner within one of the following categories, as applicable—

(1) a population of less than 500,000, with respect to which the single per annum gross rate of clerk hire allowance is \$133,500; or

(2) a population of 500,000 or more, with respect to which the single per annum gross rate of clerk hire allowance is \$140,500.

Monthly pay,
limitation.

(b) The aggregate of the payments of pay, for each monthly pay period, to employees, out of the clerk hire allowance of a Member or the Resident Commissioner, shall not be at a rate greater than the single per annum gross rate of clerk hire allowance of that Member or the Resident Commissioner, divided by twelve and adjusted to the nearest lower whole dollar figure, not counting any remaining portion of a dollar.

Yearly pay,
limitation.

(c) An employee is not entitled to pay, out of the clerk hire allowance of a Member or the Resident Commissioner, at a single per annum gross rate in excess of \$27,343.27.

Salary schedule
changes, certifi-
cation.

(d) Each Member and the Resident Commissioner shall certify any rearrangements or changes of salary schedules of employees paid out of his clerk hire allowance, in writing to the Clerk of the House, on or before such day of any month, in which such rearrangements or changes of salary schedules are to become effective, as the Clerk, with the approval of the Committee on House Administration, may designate from time to time. The Clerk shall disburse the pay of those employees in accordance with the certification of that Member or the Resident Commissioner.

(e) Each Member and the Resident Commissioner may, by written notice to the Clerk of the House, establish such titles for positions in his office as he may desire to designate.

SINGLE PER ANNUM GROSS RATES OF ALLOWANCES FOR PERSONAL SERVICES
IN THE OFFICES OF THE SPEAKER, MAJORITY LEADER, MINORITY LEADER,
MAJORITY WHIP, AND MINORITY WHIP

SEC. 473. The allowance for additional office personnel in the office of each of the following officials of the House of Representatives shall be at a single per annum gross rate, as follows:

- (1) the Speaker, \$110,000.
- (2) the Majority Leader, \$90,000.
- (3) the Minority Leader, \$55,000.
- (4) the Majority Whip, \$55,000.
- (5) the Minority Whip, \$55,000.

CONVERSION BY CLERK OF THE HOUSE OF EXISTING BASIC PAY RATES TO
PER ANNUM GROSS PAY RATES

SEC. 474. The Clerk of the House of Representatives shall convert, as of the effective date of this section, to a single per annum gross rate, the rate of pay of each employee whose pay—

- (1) is disbursed by the Clerk; and
- (2) immediately prior to such effective date, was fixed at a basic rate with respect to which additional pay was payable by law.

OBSOLETE REFERENCES IN EXISTING LAW TO BASIC PAY RATES

SEC. 475. In any case in which—

(1) the rate of pay of any employee or position, or class of employees or positions, the pay for whom or for which is disbursed by the Clerk of the House of Representatives, or any maximum or minimum rate with respect to any such employee, position, or class, is referred to in or provided by statute or House resolution; and

(2) the rate so referred to or provided is a basic rate with respect to which additional pay is provided by law;

such statutory provision or resolution shall be deemed to refer, in lieu of such basic rate, to the per annum gross rate which an employee receiving such basic rate immediately prior to the effective date of this section would receive, without regard to such statutory provision or resolution, under section 474 of this Part on and after such date.

SAVING PROVISION

SEC. 476. The provisions of this Part shall not be construed to—

(1) limit or otherwise affect any authority for the making of any appointment to, or for fixing or adjusting the pay for, any position for which the pay is disbursed by the Clerk of the House of Representatives; or

(2) affect the continuity of employment of, or reduce the pay of, any employee whose pay is disbursed by the Clerk of the House.

CHANGES IN EXISTING LAW; RELATED PROVISIONS

SEC. 477. (a) There are hereby repealed—

(1) the first section of the Act entitled “An Act to increase clerk hire, and for other purposes”, approved December 20, 1944 (58 Stat. 831; Public Law 512, Seventy-eighth Congress; 2 U.S.C. 60g);

(2) section 11(a) of the Legislative Branch Appropriation Act, 1956 (2 U.S.C. 60g-1); and

(3) section 202(e) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(e)).

(b) All provisions of law inconsistent with any provision of this Part are hereby superseded to the extent of the inconsistency.

(c) (1) This subsection is enacted as an exercise of the rulemaking power of the House of Representatives subject to and with full recognition of the power of the House of Representatives to enact or change any Rule of the House at any time in its exercise of its constitutional right to determine the rules of its proceedings.

(2) Clause 29(c) of Rule XI of the Rules of the House of Representatives is amended to read as follows:

“(c) Each employee on the professional staff, and each employee on the clerical staff, of each standing committee, is entitled to pay at a single per annum gross rate, to be fixed by the chairman, which does not exceed the highest rate of basic pay, as in effect from time to time, of the General Schedule of section 5332(a) of title 5, United States Code.”

(d) Section 5533(c) of title 5, United States Code, is amended to read as follows:

“(c) (1) Unless otherwise authorized by law and except as otherwise provided by paragraph (2) of this subsection, appropriated funds are not available for payment to an individual of pay from more than

Repeals.
Clerk hire.

69 Stat. 509.
Professional
staff members.
60 Stat. 835.

Pay rate.

Ante, p. 198-1.
Dual pay.
81 Stat. 637.

one position if the pay of one of the positions is paid by the Secretary of the Senate or the Clerk of the House of Representatives, or one of the positions is under the Office of the Architect of the Capitol, and if the aggregate gross pay from the positions exceeds \$7,724 a year.

Limitation.

“(2) Notwithstanding paragraph (1) of this subsection, appropriated funds are not available for payment to an individual of pay from more than one position, for each of which the pay is disbursed by the Clerk of the House of Representatives, if the aggregate gross pay from those positions exceeds the maximum per annum gross rate of pay authorized to be paid to an employee out of the clerk hire allowance of a Member of the House.

“Gross pay.”

“(3) For the purposes of this subsection, ‘gross pay’ means the annual rate of pay (or equivalent thereof in the case of an individual paid on other than an annual basis) received by an individual.”

PART 8—PER ANNUM GROSS PAY RATES OF EMPLOYEES OF THE OFFICE OF THE ARCHITECT OF THE CAPITOL

SINGLE PER ANNUM GROSS RATES OF PAY FOR EMPLOYEES UNDER THE ARCHITECT OF THE CAPITOL

SEC. 481. Whenever the rate of pay of—

- (1) an employee of the Office of the Architect of the Capitol; or
 - (2) an employee of the House Restaurant, or of the Senate Restaurant, under the supervision of the Architect of the Capitol as an agent of the House or Senate, respectively, as the case may be;
- is fixed or adjusted on or after the effective date of this section, that rate, as so fixed and adjusted, shall be a single per annum gross rate.

CONVERSION BY THE ARCHITECT OF THE CAPITOL OF EXISTING BASIC PAY RATES TO PER ANNUM GROSS PAY RATES

SEC. 482. The Architect of the Capitol shall convert, as of the effective date of this section, to a single per annum gross rate, the rate of pay of each employee described in subparagraph (1) or subparagraph (2) of section 481 of this Part, whose pay immediately prior to such effective date was fixed at a basic rate with respect to which additional pay was payable by law.

OBSOLETE REFERENCES IN EXISTING LAW TO BASIC PAY RATES OF EMPLOYEES UNDER THE ARCHITECT OF THE CAPITOL

SEC. 483. In any case in which—

- (1) the rate of pay of, or any maximum or minimum rate of pay with respect to—

- (A) any employee described in subparagraph (1) or subparagraph (2) of section 481 of this Part, or

- (B) the position of such employee, or

- (C) any class or group of such employees or positions,

is referred to in or provided by statute or other authority; and

- (2) the rate so referred to or provided is a basic rate with respect to which additional pay is provided by law;

such statutory provision or authority shall be deemed to refer, in lieu of such basic rate, to the per annum gross rate which an employee receiving such basic rate immediately prior to the effective date of this section would receive, without regard to such statutory provision or authority, under section 482 of this Part on and after such date.

SAVING PROVISION

SEC. 484. The provisions of this Part shall not be construed to—

(1) limit or otherwise affect any authority for the making of any appointment to, or for fixing or adjusting the pay for, the position of any employee described in subparagraph (i) or subparagraph (2) of section 481 of this Part;

(2) affect the continuity of employment of, or reduce the pay of, any employee holding any position referred to in subparagraph (1) of this section; or

(3) modify, change, supersede, or otherwise affect the provisions of sections 5504 and 6101(a) (5) of title 5, United States Code, insofar as such sections relate to the Office of the Architect of the Capitol.

80 Stat. 475;
81 Stat. 207.

EFFECT ON EXISTING LAW

SEC. 485. (a) All provisions of law inconsistent with this Part are hereby superseded to the extent of the inconsistency.

(b) Sections 5504 and 6101(a) (5) of title 5, United States Code, shall apply to employees of the House and Senate Restaurants who are paid at per annum rates of pay as long as such employees are under the supervision of the Architect of the Capitol as an agent of the House or Senate, respectively, as the case may be.

House and
Senate Restaurant
employees.

EXEMPTIONS

SEC. 486. Notwithstanding any other provision of this Part, the foregoing provisions of this Part do not apply to any employee described in section 481 of this Part whose pay is fixed and adjusted—

(1) in accordance with chapter 51, and subchapter III of chapter 53, of title 5, United States Code, relating to classification and General Schedule pay rates;

(2) in accordance with subchapter IV of chapter 53 of title 5, United States Code, relating to prevailing rate pay systems;

(3) at per hour or per diem rates in accordance with section 3 of the Legislative Pay Act of 1929, as amended (46 Stat. 38; 55 Stat. 615), relating to employees performing professional and technical services for the Architect of the Capitol in connection with construction projects and employees under the Office of the Architect of the Capitol whose tenure of employment is temporary or of uncertain duration; or

(4) in accordance with prevailing rates under authority of the Joint Resolution entitled "Joint Resolution transferring the management of the Senate Restaurants to the Architect of the Capitol, and for other purposes", approved July 6, 1961 (75 Stat. 199; Public Law 87-82), or section 208 of the First Supplemental Civil Functions Appropriation Act, 1941 (54 Stat. 1056; Public, No. 812, Seventy-sixth Congress), relating to the duties of the Architect of the Capitol with respect to the House of Representatives Restaurant.

80 Stat. 443,
467; *Ante*, p. 198-1
5 USC 5101,
5331.
5 USC 5341.

40 USC 174j-1-
174j-7.

40 USC 174k.

PART 9—SENATE AND HOUSE PAGES

SENATE AND HOUSE PAGES

Appointment
conditions.

SEC. 491. (a) A person shall not be appointed as a page of the Senate or House of Representatives—

(1) unless he agrees that, in the absence of unforeseen circumstances preventing his service as a page after his appointment, he will continue to serve as a page for a period of not less than two months; and

(2) until complete information in writing is transmitted to his parent or parents, his legal guardian, or other appropriate person or persons acting as his parent or parents, with respect to the nature of the work of pages, their pay, their working conditions (including hours and scheduling of work), and the housing accommodations available to pages.

Qualifications.

(b) A person shall not serve as a page—

(1) of the Senate before he has attained the age of fourteen years; or

(2) of the House of Representatives before he has attained the age of sixteen years; or

(except in the case of a chief page, telephone page, or riding page) during any session of the Congress which begins after he has attained the age of eighteen years.

Pay.

(c) The pay of pages of the Senate shall begin not more than five days before the convening or reconvening of a session of the Congress or of the Senate and shall continue until the end of the month during which the Congress or the Senate adjourns or recesses, or until the fourteenth day after such adjournment or recess, whichever is the later date, except that, in any case in which the Congress or the Senate adjourns or recesses on or before the last day of July for a period of at least thirty days but not more than forty-five days, such pay shall continue until the end of such period of adjournment or recess.

(d) The pay of pages of the House of Representatives shall begin not more than five days before the convening of a session of the Congress and shall continue until the end of the month during which the Congress adjourns sine die or recesses or until the fourteenth day after such adjournment or recess, whichever is the later date, except that, in any case in which the House adjourns or recesses on or before the last day of July in any year for a period of at least thirty days but not more than forty-five days, such pay shall continue until the end of such period of adjournment or recess.

Repeals.

(e) There are hereby repealed—

(A) the proviso under the heading "Senate" and under the caption "Office of Sergeant at Arms and Doorkeeper", which relates to the pay of pages of the Senate, in the Legislative Branch Appropriation Act, 1952 (65 Stat. 390; Public Law 168, Eighty-second Congress; 2 U.S.C. 88c); and

(B) the proviso under the heading "House of Representatives" and under the caption "Office of the Doorkeeper", which relates to the pay of pages of the House of Representatives, in the Legislative Branch Appropriation Act, 1949, as amended (62 Stat. 426, 78 Stat. 1084; Public Law 641, Eightieth Congress, Public Law 88-652; 2 U.S.C. 88c).

Effective date.

(f) Subsection (b) of this section shall become effective on January 3, 1971, but the provisions of such subsection limiting service as a page to persons who have attained the age of sixteen years shall not be construed to prohibit the continued service of any page appointed prior to the date of enactment of this Act.

DORMITORY BUILDING FOR CONGRESSIONAL PAGES

SEC. 492. (a) There is hereby authorized to be constructed, on a site jointly approved by the Senate Office Building Commission and the House Office Building Commission, in accordance with plans which shall be prepared by or under the direction of the Architect of the Capitol and which shall be submitted to and jointly approved by the Senate Office Building Commission and the House Office Building Commission, a fireproof building containing dormitory and classroom facilities, including necessary furnishings and equipment, for pages of the Senate, the House of Representatives, and the Supreme Court of the United States.

(b) The Architect of the Capitol, under the joint direction and supervision of the Senate Office Building Commission and the House Office Building Commission, is authorized to acquire on behalf of the United States, by purchase, condemnation, transfer, or otherwise, such publicly or privately owned real property in the District of Columbia (including all alleys, and parts of alleys, and streets within the curblines surrounding such real property) located in the vicinity of the United States Capitol Grounds, as may be approved jointly by the Senate Office Building Commission and the House Office Building Commission, for the purpose of constructing on such real property, in accordance with this section, a suitable dormitory and classroom facilities complex for pages of the Senate, the House of Representatives, and the Supreme Court of the United States.

(c) Any proceeding for condemnation instituted under subsection (b) of this section shall be conducted in accordance with subchapter IV of chapter 13 of title 16 of the District of Columbia Code.

(d) Notwithstanding any other provision of law, any real property owned by the United States, and any alleys, or parts of alleys and streets, contained within the curblines surrounding the real property acquired on behalf of the United States under this section shall be transferred, upon the request of the Architect of the Capitol made with the joint approval of the Senate Office Building Commission and the House Office Building Commission, to the jurisdiction and control of the Architect of the Capitol.

(e) Notwithstanding any other provision of law, any alleys, or parts of alleys and streets, contained within the curblines surrounding the real property acquired on behalf of the United States under this section shall be closed and vacated by the Commissioner of the District of Columbia in accordance with any request therefor made by the Architect of the Capitol with the joint approval of the Senate Office Building Commission and the House Office Building Commission.

(f) Upon the acquisition on behalf of the United States of all real property under this section, such property shall be a part of the United States Capitol Grounds and shall be subject to the provisions of the Act entitled "An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes", approved July 31, 1946.

(g) The building constructed on the real property acquired under this section shall be designated the "John W. McCormack Residential Page School". The employment of all services (other than that of the United States Capitol Police) necessary for its protection, care, maintenance, and use, for which appropriations are made by Congress, shall be under the control and supervision of the Architect of the Capitol. Such supervision and control shall be subject to the joint approval and direction of the Speaker and the President pro tempore. The Architect shall submit annually to the Congress estimates in detail for all services, other than those of the United States Capitol

Property acquisition in D.C.

Condemnation proceedings.

77 Stat. 577.
D.C. Code 16-1351 et seq.
U.S.-owned property, transfer.

60 Stat. 718.
D.C. Code 9-118 to 9-132.
John W. McCormack Residential Page School, designation.

Annual expense estimates to Congress.

Police or those provided in connection with the conduct of school operations and the personal supervision of pages, and for all other expenses in connection with the protection, care, maintenance, and use of the John W. McCormack Residential Page School. The Speaker and the President pro tempore shall prescribe, from time to time, regulations governing the Architect in the provision of services and the protection, care, and maintenance, of the John W. McCormack Residential Page School.

Supervision and control over page activities, regulations.

(h) The Speaker of the House of Representatives and the President pro tempore of the Senate jointly shall designate an officer of the House and an officer of the Senate, other than a Member of the House or Senate, who shall jointly exercise supervision and control over the activities of the pages resident in the John W. McCormack Residential Page School. With the approval of the Speaker and the President pro tempore, such officers so designated shall prescribe regulations governing—

(1) the actual use and occupancy of the John W. McCormack Residential Page School including, if necessary, the imposition of a curfew for pages;

(2) the conduct of pages generally; and

(3) other matters pertaining to the supervision, direction, safety, and well-being of pages in off-duty hours.

Residence Superintendent of Pages, appointment.

Such officers, subject to the approval of the Speaker and the President pro tempore, jointly shall appoint and fix the per annum gross rate of pay of a Residence Superintendent of Pages, who shall perform such duties with respect to the supervision of pages resident therein as those officials shall prescribe. In addition, such officers, subject to the approval of the Speaker and the President pro tempore, jointly shall appoint and fix the per annum gross rates of pay of such additional personnel as may be necessary to assist those officers and the Residence Superintendent of Pages in carrying out their functions under this section.

Additional personnel.

60 Stat. 839.

(i) Nothing in this part shall affect the operation of section 243 of the Legislative Reorganization Act of 1946 (2 U.S.C. 88a) or the proviso under the heading "Education of Senate and House Pages" in title I of the Urgent Deficiency Appropriation Act, 1947 (2 U.S.C. 88b), relating to educational facilities of pages and other minors who are congressional employees.

61 Stat. 16.

PART 10—MODERNIZATION OF HOUSE GALLERIES

MODERNIZATION AND IMPROVEMENT OF GALLERY FACILITIES IN THE HOUSE CHAMBER

Special Commission on Modernization of House Gallery Facilities, appointment.

SEC. 499. (a) The Speaker of the House of Representatives shall appoint a special commission of the House, to be designated the "Special Commission on Modernization of House Gallery Facilities", composed of five Members of the House, three from the majority party and two from the minority party. The Speaker shall designate as chairman of the commission one of the Members so appointed. A vacancy in the membership of the commission shall be filled in the same manner as the original appointment. The commission shall conduct a study of the structure and uses of the gallery facilities in the Chamber of the House of Representatives and shall formulate and develop a program for the modernization and improvement of the House gallery facilities in order to improve the physical conditions under which the proceedings on the floor of the House are conducted and to provide for spectators in the House galleries modernized and improved accommodations for their enlightenment, information, and

understanding with respect to the proceedings on the floor of the House and the role of the House generally in the legislative branch of the Government. Any such program formulated and developed by the commission shall provide for—

Program formulation and development.

(1) the enclosure of the galleries with soundproof and transparent coverage in such manner as to preserve the visibility from the galleries of proceedings on the House floor and eliminate the audibility on the House floor of noise in the galleries;

(2) the installation of facilities and devices which will permit the proceedings on the floor of the House to be heard by spectators in the galleries, together with facilities and devices by which appropriate comments and explanations may be made to spectators in the galleries with respect to the proceedings on the House floor; and

(3) such other items or features of modernization and improvement of the House galleries as may be directed by the commission, including items and features of modernization designed to provide for and facilitate the consultation of legislative materials and the taking of written notes by visitors to the House galleries, under such regulations as the Speaker may from time to time prescribe, without any distraction to or disturbance of the conduct of proceedings on the floor of the House.

(b) At the request of the commission, the Architect of the Capitol shall provide advice, counsel, and assistance to the commission in the conduct of its study.

(c) Such study shall be completed not later than the close of the first session of the Ninety-second Congress.

Completion date.

(d) After the completion of such study, the commission through the Architect of the Capitol, subject to the availability of appropriations for such purpose, shall put the program for the modernization and improvement of the galleries into effect. The Architect of the Capitol may procure or make such plans, enter into such contracts, employ such personnel, and take such other actions and make such expenditures, as may be necessary to complete such program of modernization and improvement of the House galleries. In all matters connected with such program, the Architect shall be subject to the supervision, direction, and control of the commission.

Program implementation.

Contract authority.

(e) The commission shall cease to exist when the Speaker determines that the program for modernization and improvement of the galleries has been completed.

Commission, termination.

(f) There are hereby authorized to be appropriated, to remain available until expended, such sums as may be necessary to carry out the provisions of this section.

Appropriations.

TITLE V—OFFICE OF THE LEGISLATIVE COUNSEL

Subtitle A—House of Representatives

PART 1—PURPOSE, POLICY, AND FUNCTION

ESTABLISHMENT

SEC. 501. There is established in the House of Representatives an office to be known as the Office of the Legislative Counsel, referred to hereinafter in this subtitle as the "Office".

PURPOSE AND POLICY

SEC. 502. The purpose of the Office shall be to advise and assist the House of Representatives, and its committees and Members, in the achievement of a clear, faithful, and coherent expression of legislative policies. The Office shall maintain impartiality as to issues of legislative policy to be determined by the House of Representatives, and shall not advocate the adoption or rejection of any legislation except when duly requested by the Speaker or a committee to comment on a proposal directly affecting the functions of the Office. The Office shall maintain the attorney-client relationship with respect to all communications between it and any Member or committee of the House.

FUNCTIONS

SEC. 503. The functions of the Office shall be as follows:

(1) Upon request of the managers on the part of the House at any conference on the disagreeing votes of the two Houses, to advise and assist the managers on the part of the House in the course of the conference, and to assist the committee of conference in the preparation of the conference report and any accompanying explanatory statement.

(2) Upon request of any committee of the House, or any joint committee having authority to report legislation to the House, to advise and assist the committee in the consideration of any legislation before it, and to assist the committee in the preparation of drafts of any such legislation, amendments thereto, and reports thereon.

(3) Upon request of any Member having control of time during the consideration of any legislation by the House, to have in attendance on the floor of the House not more than two members of the staff of the Office (and, in his discretion, the Legislative Counsel) to advise and assist such Member and, to the extent feasible, any other Member, in the course of such consideration.

(4) Upon request of any Member, subject to such reasonable restrictions as the Legislative Counsel may impose with the approval of the Speaker on the proportion of the resources of the Office which may be devoted to the requests of any one Member, to prepare drafts of legislation and to furnish drafting advice with respect to drafts of legislation prepared by others.

(5) At the direction of the Speaker, to perform on behalf of the House of Representatives any legal services which are within the capabilities of the Office and the performance of which would not be inconsistent with the provisions of section 502 or the preceding provisions of this section.

PART 2—ADMINISTRATION

LEGISLATIVE COUNSEL

SEC. 521. The management, supervision, and administration of the Office are vested in the Legislative Counsel, who shall be appointed by the Speaker of the House of Representatives without regard to political affiliation and solely on the basis of fitness to perform the duties of the position. Any person so appointed shall serve at the pleasure of the Speaker.

STAFF

SEC. 522. (a) With the approval of the Speaker, or in accordance with policies and procedures approved by the Speaker, the Legislative Counsel shall appoint such attorneys and other employees as may be necessary for the prompt and efficient performance of the functions of the Office. Any such appointment shall be made without regard to political affiliation and solely on the basis of fitness to perform the duties of the position. Any person so appointed may be removed by the Legislative Counsel with the approval of the Speaker, or in accordance with policies and procedures approved by the Speaker.

Attorneys, etc.,
appointment.

(b) One of the employees appointed under subsection (a) shall be a full-time Office Administrator, who shall exercise the management, supervisory, and administrative functions of the Office as delegated to him by the Legislative Counsel.

Office Admin-
istrator.

COMPENSATION

SEC. 523. (a) The Legislative Counsel shall be paid at a per annum gross rate equal to the rate of basic pay, as in effect from time to time, for level III of the Executive Schedule of section 5314 of title 5, United States Code.

Legislative
Counsel.

(b) Members of the staff of the Office other than the Legislative Counsel shall be paid at per annum gross rates fixed by the Legislative Counsel with the approval of the Speaker or in accordance with policies approved by the Speaker, but not in excess of a per annum gross rate equal to the rate of basic pay, as in effect from time to time, for level V of the Executive Schedule of section 5316 of title 5, United States Code.

83 Stat. 863.
Staff members.

EXPENDITURES

SEC. 524. In accordance with policies and procedures approved by the Speaker, the Legislative Counsel may make such expenditures as may be necessary or appropriate for the functioning of the Office.

OFFICIAL MAIL MATTER

SEC. 525. The Office shall have the same privilege of free transmission of official mail matter as other offices of the United States Government.

AUTHORIZATION OF APPROPRIATIONS

SEC. 526. There are authorized to be appropriated, for the fiscal year ending June 30, 1971, and for each fiscal year thereafter, such sums as may be necessary to carry out this subtitle and to increase the efficiency of the Office and the quality of the services which it provides.

PART 3—TRANSITIONAL PROVISIONS

PERSONNEL, PROPERTY, RECORDS, ETC.

SEC. 531. Any individual who on the date of the enactment of this Act is serving under an appointment by the Speaker as Legislative Counsel of the House of Representatives shall continue as Legislative Counsel of the House of Representatives in accordance with this subtitle. All personnel, positions, property, records, and unexpended balances of appropriations of or for that part of the Office of the Legislative Counsel established under section 1303 of the Revenue Act of 1918 (2 U.S.C., ch. 9) employed or held in or for the House of Repre-

40 Stat. 1141;
43 Stat. 353.

40 Stat. 1141;
43 Stat. 353.
2 USC 271.

sentatives shall be transferred to the Office established under this subtitle; and, effective upon the date of enactment of this Act, the provisions of section 1303 of the Revenue Act of 1918 shall have no further applicability of any kind to the Speaker or to any committee, officer, employee, or property of the House of Representatives.

TITLE VI—EFFECTIVE DATES

EFFECTIVE DATES

SEC. 601. The foregoing provisions of this Act shall take effect as follows:

(1) Title I, title II (except part 2 thereof), title III (except section 203 (d) (2), (d) (3), and (i) of the Legislative Reorganization Act of 1946, as amended by section 321 of this Act, and section 105 (e) and (f) of the Legislative Branch Appropriation Act, 1968, as amended by section 305 of this Act), and title IV, of this Act shall become effective immediately prior to noon on January 3, 1971.

Ante, pp. 1143,
1167, 1175, 1187.

Ante, p. 1169.

(2) Part 2 of title II shall be effective with respect to fiscal years beginning on or after July 1, 1972.

Ante, p. 1181.

(3) Section 203 (d) (2) and (3) of the Legislative Reorganization Act of 1946, as amended by section 321 of this Act, shall become effective at the close of the first session of the Ninety-second Congress.

(4) Section 203 (i) of the Legislative Reorganization Act of 1946, as amended by section 321 of this Act, shall be effective with respect to fiscal years beginning on or after July 1, 1970.

Ante, p. 1201.

(5) Title V of this Act shall become effective on the date of enactment of this Act.

Ante, p. 1181.

(6) Section 105 (e) and (f) of the Legislative Branch Appropriation Act, 1968, as amended by section 305 of this Act, shall become effective on January 1, 1971.

Approved October 26, 1970.

Public Law 91-511

October 26, 1970
[H. R. 17604]

AN ACT

To authorize certain construction at military installations, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Military Construction and Reserve Forces Facilities authorization acts, 1971.
Army.

TITLE I

SEC. 101. The Secretary of the Army may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment for the following acquisition and construction:

INSIDE THE UNITED STATES

UNITED STATES CONTINENTAL ARMY COMMAND

(First Army)

Fort Belvoir, Virginia, \$4,959,000.
Carlisle Barracks, Pennsylvania, \$503,000.
Fort Dix, New Jersey, \$11,671,000.
Fort Eustis, Virginia, \$260,000.
Fort Hamilton, New York, \$575,000.
Fort Knox, Kentucky, \$8,249,000.
Fort Lee, Virginia, \$98,000.
Fort George G. Meade, Maryland, \$257,000.

(Third Army)

Fort Benning, Georgia, \$2,855,000.
Fort Campbell, Kentucky, \$497,000.
Fort Gordon, Georgia, \$31,447,000.
Fort Jackson, South Carolina, \$506,000.
Fort Rucker, Alabama, \$1,435,000.
Fort Stewart, Georgia, \$1,534,000.

(Fourth Army)

Fort Bliss, Texas, \$809,000.
Fort Sam Houston, Texas, \$15,496,000.
Fort Sill, Oklahoma, \$581,000.

(Fifth Army)

Fort Carson, Colorado, \$623,000.
Fort Benjamin Harrison, Indiana, \$523,000.
Fort Riley, Kansas, \$7,515,000.
Fort Leonard Wood, Missouri, \$1,946,000.

(Sixth Army)

Hunter-Liggett Military Reservation, California, \$2,915,000.
Fort Lewis, Washington, \$3,757,000.
Presidio of Monterey, California, \$2,635,000.
Fort Ord, California, \$3,497,000.
Presidio of San Francisco, California, \$7,004,000.

(Military District of Washington)

Fort Myer, Virginia, \$525,000.

UNITED STATES ARMY MATERIEL COMMAND

Aeronautical Maintenance Center, Texas, \$3,738,000.
Alabama Army Ammunition Plant, Alabama, \$117,000.
Anniston Army Depot, Alabama, \$915,000.
Atlanta Army Depot, Georgia, \$117,000.

Badger Army Ammunition Plant, Wisconsin, \$1,604,000.
Burlington Army Ammunition Plant, New Jersey, \$384,000.
Charleston Army Depot, South Carolina, \$67,000.
Cornhusker Army Ammunition Plant, Nebraska, \$650,000.
Harry Diamond Laboratory, Maryland, \$12,898,000.
Iowa Army Ammunition Plant, Iowa, \$300,000.
Letterkenny Army Depot, Pennsylvania, \$410,000.
Fort Monmouth, New Jersey, \$2,757,000.
New Cumberland Army Depot, Pennsylvania, \$99,000.
Picatinny Arsenal, New Jersey, \$752,000.
Radford Army Ammunition Plant, Virginia, \$2,333,000.
Ridgewood Army Weapons Plant, Ohio, \$120,000.
Rock Island Arsenal, Illinois, \$2,750,000.
Sierra Army Depot, California, \$369,000.
Tobyhanna Army Depot, Pennsylvania, \$115,000.
Tooele Army Depot, Utah, \$249,000.
Watervliet Arsenal, New York, \$1,362,000.
White Sands Missile Range, New Mexico, \$2,261,000.
Yuma Proving Ground, Arizona, \$1,798,000.

UNITED STATES ARMY SECURITY AGENCY

Vint Hill Farms, Virginia, \$475,000.

UNITED STATES ARMY STRATEGIC COMMUNICATIONS COMMAND

Fort Huachuca, Arizona, \$2,383,000.
Fort Ritchie, Maryland, \$876,000.

UNITED STATES MILITARY ACADEMY

United States Military Academy, West Point, New York, \$8,519,000.

ARMY MEDICAL DEPARTMENT

Walter Reed Army Medical Center, District of Columbia, \$10,216,000.

CORPS OF ENGINEERS

Topographic Command, Missouri, \$558,000.

MILITARY TRAFFIC MANAGEMENT AND TERMINAL SERVICE

Military Ocean Terminal, Bayonne, New Jersey, \$3,440,000.
Oakland Army Base, California, \$1,458,000.

UNITED STATES ARMY, HAWAII

Schofield Barracks, \$2,955,000.

OUTSIDE THE UNITED STATES

UNITED STATES ARMY, PACIFIC

Korea, Various Locations, \$6,190,000.
Vietnam, Various Locations, \$25,000,000.
Kwajalein Missile Range, \$560,000.

UNITED STATES ARMY SECURITY AGENCY

Various Locations, \$2,535,000.

UNITED STATES ARMY, EUROPE

Germany, Various Locations, \$7,412,000.

Various Locations: For the United States share of the cost of multilateral programs for the acquisition or construction of military facilities and installations, including international military headquarters, for the collective defense of the North Atlantic Treaty Area, \$41,500,000: *Provided*, That, within thirty days after the end of each quarter, the Secretary of the Army shall furnish to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives a description of obligations incurred as the United States share of such multilateral programs.

Report to congressional committees.

SEC. 102. The Secretary of the Army may establish or develop classified military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of \$2,000,000.

SEC. 103. The Secretary of the Army may establish or develop Army installations and facilities by proceeding with constructions made necessary by changes in Army missions and responsibilities which have been occasioned by: (a) unforeseen security considerations, (b) new weapons developments, (c) new and unforeseen research and development requirements, or (d) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of \$10,000,000: *Provided*, That the Secretary of the Army, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1971, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

Unforeseen conditions, construction authorization.

Congressional committees, notification.

Authorization expiration.

SEC. 104. The Secretary of the Army is authorized to acquire, under such terms as he deems fair and reasonable, and at the present fair market value, State-owned and privately-owned land and estates in land and improvements thereon located within the boundaries of the White Sands Missile Range, New Mexico.

White Sands Missile Range, N. Mex., land acquisition.

SEC. 105. The Secretary of the Army is authorized to acquire out of appropriations which may be available for Civil Defense in the fiscal year 1971 Independent Offices Appropriations Act, under such terms

Post, p. 1442.

as he deems appropriate, land or interests in land in approximately one hundred and sixty acres in the vicinity of Mount Joy, Pennsylvania, as he considers necessary for the construction of a prototype Decision Information Distribution System facility to augment and upgrade the area's Civil Defense warning capability.

77 Stat. 309. SEC. 106. (a) Public Law 88-174, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 101, as follows:

With respect to "Aberdeen Proving Ground, Maryland", strike out "\$4,065,000" and insert in place thereof "\$4,326,000".

81 Stat. 283. (b) Public Law 88-174, as amended, is amended by striking out in clause (1) of section 602 "\$155,919,000" and "\$200,788,000" and inserting in place thereof "\$156,180,000" and "\$201,049,000", respectively.

78 Stat. 342. SEC. 107. (a) Public Law 88-390, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 101, as follows:

With respect to "Edgewood Arsenal, Maryland," strike out "\$6,843,000" and insert in place thereof "\$7,405,000".

81 Stat. 283. (b) Public Law 88-390, as amended, is amended by striking out in clause (1) of section 602 "\$256,536,000" and "\$307,597,000" and inserting in place thereof "\$257,098,000" and "\$308,159,000", respectively.

79 Stat. 795. SEC. 108. (a) Public Law 89-188, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 101, as follows:

(1) With respect to "Aberdeen Proving Ground, Maryland," strike out "\$3,419,000" and insert in place thereof "\$3,874,000".

(2) With respect to "Rock Island Arsenal, Illinois", strike out "\$826,000" and insert in place thereof "\$835,000".

83 Stat. 296. (b) Public Law 89-188, as amended, is amended by striking out in clause (1) of section 602 "\$261,135,000" and "\$317,996,000" and inserting in place thereof "\$261,599,000" and "\$318,460,000", respectively.

80 Stat. 739;
82 Stat. 372. SEC. 109. (a) Public Law 89-568, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 101, as follows:

With respect to "Fort Jackson, South Carolina", strike out "\$5,565,000" and insert in place thereof "\$5,928,000".

(b) Public Law 89-568, as amended, is amended by striking out in clause (1) of section 602 "\$59,352,000" and "\$134,067,000" and inserting in place thereof "\$59,715,000" and "\$134,430,000", respectively.

81 Stat. 279;
83 Stat. 296. SEC. 110. (a) Public Law 90-110, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 101, as follows:

(1) With respect to Fort Lee, Virginia, strike out "\$1,727,000" and insert in place thereof "\$2,575,000".

81 Stat. 281. (2) With respect to United States Military Academy, West Point, New York, strike out "\$15,495,000" and insert in place thereof "\$18,077,000".

83 Stat. 297. (b) Public Law 90-110, as amended, is amended by striking out in clause (1) of section 802 "\$284,625,000" and "\$388,018,000", and inserting in place thereof "\$288,055,000" and "\$391,448,000", respectively.

82 Stat. 368,
369. SEC. 111. (a) Public Law 90-408, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 101, as follows:

(1) With respect to "Fort Benjamin Harrison, Indiana", strike out "\$4,590,000" and insert in place thereof "\$7,200,000".

(2) With respect to "Pine Bluff Arsenal, Arkansas", strike out "\$169,000" and insert in place thereof "\$253,000".

83 Stat. 297. (b) Public Law 90-408, as amended, is amended by striking out in clause (1) of section 802 "\$363,805,000" and "\$450,957,000" and inserting in place thereof "\$366,499,000" and "\$453,651,000", respectively.

SEC. 112. (a) Public Law 91-142 is amended under the heading "INSIDE THE UNITED STATES," in section 101, as follows:

83 Stat. 295.

With respect to "United States Military Academy, West Point, New York", strike out "\$17,421,000" and insert in place thereof "\$28,159,000".

(b) Public Law 91-142 is amended by striking out in clause (1) of section 702 "\$175,853,000" and "\$279,988,000", and inserting in place thereof "\$186,591,000" and "\$290,726,000", respectively.

83 Stat. 314.

TITLE II

SEC. 201. The Secretary of the Navy may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment for the following acquisition and construction:

Navy.

INSIDE THE UNITED STATES

FIRST NAVAL DISTRICT

Naval Shipyard, Portsmouth, New Hampshire, \$5,685,000.
Naval Station, Newport, Rhode Island, \$2,409,000.
Navy Public Works Center, Newport, Rhode Island, \$644,000.
Naval War College, Newport, Rhode Island, \$4,390,000.

THIRD NAVAL DISTRICT

Naval Submarine Base, New London, Connecticut, \$6,652,000.

FOURTH NAVAL DISTRICT

Naval Air Propulsion Test Center, Trenton, New Jersey, \$356,000.
Navy Ships Parts Control Center, Mechanicsburg, Pennsylvania, \$697,000.
Naval Station, Philadelphia, Pennsylvania, \$4,342,000.
Naval Publications and Forms Center, Philadelphia, Pennsylvania, \$250,000.

NAVAL DISTRICT WASHINGTON

Bolling/Anacostia, Washington, District of Columbia, \$16,200,000.
Naval Air Facility, Washington, District of Columbia, \$57,000.
Naval Research Laboratory, Washington, District of Columbia, \$2,628,000.
Naval Station, Washington, District of Columbia, \$573,000.
Naval Academy, Annapolis, Maryland, \$10,000,000.
Naval Ordnance Station, Indian Head, Maryland, \$159,000.
Naval Weapons Laboratory, Dahlgren, Virginia, \$530,000.

FIFTH NAVAL DISTRICT

Naval Amphibious Base, Little Creek, Virginia, \$4,408,000.
Naval Station, Norfolk, Virginia, \$1,120,000.
Naval Air Rework Facility, Norfolk, Virginia, \$2,070,000.
Naval Shipyard, Norfolk, Virginia, \$5,216,000.
Naval Supply Center, Norfolk, Virginia, \$55,000.
Naval Air Station, Oceana, Virginia, \$1,886,000.
Naval Weapons Station, Yorktown, Virginia, \$1,221,000.

SIXTH NAVAL DISTRICT

Naval Air Station, Cecil Field, Florida, \$470,000.
Naval Air Rework Facility, Jacksonville, Florida, \$3,869,000.
Naval Station, Mayport, Florida, \$519,000.
Naval Training Center, Orlando, Florida, \$11,327,000.
Naval Training Device Center, Orlando, Florida, \$1,665,000.
Naval Air Station, Pensacola, Florida, \$8,444,000.
Naval Air Station, Whiting Field, Milton, Florida, \$420,000.
Naval Air Station, Saufley Field, Florida, \$457,000.
Naval Air Station, Meridian, Mississippi, \$2,782,000.
Naval Construction Battalion Center, Gulfport, Mississippi, \$1,721,000.
Naval Shipyard, Charleston, South Carolina, \$6,884,000.
Naval Station, Charleston, South Carolina, \$2,233,000.
Naval Weapons Station, Charleston, South Carolina, \$5,180,000.

EIGHTH NAVAL DISTRICT

Naval Air Station, Corpus Christi, Texas, \$2,957,000.
Naval Inactive Ship Maintenance Facility, Orange, Texas, \$146,000.

NINTH NAVAL DISTRICT

Navy Public Works Center, Great Lakes, Illinois, \$12,525,000.
Naval Training Center, Great Lakes, Illinois, \$3,537,000.

ELEVENTH NAVAL DISTRICT

Naval Observatory Flagstaff Station, Flagstaff, Arizona, \$286,000.
Naval Weapons Center, China Lake, California, \$1,585,000.
Naval Dental Clinic, Long Beach, California, \$1,163,000.
Naval Shipyard, Long Beach, California, \$8,371,000.
Pacific Missile Range, Point Mugu, California, \$2,929,000.
Naval Construction Battalion Center, Port Hueneme, California, \$3,000,000.
Naval Weapons Station, Seal Beach, California, \$405,000.
Naval Air Station, Miramar, California, \$3,100,000.
Naval Air Station, North Island, San Diego, California, \$1,122,000.
Naval Station, San Diego, California, \$1,909,000.

TWELFTH NAVAL DISTRICT

Naval Air Station, Lemoore, California, \$3,973,000.
Naval Air Station, Alameda, California, \$3,023,000.
Naval Weapons Station, Concord, California, \$455,000.
Naval Air Station, Moffett Field, California, \$48,000.
Naval Supply Center, Oakland, California, \$195,000.
Naval Shipyard, Hunters Point, San Francisco, California, \$5,058,000.
Naval Shipyard, Mare Island, Vallejo, California, \$4,246,000.
Naval Auxiliary Air Station, Fallon, Nevada, \$2,222,000.
Naval Ammunition Depot, Hawthorne, Nevada, \$495,000.

THIRTEENTH NAVAL DISTRICT

Naval Ammunition Depot, Bangor, Washington, \$70,000.
Naval Radio Station T, Jim Creek, Oso, Washington, \$159,000.
Naval Shipyard, Puget Sound, Bremerton, Washington, \$4,914,000.
Naval Air Station, Whidbey Island, Washington, \$2,541,000.

FOURTEENTH NAVAL DISTRICT

Fleet Intelligence Center, Pacific, Pearl Harbor, Oahu, Hawaii, \$4,579,000.

Naval Submarine Base, Pearl Harbor, Oahu, Hawaii, \$4,123,000.

Navy Public Works Center, Pearl Harbor, Oahu, Hawaii, \$220,000.

Naval Dental Clinic, Pearl Harbor, Oahu, Hawaii, \$1,752,000.

Naval Ammunition Depot, Oahu, Hawaii, \$529,000.

Naval Air Station, Barbers Point, Oahu, Hawaii, \$2,480,000.

OMEGA Navigation Station, Haiku, Oahu, Hawaii, \$3,162,000.

Naval Communication Station, Honolulu, Wahiawa, Oahu, Hawaii, \$200,000.

SEVENTEENTH NAVAL DISTRICT

Naval Station, Adak, Alaska, \$4,781,000.

Naval Arctic Research Laboratory, Barrow, Alaska, \$2,638,000.

MARINE CORPS FACILITIES

Marine Barracks, Washington, District of Columbia, including special relocation costs, \$700,000.

Marine Corps Development and Education Command, Quantico, Virginia, \$5,283,000.

Marine Corps Base, Camp Lejeune, North Carolina, \$1,384,000.

Marine Corps Air Station, Cherry Point, North Carolina, \$6,764,000.

Marine Corps Recruit Depot, Parris Island, South Carolina, \$112,000.

Marine Corps Air Station, Yuma, Arizona, \$332,000.

Marine Corps Supply Center, Barstow, California, \$75,000.

Marine Corps Air Station, El Toro, California, \$5,344,000.

Marine Corps Air Station, Santa Ana, California, \$1,050,000.

Marine Corps Auxiliary Landing Field, Camp Pendleton, California, \$1,570,000.

Marine Corps Base, Camp Pendleton, California, \$9,294,000.

Marine Corps Base, Twentynine Palms, California, \$1,605,000.

OUTSIDE THE UNITED STATES

TENTH NAVAL DISTRICT

Naval Station, Roosevelt Roads, Puerto Rico, \$343,000.

Naval Station, San Juan, Puerto Rico, \$134,000.

ATLANTIC OCEAN AREA

Naval Station, Keflavik, Iceland, \$10,613,000.

Naval Facility, Argentia, Newfoundland, \$1,580,000.

EUROPEAN AREA

Naval Air Facility, Sigonella, Sicily, Italy, \$582,000.

Naval Radio Station, Thurso, Scotland, \$282,000.

PACIFIC OCEAN AREA

Naval Communication Station, Harold E. Holt, Exmouth, Australia, \$747,000.

Naval Magazine, Guam, Mariana Islands, \$3,287,000.

Naval Station, Guam, Mariana Islands, \$1,464,000.

Naval Ship Repair Facility, Guam, Mariana Islands, \$740,000.

Navy Public Works Center, Guam, Mariana Islands, \$1,363,000.

Navy Public Works Center, Subic Bay, Republic of the Philippines, \$859,000.

Classified installations, establishment.

SEC. 202. The Secretary of the Navy may establish or develop classified Navy installations and facilities by acquiring, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the amount of \$974,000.

Unforeseen conditions, construction authorization.

SEC. 203. The Secretary of the Navy may establish or develop Navy installations and facilities by proceeding with construction made necessary by changes in Navy missions and responsibilities which have been occasioned by: (a) unforeseen security considerations, (b) new weapons developments, (c) new and unforeseen research and development requirements, or (d) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of \$10,000,000: *Provided*, That the Secretary of the Navy, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1971, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

Congressional committees, notification.

Authorization expiration.

Marine Corps Air Station, El Toro, Calif., land acquisition.

SEC. 204. The Secretary of the Navy is authorized to acquire, under such terms as he deems appropriate, privately owned land or interests in land (including easements) contiguous to the south approach to Runway 34R of the Marine Corps Air Station, El Toro, California, as he considers necessary for safe and efficient operation of that station. Acquisition of such land or interests in land shall be effected by the exchange of such excess land or interests in land of approximately equal value as the Secretary of Defense may determine to be available for the purpose. If the fair market value of the land or interests in land to be acquired is less than the fair market value of the Government property to be exchanged, the amount of such deficiency shall be paid to the Government.

Marine Corps Air Station, Santa Ana, Calif., land acquisition.

SEC. 205. The Secretary of the Navy is authorized to acquire, under such terms as he deems appropriate, land or interests in land (including easements) in approximately four hundred eighteen acres of privately owned property contiguous to the western approach to Runway 06-24 of the Marine Corps Air Station, Santa Ana, California, as he considers necessary for safe and efficient operations at that station. Acquisition of such land or interests in land shall be effected by the exchange of such excess land or interests in land of approximately equal value, as the Secretary of Defense may determine to be available for the purpose. If the fair market value of the land or interests in land to be acquired is less than the fair market value of the Government property to be exchanged, the amount of such deficiency shall be paid to the Government.

82 Stat. 379.

SEC. 206. (a) Public Law 89-568, as amended, is amended under the heading "INSIDE THE UNITED STATES". in section 201 as follows:

(1) With respect to Naval Submarine Medical Center, New London, Connecticut, strike out "\$6,101,000" and insert in place thereof "\$10,846,000".

(b) Public Law 89-568, as amended, is amended by striking out in clause (2) of section 602 "\$119,164,000" and "\$143,327,000" and inserting in place thereof "\$123,909,000" and "\$148,072,000", respectively.

83 Stat. 302.

SEC. 207. (a) Public Law 90-408, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 201 as follows:

82 Stat. 373.

(1) With respect to Naval Air Station, Lakehurst, New Jersey, strike out "\$1,284,000" and insert in place thereof "\$1,448,000".

82 Stat. 374.

(2) With respect to Naval School, Underwater Swimmers, Key West, Florida, strike out "\$100,000" and insert in place thereof "\$175,000".

82 Stat. 375.

(3) With respect to Navy Training Publications Center, Memphis, Tennessee, strike out "\$289,000" and insert in place thereof "\$413,000".

(4) With respect to Naval Hospital, Corpus Christi, Texas, strike out "\$8,000,000" and insert in place thereof "\$9,900,000".

82 Stat. 376.

(5) With respect to Naval Weapons Station, Concord, California, strike out "\$395,000" and insert in place thereof "\$650,000".

(6) With respect to Naval Shipyard, Bremerton, Washington, strike out "\$1,640,000" and insert in place thereof "\$3,102,000".

82 Stat. 377.

(7) With respect to Marine Corps Base, Camp Pendleton, California, strike out "\$1,838,000" and insert in place thereof "\$2,040,000".

(b) Public Law 90-408, as amended, is amended by striking out in clause (2) of section 802 "\$234,900,000" and "\$241,765,000" and inserting in place thereof "\$239,082,000" and "\$245,947,000", respectively.

83 Stat. 303.

SEC. 208. (a) Public Law 91-142 is amended under the heading "INSIDE THE UNITED STATES", in section 201 as follows:

(1) With respect to Naval Air Station, Cecil Field, Florida, strike out "\$1,135,000" and insert in place thereof "\$1,288,000".

83 Stat. 298.

(2) With respect to Naval Hospital, Camp Pendleton, California, strike out "\$19,805,000" and insert in place thereof "\$24,100,000".

83 Stat. 299.

(3) With respect to Naval Undersea Warfare Center, San Diego, California, strike out "\$6,400,000" and insert in place thereof "\$6,736,000".

(4) With respect to Navy Public Works Center, Pearl Harbor, Oahu, Hawaii, strike out "\$6,519,000" and insert in place thereof "\$7,278,000".

83 Stat. 300.

(b) Public Law 91-142 is amended in clause (2) of section 702 by striking out "\$271,251,000" and "\$306,305,000" and inserting in place thereof "\$276,794,000" and "\$311,848,000", respectively.

83 Stat. 314.

TITLE III

SEC. 301. The Secretary of the Air Force may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, for the following acquisition and construction:

Air Force.

INSIDE THE UNITED STATES

AEROSPACE DEFENSE COMMAND

Otis Air Force Base, Falmouth, Massachusetts, \$81,000.

Peterson Field, Colorado Springs, Colorado, \$5,998,000.

Tyndall Air Force Base, Panama City, Florida, \$1,853,000.

AIR FORCE LOGISTICS COMMAND

Gentile Air Force Station, Dayton, Ohio, \$240,000.
Griffiss Air Force Base, Rome, New York, \$8,615,000.
Hill Air Force Base, Ogden, Utah, \$2,090,000.
Kelly Air Force Base, San Antonio, Texas, \$18,060,000.
McClellan Air Force Base, Sacramento, California, \$4,615,000.
Robins Air Force Base, Macon, Georgia, \$5,551,000.
Tinker Air Force Base, Oklahoma City, Oklahoma, \$2,071,000.
Wright-Patterson Air Force Base, Dayton, Ohio, \$1,159,000.

AIR FORCE SYSTEMS COMMAND

Arnold Engineering Development Center, Tullahoma, Tennessee,
\$4,768,000.
Brooks Air Force Base, San Antonio, Texas, \$2,414,000.
Edwards Air Force Base, Muroc, California, \$214,000.
Eglin Air Force Base, Valparaiso, Florida, \$6,456,000.
Holloman Air Force Base, Alamogordo, New Mexico, \$650,000.
Kirtland Air Force Base, Albuquerque, New Mexico, \$1,263,000.
Satellite Tracking Facilities, \$869,000.

AIR TRAINING COMMAND

Chanute Air Force Base, Rantoul, Illinois, \$8,504,000.
Columbus Air Force Base, Columbus, Mississippi, \$372,000.
Craig Air Force Base, Selma, Alabama, \$836,000.
Keesler Air Force Base, Biloxi, Mississippi, \$8,057,000.
Lackland Air Force Base, San Antonio, Texas, \$55,000.
Laredo Air Force Base, Laredo, Texas, \$627,000.
Laughlin Air Force Base, Del Rio, Texas, \$310,000.
Lowry Air Force Base, Denver, Colorado, \$6,561,000.
Moody Air Force Base, Valdosta, Georgia, \$2,227,000.
Randolph Air Force Base, San Antonio, Texas, \$1,112,000.
Reese Air Force Base, Lubbock, Texas, \$1,047,000.
Sheppard Air Force Base, Wichita Falls, Texas, \$6,251,000.
Vance Air Force Base, Enid, Oklahoma, \$1,901,000.
Webb Air Force Base, Big Spring, Texas, \$349,000.
Williams Air Force Base, Chandler, Arizona, \$4,199,000.

AIR UNIVERSITY

Maxwell Air Force Base, Montgomery, Alabama, \$677,000.

ALASKAN AIR COMMAND

Elmendorf Air Force Base, Anchorage, Alaska, \$2,309,000.
Various Locations, \$4,886,000.

HEADQUARTERS COMMAND

Andrews Air Force Base, Camp Springs, Maryland, \$3,949,000.

MILITARY AIRLIFT COMMAND

Altus Air Force Base, Altus, Oklahoma, \$590,000.
Charleston Air Force Base, Charleston, South Carolina, \$7,136,000.
Dover Air Force Base, Dover, Delaware, \$8,327,000.
McChord Air Force Base, Tacoma, Washington, \$619,000.
Norton Air Force Base, San Bernardino, California, \$1,612,000.
Scott Air Force Base, Belleville, Illinois, \$3,879,000.
Travis Air Force Base, Fairfield, California, \$696,000.

PACIFIC AIR FORCES

Hickam Air Force Base, Honolulu, Hawaii, \$1,855,000.

STRATEGIC AIR COMMAND

Barksdale Air Force Base, Shreveport, Louisiana, \$354,000.
Beale Air Force Base, Marysville, California, \$1,954,000.
Blytheville Air Force Base, Blytheville, Arkansas, \$213,000.
Castle Air Force Base, Merced, California, \$82,000.
Davis-Monthan Air Force Base, Tucson, Arizona, \$404,000.
Dyess Air Force Base, Abilene, Texas, \$150,000.
Ellsworth Air Force Base, Rapid City, South Dakota, \$196,000.
Francis E. Warren Air Force Base, Cheyenne, Wyoming, \$178,000.
Grand Forks Air Force Base, Grand Forks, North Dakota,
\$1,089,000.
K. I. Sawyer Air Force Base, Marquette, Michigan, \$483,000.
Loring Air Force Base, Limestone, Maine, \$515,000.
March Air Force Base, Riverside, California, \$209,000.
Malmstrom Air Force Base, Great Falls, Montana, \$1,202,000.
McCoy Air Force Base, Orlando, Florida, \$139,000.
Minot Air Force Base, Minot, North Dakota, \$134,000.
Offutt Air Force Base, Omaha, Nebraska, \$593,000.
Pease Air Force Base, Portsmouth, New Hampshire, \$488,000.
Vandenberg Air Force Base, Lompoc, California, \$3,158,000.
Westover Air Force Base, Chicopee Falls, Massachusetts,
\$1,176,000.
Wurtsmith Air Force Base, Oscoda, Michigan, \$663,000.
Various Locations, \$430,000.

TACTICAL AIR COMMAND

Bergstrom Air Force Base, Austin, Texas, \$337,000.
Cannon Air Force Base, Clovis, New Mexico, \$645,000.
England Air Force Base, Alexandria, Louisiana, \$726,000.
Forbes Air Force Base, Topeka, Kansas, \$415,000.
George Air Force Base, Victorville, California, \$1,096,000.
Homestead Air Force Base, Homestead, Florida, \$1,035,000.
Langley Air Force Base, Hampton, Virginia, \$4,792,000.
Little Rock Air Force Base, Little Rock, Arkansas, \$425,000.
Lockbourne Air Force Base, Columbus, Ohio, \$518,000.
Luke Air Force Base, Phoenix, Arizona, \$11,719,000.
MacDill Air Force Base, Tampa, Florida, \$240,000.
McConnell Air Force Base, Wichita, Kansas, \$148,000.
Mountain Home Air Force Base, Mountain Home, Idaho, \$71,000.
Myrtle Beach Air Force Base, Myrtle Beach, South Carolina,
\$813,000.
Nellis Air Force Base, Las Vegas, Nevada, \$2,732,000.
Seymour-Johnson Air Force Base, Goldsboro, North Carolina,
\$1,428,000.
Shaw Air Force Base, Sumter, South Carolina, \$2,548,000.

UNITED STATES AIR FORCE ACADEMY

United States Air Force Academy, Colorado Springs, Colorado,
\$700,000.

AIRCRAFT CONTROL AND WARNING SYSTEM

Various locations, \$613,000.

UNITED STATES AIR FORCE SECURITY SERVICE

Goodfellow Air Force Base, San Angelo, Texas, \$1,216,000.

OUTSIDE THE UNITED STATES

AIR FORCE SYSTEMS COMMAND

Eastern Test Range, \$243,000.
Satellite Tracking Facilities, \$1,455,000.

MILITARY AIRLIFT COMMAND

Wake Island Air Force Station, Wake Island, \$80,000.

PACIFIC AIR FORCES

Various locations, \$6,607,000.

STRATEGIC AIR COMMAND

Anderson Air Force Base, Guam, \$2,273,000.
Goose Air Base, Canada, \$862,000.
Ramey Air Force Base, Puerto Rico, \$406,000.

UNITED STATES AIR FORCES IN EUROPE

Germany, \$5,273,000.
United Kingdom, \$11,568,000.
Various Locations, \$1,049,000.

UNITED STATES AIR FORCE SECURITY SERVICE

Various Locations, \$644,000.

Classified in-
stallations, estab-
lishment.

Unforeseen con-
ditions, construc-
tion authorization.

SEC. 302. The Secretary of the Air Force may establish or develop classified military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of \$33,792,000.

SEC. 303. The Secretary of the Air Force may establish or develop Air Force installations and facilities by proceeding with construction made necessary by changes in Air Force missions and responsibilities which have been occasioned by: (a) unforeseen security considerations, (b) new weapons developments, (c) need and unforeseen research and development requirements, or (d) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, revert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the

total amount of \$10,000,000: *Provided*, That the Secretary of the Air Force, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1971, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

Congressional
committees, noti-
fication.

Authorization
expiration.

SEC. 304. (a) Public Law 89-188, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 301 as follows:

79 Stat. 806.

(1) With respect to Andrews Air Force Base, Camp Springs, Maryland, strike out "\$2,923,000" and insert in place thereof "\$3,081,000."

(b) Public Law 89-188, as amended, is amended by striking out in clause (3) of section 602 "\$216,360,000" and "\$340,106,000" and inserting in place thereof "\$216,518,000" and "\$340,264,000", respectively.

82 Stat. 385.

SEC. 305. (a) Public Law 90-408, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 301 as follows:

82 Stat. 381.

(1) With respect to Vance Air Force Base, Enid, Oklahoma, strike out "\$165,000" and insert in place thereof "\$280,000."

(2) With respect to Westover Air Force Base, Chicopee Falls, Massachusetts, strike out "\$150,000" and insert in place thereof "\$220,000."

82 Stat. 383.

(3) With respect to Langley Air Force Base, Hampton, Virginia, strike out "\$537,000" and insert in place thereof "\$631,000."

(4) With respect to Seymour-Johnson Air Force Base, Goldsboro, North Carolina, strike out "\$99,000" and insert in place thereof "\$173,000."

(5) With respect to Shaw Air Force Base, Sumter, South Carolina, strike out "\$614,000" and insert in place thereof "\$707,000."

(b) Public Law 90-408, as amended, is amended by striking out in clause (3) of section 802 "\$121,917,000" and "\$193,572,000" and inserting in place thereof "\$122,363,000" and "\$194,018,000", respectively.

82 Stat. 390.

TITLE IV

SEC. 401. The Secretary of Defense may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities and equipment, for defense agencies for the following acquisition and construction:

Defense agen-
cies.

INSIDE THE UNITED STATES

DEFENSE ATOMIC SUPPORT AGENCY

Bossier Base, Louisiana, \$170,000.
Sandia Base, New Mexico, \$1,090,000.

DEFENSE SUPPLY AGENCY

Defense Construction Supply Center, Columbus, Ohio, \$942,000.
Defense Depot, Odgen, Utah, \$98,000.
Defense Personnel Support Center, Philadelphia, Pennsylvania, \$3,570,000.
Defense Depot, Tracy, California, \$1,813,000.

NATIONAL SECURITY AGENCY

Fort Meade, Maryland, \$1,617,000.

Congressional
committees, noti-
fication.

SEC. 402. The Secretary of Defense may establish or develop installations and facilities which he determines to be vital to the security of the United States, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities and equipment in the total amount of \$35,000,000: *Provided*, That the Secretary of Defense, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public works undertaken under this section, including real estate actions pertaining thereto.

TITLE V—MILITARY FAMILY HOUSING

Construction au-
thorization.

Congressional
committees, noti-
fication.

SEC. 501. The Secretary of Defense, or his designee, is authorized to construct, at the locations hereinafter named, family housing units and trailer court facilities in the numbers hereinafter listed, but no family housing construction shall be commenced at any such locations in the United States, until the Secretary shall have consulted with the Secretary of the Department of Housing and Urban Development, as to the availability of adequate private housing at such locations. If agreement cannot be reached with respect to the availability of adequate private housing at any location, the Secretary of Defense shall immediately notify the Committees on Armed Services of the House of Representatives and the Senate, in writing, of such difference of opinion, and no contract for construction at such location shall be entered into for a period of thirty days after such notification has been given. This authority shall include the authority to acquire land, and interests in land, by gift, purchase, exchange of Government-owned land, or otherwise.

(a) Family housing units—

Army.

(1) The Department of the Army, one thousand three hundred units, \$31,832,000:

Redstone Arsenal, Alabama, two hundred units.

Fort Huachuca, Arizona, one hundred units.

Sacramento Army Depot, California, one unit.

Sharpe Army Depot, California, one unit.

Fort Carson, Colorado, two hundred forty units.

U.S. Army Installations, Oahu, Hawaii, three hundred units.

Rock Island Arsenal, Illinois, forty units.

Fort Leavenworth, Kansas, one hundred fifty units.

Natick Laboratories, Massachusetts, twenty-eight units.

Fort Jackson, South Carolina, two hundred forty units.

Navy.

(2) The Department of the Navy, three thousand five hundred units, \$85,001,000.

Marine Corps Air Station, El Toro, California, three hundred units.

Naval Air Station, Lemoore, California, two hundred fifty units.

Naval Complex, San Diego, California, nine hundred units.

Naval Submarine Base, New London, Connecticut, three hundred units.

Naval Complex, Pensacola, Florida, two hundred units.

U.S. Naval Installations, Oahu, Hawaii, three hundred units.

Naval Training Center, Great Lakes, Illinois, one hundred fifty units.

Naval Complex, Newport, Rhode Island, two hundred units.

Naval Complex, Norfolk, Virginia, six hundred units.

Naval Station, Guam, three hundred units.

(3) The Department of the Air Force, two thousand eight hundred units, \$66,401,000.

Air Force.

Williams Air Force Base, Arizona, two hundred units.

Castle Air Force Base, California, two hundred fifty units.

Norton Air Force Base, California, two hundred fifty units.

Homestead Air Force Base, Florida, two hundred units, and additional real estate.

Moody Air Force Base, Georgia, two hundred units.

Robins Air Force Base, Georgia, two hundred units.

U.S. Air Force Installations, Oahu, Hawaii, two hundred units.

Scott Air Force Base, Illinois, four hundred units.

Keesler Air Force Base, Mississippi, four hundred units.

Seymour-Johnson Air Force Base, North Carolina, two hundred units.

Wright-Patterson Air Force Base, Ohio, three hundred units.

(b) Trailer court facilities—

(1) The Department of the Navy, fifty spaces, \$150,000.

(2) The Department of the Air Force, three hundred eighty-nine spaces, \$1,050,000.

SEC. 502. Authorization for the construction of family housing provided in this Act shall be subject, under such regulations as the Secretary of Defense may prescribe, to the following limitations on cost, which shall include shades, screens, ranges, refrigerators, and all other installed equipment and fixtures:

Unit cost limitations.

(a) The average unit cost for each military department for all units of family housing constructed in the United States (other than Hawaii and Alaska) and Puerto Rico shall not exceed \$23,000 including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

(b) No family housing unit in the areas listed in subsection (a) shall be constructed at a total cost exceeding \$40,000 including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

(c) When family housing units are constructed in areas other than those listed in subsection (a) the average cost of all such units shall not exceed \$32,000 and in no event shall the cost of any unit exceed \$40,000. The cost limitations of this subsection shall include the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

(d) Construction at Fort Leavenworth, Kansas, of units which were authorized by Public Law 89-188 (79 Stat. 793) or 90-110 (81 Stat. 279), shall not be subject to the cost limitations of subsection (a) of this section or to the cost limitations contained in prior Military Construction Authorization Acts, but the average cost of such units shall not exceed \$26,000 including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

Fort Leavenworth, Kans.

SEC. 503. Notwithstanding the limitations contained in prior Military Construction Authorization Acts on cost of construction of family housing, the limitations contained in section 502 of this Act shall apply

Retroactive provisions.

to all prior authorizations for construction of family housing not heretofore repealed and for which construction contracts have not been executed by date of enactment of this Act.

Alterations, etc.;
cost limitation.

SEC. 504. The Secretary of Defense, or his designee, is authorized to accomplish alterations, additions, expansions or extensions not otherwise authorized by law, to existing public quarters at a cost not to exceed—

- (a) for the Department of the Army, \$5,170,000.
- (b) for the Department of the Navy, \$6,300,000.
- (c) for the Department of the Air Force, \$7,400,000.
- (d) for the Defense Agencies, \$326,000.

Housing in
foreign countries.

SEC. 505. The Secretary of Defense, or his designee, is authorized to construct, or otherwise acquire, two hundred family housing units in foreign countries at a total cost not to exceed \$5,523,000. This authority shall be funded by the use of excess foreign currencies, when so provided in Department of Defense Appropriation Acts, except that appropriation of \$488,000 is authorized for purchase of United States manufactured equipment in support of the housing.

Leasing facilities.
83 Stat. 312.
10 USC 2674
note.

SEC. 506. Section 515 of Public Law 84-161 (69 Stat. 324, 352), as amended, is amended to read as follows:

"SEC. 515. During fiscal years 1971 and 1972, the Secretaries of the Army, Navy, and Air Force, respectively, are authorized to lease housing facilities for assignment as public quarters to military personnel and their dependents, if any, without rental charge, at or near any military installation in the United States, Puerto Rico or Guam if the Secretary of Defense, or his designee, finds that there is a lack of adequate housing at or near such military installation and that (1) there has been a recent substantial increase in military strength and such increase is temporary, or (2) the permanent military strength is to be substantially reduced in the near future, or (3) the number of military personnel assigned is so small as to make the construction of family housing uneconomical, or (4) family housing is required for personnel attending service school academic courses on permanent change of station orders, or (5) family housing has been authorized but is not yet completed or a family housing authorization request is in a pending military construction authorization bill. Such housing facilities may be leased on an individual unit basis and not more than seven thousand five hundred such units may be so leased at any one time. Expenditures for the rental of such housing facilities may not exceed an average of \$190 per month for each military department, nor the amount of \$250 per month for any one unit, including the cost of utilities and maintenance and operation."

83 Stat. 312.
42 USC 1594k.

SEC. 507. Section 507 of Public Law 88-174 (77 Stat. 307, 326), as amended, is amended by striking out "1970 and 1971" and inserting in lieu thereof "1971 and 1972."

Units, relocation.

SEC. 508. The Secretary of Defense, or his designee, is authorized to relocate family housing units from locations where they exceed requirements to military installations where there are housing shortages: *Provided*, That the Secretary of Defense shall notify the Committees on Armed Services of the House of Representatives and the Senate of the proposed new locations and estimated costs, and no contract shall be awarded within sixty days of such notification.

Congressional
committees, notification.

Appropriation.

SEC. 509. There is authorized to be appropriated for use by the Secretary of Defense, or his designee, for military family housing as authorized by law for the following purposes:

- (a) for construction and acquisition of family housing, including improvements to adequate quarters, improvements to inadequate quarters, minor construction, relocation of family housing, rental guarantee payments, construction and acquisition of trailer

court facilities, and planning, an amount not to exceed \$206,717,000, and

(b) for support of military family housing, including operating expenses, leasing, maintenance of real property, payments of principal and interest on mortgage debts incurred, payment to the Commodity Credit Corporation, and mortgage insurance premiums authorized under section 222 of the National Housing Act, as amended (12 U.S.C. 1715m), an amount not to exceed \$588,636,000.

Post, p. 1865.

TITLE VI

GENERAL PROVISIONS

SEC. 601. The Secretary of each military department may proceed to establish or develop installations and facilities under this Act without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529) and sections 4774(d) and 9774(d) of title 10, United States Code. The authority to place permanent or temporary improvements on land includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

Construction authority; restrictions, waiver.

70A Stat. 269, 590.

Ante, p. 835.

SEC. 602. There are authorized to be appropriated such sums as may be necessary for the purposes of this Act, but appropriations for public works projects authorized by titles I, II, III, IV, and V, shall not exceed—

Appropriation.

(1) for title I: Inside the United States \$179,717,000; outside the United States, \$83,197,000; section 102, \$2,000,000; or a total of \$264,914,000.

(2) for title II: Inside the United States, \$245,930,000; outside the United States, \$21,994,000; section 202, \$974,000; or a total of \$268,898,000.

(3) for title III: Inside the United States, \$191,937,000; outside the United States, \$30,460,000; section 302, \$33,792,000; or a total of \$256,189,000.

(4) for title IV: A total of \$44,300,000.

(5) for title V: Military family housing, \$795,353,000.

SEC. 603. (a) Except as provided in subsection (b), any of the amounts specified in titles I, II, III, and IV of this Act, may, in the discretion of the Secretary concerned, be increased by 5 per centum when inside the United States (other than Hawaii and Alaska), and by 10 per centum when outside the United States or in Hawaii and Alaska, if he determines that such increase (1) is required for the sole purpose of meeting unusual variations in cost, and (2) could not have been reasonably anticipated at the time such estimate was submitted to the Congress. However, the total cost of all construction and acquisition in each such title may not exceed the total amount authorized to be appropriated in that title.

Cost variations.

(b) When the amount named for any construction or acquisition in title I, II, III, or IV of this Act involves only one project at any military installation and the Secretary of Defense, or his designee, determines that the amount authorized must be increased by more than the applicable percentage prescribed in subsection (a), the Secre-

tary concerned may proceed with such construction or acquisition if the amount of the increase does not exceed by more than 25 per centum the amount named for such project by the Congress.

Conditions.

(c) Subject to the limitations contained in subsection (a), no individual project authorized under title I, II, III, or IV of this Act for any specifically listed military installation may be placed under contract if—

(1) the estimated cost of such project is \$250,000 or more, and

(2) the current working estimate of the Department of Defense, based on bids received, for the construction of such project exceeds by more than 25 per centum the amount authorized for such project by the Congress, until after the expiration of thirty days from the date on which a written report of the facts relating to the increased cost of such project, including a statement of the reasons for such increase has been submitted to the Committees on Armed Services of the House of Representatives and the Senate.

Report to congressional committees.

Annual report to Congress.

(d) The Secretary of Defense shall submit an annual report to the Congress identifying each individual project which has been placed under contract in the preceding twelve-month period and with respect to which the then current working estimate of the Department of Defense based upon bids received for such project exceeded the amount authorized by the Congress for that project by more than 25 per centum. The Secretary shall also include in such report each individual project with respect to which the scope was reduced in order to permit contract award within the available authorization for such project. Such report shall include all pertinent cost information for each individual project, including the amount in dollars and percentage by which the current working estimate based on the contract price for the project exceeded the amount authorized for such project by the Congress.

Contract supervision.

SEC. 604. Contracts for construction made by the United States for performance within the United States and its possessions under this Act shall be executed under the jurisdiction and supervision of the Corps of Engineers, Department of the Army, or the Naval Facilities Engineering Command, Department of the Navy, or such other department or Government agency as the Secretaries of the military departments recommend and the Secretary of Defense approves to assure the most efficient, expeditious and cost-effective accomplishment of the construction herein authorized. The Secretaries of the military departments shall report annually to the President of the Senate and the Speaker of the House of Representatives a breakdown of the dollar value of construction contracts completed by each of the several construction agencies selected, together with the design, construction, supervision, and overhead fees charged by each of the several agents in the execution of the assigned construction. Further, such contracts (except architect and engineering contracts which, unless specifically authorized by the Congress, shall continue to be awarded in accordance with presently established procedures, customs, and practice) shall be awarded, insofar as practicable, on a competitive basis to the lowest responsible bidder, if the national security will not be impaired and the award is consistent with chapter 137 of title 10, United States Code. The Secretaries of the military departments shall report semiannually to the President of the Senate and the Speaker of the House of Representatives with respect to all contracts awarded on other than a competitive basis to the lowest responsible bidder.

Reports to Congress.

70A Stat. 127.
10 USC 2301.
Reports to Congress.

Public works authorizations; reports.

SEC. 605. (a) As of October 1, 1971, all authorizations for military public works (other than family housing) to be accomplished by the

Secretary of a military department in connection with the establishment or development of military installations and facilities, and all authorizations for appropriations therefor, that are contained in titles I, II, III, and IV of the Act of December 5, 1969, Public Law 91-142 (83 Stat. 293), and all such authorizations contained in Acts approved before December 6, 1969, and not superseded or otherwise modified by a later authorization are repealed except—

Exceptions.

(1) authorizations for public works and for appropriations therefor that are set forth in those Acts in the titles that contain the general provisions;

(2) authorizations for public works projects as to which appropriated funds have been obligated for construction contracts or land acquisitions in whole or in part before October 1, 1971, and authorizations for appropriations therefor; and

(3) notwithstanding the repeal provisions of section 705(a) of the Act of December 5, 1969, Public Law 91-142 (83 Stat. 293, 315), all authorizations for military public works (other than family housing), contained in titles I, II, III, IV, and V of the Act of July 21, 1968, Public Law 90-408 (82 Stat. 367), and all authorizations for appropriations therefor, and not superseded or otherwise modified, are hereby continued and shall remain in full force and effect until October 1, 1971.

(b) Effective fifteen months from the date of enactment of this Act, all authorizations for construction of family housing, including trailer court facilities, all authorizations to accomplish alterations, additions, expansions, or extensions to existing family housing, and all authorizations for related facilities projects, which are contained in this or any previous Act, are hereby repealed, except—

Family housing construction authorizations; repeals; effective date.

Exceptions.

(1) authorizations for family housing projects as to which appropriated funds have been obligated for construction contracts or land acquisitions or manufactured structural component contracts in whole or in part before such date; and

(2) authorizations to accomplish alterations, additions, expansions, or extensions to existing family housing, and authorizations for related facilities projects, as to which appropriated funds have been obligated for construction contracts before such date; and

(3) Notwithstanding the repeal provision of section 705(b) of the Act of December 5, 1969, Public Law 91-142 (83 Stat. 293, 316) authorization for two hundred and sixty family housing units at Fort Polk, Louisiana.

SEC. 606. None of the authority contained in titles I, II, III, and IV of this Act shall be deemed to authorize any building construction projects inside the United States in excess of a unit cost to be determined in proportion to the appropriate area construction cost index, based on the following unit cost limitations where the area construction cost index is 1.0:

Unit cost limitations.

(1) \$3,200 per man for permanent barracks;

(2) \$11,000 per man for bachelor officer quarters;

unless the Secretary of Defense or his designee determines that because of special circumstances, application to such project of the limitations on unit costs contained in this section is impracticable: *Provided*, That notwithstanding the limitations contained in prior Military Construction Authorization Acts on unit costs, the limitations on such costs contained in this section shall apply to all prior authorizations for such construction not heretofore repealed and for which construction contracts have not been awarded by the date of enactment of this Act.

Retroactive provision.

SEC. 607. Chapter 159 of title 10, United States Code, is amended:

10 USC 2661.

(1) By striking out the figure "\$200,000" in the item relating to section 2674 in the analysis and inserting "\$300,000" in place thereof.

72 Stat. 1461.

72 Stat. 1459.

(2) By striking out the figure "\$200,000" in the catchline of section 2674 and inserting "\$300,000" in place thereof.

(3) By striking out the figures "\$200,000", "\$50,000", and "\$25,000" in section 2674(b) and inserting "\$300,000", "\$100,000", and "\$50,000", respectively, in place thereof.

80 Stat. 756.

(4) By striking out the figure "\$25,000" in sections 2674 (a) and (e) and inserting "\$50,000" in place thereof.

Leases, annual
rental limitation.
72 Stat. 1460.

SEC. 608. Section 2675 of title 10, United States Code, is amended by (1) inserting "(a)" before "Notwithstanding", and by (2) adding the following new subsections:

"(b) A lease may not be entered into under this section if the average estimated annual rental during the term of the lease is more than \$250,000 until after the expiration of thirty days from the date upon which a report of the facts concerning the proposed lease is submitted to the Committees on Armed Services of the Senate and House of Representatives.

Report to con-
gressional com-
mittees.

"(c) A statement in a lease that the requirements of this section have been met, or that the lease is not subject to this section, is conclusive."

International
Aeronautical Ex-
position.

SEC. 609. Section 709 of the Military Construction Authorization Act, 1970 (83 Stat. 317), is amended by (1) deleting from the first sentence thereof "1971" and inserting in its place "1972"; and (2) deleting from the last sentence thereof "\$750,000" and inserting in its place "\$3,000,000".

Safeguard Anti-
ballistic Missile
System operation
sites, N. Dak. and
Mont., local com-
munity aid.

SEC. 610. (a) The Secretary of Defense is authorized to assist communities located near Grand Forks Air Force Base, Grand Forks, North Dakota, and Malmstrom Air Force Base, Great Falls, Montana, in meeting the costs of providing increased municipal services and facilities to the residents of such communities, if the Secretary determines that there is an immediate and substantial increase in the need for such services and facilities in such communities as a direct result of work being carried out in connection with the construction, installation, testing, and operation of the Safeguard Anti-ballistic Missile System and that an unfair and excessive financial burden will be incurred by such communities as a result of the increased need for such services and facilities.

(b) The Secretary of Defense shall carry out the provisions of this section through existing Federal programs. The Secretary is authorized to supplement funds made available under such Federal programs to the extent necessary to carry out the provisions of this section, and is authorized to provide financial assistance to communities described in subsection (a) of this section to help such communities pay their share of the costs under such programs. The heads of all departments and agencies concerned shall cooperate fully with the Secretary of Defense in carrying out the provisions of this section on a priority basis.

Financial as-
sistance, con-
siderations.

(c) In determining the amount of financial assistance to be made available under this section to any local community for any community service or facility, the Secretary of Defense shall consult with the head of the department or agency of the Federal Government concerned with the type of service or facility for which financial assistance is being made available and shall take into consideration (1) the time lag between the initial impact of increased population in any such community and any increase in the local tax base which will result from such increased population, (2) the possible temporary nature of the increased population and the long-range cost impact on the permanent residence of any such community and (3) such other pertinent factors as the Secretary of Defense deems appropriate.

Funds, availa-
bility.

(d) Any funds appropriated to the Department of Defense for the

fiscal year beginning July 1, 1970, for carrying out the Safeguard Anti-ballistic Missile System shall be utilized by the Secretary of Defense in carrying out the provisions of this section to the extent that funds are unavailable under other Federal programs. Funds appropriated to the Department of Defense for any fiscal year beginning after June 30, 1971, for carrying out the Safeguard Anti-ballistic Missile System may, to the extent specifically authorized in an annual military construction authorization Act, be utilized by the Secretary of Defense in carrying out the provisions of this section to the extent that funds are unavailable under other Federal programs.

(e) The Secretary shall transmit to the Committees on Armed Services of the Senate and the House of Representatives semiannual reports indicating the total amount expended in the case of each local community which was provided assistance under authority of this section during the preceding six-month period, the specific projects for which assistance was provided during such period, and the total amount provided for each such project during such period.

Reports to congressional committees.

SEC. 611. (a) The Secretary of Defense is directed to undertake a study and to prepare a report on the weapons training now being conducted in the Culebra complex of the Atlantic Fleet Weapons Range. This study shall consider all possible alternatives, geographical and technological, to the training now taking place in the Culebra complex, and shall contain specific recommendations for, together with the estimated costs of, moving all or a part of such activities to a new site or sites, and appropriately modifying such activities to minimize danger to human health and safety. In addition, such study shall consider the feasibility of resettling the people of Culebra to another location in the Commonwealth of Puerto Rico, the cost of such a move, and the attitude of the people of Culebra to a generous resettlement plan that would have to be approved by a majority of the qualified electors of Culebra in a plebiscite. In preparing such study, the Secretary is directed to consider the impact of each of the alternatives on:

Atlantic Fleet Weapons Range, Culebra, P. R., study, report.

- (1) the safety and well-being of the people who live on Culebra;
- (2) the natural and physical environment of Culebra and adjoining cays and their recreational value;
- (3) the development of a sound, stable economy in Culebra;
- (4) the unique political relationship of Culebra and Puerto Rico to the United States;
- (5) the operational readiness and proficiency of the Atlantic Fleet; and
- (6) national security.

(b) In preparing the report required by this section, the Secretary shall consult with the people of Culebra, the Government of Puerto Rico, and all appropriate Federal agencies having jurisdiction or special expertise on the subject matter involved. The report required by this subsection shall be transmitted to the President of the United States and to the chairmen of the Committees on Armed Services of the Senate and the House of Representatives no later than April 1, 1971.

Report to President and congressional committee chairmen.

(c) Pending the completion of the report required by this section and its review by the President of the United States, the appropriate committee and the Congress, the Department of Navy is directed to avoid any increase or expansion of the present weapons range activities in the Culebra complex and, wherever possible, without degrading the activities, to institute procedures which will minimize interference with the normal activities and the solitude of the people of Culebra.

Weapons range activities, restriction.

SEC. 612. Effective October 28, 1969, section 1013 of Public Law 89-754 (80 Stat. 1255, 1290) as amended, is amended by (1) inserting

Property acquisition by Defense Secretary.
42 USC 3374.

"or if as the result of such action and other similar action in the same area," after the word "part," in subsection (a) (3), and by (2) adding the following new subsection:

Authority appli-
cable to reduction
in operations.

"(k) The authority provided by this section to the Secretary of Defense shall also be available when the Department of Defense has ordered a reduction in the scope of operations at a military base or installation. All references in subsections (a), (b), and (c) of this section to 'closures' or 'closings' or words of similar effect shall be deemed to include the reduction in scope of operations at a base or installation."

70A Stat. 147;
77 Stat. 329.
10 USC 2661-
2682.

SEC. 613. Chapter 159 of title 10, United States Code, is amended as follows:

(1) by adding the following new section at the end thereof:

"§ 2683. Relinquishment of legislative jurisdiction

"(a) Notwithstanding any other provision of law, the Secretary of a military department may, whenever he considers it desirable, relinquish to a State all or part of the legislative jurisdiction of the United States over lands or interests under his control in that State. Relinquishment of legislative jurisdiction under this section may be accomplished (1) by filing with the Governor of the State concerned a notice of relinquishment to take effect upon acceptance thereof, or (2) as the laws of the State may otherwise provide.

"(b) The authority granted by this section is in addition to and not instead of that granted by any other provision of law."; and

(2) by adding the following new item at the end of the analysis:

"2683. Relinquishment of legislative jurisdiction."

Army Secretary,
land exchange, Va.

SEC. 614. Notwithstanding any other provisions of law, the Secretary of the Army, or his designee, is authorized to convey to the Anheuser-Busch Company, subject to such terms and conditions as the Secretary of the Army shall deem to be in the public interest, all right, title and interest of the United States in and to the land generally identified as Camp Wallace located in York County, Virginia, and James City County, Virginia, comprising approximately one hundred and ninety-one acres. In consideration of such conveyance by the Secretary of the Army, the Anheuser-Busch Company shall convey to the United States unencumbered fee title to certain lands generally identified as being a portion of the Oakland Farm in Newport News, Virginia, comprising approximately one hundred and ninety-one acres, together with such buildings and improvements thereon, or to be constructed thereon without cost to the United States, as are acceptable to the Secretary of the Army and subject to such other conditions as are acceptable to the Secretary of the Army. The exact acreages and legal descriptions of both properties are to be determined by accurate surveys as mutually agreed upon by the Secretary of the Army and the Anheuser-Busch Company: *Provided*, That the Secretary of the Army is authorized to accept the lands so conveyed to the United States which lands shall become a part of the Fort Eustis Military Reservation and be administered by the Department of the Army.

SEC. 615. Titles I, II, III, IV, V, and VI of this Act may be cited as the "Military Construction Authorization Act, 1971".

Citation of
titles.

TITLE VII

RESERVE FORCES FACILITIES

SEC. 701. Subject to chapter 133 of title 10, United States Code, the Secretary of Defense may establish or develop additional facilities for the Reserve Forces, including the acquisition of land therefor, but the cost of such facilities shall not exceed—

Reserve Forces
Facilities Author-
ization Act, 1971.
70A Stat. 120.
10 USC 2231.

(1) For the Department of the Army:

(a) Army National Guard of the United States,
\$13,700,000.

(b) Army Reserve, \$9,300,000.

(2) For the Department of the Navy: Naval and Marine Corps
Reserves, \$4,500,000.

(3) For the Department of the Air Force:

(a) Air National Guard of the United States, \$6,500,000.

(b) Air Force Reserve, \$3,500,000.

SEC. 702. The Secretary of Defense may establish or develop installations and facilities under this title without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), and sections 4774(d) and 9774(d) of title 10, United States Code. The authority to place permanent or temporary improvements on lands includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

Ante, p. 835.

SEC. 703. This title may be cited as the "Reserve Forces Facilities Authorization Act, 1971".

Citation of title.

Approved October 26, 1970.

Public Law 91-512

AN ACT

To amend the Solid Waste Disposal Act in order to provide financial assistance for the construction of solid waste disposal facilities, to improve research programs pursuant to such Act, and for other purposes.

October 26, 1970
[H. R. 11833]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Resource Recovery Act of 1970".

Resource Recov-
ery Act of 1970.

TITLE I—RESOURCE RECOVERY

SEC. 101. Section 202(b) of the Solid Waste Disposal Act is amended to read as follows:

79 Stat. 997.
42 USC 3251.

"(b) The purposes of this Act therefore are—

"(1) to promote the demonstration, construction, and application of solid waste management and resource recovery systems which preserve and enhance the quality of air, water, and land resources;

"(2) to provide technical and financial assistance to States and local governments and interstate agencies in the planning and development of resource recovery and solid waste disposal programs;

“(3) to promote a national research and development program for improved management techniques, more effective organizational arrangements, and new and improved methods of collection, separation, recovery, and recycling of solid wastes, and the environmentally safe disposal of nonrecoverable residues;

“(4) to provide for the promulgation of guidelines for solid waste collection, transport, separation, recovery, and disposal systems; and

“(5) to provide for training grants in occupations involving the design, operation, and maintenance of solid waste disposal systems.”

Definitions.
79 Stat. 998.
42 USC 3252.

SEC. 102. Section 203 of the Solid Waste Disposal Act is amended by inserting at the end thereof the following:

“(7) The term ‘municipality’ means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law with responsibility for the planning or administration of solid waste disposal, or an Indian tribe.

“(8) The term ‘intermunicipal agency’ means an agency established by two or more municipalities with responsibility for planning or administration of solid waste disposal.

“(9) The term ‘recovered resources’ means materials or energy recovered from solid wastes.

“(10) The term ‘resource recovery system’ means a solid waste management system which provides for collection, separation, recycling, and recovery of solid wastes, including disposal of nonrecoverable waste residues.”

Research, au-
thority of Secre-
tary.
42 USC 3253.

SEC. 103. (a) Section 204(a) of the Solid Waste Disposal Act is amended to read as follows:

“SEC. 204. (a) The Secretary shall conduct, and encourage, cooperate with, and render financial and other assistance to appropriate public (whether Federal, State, interstate, or local) authorities, agencies, and institutions, private agencies and institutions, and individuals in the conduct of, and promote the coordination of, research, investigations, experiments, training, demonstrations, surveys, and studies relating to—

“(1) any adverse health and welfare effects of the release into the environment of material present in solid waste, and methods to eliminate such effects;

“(2) the operation and financing of solid waste disposal programs;

“(3) the reduction of the amount of such waste and unsalvageable waste materials;

“(4) the development and application of new and improved methods of collecting and disposing of solid waste and processing and recovering materials and energy from solid wastes; and

“(5) the identification of solid waste components and potential materials and energy recoverable from such waste components.”

(b) Section 204(d) of the Solid Waste Disposal Act is repealed.

Repeal.
42 USC 3253.
42 USC 3255,
3254.

SEC. 104. (a) The Solid Waste Disposal Act is amended by striking out section 206, by redesignating section 205 as 206, and by inserting after section 204 the following new section:

“SPECIAL STUDY AND DEMONSTRATION PROJECTS ON RECOVERY OF USEFUL ENERGY AND MATERIALS

“SEC. 205. (a) The Secretary shall carry out an investigation and study to determine—

“(1) means of recovering materials and energy from solid waste, recommended uses of such materials and energy for

national or international welfare, including identification of potential markets for such recovered resources, and the impact of distribution of such resources on existing markets;

“(2) changes in current product characteristics and production and packaging practices which would reduce the amount of solid waste;

“(3) methods of collection, separation, and containerization which will encourage efficient utilization of facilities and contribute to more effective programs of reduction, reuse, or disposal of wastes;

“(4) the use of Federal procurement to develop market demand for recovered resources;

“(5) recommended incentives (including Federal grants, loans, and other assistance) and disincentives to accelerate the reclamation or recycling of materials from solid wastes, with special emphasis on motor vehicle hulks;

“(6) the effect of existing public policies, including subsidies and economic incentives and disincentives, percentage depletion allowances, capital gains treatment and other tax incentives and disincentives, upon the recycling and reuse of materials, and the likely effect of the modification or elimination of such incentives and disincentives upon the reuse, recycling, and conservation of such materials; and

“(7) the necessity and method of imposing disposal or other charges on packaging, containers, vehicles, and other manufactured goods, which charges would reflect the cost of final disposal, the value of recoverable components of the item, and any social costs associated with nonrecycling or uncontrolled disposal of such items.

The Secretary shall from time to time, but not less frequently than annually, report the results of such investigation and study to the President and the Congress.

Report to President and Congress.

“(b) The Secretary is also authorized to carry out demonstration projects to test and demonstrate methods and techniques developed pursuant to subsection (a).

Demonstration projects.

“(c) Section 204 (b) and (c) shall be applicable to investigations, studies, and projects carried out under this section.”

79 Stat. 998.
42 USC 3253.

(b) The Solid Waste Disposal Act is amended by redesignating sections 207 through 210 as sections 213 through 216, respectively, and by inserting after section 206 (as so redesignated by subsection (a) of this section) the following new sections:

82 Stat. 1013.
42 USC 3256-3259.

“GRANTS FOR STATE, INTERSTATE, AND LOCAL PLANNING

“SEC. 207. (a) The Secretary may from time to time, upon such terms and conditions consistent with this section as he finds appropriate to carry out the purposes of this Act, make grants to State, interstate, municipal, and intermunicipal agencies, and organizations composed of public officials which are eligible for assistance under section 701(g) of the Housing Act of 1954, of not to exceed 66⅔ per centum of the cost in the case of an application with respect to an area including only one municipality, and not to exceed 75 per centum of the cost in any other case, of—

82 Stat. 530.
40 USC 461.
Cost limitation.

“(1) making surveys of solid waste disposal practices and problems within the jurisdictional areas of such agencies and

“(2) developing and revising solid waste disposal plans as part of regional environmental protection systems for such areas, providing for recycling or recovery of materials from wastes whenever possible and including planning for the reuse of solid waste

disposal areas and studies of the effect and relationship of solid waste disposal practices on areas adjacent to waste disposal sites,

“(3) developing proposals for projects to be carried out pursuant to section 208 of this Act, or

“(4) planning programs for the removal and processing of abandoned motor vehicle hulks.

“(b) Grants pursuant to this section may be made upon application therefor which—

“(1) designates or establishes a single agency (which may be an interdepartmental agency) as the sole agency for carrying out the purposes of this section for the area involved;

“(2) indicates the manner in which provision will be made to assure full consideration of all aspects of planning essential to areawide planning for proper and effective solid waste disposal consistent with the protection of the public health and welfare, including such factors as population growth, urban and metropolitan development, land use planning, water pollution control, air pollution control, and the feasibility of regional disposal and resource recovery programs;

“(3) sets forth plans for expenditure of such grant, which plans provide reasonable assurance of carrying out the purposes of this section;

“(4) provides for submission of such reports of the activities of the agency in carrying out the purposes of this section, in such form and containing such information, as the Secretary may from time to time find necessary for carrying out the purposes of this section and for keeping such records and affording such access thereto as he may find necessary; and

“(5) provides for such fiscal-control and fund-accounting procedures as may be necessary to assure proper disbursement of and accounting for funds paid to the agency under this section.

“(c) The Secretary shall make a grant under this section only if he finds that there is satisfactory assurance that the planning of solid waste disposal will be coordinated, so far as practicable, with and not duplicate other related State, interstate, regional, and local planning activities, including those financed in part with funds pursuant to section 701 of the Housing Act of 1954.

Post, p. 1780,
1804.

“GRANTS FOR RESOURCE RECOVERY SYSTEMS AND IMPROVED SOLID WASTE DISPOSAL FACILITIES

“SEC. 208. (a) The Secretary is authorized to make grants pursuant to this section to any State, municipal, or interstate or intermunicipal agency for the demonstration of resource recovery systems or for the construction of new or improved solid waste disposal facilities.

“(b) (1) Any grant under this section for the demonstration of a resource recovery system may be made only if it (A) is consistent with any plans which meet the requirements of section 207(b)(2) of this Act; (B) is consistent with the guidelines recommended pursuant to section 209 of this Act; (C) is designed to provide areawide resource recovery systems consistent with the purposes of this Act, as determined by the Secretary, pursuant to regulations promulgated under subsection (d) of this section; and (D) provides an equitable system for distributing the costs associated with construction, operation, and maintenance of any resource recovery system among the users of such system.

“(2) The Federal share for any project to which paragraph (1) applies shall not be more than 75 percent.

“(c) (1) A grant under this section for the construction of a new or improved solid waste disposal facility may be made only if—

Federal share,
limitation.

“(A) a State or interstate plan for solid waste disposal has been adopted which applies to the area involved, and the facility to be constructed (i) is consistent with such plan, (ii) is included in a comprehensive plan for the area involved which is satisfactory to the Secretary for the purposes of this Act, and (iii) is consistent with the guidelines recommended under section 209, and

“(B) the project advances the state of the art by applying new and improved techniques in reducing the environmental impact of solid waste disposal, in achieving recovery of energy or resources, or in recycling useful materials.

“(2) The Federal share for any project to which paragraph (1) applies shall be not more than 50 percent in the case of a project serving an area which includes only one municipality, and not more than 75 percent in any other case.

“(d) (1) The Secretary, within ninety days after the date of enactment of the Resource Recovery Act of 1970, shall promulgate regulations establishing a procedure for awarding grants under this section which—

Regulations.

“(A) provides that projects will be carried out in communities of varying sizes, under such conditions as will assist in solving the community waste problems of urban-industrial centers, metropolitan regions, and rural areas, under representative geographic and environmental conditions; and

“(B) provides deadlines for submission of, and action on, grant requests.

“(2) In taking action on applications for grants under this section, consideration shall be given by the Secretary (A) to the public benefits to be derived by the construction and the propriety of Federal aid in making such grant; (B) to the extent applicable, to the economic and commercial viability of the project (including contractual arrangements with the private sector to market any resources recovered); (C) to the potential of such project for general application to community solid waste disposal problems; and (D) to the use by the applicant of comprehensive regional or metropolitan area planning.

“(e) A grant under this section—

“(1) may be made only in the amount of the Federal share of (A) the estimated total design and construction costs, plus (B) in the case of a grant to which subsection (b) (1) applies, the first-year operation and maintenance costs;

“(2) may not be provided for land acquisition or (except as otherwise provided in paragraph (1) (B) for operating or maintenance costs;

“(3) may not be made until the applicant has made provision satisfactory to the Secretary for proper and efficient operation and maintenance of the project (subject to paragraph (1) (B)); and

“(4) may be made subject to such conditions and requirements, in addition to those provided in this section, as the Secretary may require to properly carry out his functions pursuant to this Act.

For purposes of paragraph (1), the non-Federal share may be in any form, including, but not limited to, lands or interests therein needed for the project or personal property or services, the value of which shall be determined by the Secretary.

“(f) (1) Not more than 15 percent of the total of funds authorized to be appropriated under section 216 (a) (3) for any fiscal year to carry out this section shall be granted under this section for projects in any one State.

Limitation.
Post, p. 1234.

“(2) The Secretary shall prescribe by regulation the manner in which this subsection shall apply to a grant under this section for a project in an area which includes all or part of more than one State.

Regulation.

"RECOMMENDED GUIDELINES

Publication in
Federal Register.

"SEC. 209. (a) The Secretary shall, in cooperation with appropriate State, Federal, interstate, regional, and local agencies, allowing for public comment by other interested parties, as soon as practicable after the enactment of the Resource Recovery Act of 1970, recommend to appropriate agencies and publish in the Federal Register guidelines for solid waste recovery, collection, separation, and disposal systems (including systems for private use), which shall be consistent with public health and welfare, and air and water quality standards and adaptable to appropriate land-use plans. Such guidelines shall apply to such systems whether on land or water and shall be revised from time to time.

"(b) (1) The Secretary shall, as soon as practicable, recommend model codes, ordinances, and statutes which are designed to implement this section and the purposes of this Act.

"(2) The Secretary shall issue to appropriate Federal, interstate, regional, and local agencies information on technically feasible solid waste collection, separation, disposal, recycling, and recovery methods, including data on the cost of construction, operation, and maintenance of such methods.

"GRANTS OR CONTRACTS FOR TRAINING PROJECTS

"Eligible
organization."

"SEC. 210. (a) The Secretary is authorized to make grants to, and contracts with, any eligible organization. For purposes of this section the term 'eligible organization' means a State or interstate agency, a municipality, educational institution, and any other organization which is capable of effectively carrying out a project which may be funded by grant under subsection (b) of this section.

"(b) (1) Subject to the provisions of paragraph (2), grants or contracts may be made to pay all or a part of the costs, as may be determined by the Secretary, of any project operated or to be operated by an eligible organization, which is designed—

"(A) to develop, expand, or carry out a program (which may combine training, education, and employment) for training persons for occupations involving the management, supervision, design, operation, or maintenance of solid waste disposal and resource recovery equipment and facilities; or

"(B) to train instructors and supervisory personnel to train or supervise persons in occupations involving the design, operation, and maintenance of solid waste disposal and resource recovery equipment and facilities.

"(2) A grant or contract authorized by paragraph (1) of this subsection may be made only upon application to the Secretary at such time or times and containing such information as he may prescribe, except that no such application shall be approved unless it provides for the same procedures and reports (and access to such reports and to other records) as is required by section 207(b) (4) and (5) with respect to applications made under such section.

Ante, p. 1230.

Study.

"(c) The Secretary shall make a complete investigation and study to determine—

"(1) the need for additional trained State and local personnel to carry out plans assisted under this Act and other solid waste and resource recovery programs;

"(2) means of using existing training programs to train such personnel; and

"(3) the extent and nature of obstacles to employment and occupational advancement in the solid waste disposal and resource recovery field which may limit either available manpower or the advancement of personnel in such field.

He shall report the results of such investigation and study, including his recommendations to the President and the Congress not later than one year after enactment of this Act. Report to President and Congress.

“APPLICABILITY OF SOLID WASTE DISPOSAL GUIDELINES TO EXECUTIVE AGENCIES

“SEC. 211. (a) (1) If—

“(A) an Executive agency (as defined in section 105 of title 5, United States Code) has jurisdiction over any real property or facility the operation or administration of which involves such agency in solid waste disposal activities, or

80 Stat. 379.

“(B) such an agency enters into a contract with any person for the operation by such person of any Federal property or facility, and the performance of such contract involves such person in solid waste disposal activities,

then such agency shall insure compliance with the guidelines recommended under section 209 and the purposes of this Act in the operation or administration of such property or facility, or the performance of such contract, as the case may be.

Compliance.

“(2) Each Executive agency which conducts any activity—

“(A) which generates solid waste, and

“(B) which, if conducted by a person other than such agency, would require a permit or license from such agency in order to dispose of such solid waste,

shall insure compliance with such guidelines and the purposes of this Act in conducting such activity.

“(3) Each Executive agency which permits the use of Federal property for purposes of disposal of solid waste shall insure compliance with such guidelines and the purposes of this Act in the disposal of such waste.

“(4) The President shall prescribe regulations to carry out this subsection.

Presidential regulations.

“(b) Each Executive agency which issues any license or permit for disposal of solid waste shall, prior to the issuance of such license or permit, consult with the Secretary to insure compliance with guidelines recommended under section 209 and the purposes of this Act.

“NATIONAL DISPOSAL SITES STUDY

“SEC. 212. The Secretary shall submit to the Congress no later than two years after the date of enactment of the Resource Recovery Act of 1970, a comprehensive report and plan for the creation of a system of national disposal sites for the storage and disposal of hazardous wastes, including radioactive, toxic chemical, biological, and other wastes which may endanger public health or welfare. Such report shall include: (1) a list of materials which should be subject to disposal in any such site; (2) current methods of disposal of such materials; (3) recommended methods of reduction, neutralization, recovery, or disposal of such materials; (4) an inventory of possible sites including existing land or water disposal sites operated or licensed by Federal agencies; (5) an estimate of the cost of developing and maintaining sites including consideration of means for distributing the short- and long-term costs of operating such sites among the users thereof; and (6) such other information as may be appropriate.”

Report to Congress.

(c) Section 215 of the Solid Waste Disposal Act (as so redesignated by subsection (b) of this section) is amended by striking out the head-

Ante, p. 1229.

ing thereof and inserting in lieu thereof "GENERAL PROVISIONS"; by inserting "(a)" before "Payments"; and by adding at the end thereof the following:

Grants, prohibition.

"(b) No grant may be made under this Act to any private profit-making organization."

Appropriation.

SEC. 105. Section 216 of the Solid Waste Disposal Act (as so redesignated by section 104 of this Act) is amended to read as follows:

Ante, p. 1230.

"SEC. 216. (a) (1) There are authorized to be appropriated to the Secretary of Health, Education, and Welfare for carrying out the provisions of this Act (including, but not limited to, section 208), not to exceed \$41,500,000 for the fiscal year ending June 30, 1971.

"(2) There are authorized to be appropriated to the Secretary of Health, Education, and Welfare to carry out the provisions of this Act, other than section 208, not to exceed \$72,000,000 for the fiscal year ending June 30, 1972, and not to exceed \$76,000,000 for the fiscal year ending June 30, 1973.

"(3) There are authorized to be appropriated to the Secretary of Health, Education, and Welfare to carry out section 208 of this Act not to exceed \$80,000,000 for the fiscal year ending June 30, 1972, and not to exceed \$140,000,000 for the fiscal year ending June 30, 1973.

"(b) There are authorized to be appropriated to the Secretary of the Interior to carry out this Act not to exceed \$8,750,000 for the fiscal year ending June 30, 1971, not to exceed \$20,000,000 for the fiscal year ending June 30, 1972, and not to exceed \$22,500,000 for the fiscal year ending June 30, 1973. Prior to expending any funds authorized to be appropriated by this subsection, the Secretary of the Interior shall consult with the Secretary of Health, Education, and Welfare to assure that the expenditure of such funds will be consistent with the purposes of this Act.

Program evaluation.

"(c) Such portion as the Secretary may determine, but not more than 1 per centum, of any appropriation for grants, contracts, or other payments under any provision of this Act for any fiscal year beginning after June 30, 1970, shall be available for evaluation (directly, or by grants or contracts) of any program authorized by this Act.

Funds, availability.

"(d) Sums appropriated under this section shall remain available until expended."

TITLE II—NATIONAL MATERIALS POLICY

Citation of title.

SEC. 201. This title may be cited as the "National Materials Policy Act of 1970".

SEC. 202. It is the purpose of this title to enhance environmental quality and conserve materials by developing a national materials policy to utilize present resources and technology more efficiently, to anticipate the future materials requirements of the Nation and the world, and to make recommendations on the supply, use, recovery, and disposal of materials.

National Commission on Materials Policy; establishment; membership.

SEC. 203. (a) There is hereby created the National Commission on Materials Policy (hereafter referred to as the "Commission") which shall be composed of seven members chosen from Government service and the private sector for their outstanding qualifications and demonstrated competence with regard to matters related to materials policy, to be appointed by the President with the advice and consent of the Senate, one of whom he shall designate as Chairman.

Travel expenses, etc.

(b) The members of the Commission shall serve without compensation, but shall be reimbursed for travel, subsistence, and other neces-

sary expenses incurred by them in carrying out the duties of the Commission.

SEC. 204. The Commission shall make a full and complete investigation and study for the purpose of developing a national materials policy which shall include, without being limited to, a determination of—

Study.

(1) national and international materials requirements, priorities, and objectives, both current and future, including economic projections;

(2) the relationship of materials policy to (A) national and international population size and (B) the enhancement of environmental quality;

(3) recommended means for the extraction, development, and use of materials which are susceptible to recycling, reuse, or self-destruction, in order to enhance environmental quality and conserve materials;

(4) means of exploiting existing scientific knowledge in the supply, use, recovery, and disposal of materials and encouraging further research and education in this field;

(5) means to enhance coordination and cooperation among Federal departments and agencies in materials usage so that such usage might best serve the national materials policy;

(6) the feasibility and desirability of establishing computer inventories of national and international materials requirements, supplies, and alternatives; and

(7) which Federal agency or agencies shall be assigned continuing responsibility for the implementation of the national materials policy.

(b) In order to carry out the purposes of this title, the Commission is authorized—

(1) to request the cooperation and assistance of such other Federal departments and agencies as may be appropriate;

Agency cooperation.

(2) to appoint and fix the compensation of such staff personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of such title relating to classification and General Schedule pay rates; and

Personnel.

(3) to obtain the services of experts and consultants, in accordance with the provisions of section 3109 of title 5, United States Code, at rates for individuals not to exceed \$100 per diem.

80 Stat. 443,
467; *Ante*, p. 198-1.
5 USC 5101,
5331.

(c) The Commission shall submit to the President and to the Congress a report with respect to its findings and recommendations no later than June 30, 1973, and shall terminate not later than ninety days after submission of such report.

Experts and
consultants.
80 Stat. 416.
Report to President
and Congress.
Termination.

(d) Upon request by the Commission, each Federal department and agency is authorized and directed to furnish, to the greatest extent practicable, such information and assistance as the Commission may request.

Agency assistance.

SEC. 205. When used in this title, the term "materials" means natural resources intended to be utilized by industry for the production of goods, with the exclusion of food.

"Materials."

SEC. 206. There is hereby authorized to be appropriated the sum of \$2,000,000 to carry out the provisions of this title.

Appropriation.

Approved October 26, 1970.

Public Law 91-513

October 27, 1970
[H. R. 18583]

AN ACT

To amend the Public Health Service Act and other laws to provide increased research into, and prevention of, drug abuse and drug dependence; to provide for treatment and rehabilitation of drug abusers and drug dependent persons; and to strengthen existing law enforcement authority in the field of drug abuse.

Comprehensive
Drug Abuse Pre-
vention and Con-
trol Act of 1970.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the “Comprehensive Drug Abuse Prevention and Control Act of 1970”.

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TITLE I—REHABILITATION PROGRAMS RELATING TO DRUG ABUSE

PROGRAMS UNDER COMMUNITY MENTAL HEALTH CENTERS ACT RELATING TO DRUG ABUSE

SECTION 1. (a) Part D of the Community Mental Health Centers Act is amended as follows:

(1) Sections 251, 252, and 253 of such part (42 U.S.C. 2688k, 2688l, and 2688m) are each amended by inserting “and other persons with drug abuse and drug dependence problems” immediately after “narcotic addicts” each place those words appear in those sections.

(2) Clauses (A) and (C) of section 252 of such part are each amended by inserting “, drug abuse, and drug dependence” immediately after “narcotic addiction”.

(3) The heading for such part is amended to read as follows:

“PART D—NARCOTIC ADDICTION, DRUG ABUSE, AND DRUG DEPENDENCE PREVENTION AND REHABILITATION”.

(b) Part E of such Act is amended as follows:

(1) Section 261(a) of such part (42 U.S.C. 2688o) is amended by striking out “\$30,000,000 for the fiscal year ending June 30, 1971, \$35,000,000 for the fiscal year ending June 30, 1972, and \$40,000,000 for the fiscal year ending June 30, 1973” and inserting in lieu thereof “\$40,000,000 for the fiscal year ending June 30, 1971, \$60,000,000 for the fiscal year ending June 30, 1972, and \$80,000,000 for the fiscal year ending June 30, 1973”.

(2) Section 261(a) of such part is further amended by inserting “, drug abuse, and drug dependence” immediately after “narcotic addiction”.

(3) Sections 261(c) and 264 are each amended by inserting “and other persons with drug abuse and drug dependence problems” immediately after “narcotic addicts”.

(4) The section headings for sections 261 and 263 are each amended by striking out “AND NARCOTIC ADDICTS” and inserting in lieu thereof “, NARCOTIC ADDICTS, AND OTHER PERSONS WITH DRUG ABUSE AND DRUG DEPENDENCE PROBLEMS”.

(c) Part D of such Act is further amended by redesignating sections 253 and 254 as sections 254 and 255, respectively, and by adding after section 252 the following new section:

“DRUG ABUSE EDUCATION

“SEC. 253. (a) The Secretary is authorized to make grants to States and political subdivisions thereof and to public or nonprofit private agencies and organizations, and to enter into contracts with other private agencies and organizations, for—

“(1) the collection, preparation, and dissemination of educational materials dealing with the use and abuse of drugs and the prevention of drug abuse, and

“(2) the development and evaluation of programs of drug abuse education directed at the general public, school-age children, and special high-risk groups.

“(b) The Secretary, acting through the National Institute of Mental Health, shall (1) serve as a focal point for the collection and dissemination of information related to drug abuse; (2) collect, prepare, and disseminate materials (including films and other educational devices) dealing with the abuse of drugs and the prevention of drug

82 Stat. 1009.

Ante, p. 57.

Ante, pp. 58, 61.

42 USC 2688m,
2688n.

Grants.
Contract author-
ity.

abuse; (3) provide for the preparation, production, and conduct of programs of public education (including those using films and other educational devices); (4) train professional and other persons to organize and participate in programs of public education in relation to drug abuse; (5) coordinate activities carried on by such departments, agencies, and instrumentalities of the Federal Government as he shall designate with respect to health education aspects of drug abuse; (6) provide technical assistance to State and local health and educational agencies with respect to the establishment and implementation of programs and procedures for public education on drug abuse; and (7) undertake other activities essential to a national program for drug abuse education.

“(c) The Secretary, acting through the National Institute of Mental Health, is authorized to develop and conduct workshops, institutes, and other activities for the training of professional and other personnel to work in the area of drug abuse education.

Personnel training.

“(d) To carry out the purposes of this section, there are authorized to be appropriated \$3,000,000 for the fiscal year ending June 30, 1971, \$12,000,000 for the fiscal year ending June 30, 1972, and \$14,000,000 for the fiscal year ending June 30, 1973.”

Appropriation.

(d) Such part D is further amended by adding at the end thereof the following new section:

Ante, p. 1238.

“SPECIAL PROJECTS FOR NARCOTIC ADDICTS AND DRUG DEPENDENT PERSONS

“SEC. 256. (a) The Secretary is authorized to make grants to public or nonprofit private agencies and organizations to cover a portion of the costs of programs for treatment and rehabilitation of narcotic addicts or drug dependent persons which include one or more of the following: (1) Detoxification services or (2) institutional services (including medical, psychological, educational, or counseling services) or (3) community-based aftercare services.

Grants, treatment and rehabilitation.

“(b) Grants under this section for the costs of any treatment and rehabilitation program—

Conditions.

“(1) may be made only for the period beginning with the first day of the first month for which such a grant is made and ending with the close of eight years after such first day; and

“(2) (A) except as provided in subparagraph (B), may not exceed 80 per centum of such costs for each of the first two years after such first day, 75 per centum of such costs for the third year after such first day, 60 per centum of such costs for the fourth year after such first day, 45 per centum of such costs for the fifth year after such first day, and 30 per centum of such costs for each of the next three years after such first day; and

Limitation.

“(B) in the case of any such program providing services for persons in an area designated by the Secretary as an urban or rural poverty area, such grants may not exceed 90 per centum of such costs for each of the first two years after such first day, 80 per centum of such costs for the third year after such first day, 75 per centum of such costs for the fourth and fifth years after such first day, and 70 per centum of such costs for each of the next three years after such first day.

“(c) No application for a grant authorized by this section shall be approved by the Secretary unless such application is forwarded through the State agency responsible for administering the plan submitted pursuant to section 204 of this Act or, if there be a separate State agency, designated by the Governor as responsible for planning, coordinating, and executing the State's efforts in the treatment and

77 Stat. 291;
81 Stat. 79.
42 USC 2684.

rehabilitation of narcotic addicts and drug dependent persons, through such latter agency, which shall submit to the Secretary such comments as it deems appropriate. No application for a grant under this section for a program to provide services for persons in an area in which is located a facility constructed as a new facility after the date of enactment of this section with funds provided under a grant under part A or this part shall be approved unless such application contains satisfactory assurance that, to the extent feasible, such program will be included as part of the programs conducted in or through such facility.

Criteria.

“(d) The Secretary shall make grants under this section for projects within the States in accordance with criteria determined by him designed to provide priority for grant applications in States, and in areas within the States, having the higher percentages of population who are narcotic addicts or drug dependent persons.

Appropriation.

“(e) There are authorized to be appropriated to carry out this section not to exceed \$20,000,000 for the fiscal year ending June 30, 1971; \$30,000,000 for the fiscal year ending June 30, 1972; and \$35,000,000 for the fiscal year ending June 30, 1973.”

BROADER TREATMENT AUTHORITY IN PUBLIC HEALTH SERVICE HOSPITALS FOR PERSONS WITH DRUG ABUSE AND OTHER DRUG DEPENDENCE PROBLEMS

SEC. 2. (a) Part E of title III of the Public Health Service Act is amended as follows:

80 Stat. 1449.
42 USC 257.

(1) Section 341(a) of such part is amended by adding immediately after “addicts” the second time it appears the following: “and other persons with drug abuse and drug dependence problems”.

58 Stat. 699;
68 Stat. 79.
42 USC 258-260,
261.

(2)(A) Sections 342, 343, 344, and 346 of such part are each amended by inserting “or other persons with drug abuse and drug dependence problems” immediately after “addicts” each place it appears in those sections.

(B) The section heading of section 342 of such part is amended by inserting “OR OTHER PERSONS WITH DRUG ABUSE AND DRUG DEPENDENCE PROBLEMS” after “ADDICTS”.

(3) Sections 343 and 344 of such part are each amended by inserting “or other person with a drug abuse or other drug dependence problem” immediately after “addict” each place it appears in those sections.

42 USC 261a.

(4) Sections 343, 344, and 347 of such part are each amended by inserting “, drug abuse, or drug dependence” immediately after “addiction” each place it appears in those sections.

Post, p. 1242.

(5) Section 346 of such part is amended by inserting “or substance controlled under the Controlled Substances Act” immediately after “habit-forming narcotic drug”.

(6) The heading for such part is amended to read as follows:

“PART E—NARCOTIC ADDICTS AND OTHER DRUG ABUSERS”.

58 Stat. 682;
74 Stat. 34.

(b) Section 2 of the Public Health Service Act (42 U.S.C. 201) is amended by adding after paragraph (p) the following new paragraph:

“Drug dependent person.”

“(q) The term ‘drug dependent person’ means a person who is using a controlled substance (as defined in section 102 of the Controlled Substances Act) and who is in a state of psychic or physical dependence, or both, arising from the use of that substance on a continuous basis. Drug dependence is characterized by behavioral and other responses which include a strong compulsion to take the substance on a continuous basis in order to experience its psychic effects or to avoid the discomfort caused by its absence.”

Post, p. 1243.

RESEARCH UNDER THE PUBLIC HEALTH SERVICE ACT IN DRUG USE,
ABUSE, AND ADDICTION

SEC. 3. (a) Section 303(a) of the Public Health Service Act (42 U.S.C. 242a(a)) is amended by adding after and below paragraph (2) the following:

Research popu-
lations, protection
of identity.
70 Stat. 929.

"The Secretary may authorize persons engaged in research on the use and effect of drugs to protect the privacy of individuals who are the subject of such research by withholding from all persons not connected with the conduct of such research the names or other identifying characteristics of such individuals. Persons so authorized to protect the privacy of such individuals may not be compelled in any Federal, State, or local civil, criminal, administrative, legislative, or other proceedings to identify such individuals."

(b) Section 314(d)(2) of the Public Health Service Act is amended—

80 Stat. 1184;
Post, p. 1853.
42 USC 246.

(1) by striking out "and" at the end of subparagraph (I);

(2) by striking out the period at the end of subparagraph (J) and inserting in lieu thereof "; and"; and

(3) by adding after subparagraph (J) the following new subparagraph:

"(K) provide for services for the prevention and treatment of drug abuse and drug dependence, commensurate with the extent of the problem."

(c) Section 507 of the Public Health Service Act (42 U.S.C. 225a) is amended—

81 Stat. 79.

(1) by striking out "available for research, training, or demonstration project grants pursuant to this Act" and inserting in lieu thereof "available under this Act for research, training, or demonstration project grants or for grants to expand existing treatment and research programs and facilities for alcoholism, narcotic addiction, drug abuse, and drug dependence, and appropriations available under the Community Mental Health Centers Act for construction and staffing of community mental health centers and alcoholism and narcotic addiction, drug abuse, and drug dependence facilities", and

77 Stat. 190.
42 USC 2681
note.

(2) by inserting immediately before the period at the end thereof the following: ", except that grants to such Federal institutions may be funded at 100 per centum of the costs".

MEDICAL TREATMENT OF NARCOTIC ADDICTION

SEC. 4. The Secretary of Health, Education, and Welfare, after consultation with the Attorney General and with national organizations representative of persons with knowledge and experience in the treatment of narcotic addicts, shall determine the appropriate methods of professional practice in the medical treatment of the narcotic addiction of various classes of narcotic addicts, and shall report thereon from time to time to the Congress.

Report to Con-
gress.

TITLE II—CONTROL AND ENFORCEMENT

PART A—SHORT TITLE; FINDINGS AND DECLARATION; DEFINITIONS

SHORT TITLE

Citation of
title.

SEC. 100. This title may be cited as the “Controlled Substances Act”.

FINDINGS AND DECLARATIONS

SEC. 101. The Congress makes the following findings and declarations:

(1) Many of the drugs included within this title have a useful and legitimate medical purpose and are necessary to maintain the health and general welfare of the American people.

(2) The illegal importation, manufacture, distribution, and possession and improper use of controlled substances have a substantial and detrimental effect on the health and general welfare of the American people.

(3) A major portion of the traffic in controlled substances flows through interstate and foreign commerce. Incidents of the traffic which are not an integral part of the interstate or foreign flow, such as manufacture, local distribution, and possession, nonetheless have a substantial and direct effect upon interstate commerce because—

(A) after manufacture, many controlled substances are transported in interstate commerce,

(B) controlled substances distributed locally usually have been transported in interstate commerce immediately before their distribution, and

(C) controlled substances possessed commonly flow through interstate commerce immediately prior to such possession.

(4) Local distribution and possession of controlled substances contribute to swelling the interstate traffic in such substances.

(5) Controlled substances manufactured and distributed intrastate cannot be differentiated from controlled substances manufactured and distributed interstate. Thus, it is not feasible to distinguish, in terms of controls, between controlled substances manufactured and distributed interstate and controlled substances manufactured and distributed intrastate.

(6) Federal control of the intrastate incidents of the traffic in controlled substances is essential to the effective control of the interstate incidents of such traffic.

(7) The United States is a party to the Single Convention on Narcotic Drugs, 1953, and other international conventions designed to establish effective control over international and domestic traffic in controlled substances.

18 UST 1407.

DEFINITIONS

SEC. 102. As used in this title:

(1) The term “addict” means any individual who habitually uses any narcotic drug so as to endanger the public morals, health, safety, or welfare, or who is so far addicted to the use of narcotic drugs as to have lost the power of self-control with reference to his addiction.

(2) The term “administer” refers to the direct application of a controlled substance to the body of a patient or research subject by—

(A) a practitioner (or, in his presence, by his authorized agent), or

(B) the patient or research subject at the direction and in the presence of the practitioner,

whether such application be by injection, inhalation, ingestion, or any other means.

(3) The term "agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser; except that such term does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman, when acting in the usual and lawful course of the carrier's or warehouseman's business.

(4) The term "Bureau of Narcotics and Dangerous Drugs" means the Bureau of Narcotics and Dangerous Drugs in the Department of Justice.

(5) The term "control" means to add a drug or other substance, or immediate precursor, to a schedule under part B of this title, whether by transfer from another schedule or otherwise.

Post, p. 1247.

(6) The term "controlled substance" means a drug or other substance, or immediate precursor, included in schedule I, II, III, IV, or V of part B of this title. The term does not include distilled spirits, wine, malt beverages, or tobacco, as those terms are defined or used in subtitle E of the Internal Revenue Code of 1954.

(7) The term "counterfeit substance" means a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number, or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person or persons who in fact manufactured, distributed, or dispensed such substance and which thereby falsely purports or is represented to be the product of, or to have been distributed by, such other manufacturer, distributor, or dispenser.

68A Stat. 595;
72 Stat. 1314,
26 USC 5001.

(8) The terms "deliver" or "delivery" mean the actual, constructive, or attempted transfer of a controlled substance, whether or not there exists an agency relationship.

(9) The term "depressant or stimulant substance" means—

(A) a drug which contains any quantity of (i) barbituric acid or any of the salts of barbituric acid; or (ii) any derivative of barbituric acid which has been designated by the Secretary as habit forming under section 502(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352(d)); or

52 Stat. 1050.

(B) a drug which contains any quantity of (i) amphetamine or any of its optical isomers; (ii) any salt of amphetamine or any salt of an optical isomer of amphetamine; or (iii) any substance which the Attorney General, after investigation, has found to be, and by regulation designated as, habit forming because of its stimulant effect on the central nervous system; or

(C) lysergic acid diethylamide; or

(D) any drug which contains any quantity of a substance which the Attorney General, after investigation, has found to have, and by regulation designated as having, a potential for abuse because of its depressant or stimulant effect on the central nervous system or its hallucinogenic effect.

(10) The term "dispense" means to deliver a controlled substance to an ultimate user or research subject by, or pursuant to the lawful order of, a practitioner, including the prescribing and administering of a controlled substance and the packaging, labeling, or compounding necessary to prepare the substance for such delivery. The term "dispenser" means a practitioner who so delivers a controlled substance to an ultimate user or research subject.

(11) The term "distribute" means to deliver (other than by administering or dispensing) a controlled substance. The term "distributor" means a person who so delivers a controlled substance.

52 Stat. 1041;
79 Stat. 234.
21 USC 321.

(12) The term "drug" has the meaning given that term by section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act.

(13) The term "felony" means any Federal or State offense classified by applicable Federal or State law as a felony.

(14) The term "manufacture" means the production, preparation, propagation, compounding, or processing of a drug or other substance, either directly or indirectly or by extraction from substances of natural origin, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of such substance or labeling or relabeling of its container; except that such term does not include the preparation, compounding, packaging, or labeling of a drug or other substance in conformity with applicable State or local law by a practitioner as an incident to his administration or dispensing of such drug or substance in the course of his professional practice. The term "manufacturer" means a person who manufactures a drug or other substance.

(15) The term "marihuana" means all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin. Such term does not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.

(16) The term "narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(A) Opium, coca leaves, and opiates.

(B) A compound, manufacture, salt, derivative, or preparation of opium, coca leaves, or opiates.

(C) A substance (and any compound, manufacture, salt, derivative, or preparation thereof) which is chemically identical with any of the substances referred to in clause (A) or (B).

Such term does not include decocainized coca leaves or extracts of coca leaves, which extracts do not contain cocaine or ecgonine.

(17) The term "opiate" means any drug or other substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having such addiction-forming or addiction-sustaining liability.

(18) The term "opium poppy" means the plant of the species *Papaver somniferum* L., except the seed thereof.

(19) The term "poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(20) The term "practitioner" means a physician, dentist, veterinarian, scientific investigator, pharmacy, hospital, or other person licensed, registered, or otherwise permitted, by the United States or the jurisdiction in which he practices or does research, to distribute, dispense, conduct research with respect to, administer, or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research.

(21) The term "production" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance.

(22) The term “immediate precursor” means a substance—

(A) which the Attorney General has found to be and by regulation designated as being the principal compound used, or produced primarily for use, in the manufacture of a controlled substance;

(B) which is an immediate chemical intermediary used or likely to be used in the manufacture of such controlled substance; and

(C) the control of which is necessary to prevent, curtail, or limit the manufacture of such controlled substance.

(23) The term “Secretary”, unless the context otherwise indicates, means the Secretary of Health, Education, and Welfare.

(24) The term “State” means any State, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and the Canal Zone.

(25) The term “ultimate user” means a person who has lawfully obtained, and who possesses, a controlled substance for his own use or for the use of a member of his household or for an animal owned by him or by a member of his household.

(26) The term “United States”, when used in a geographic sense, means all places and waters, continental or insular, subject to the jurisdiction of the United States.

INCREASED NUMBERS OF ENFORCEMENT PERSONNEL

SEC. 103. (a) During the fiscal year 1971, the Bureau of Narcotics and Dangerous Drugs is authorized to add at least 300 agents, together with necessary supporting personnel, to the number of enforcement personnel currently available to it.

(b) There are authorized to be appropriated not to exceed \$6,000,000 for the fiscal year 1971 and for each fiscal year thereafter to carry out the provisions of subsection (a).

Appropriation.

PART B—AUTHORITY TO CONTROL;

STANDARDS AND SCHEDULES

AUTHORITY AND CRITERIA FOR CLASSIFICATION OF SUBSTANCES

SEC. 201. (a) The Attorney General shall apply the provisions of this title to the controlled substances listed in the schedules established by section 202 of this title and to any other drug or other substance added to such schedules under this title. Except as provided in subsections (d) and (e), the Attorney General may by rule—

(1) add to such a schedule or transfer between such schedules any drug or other substance if he—

(A) finds that such drug or other substance has a potential for abuse, and

(B) makes with respect to such drug or other substance the findings prescribed by subsection (b) of section 202 for the schedule in which such drug is to be placed; or

(2) remove any drug or other substance from the schedules if he finds that the drug or other substance does not meet the requirements for inclusion in any schedule.

Rules of the Attorney General under this subsection shall be made on the record after opportunity for a hearing pursuant to the rulemaking procedures prescribed by subchapter II of chapter 5 of title 5 of the United States Code. Proceedings for the issuance, amendment, or

Rules, hearing opportunity.

80 Stat. 381.
5 USC 551.

repeal of such rules may be initiated by the Attorney General (1) on his own motion, (2) at the request of the Secretary, or (3) on the petition of any interested party.

Evaluation.

(b) The Attorney General shall, before initiating proceedings under subsection (a) to control a drug or other substance or to remove a drug or other substance entirely from the schedules, and after gathering the necessary data, request from the Secretary a scientific and medical evaluation, and his recommendations, as to whether such drug or other substance should be so controlled or removed as a controlled substance. In making such evaluation and recommendations, the Secretary shall consider the factors listed in paragraphs (2), (3), (6), (7), and (8) of subsection (c) and any scientific or medical considerations involved in paragraphs (1), (4), and (5) of such subsection. The recommendations of the Secretary shall include recommendations with respect to the appropriate schedule, if any, under which such drug or other substance should be listed. The evaluation and the recommendations of the Secretary shall be made in writing and submitted to the Attorney General within a reasonable time. The recommendations of the Secretary to the Attorney General shall be binding on the Attorney General as to such scientific and medical matters, and if the Secretary recommends that a drug or other substance not be controlled, the Attorney General shall not control the drug or other substance. If the Attorney General determines that these facts and all other relevant data constitute substantial evidence of potential for abuse such as to warrant control or substantial evidence that the drug or other substance should be removed entirely from the schedules, he shall initiate proceedings for control or removal, as the case may be, under subsection (a).

(c) In making any finding under subsection (a) of this section or under subsection (b) of section 202, the Attorney General shall consider the following factors with respect to each drug or other substance proposed to be controlled or removed from the schedules:

- (1) Its actual or relative potential for abuse.
- (2) Scientific evidence of its pharmacological effect, if known.
- (3) The state of current scientific knowledge regarding the drug or other substance.
- (4) Its history and current pattern of abuse.
- (5) The scope, duration, and significance of abuse.
- (6) What, if any, risk there is to the public health.
- (7) Its psychic or physiological dependence liability.
- (8) Whether the substance is an immediate precursor of a substance already controlled under this title.

Order.

(d) If control is required by United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part, the Attorney General shall issue an order controlling such drug under the schedule he deems most appropriate to carry out such obligations, without regard to the findings required by subsection (a) of this section or section 202(b) and without regard to the procedures prescribed by subsections (a) and (b) of this section.

(e) The Attorney General may, without regard to the findings required by subsection (a) of this section or section 202(b) and without regard to the procedures prescribed by subsections (a) and (b) of this section, place an immediate precursor in the same schedule in which the controlled substance of which it is an immediate precursor is placed or in any other schedule with a higher numerical designation. If the Attorney General designates a substance as an immediate precursor and places it in a schedule, other substances shall not be placed in a schedule solely because they are its precursors.

(f) If, at the time a new-drug application is submitted to the Secretary for any drug having a stimulant, depressant, or hallucinogenic effect on the central nervous system, it appears that such drug has an abuse potential, such information shall be forwarded by the Secretary to the Attorney General.

(g) (1) The Attorney General shall by regulation exclude any non-narcotic substance from a schedule if such substance may, under the Federal Food, Drug, and Cosmetic Act, be lawfully sold over the counter without a prescription.

(2) Dextromethorphan shall not be deemed to be included in any schedule by reason of enactment of this title unless controlled after the date of such enactment pursuant to the foregoing provisions of this section.

52 Stat. 1040.
21 USC 301.

Dextromethorphan, exception.

SCHEDULES OF CONTROLLED SUBSTANCES

SEC. 202. (a) There are established five schedules of controlled substances, to be known as schedules I, II, III, IV, and V. Such schedules shall initially consist of the substances listed in this section. The schedules established by this section shall be updated and republished on a semiannual basis during the two-year period beginning one year after the date of enactment of this title and shall be updated and republished on an annual basis thereafter.

Establishment.

(b) Except where control is required by United States obligations under an international treaty, convention, or protocol, in effect on the effective date of this part, and except in the case of an immediate precursor, a drug or other substance may not be placed in any schedule unless the findings required for such schedule are made with respect to such drug or other substance. The findings required for each of the schedules are as follows:

Placement on
schedules, find-
ings required.

(1) SCHEDULE I.—

(A) The drug or other substance has a high potential for abuse.

(B) The drug or other substance has no currently accepted medical use in treatment in the United States.

(C) There is a lack of accepted safety for use of the drug or other substance under medical supervision.

(2) SCHEDULE II.—

(A) The drug or other substance has a high potential for abuse.

(B) The drug or other substance has a currently accepted medical use in treatment in the United States or a currently accepted medical use with severe restrictions.

(C) Abuse of the drug or other substances may lead to severe psychological or physical dependence.

(3) SCHEDULE III.—

(A) The drug or other substance has a potential for abuse less than the drugs or other substances in schedules I and II.

(B) The drug or other substance has a currently accepted medical use in treatment in the United States.

(C) Abuse of the drug or other substance may lead to moderate or low physical dependence or high psychological dependence.

(4) SCHEDULE IV.—

(A) The drug or other substance has a low potential for abuse relative to the drugs or other substances in schedule III.

(B) The drug or other substance has a currently accepted medical use in treatment in the United States.

(C) Abuse of the drug or other substance may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in schedule III.

(5) SCHEDULE V.—

(A) The drug or other substance has a low potential for abuse relative to the drugs or other substances in schedule IV.

(B) The drug or other substance has a currently accepted medical use in treatment in the United States.

(C) Abuse of the drug or other substance may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in schedule IV.

(c) Schedules I, II, III, IV, and V shall, unless and until amended pursuant to section 201, consist of the following drugs or other substances, by whatever official name, common or usual name, chemical name, or brand name designated:

SCHEDULE I

Opiates.

(a) Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation:

- (1) Acetylmethadol.
- (2) Allylprodine.
- (3) Alphacetylmethadol.
- (4) Alphameprodine.
- (5) Alphamethadol.
- (6) Benzethidine.
- (7) Betacetylmethadol.
- (8) Betameprodine.
- (9) Betamethadol.
- (10) Betaprodine.
- (11) Clonitazene.
- (12) Dextromoramide.
- (13) Dextrorphan.
- (14) Diampromide.
- (15) Diethylthiambutene.
- (16) Dimenoxadol.
- (17) Dimepheptanol.
- (18) Dimethylthiambutene.
- (19) Dioxaphetyl butyrate.
- (20) Dipipanone.
- (21) Ethylmethylthiambutene.
- (22) Etonitazene.
- (23) Etixeridine.
- (24) Furethidine.
- (25) Hydroxypethidine.
- (26) Ketobemidone.
- (27) Levomoramide.
- (28) Levophenacylmorphane.
- (29) Morpheridine.
- (30) Noracetylmethadol.
- (31) Norlevorphanol.
- (32) Normethadone.
- (33) Norpipanone.
- (34) Phenadoxone.
- (35) Phenampromide.

- (36) Phenomorphan.
- (37) Phenoperidine.
- (38) Piritramide.
- (39) Proheptazine.
- (40) Properidine.
- (41) Racemoramide.
- (42) Trimeperidine.

(b) Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

Opium derivatives.

- (1) Acetorphine.
- (2) Acetyldihydrocodeine.
- (3) Benzylmorphine.
- (4) Codeine methylbromide.
- (5) Codeine-N-Oxide.
- (6) Cyprenorphine.
- (7) Desomorphine.
- (8) Dihydromorphine.
- (9) Etorphine.
- (10) Heroin.
- (11) Hydromorphenol.
- (12) Methyldesorphine.
- (13) Methylhydromorphine.
- (14) Morphine methylbromide.
- (15) Morphine methylsulfonate.
- (16) Morphine-N-Oxide.
- (17) Myrophine.
- (18) Nicocodeine.
- (19) Nicomorphine.
- (20) Normorphine.
- (21) Pholcodine.
- (22) Thebacon.

(c) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of the following hallucinogenic substances, or which contains any of their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

Hallucinogenic substances.

- (1) 3,4-methylenedioxy amphetamine.
- (2) 5-methoxy-3,4-methylenedioxy amphetamine.
- (3) 3,4,5-trimethoxy amphetamine.
- (4) Bufotenine.
- (5) Diethyltryptamine.
- (6) Dimethyltryptamine.
- (7) 4-methyl-2,5-dimethoxyamphetamine.
- (8) Ibogaine.
- (9) Lysergic acid diethylamide.
- (10) Marihuana.
- (11) Mescaline.
- (12) Peyote.
- (13) N-ethyl-3-piperidyl benzilate.
- (14) N-methyl-3-piperidyl benzilate.
- (15) Psilocybin.
- (16) Psilocyn.
- (17) Tetrahydrocannabinols.

SCHEDULE II

Substances, vegetable origin or chemical synthesis.

(a) Unless specifically excepted or unless listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate.

(2) Any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause (1), except that these substances shall not include the isoquinoline alkaloids of opium.

(3) Opium poppy and poppy straw.

(4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves, which extractions do not contain cocaine or ecgonine.

Opiates.

(b) Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation:

(1) Alphaprodine.

(2) Anileridine.

(3) Bezitramide.

(4) Dihydrocodeine.

(5) Diphenoxylate.

(6) Fentanyl.

(7) Isomethadone.

(8) Levomethorphan.

(9) Levorphanol.

(10) Metazocine.

(11) Methadone.

(12) Methadone-Intermediate, 4-cyano - 2 - dimethyl-amino-4,4-diphenyl butane.

(13) Moramide-Intermediate, 2 - methyl - 3 - morpholino-1, 1-diphenylpropane-carboxylic acid.

(14) Pethidine.

(15) Pethidine-Intermediate-A, 4 - cyano-1-methyl-4-phenylpiperidine.

(16) Pethidine-Intermediate-B, ethyl - 4-phenylpiperidine-4-carboxylate.

(17) Pethidine-Intermediate-C, 1-methyl - 4 - phenylpiperidine-4-carboxylic acid.

(18) Phenazocine.

(19) Piminodine.

(20) Racemethorphan.

(21) Racemorphan.

Methamphetamine.

(c) Unless specifically excepted or unless listed in another schedule, any injectable liquid which contains any quantity of methamphetamine, including its salts, isomers, and salts of isomers.

SCHEDULE III

(a) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

Stimulants.

(1) Amphetamine, its salts, optical isomers, and salts of its optical isomers.

(2) Phenmetrazine and its salts.

(3) Any substance (except an injectable liquid) which contains any quantity of methamphetamine, including its salts, isomers, and salts of isomers.

(4) Methylphenidate.

(b) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

Depressants.

(1) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid.

(2) Chorhexadol.

(3) Glutethimide.

(4) Lysergic acid.

(5) Lysergic acid amide.

(6) Methypylon.

(7) Phencyclidine.

(8) Sulfondiethylmethane.

(9) Sulfonethylmethane.

(10) Sulfonmethane.

(c) Nalorphine.

Nalorphine.

(d) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof:

Narcotic drugs.

(1) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium.

(2) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(3) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium.

(4) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(5) Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(6) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(7) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(8) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

SCHEDULE IV

- (1) Barbital.
- (2) Chloral betaine.
- (3) Chloral hydrate.
- (4) Ethchlorvynol.
- (5) Ethinamate.
- (6) Methohexital.
- (7) Meprobamate.
- (8) Methylphenobarbital.
- (9) Paraldehyde.
- (10) Petrichloral.
- (11) Phenobarbital.

SCHEDULE V

Narcotic drugs containing non-narcotic active medicinal ingredients.

Any compound, mixture, or preparation containing any of the following limited quantities of narcotic drugs, which shall include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

(1) Not more than 200 milligrams of codeine per 100 milliliters or per 100 grams.

(2) Not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams.

(3) Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams.

(4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit.

(5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams.

Stimulants or depressants containing active medicinal ingredients, exception.

(d) The Attorney General may by regulation except any compound, mixture, or preparation containing any depressant or stimulant substance in paragraph (a) or (b) of schedule III or in schedule IV or V from the application of all or any part of this title if (1) the compound, mixture, or preparation contains one or more active medicinal ingredients not having a depressant or stimulant effect on the central nervous system, and (2) such ingredients are included therein in such combinations, quantity, proportion, or concentration as to vitiate the potential for abuse of the substances which do have a depressant or stimulant effect on the central nervous system.

PART C—REGISTRATION OF MANUFACTURERS, DISTRIBUTORS, AND
DISPENSERS OF CONTROLLED SUBSTANCES

RULES AND REGULATIONS

SEC. 301. The Attorney General is authorized to promulgate rules and regulations and to charge reasonable fees relating to the registration and control of the manufacture, distribution, and dispensing of controlled substances. Rules and regulations.

PERSONS REQUIRED TO REGISTER

SEC. 302. (a) Every person who manufactures, distributes, or dispenses any controlled substance or who proposes to engage in the manufacture, distribution, or dispensing of any controlled substance, shall obtain annually a registration issued by the Attorney General in accordance with the rules and regulations promulgated by him. Annual registration.

(b) Persons registered by the Attorney General under this title to manufacture, distribute, or dispense controlled substances are authorized to possess, manufacture, distribute, or dispense such substances (including any such activity in the conduct of research) to the extent authorized by their registration and in conformity with the other provisions of this title.

(c) The following persons shall not be required to register and may lawfully possess any controlled substance under this title: Registration, exceptions.

(1) An agent or employee of any registered manufacturer, distributor, or dispenser of any controlled substance if such agent or employee is acting in the usual course of his business or employment.

(2) A common or contract carrier or warehouseman, or an employee thereof, whose possession of the controlled substance is in the usual course of his business or employment.

(3) An ultimate user who possesses such substance for a purpose specified in section 102(25). Anfe, p. 1245.

(d) The Attorney General may, by regulation, waive the requirement for registration of certain manufacturers, distributors, or dispensers if he finds it consistent with the public health and safety. Waiver.

(e) A separate registration shall be required at each principal place of business or professional practice where the applicant manufactures, distributes, or dispenses controlled substances. Separate registration.

(f) The Attorney General is authorized to inspect the establishment of a registrant or applicant for registration in accordance with the rules and regulations promulgated by him. Inspection.

REGISTRATION REQUIREMENTS

SEC. 303. (a) The Attorney General shall register an applicant to manufacture controlled substances in schedule I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part. In determining the public interest, the following factors shall be considered: Factors consistent with public interest.

(1) maintenance of effective controls against diversion of particular controlled substances and any controlled substance in schedule I or II compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substances to a number of establishments which can produce an adequate and uninterrupted supply of these substances under adequately com- Controls, importation and bulk manufacture, limitation.

petitive conditions for legitimate medical, scientific, research, and industrial purposes;

Compliance,
Technology.

(2) compliance with applicable State and local law;
(3) promotion of technical advances in the art of manufacturing these substances and the development of new substances;

Applicants,
prior conviction
record.

(4) prior conviction record of applicant under Federal and State laws relating to the manufacture, distribution, or dispensing of such substances;

Experience.

(5) past experience in the manufacture of controlled substances, and the existence in the establishment of effective control against diversion; and

(6) such other factors as may be relevant to and consistent with the public health and safety.

Factors con-
sistent with public
interest.

(b) The Attorney General shall register an applicant to distribute a controlled substance in schedule I or II unless he determines that the issuance of such registration is inconsistent with the public interest. In determining the public interest, the following factors shall be considered:

(1) maintenance of effective control against diversion of particular controlled substances into other than legitimate medical, scientific, and industrial channels;

(2) compliance with applicable State and local law;

(3) prior conviction record of applicant under Federal or State laws relating to the manufacture, distribution, or dispensing of such substances;

(4) past experience in the distribution of controlled substances; and

(5) such other factors as may be relevant to and consistent with the public health and safety.

Prohibition.

(c) Registration granted under subsections (a) and (b) of this section shall not entitle a registrant to (1) manufacture or distribute controlled substances in schedule I or II other than those specified in the registration, or (2) manufacture any quantity of those controlled substances in excess of the quota assigned pursuant to section 306.

Post, p. 1257.

(d) The Attorney General shall register an applicant to manufacture controlled substances in schedule III, IV, or V, unless he determines that the issuance of such registration is inconsistent with the public interest. In determining the public interest, the following factors shall be considered:

(1) maintenance of effective controls against diversion of particular controlled substances and any controlled substance in schedule III, IV, or V compounded therefrom into other than legitimate medical, scientific, or industrial channels;

(2) compliance with applicable State and local law;

(3) promotion of technical advances in the art of manufacturing these substances and the development of new substances;

(4) prior conviction record of applicant under Federal or State laws relating to the manufacture, distribution, or dispensing of such substances;

(5) past experience in the manufacture, distribution, and dispensing of controlled substances, and the existence in the establishment of effective controls against diversion; and

(6) such other factors as may be relevant to and consistent with the public health and safety.

(e) The Attorney General shall register an applicant to distribute controlled substances in schedule III, IV, or V, unless he determines that the issuance of such registration is inconsistent with the public interest. In determining the public interest, the following factors shall be considered:

(1) maintenance of effective controls against diversion of particular controlled substances into other than legitimate medical, scientific, and industrial channels;

(2) compliance with applicable State and local law;

(3) prior conviction record of applicant under Federal or State laws relating to the manufacture, distribution, or dispensing of such substances;

(4) past experience in the distribution of controlled substances; and

(5) such other factors as may be relevant to and consistent with the public health and safety.

(f) Practitioners shall be registered to dispense or conduct research with controlled substances in schedule II, III, IV, or V if they are authorized to dispense or conduct research under the law of the State in which they practice. Separate registration under this part for practitioners engaging in research with nonnarcotic controlled substances in schedule II, III, IV, or V, who are already registered under this part in another capacity, shall not be required. Pharmacies (as distinguished from pharmacists) when engaged in commercial activities, shall be registered to dispense controlled substances in schedule II, III, IV, or V if they are authorized to dispense under the law of the State in which they regularly conduct business. Registration applications by practitioners wishing to conduct research with controlled substances in schedule I shall be referred to the Secretary, who shall determine qualifications and competency of each practitioner requesting registration, as well as the merits of the research protocol. The Secretary, in determining the merits of each research protocol, shall consult with the Attorney General as to effective procedures to adequately safeguard against diversion of such controlled substances from legitimate medical or scientific use. Registration for the purpose of bona fide research with controlled substances in schedule I by a practitioner deemed qualified by the Secretary may be denied by the Attorney General only on a ground specified in section 304(a).

Research.

Pharmacies.

Research applications.

DENIAL, REVOCATION, OR SUSPENSION OF REGISTRATION

SEC. 304. (a) A registration pursuant to section 303 to manufacture, distribute, or dispense a controlled substance may be suspended or revoked by the Attorney General upon a finding that the registrant—

(1) has materially falsified any application filed pursuant to or required by this title or title III;

(2) has been convicted of a felony under this title or title III or any other law of the United States, or of any State, relating to any substance defined in this title as a controlled substance; or

(3) has had his State license or registration suspended, revoked, or denied by competent State authority and is no longer authorized by State law to engage in the manufacturing, distribution, or dispensing of controlled substances.

(b) The Attorney General may limit revocation or suspension of a registration to the particular controlled substance with respect to which grounds for revocation or suspension exist.

(c) Before taking action pursuant to this section, or pursuant to a denial of registration under section 303, the Attorney General shall serve upon the applicant or registrant an order to show cause why registration should not be denied, revoked, or suspended. The order to show cause shall contain a statement of the basis thereof and shall call upon the applicant or registrant to appear before the Attorney

Post, p. 1285.

Service of order.

General at a time and place stated in the order, but in no event less than thirty days after the date of receipt of the order. Proceedings to deny, revoke, or suspend shall be conducted pursuant to this section in accordance with subchapter II of chapter 5 of title 5 of the United States Code. Such proceedings shall be independent of, and not in lieu of, criminal prosecutions or other proceedings under this title or any other law of the United States.

80 Stat. 381.
5 USC 551.

Registration,
suspension.

(d) The Attorney General may, in his discretion, suspend any registration simultaneously with the institution of proceedings under this section, in cases where he finds that there is an imminent danger to the public health or safety. Such suspension shall continue in effect until the conclusion of such proceedings, including judicial review thereof, unless sooner withdrawn by the Attorney General or dissolved by a court of competent jurisdiction.

(e) The suspension or revocation of a registration under this section shall operate to suspend or revoke any quota applicable under section 306.

(f) In the event the Attorney General suspends or revokes a registration granted under section 303, all controlled substances owned or possessed by the registrant pursuant to such registration at the time of suspension or the effective date of the revocation order, as the case may be, may, in the discretion of the Attorney General, be placed under seal. No disposition may be made of any controlled substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded except that a court, upon application therefor, may at any time order the sale of perishable controlled substances. Any such order shall require the deposit of the proceeds of the sale with the court. Upon a revocation order becoming final, all such controlled substances (or proceeds of sale deposited in court) shall be forfeited to the United States; and the Attorney General shall dispose of such controlled substances in accordance with section 511 (e).

Post, p. 1277.

LABELING AND PACKAGING REQUIREMENTS

Symbol.

SEC. 305. (a) It shall be unlawful to distribute a controlled substance in a commercial container unless such container, when and as required by regulations of the Attorney General, bears a label (as defined in section 201(k) of the Federal Food, Drug, and Cosmetic Act) containing an identifying symbol for such substance in accordance with such regulations. A different symbol shall be required for each schedule of controlled substances.

52 Stat. 1041.
21 USC 321.

(b) It shall be unlawful for the manufacturer of any controlled substance to distribute such substance unless the labeling (as defined in section 201(m) of the Federal Food, Drug, and Cosmetic Act) of such substance contains, when and as required by regulations of the Attorney General, the identifying symbol required under subsection (a).

(c) The Secretary shall prescribe regulations under section 503(b) of the Federal Food, Drug, and Cosmetic Act which shall provide that the label of a drug listed in schedule II, III, or IV shall, when dispensed to or for a patient, contain a clear, concise warning that it is a crime to transfer the drug to any person other than the patient.

65 Stat. 648.
21 USC 353.

Unlawful dis-
tribution.

(d) It shall be unlawful to distribute controlled substances in schedule I or II, and narcotic drugs in schedule III or IV, unless the bottle or other container, stopper, covering, or wrapper thereof is securely sealed as required by regulations of the Attorney General.

QUOTAS APPLICABLE TO CERTAIN SUBSTANCES

SEC. 306. (a) The Attorney General shall determine the total quantity and establish production quotas for each basic class of controlled substance in schedules I and II to be manufactured each calendar year to provide for the estimated medical, scientific, research, and industrial needs of the United States, for lawful export requirements, and for the establishment and maintenance of reserve stocks. Production quotas shall be established in terms of quantities of each basic class of controlled substance and not in terms of individual pharmaceutical dosage forms prepared from or containing such a controlled substance.

Production
quota.

(b) The Attorney General shall limit or reduce individual production quotas to the extent necessary to prevent the aggregate of individual quotas from exceeding the amount determined necessary each year by the Attorney General under subsection (a). The quota of each registered manufacturer for each basic class of controlled substance in schedule I or II shall be revised in the same proportion as the limitation or reduction of the aggregate of the quotas. However, if any registrant, before the issuance of a limitation or reduction in quota, has manufactured in excess of his revised quota, the amount of the excess shall be subtracted from his quota for the following year.

(c) On or before July 1 of each year, upon application therefor by a registered manufacturer, the Attorney General shall fix a manufacturing quota for the basic classes of controlled substances in schedules I and II that the manufacturer seeks to produce. The quota shall be subject to the provisions of subsections (a) and (b) of this section. In fixing such quotas, the Attorney General shall determine the manufacturer's estimated disposal, inventory, and other requirements for the calendar year; and, in making his determination, the Attorney General shall consider the manufacturer's current rate of disposal, the trend of the national disposal rate during the preceding calendar year, the manufacturer's production cycle and inventory position, the economic availability of raw materials, yield and stability problems, emergencies such as strikes and fires, and other factors.

Manufacturing
quota.

(d) The Attorney General shall, upon application and subject to the provisions of subsections (a) and (b) of this section, fix a quota for a basic class of controlled substance in schedule I or II for any registrant who has not manufactured that basic class of controlled substance during one or more preceding calendar years. In fixing such quota, the Attorney General shall take into account the registrant's reasonably anticipated requirements for the current year; and, in making his determination of such requirements, he shall consider such factors specified in subsection (c) of this section as may be relevant.

(e) At any time during the year any registrant who has applied for or received a manufacturing quota for a basic class of controlled substance in schedule I or II may apply for an increase in that quota to meet his estimated disposal, inventory, and other requirements during the remainder of that year. In passing upon the application the Attorney General shall take into consideration any occurrences since the filing of the registrant's initial quota application that may require an increased manufacturing rate by the registrant during the balance of the year. In passing upon the application the Attorney General may also take into account the amount, if any, by which the determination of the Attorney General under subsection (a) of this section exceeds the aggregate of the quotas of all registrants under this section.

Quota, increase.

(f) Notwithstanding any other provisions of this title, no registration or quota may be required for the manufacture of such quantities of controlled substances in schedules I and II as incidentally and

Controlled sub-
stances, inciden-
tal production.

Restrictions.

necessarily result from the manufacturing process used for the manufacture of a controlled substance with respect to which its manufacturer is duly registered under this title. The Attorney General may, by regulation, prescribe restrictions on the retention and disposal of such incidentally produced substances.

RECORDS AND REPORTS OF REGISTRANTS

Inventory.

SEC. 307. (a) Except as provided in subsection (c)—

(1) every registrant under this title shall, on the effective date of this section, or as soon thereafter as such registrant first engages in the manufacture, distribution, or dispensing of controlled substances, and every second year thereafter, make a complete and accurate record of all stocks thereof on hand, except that the regulations prescribed under this section shall permit each such biennial inventory (following the initial inventory required by this paragraph) to be prepared on such registrant's regular general physical inventory date (if any) which is nearest to and does not vary by more than six months from the biennial date that would otherwise apply;

(2) on the effective date of each regulation of the Attorney General controlling a substance that immediately prior to such date was not a controlled substance, each registrant under this title manufacturing, distributing, or dispensing such substance shall make a complete and accurate record of all stocks thereof on hand; and

(3) on and after the effective date of this section, every registrant under this title manufacturing, distributing, or dispensing a controlled substance or substances shall maintain, on a current basis, a complete and accurate record of each such substance manufactured, received, sold, delivered, or otherwise disposed of by him, except that this paragraph shall not require the maintenance of a perpetual inventory.

(b) Every inventory or other record required under this section (1) shall be in accordance with, and contain such relevant information as may be required by, regulations of the Attorney General, (2) shall (A) be maintained separately from all other records of the registrant, or (B) alternatively, in the case of nonnarcotic controlled substances, be in such form that information required by the Attorney General is readily retrievable from the ordinary business records of the registrant, and (3) shall be kept and be available, for at least two years, for inspection and copying by officers or employees of the United States authorized by the Attorney General.

Availability.

Nonapplicability.

(c) The foregoing provisions of this section shall not apply—

(1) (A) with respect to narcotic controlled substances in schedule II, III, IV, or V, to the prescribing or administering of such substances by a practitioner in the lawful course of his professional practice; or

(B) with respect to nonnarcotic controlled substances in schedule II, III, IV, or V, to any practitioner who dispenses such substances to his patients, unless the practitioner is regularly engaged in charging his patients, either separately or together with charges for other professional services, for substances so dispensed;

(2) (A) to the use of controlled substances, at establishments registered under this title which keep records with respect to such substances, in research conducted in conformity with an exemption granted under section 505(i) or 512(j) of the Federal Food, Drug, and Cosmetic Act;

(B) to the use of controlled substances, at establishments registered under this title which keep records with respect to such substances, in preclinical research or in teaching; or

(3) to the extent of any exemption granted to any person, with respect to all or part of such provisions, by the Attorney General by or pursuant to regulation on the basis of a finding that the application of such provisions (or part thereof) to such person is not necessary for carrying out the purposes of this title.

(d) Every manufacturer registered under section 303 shall, at such time or times and in such form as the Attorney General may require, make periodic reports to the Attorney General of every sale, delivery, or other disposal by him of any controlled substance, and each distributor shall make such reports with respect to narcotic controlled substances, identifying by the registration number assigned under this title the person or establishment (unless exempt from registration under section 302(d)) to whom such sale, delivery, or other disposal was made.

(e) Regulations under sections 505(i) and 512(j) of the Federal Food, Drug, and Cosmetic Act, relating to investigational use of drugs, shall include such procedures as the Secretary, after consultation with the Attorney General, determines are necessary to insure the security and accountability of controlled substances used in research to which such regulations apply.

52 Stat. 1052;
76 Stat. 783.
82 Stat. 343.
21 USC 355,
360b.

ORDER FORMS

SEC. 308. (a) It shall be unlawful for any person to distribute a controlled substance in schedule I or II to another except in pursuance of a written order of the person to whom such substance is distributed, made on a form to be issued by the Attorney General in blank in accordance with subsection (d) and regulations prescribed by him pursuant to this section.

Unlawful distribution.

(b) Nothing in subsection (a) shall apply to—

Nonapplicability.

(1) the exportation of such substances from the United States in conformity with title III;

Post, p 1285.

(2) the delivery of such a substance to or by a common or contract carrier for carriage in the lawful and usual course of its business, or to or by a warehouseman for storage in the lawful and usual course of its business; but where such carriage or storage is in connection with the distribution by the owner of the substance to a third person, this paragraph shall not relieve the distributor from compliance with subsection (a).

(c) (1) Every person who in pursuance of an order required under subsection (a) distributes a controlled substance shall preserve such order for a period of two years, and shall make such order available for inspection and copying by officers and employees of the United States duly authorized for that purpose by the Attorney General, and by officers or employees of States or their political subdivisions who are charged with the enforcement of State or local laws regulating the production, or regulating the distribution or dispensing, of controlled substances and who are authorized under such laws to inspect such orders.

Preservation and availability.

(2) Every person who gives an order required under subsection (a) shall, at or before the time of giving such order, make or cause to be made a duplicate thereof on a form to be issued by the Attorney General in blank in accordance with subsection (d) and regulations prescribed by him pursuant to this section, and shall, if such order is accepted, preserve such duplicate for a period of two years and make it available for inspection and copying by the officers and employees mentioned in paragraph (1) of this subsection.

Duplicate, preservation and availability.

Forms, issuance.

(d) (1) The Attorney General shall issue forms pursuant to subsections (a) and (c) (2) only to persons validly registered under section 303 (or exempted from registration under section 302(d)). Whenever any such form is issued to a person, the Attorney General shall, before delivery thereof, insert therein the name of such person, and it shall be unlawful for any other person (A) to use such form for the purpose of obtaining controlled substances or (B) to furnish such form to any person with intent thereby to procure the distribution of such substances.

Fees.

(2) The Attorney General may charge reasonable fees for the issuance of such forms in such amounts as he may prescribe for the purpose of covering the cost to the United States of issuing such forms, and other necessary activities in connection therewith.

Unlawful act.

(e) It shall be unlawful for any person to obtain by means of order forms issued under this section controlled substances for any purpose other than their use, distribution, dispensing, or administration in the conduct of a lawful business in such substances or in the course of his professional practice or research.

PRESCRIPTIONS

52 Stat. 1040.
21 USC 301.

SEC. 309. (a) Except when dispensed directly by a practitioner, other than a pharmacist, to an ultimate user, no controlled substance in schedule II, which is a prescription drug as determined under the Federal Food, Drug, and Cosmetic Act, may be dispensed without the written prescription of a practitioner, except that in emergency situations, as prescribed by the Secretary by regulation after consultation with the Attorney General, such drug may be dispensed upon oral prescription in accordance with section 503(b) of that Act. Prescriptions shall be retained in conformity with the requirements of section 307 of this title. No prescription for a controlled substance in schedule II may be refilled.

65 Stat. 648.
21 USC 353.

(b) Except when dispensed directly by a practitioner, other than a pharmacist, to an ultimate user, no controlled substance in schedule III or IV, which is a prescription drug as determined under the Federal Food, Drug, and Cosmetic Act, may be dispensed without a written or oral prescription in conformity with section 503(b) of that Act. Such prescriptions may not be filled or refilled more than six months after the date thereof or be refilled more than five times after the date of the prescription unless renewed by the practitioner.

(c) No controlled substance in schedule V which is a drug may be distributed or dispensed other than for a medical purpose.

(d) Whenever it appears to the Attorney General that a drug not considered to be a prescription drug under the Federal Food, Drug, and Cosmetic Act should be so considered because of its abuse potential, he shall so advise the Secretary and furnish to him all available data relevant thereto.

PART D—OFFENSES AND PENALTIES**PROHIBITED ACTS A—PENALTIES**

SEC. 401. (a) Except as authorized by this title, it shall be unlawful for any person knowingly or intentionally—

(1) to manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense, a controlled substance; or

(2) to create, distribute, or dispense, or possess with intent to distribute or dispense, a counterfeit substance.

(b) Except as otherwise provided in section 405, any person who violates subsection (a) of this section shall be sentenced as follows:

Post, p. 1265.

(1) (A) In the case of a controlled substance in schedule I or II which is a narcotic drug, such person shall be sentenced to a term of imprisonment of not more than 15 years, a fine of not more than \$25,000, or both. If any person commits such a violation after one or more prior convictions of him for an offense punishable under this paragraph, or for a felony under any other provision of this title or title III or other law of the United States relating to narcotic drugs, marihuana, or depressant or stimulant substances, have become final, such person shall be sentenced to a term of imprisonment of not more than 30 years, a fine of not more than \$50,000, or both. Any sentence imposing a term of imprisonment under this paragraph shall, in the absence of such a prior conviction, impose a special parole term of at least 3 years in addition to such term of imprisonment and shall, if there was such a prior conviction, impose a special parole term of at least 6 years in addition to such term of imprisonment.

Penalties.

Post, p. 1285.

Special parole term.

(B) In the case of a controlled substance in schedule I or II which is not a narcotic drug or in the case of any controlled substance in schedule III, such person shall be sentenced to a term of imprisonment of not more than 5 years, a fine of not more than \$15,000, or both. If any person commits such a violation after one or more prior convictions of him for an offense punishable under this paragraph, or for a felony under any other provision of this title or title III or other law of the United States relating to narcotic drugs, marihuana, or depressant or stimulant substances, have become final, such person shall be sentenced to a term of imprisonment of not more than 10 years, a fine of not more than \$30,000, or both. Any sentence imposing a term of imprisonment under this paragraph shall, in the absence of such a prior conviction, impose a special parole term of at least 2 years in addition to such term of imprisonment and shall, if there was such a prior conviction, impose a special parole term of at least 4 years in addition to such term of imprisonment.

(2) In the case of a controlled substance in schedule IV, such person shall be sentenced to a term of imprisonment of not more than 3 years, a fine of not more than \$10,000, or both. If any person commits such a violation after one or more prior convictions of him for an offense punishable under this paragraph, or for a felony under any other provision of this title or title III or other law of the United States relating to narcotic drugs, marihuana, or depressant or stimulant substances, have become final, such person shall be sentenced to a term of imprisonment of not more than 6 years, a fine of not more than \$20,000, or both. Any sentence imposing a term of imprisonment under this paragraph shall, in the absence of such a prior conviction, impose a special parole term of at least one year in addition to such term of imprisonment and shall, if there was such a prior conviction, impose a special parole term of at least 2 years in addition to such term of imprisonment.

(3) In the case of a controlled substance in schedule V, such person shall be sentenced to a term of imprisonment of not more than one year, a fine of not more than \$5,000, or both. If any person commits such a violation after one or more convictions of him for an offense punishable under this paragraph, or for a crime under any other provision of this title or title III or other law of the United States relating to narcotic drugs, marihuana, or depressant or stimulant substances, have become final, such person shall be sentenced to a term of imprisonment of not more than 2 years, a fine of not more than \$10,000, or both.

Marihuana,
simple possession.

(4) Notwithstanding paragraph (1)(B) of this subsection, any person who violates subsection (a) of this section by distributing a small amount of marihuana for no remuneration shall be treated as provided in subsections (a) and (b) of section 404.

Special parole
term.

(c) A special parole term imposed under this section or section 405 may be revoked if its terms and conditions are violated. In such circumstances the original term of imprisonment shall be increased by the period of the special parole term and the resulting new term of imprisonment shall not be diminished by the time which was spent on special parole. A person whose special parole term has been revoked may be required to serve all or part of the remainder of the new term of imprisonment. A special parole term provided for in this section or section 405 shall be in addition to, and not in lieu of, any other parole provided for by law.

PROHIBITED ACTS B—PENALTIES

SEC. 402. (a) It shall be unlawful for any person—

(1) who is subject to the requirements of part C to distribute or dispense a controlled substance in violation of section 309;

(2) who is a registrant to distribute or dispense a controlled substance not authorized by his registration to another registrant or other authorized person or to manufacture a controlled substance not authorized by his registration;

(3) who is a registrant to distribute a controlled substance in violation of section 305 of this title;

(4) to remove, alter, or obliterate a symbol or label required by section 305 of this title;

(5) to refuse or fail to make, keep, or furnish any record, report, notification, declaration, order or order form, statement, invoice, or information required under this title or title III;

Post, p. 1285.

(6) to refuse any entry into any premises or inspection authorized by this title or title III;

(7) to remove, break, injure, or deface a seal placed upon controlled substances pursuant to section 304(f) or 511 or to remove or dispose of substances so placed under seal; or

Ante, p. 1256.
Post, p. 1276.

(8) to use, to his own advantage, or to reveal, other than to duly authorized officers or employees of the United States, or to the courts when relevant in any judicial proceeding under this title or title III, any information acquired in the course of an inspection authorized by this title concerning any method or process which as a trade secret is entitled to protection.

(b) It shall be unlawful for any person who is a registrant to manufacture a controlled substance in schedule I or II which is—

(1) not expressly authorized by his registration and by a quota assigned to him pursuant to section 306; or

(2) in excess of a quota assigned to him pursuant to section 306.

Penalty.

(c) (1) Except as provided in paragraph (2), any person who violates this section shall, with respect to any such violation, be subject to a civil penalty of not more than \$25,000. The district courts of the United States (or, where there is no such court in the case of any territory or possession of the United States, then the court in such territory or possession having the jurisdiction of a district court of the United States in cases arising under the Constitution and laws of the United States) shall have jurisdiction in accordance with section 1355 of title 28 of the United States Code to enforce this paragraph.

Jurisdiction.

62 Stat. 934.

(2) (A) If a violation of this section is prosecuted by an information or indictment which alleges that the violation was committed knowingly and the trier of fact specifically finds that the violation was so committed, such person shall, except as otherwise provided in subparagraph (B) of this paragraph, be sentenced to imprisonment of not more than one year or a fine of not more than \$25,000, or both.

Penalty.

(B) If a violation referred to in subparagraph (A) was committed after one or more prior convictions of the offender for an offense punishable under this paragraph (2), or for a crime under any other provision of this title or title III or other law of the United States relating to narcotic drugs, marihuana, or depressant or stimulant substances, have become final, such person shall be sentenced to a term of imprisonment of not more than 2 years, a fine of \$50,000, or both.

Post, p. 1285.

Penalty.

(3) Except under the conditions specified in paragraph (2) of this subsection, a violation of this section does not constitute a crime, and a judgment for the United States and imposition of a civil penalty pursuant to paragraph (1) shall not give rise to any disability or legal disadvantage based on conviction for a criminal offense.

Exception.

PROHIBITED ACTS C—PENALTIES

SEC. 403. (a) It shall be unlawful for any person knowingly or intentionally—

(1) who is a registrant to distribute a controlled substance classified in schedule I or II, in the course of his legitimate business, except pursuant to an order or an order form as required by section 308 of this title;

Ante, p. 1259.

(2) to use in the course of the manufacture or distribution of a controlled substance a registration number which is fictitious, revoked, suspended, or issued to another person;

(3) to acquire or obtain possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge;

(4) to furnish false or fraudulent material information in, or omit any material information from, any application, report, record, or other document required to be made, kept, or filed under this title or title III; or

(5) to make, distribute, or possess any punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of the foregoing upon any drug or container or labeling thereof so as to render such drug a counterfeit substance.

(b) It shall be unlawful for any person knowingly or intentionally to use any communication facility in committing or in causing or facilitating the commission of any act or acts constituting a felony under any provision of this title or title III. Each separate use of a communication facility shall be a separate offense under this subsection. For purposes of this subsection, the term "communication facility" means any and all public and private instrumentalities used or useful in the transmission of writing, signs, signals, pictures, or sounds of all kinds and includes mail, telephone, wire, radio, and all other means of communication.

"Communication facility."

(c) Any person who violates this section shall be sentenced to a term of imprisonment of not more than 4 years, a fine of not more than \$30,000, or both; except that if any person commits such a violation after one or more prior convictions of him for violation of this section, or for a felony under any other provision of this title or title III or other law of the United States relating to narcotic drugs,

Penalty.

Penalty.

marihuana, or depressant or stimulant substances, have become final, such person shall be sentenced to a term of imprisonment of not more than 8 years, a fine of not more than \$60,000, or both.

PENALTY FOR SIMPLE POSSESSION; CONDITIONAL DISCHARGE AND EXPUNGING OF RECORDS FOR FIRST OFFENSE

Post, p. 1285.

Sec. 404. (a) It shall be unlawful for any person knowingly or intentionally to possess a controlled substance unless such substance was obtained directly, or pursuant to a valid prescription or order, from a practitioner, while acting in the course of his professional practice, or except as otherwise authorized by this title or title III. Any person who violates this subsection shall be sentenced to a term of imprisonment of not more than one year, a fine of not more than \$5,000, or both, except that if he commits such offense after a prior conviction or convictions under this subsection have become final, he shall be sentenced to a term of imprisonment of not more than 2 years, a fine of not more than \$10,000, or both.

Nonpublic record, retention.

(b)(1) If any person who has not previously been convicted of violating subsection (a) of this section, any other provision of this title or title III, or any other law of the United States relating to narcotic drugs, marihuana, or depressant or stimulant substances, is found guilty of a violation of subsection (a) of this section after trial or upon a plea of guilty, the court may, without entering a judgment of guilty and with the consent of such person, defer further proceedings and place him on probation upon such reasonable conditions as it may require and for such period, not to exceed one year, as the court may prescribe. Upon violation of a condition of the probation, the court may enter an adjudication of guilt and proceed as otherwise provided. The court may, in its discretion, dismiss the proceedings against such person and discharge him from probation before the expiration of the maximum period prescribed for such person's probation. If during the period of his probation such person does not violate any of the conditions of the probation, then upon expiration of such period the court shall discharge such person and dismiss the proceedings against him. Discharge and dismissal under this subsection shall be without court adjudication of guilt, but a nonpublic record thereof shall be retained by the Department of Justice solely for the purpose of use by the courts in determining whether or not, in subsequent proceedings, such person qualifies under this subsection. Such discharge or dismissal shall not be deemed a conviction for purposes of disqualifications or disabilities imposed by law upon conviction of a crime (including the penalties prescribed under this part for second or subsequent convictions) or for any other purpose. Discharge and dismissal under this section may occur only once with respect to any person.

(2) Upon the dismissal of such person and discharge of the proceedings against him under paragraph (1) of this subsection, such person, if he was not over twenty-one years of age at the time of the offense, may apply to the court for an order to expunge from all official records (other than the nonpublic records to be retained by the Department of Justice under paragraph (1)) all recordation relating to his arrest, indictment or information, trial, finding of guilty, and dismissal and discharge pursuant to this section. If the court determines, after hearing, that such person was dismissed and the proceedings against him discharged and that he was not over twenty-one years of age at the time of the offense, it shall enter such order.

The effect of such order shall be to restore such person, in the contemplation of the law, to the status he occupied before such arrest or indictment or information. No person as to whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of his failures to recite or acknowledge such arrest, or indictment or information, or trial in response to any inquiry made of him for any purpose.

DISTRIBUTION TO PERSONS UNDER AGE TWENTY-ONE

SEC. 405. (a) Any person at least eighteen years of age who violates section 401(a)(1) by distributing a controlled substance to a person under twenty-one years of age is (except as provided in subsection (b)) punishable by (1) a term of imprisonment, or a fine, or both, up to twice that authorized by section 401(b), and (2) at least twice any special parole term authorized by section 401(b), for a first offense involving the same controlled substance and schedule.

(b) Any person at least eighteen years of age who violates section 401(a)(1) by distributing a controlled substance to a person under twenty-one years of age after a prior conviction or convictions under subsection (a) of this section (or under section 303(b)(2) of the Federal Food, Drug, and Cosmetic Act as in effect prior to the effective date of section 701(b) of this Act) have become final, is punishable by (1) a term of imprisonment, or a fine, or both, up to three times that authorized by section 401(b), and (2) at least three times any special parole term authorized by section 401(b), for a second or subsequent offense involving the same controlled substance and schedule.

82 Stat. 1361.
21 USC 333.
Post, p. 1281.

ATTEMPT AND CONSPIRACY

SEC. 406. Any person who attempts or conspires to commit any offense defined in this title is punishable by imprisonment or fine or both which may not exceed the maximum punishment prescribed for the offense, the commission of which was the object of the attempt or conspiracy.

ADDITIONAL PENALTIES

SEC. 407. Any penalty imposed for violation of this title shall be in addition to, and not in lieu of, any civil or administrative penalty or sanction authorized by law.

CONTINUING CRIMINAL ENTERPRISE

SEC. 408. (a) (1) Any person who engages in a continuing criminal enterprise shall be sentenced to a term of imprisonment which may not be less than 10 years and which may be up to life imprisonment, to a fine of not more than \$100,000, and to the forfeiture prescribed in paragraph (2); except that if any person engages in such activity after one or more prior convictions of him under this section have become final, he shall be sentenced to a term of imprisonment which may not be less than 20 years and which may be up to life imprisonment, to a fine of not more than \$200,000, and to the forfeiture prescribed in paragraph (2).

Penalty.

(2) Any person who is convicted under paragraph (1) of engaging in a continuing criminal enterprise shall forfeit to the United States—

Forfeiture.

(A) the profits obtained by him in such enterprise, and

(B) any of his interest in, claim against, or property or contractual rights of any kind affording a source of influence over, such enterprise.

(b) For purposes of subsection (a), a person is engaged in a continuing criminal enterprise if—

Post, p. 1285.

(1) he violates any provision of this title or title III the punishment for which is a felony, and

(2) such violation is a part of a continuing series of violations of this title or title III—

(A) which are undertaken by such person in concert with five or more other persons with respect to whom such person occupies a position of organizer, a supervisory position, or any other position of management, and

(B) from which such person obtains substantial income or resources.

(c) In the case of any sentence imposed under this section, imposition or execution of such sentence shall not be suspended, probation shall not be granted, and section 4202 of title 18 of the United States Code and the Act of July 15, 1932 (D.C. Code, secs. 24-203—24-207), shall not apply.

(d) The district courts of the United States (including courts in the territories or possessions of the United States having jurisdiction under subsection (a)) shall have jurisdiction to enter such restraining orders or prohibitions, or to take such other actions, including the acceptance of satisfactory performance bonds, in connection with any property or other interest subject to forfeiture under this section, as they shall deem proper.

65 Stat. 150.

47 Stat. 697;

61 Stat. 378;

67 Stat. 91;

79 Stat. 113.

Jurisdiction.

DANGEROUS SPECIAL DRUG OFFENDER SENTENCING

SEC. 409. (a) Whenever a United States attorney charged with the prosecution of a defendant in a court of the United States for an alleged felonious violation of any provision of this title or title III committed when the defendant was over the age of twenty-one years has reasons to believe that the defendant is a dangerous special drug offender such United States attorney, a reasonable time before trial or acceptance by the court of a plea of guilty or nolo contendere, may sign and file with the court, and may amend, a notice (1) specifying that the defendant is a dangerous special drug offender who upon conviction for such felonious violation is subject to the imposition of a sentence under subsection (b) of this section, and (2) setting out with particularity the reasons why such attorney believes the defendant to be a dangerous special drug offender. In no case shall the fact that the defendant is alleged to be a dangerous special drug offender be an issue upon the trial of such felonious violation, be disclosed to the jury, or be disclosed before any plea of guilty or nolo contendere or verdict or finding of guilty to the presiding judge without the consent of the parties. If the court finds that the filing of the notice as a public record may prejudice fair consideration of a pending criminal matter, it may order the notice sealed and the notice shall not be subject to subpoena or public inspection during the pendency of such criminal matter, except on order of the court, but shall be subject to inspection by the defendant alleged to be a dangerous special drug offender and his counsel.

Notice.

Prohibition.

Hearing without jury.

(b) Upon any plea of guilty or nolo contendere or verdict or finding of guilty of the defendant of such felonious violation, a hearing shall be held, before sentence is imposed, by the court sitting without a jury.

The court shall fix a time for the hearing, and notice thereof shall be given to the defendant and the United States at least ten days prior thereto. The court shall permit the United States and counsel for the defendant, or the defendant if he is not represented by counsel, to inspect the presentence report sufficiently prior to the hearing as to afford a reasonable opportunity for verification. In extraordinary cases, the court may withhold material not relevant to a proper sentence, diagnostic opinion which might seriously disrupt a program of rehabilitation, any source of information obtained on a promise of confidentiality, and material previously disclosed in open court. A court withholding all or part of a presentence report shall inform the parties of its action and place in the record the reasons therefor. The court may require parties inspecting all or part of a presentence report to give notice of any part thereof intended to be controverted. In connection with the hearing, the defendant and the United States shall be entitled to assistance of counsel, compulsory process, and cross-examination of such witnesses as appear at the hearing. A duly authenticated copy of a former judgment or commitment shall be prima facie evidence of such former judgment or commitment. If it appears by a preponderance of the information, including information submitted during the trial of such felonious violation and the sentencing hearing and so much of the presentence report as the court relies upon, that the defendant is a dangerous special drug offender, the court shall sentence the defendant to imprisonment for an appropriate term not to exceed twenty-five years and not disproportionate in severity to the maximum term otherwise authorized by law for such felonious violation. Otherwise it shall sentence the defendant in accordance with the law prescribing penalties for such felonious violation. The court shall place in the record its findings, including an identification of the information relied upon in making such findings, and its reasons for the sentence imposed.

Notice.

Presentence report, inspection.

Penalty.

(c) This section shall not prevent the imposition and execution of a sentence of imprisonment for life or for a term exceeding twenty-five years upon any person convicted of an offense so punishable.

(d) Notwithstanding any other provision of this section, the court shall not sentence a dangerous special drug offender to less than any mandatory minimum penalty prescribed by law for such felonious violation. This section shall not be construed as creating any mandatory minimum penalty.

(e) A defendant is a special drug offender for purposes of this section if—

Special drug offender.

(1) the defendant has previously been convicted in courts of the United States or a State or any political subdivision thereof for two or more offenses involving dealing in controlled substances, committed on occasions different from one another and different from such felonious violation, and punishable in such courts by death or imprisonment in excess of one year, for one or more of such convictions the defendant has been imprisoned prior to the commission of such felonious violation, and less than five years have elapsed between the commission of such felonious violation and either the defendant's release, or parole or otherwise, from imprisonment for one such conviction or his commission of the last such previous offense or another offense involving dealing in controlled substances and punishable by death or imprisonment in excess of one year under applicable laws of the United States or a State or any political subdivision thereof; or

(2) the defendant committed such felonious violation as part of a pattern of dealing in controlled substances which was crimi-

nal under applicable laws of any jurisdiction, which constituted a substantial source of his income, and in which he manifested special skill or expertise; or

(3) such felonious violation was, or the defendant committed such felonious violation in furtherance of, a conspiracy with three or more other persons to engage in a pattern of dealing in controlled substances which was criminal under applicable laws of any jurisdiction, and the defendant did, or agreed that he would, initiate, organize, plan, finance, direct, manage, or supervise all or part of such conspiracy or dealing, or give or receive a bribe or use force in connection with such dealing.

A conviction shown on direct or collateral review or at the hearing to be invalid or for which the defendant has been pardoned on the ground of innocence shall be disregarded for purposes of paragraph (1) of this subsection. In support of findings under paragraph (2) of this subsection, it may be shown that the defendant has had in his own name or under his control income or property not explained as derived from a source other than such dealing. For purposes of paragraph (2) of this subsection, a substantial source of income means a source of income which for any period of one year or more exceeds the minimum wage, determined on the basis of a forty-hour week and fifty-week year, without reference to exceptions, under section 6(a)(1) of the Fair Labor Standards Act of 1938 for an employee engaged in commerce or in the production of goods for commerce, and which for the same period exceeds fifty percent of the defendant's declared adjusted gross income under section 62 of the Internal Revenue Code of 1954. For purposes of paragraph (2) of this subsection, special skill or expertise in such dealing includes unusual knowledge, judgment or ability, including manual dexterity, facilitating the initiation, organizing, planning, financing, direction, management, supervision, execution or concealment of such dealing, the enlistment of accomplices in such dealing, the escape from detection or apprehension for such dealing, or the disposition of the fruits or proceeds of such dealing. For purposes of paragraphs (2) and (3) of this subsection, such dealing forms a pattern if it embraces criminal acts that have the same or similar purposes, results, participants, victims, or methods of commission, or otherwise are interrelated by distinguishing characteristics and are not isolated events.

(f) A defendant is dangerous for purposes of this section if a period of confinement longer than that provided for such felonious violation is required for the protection of the public from further criminal conduct by the defendant.

(g) The time for taking an appeal from a conviction for which sentence is imposed after proceedings under this section shall be measured from imposition of the original sentence.

(h) With respect to the imposition, correction, or reduction of a sentence after proceedings under this section, a review of the sentence on the record of the sentencing court may be taken by the defendant or the United States to a court of appeals. Any review of the sentence taken by the United States shall be taken at least five days before expiration of the time for taking a review of the sentence or appeal of the conviction by the defendant and shall be diligently prosecuted. The sentencing court may, with or without motion and notice, extend the time for taking a review of the sentence for a period not to exceed thirty days from the expiration of the time otherwise prescribed by law. The court shall not extend the time for taking a review of the sentence by the United States after the time has expired. A court

Substantial
source of income.

80 Stat. 838.
29 USC 206.

68A Stat. 17;
83 Stat. 655.
26 USC 62.
Dealing.

Defendant, dan-
gerous.

Appeal.

Sentence, review.

extending the time for taking a review of the sentence by the United States shall extend the time for taking a review of the sentence or appeal of the conviction by the defendant for the same period. The taking of a review of the sentence by the United States shall be deemed the taking of a review of the sentence and an appeal of the conviction by the defendant. Review of the sentence shall include review of whether the procedure employed was lawful, the findings made were clearly erroneous, or the sentencing court's discretion was abused. The court of appeals on review of the sentence may, after considering the record, including the entire presentence report, information submitted during the trial of such felonious violation and the sentencing hearing, and the findings and reasons of the sentencing court, affirm the sentence, impose or direct the imposition of any sentence which the sentencing court could originally have imposed, or remand for further sentencing proceedings and imposition of sentence, except that a sentence may be made more severe only on review of the sentence taken by the United States and after hearing. Failure of the United States to take a review of the imposition of the sentence shall, upon review taken by the United States of the correction or reduction of the sentence, foreclose imposition of a sentence more severe than that previously imposed. Any withdrawal or dismissal of review of the sentence taken by the United States shall foreclose imposition of a sentence more severe than that reviewed but shall not otherwise foreclose the review of the sentence or the appeal of the conviction. The court of appeals shall state in writing the reasons for its disposition of the review of the sentence. Any review of the sentence taken by the United States may be dismissed on a showing of the abuse of the right of the United States to take such review.

INFORMATION FOR SENTENCING

SEC. 410. Except as otherwise provided in this title or section 303(a) of the Public Health Service Act, no limitation shall be placed on the information concerning the background, character, and conduct of a person convicted of an offense which a court of the United States may receive and consider for the purpose of imposing an appropriate sentence under this title or title III.

Ante, p. 1241.

Post, p. 1285.

PROCEEDINGS TO ESTABLISH PRIOR CONVICTIONS

SEC. 411. (a)(1) No person who stands convicted of an offense under this part shall be sentenced to increased punishment by reason of one or more prior convictions, unless before trial, or before entry of a plea of guilty, the United States attorney files an information with the court (and serves a copy of such information on the person or counsel for the person) stating in writing the previous convictions to be relied upon. Upon a showing by the United States attorney that facts regarding prior convictions could not with due diligence be obtained prior to trial or before entry of a plea of guilty, the court may postpone the trial or the taking of the plea of guilty for a reasonable period for the purpose of obtaining such facts. Clerical mistakes in the information may be amended at any time prior to the pronouncement of sentence.

(2) An information may not be filed under this section if the increased punishment which may be imposed is imprisonment for a term in excess of three years unless the person either waived or was afforded prosecution by indictment for the offense for which such increased punishment may be imposed.

Prohibition.

Previous conviction, affirmation or denial.

(b) If the United States attorney files an information under this section, the court shall after conviction but before pronouncement of sentence inquire of the person with respect to whom the information was filed whether he affirms or denies that he has been previously convicted as alleged in the information, and shall inform him that any challenge to a prior conviction which is not made before sentence is imposed may not thereafter be raised to attack the sentence.

Denial, written response.

(c) (1) If the person denies any allegation of the information of prior conviction, or claims that any conviction alleged is invalid, he shall file a written response to the information. A copy of the response shall be served upon the United States attorney. The court shall hold a hearing to determine any issues raised by the response which would except the person from increased punishment. The failure of the United States attorney to include in the information the complete criminal record of the person or any facts in addition to the convictions to be relied upon shall not constitute grounds for invalidating the notice given in the information required by subsection (a) (1). The hearing shall be before the court without a jury and either party may introduce evidence. Except as otherwise provided in paragraph (2) of this subsection, the United States attorney shall have the burden of proof beyond a reasonable doubt on any issue of fact. At the request of either party, the court shall enter findings of fact and conclusions of law.

Hearing.

Court without jury; evidence.

Constitution of U.S., violation.

(2) A person claiming that a conviction alleged in the information was obtained in violation of the Constitution of the United States shall set forth his claim, and the factual basis therefor, with particularity in his response to the information. The person shall have the burden of proof by a preponderance of the evidence on any issue of fact raised by the response. Any challenge to a prior conviction, not raised by response to the information before an increased sentence is imposed in reliance thereon, shall be waived unless good cause be shown for failure to make a timely challenge.

Sentence, imposition.

(d) (1) If the person files no response to the information, or if the court determines, after hearing, that the person is subject to increased punishment by reason of prior convictions, the court shall proceed to impose sentence upon him as provided by this part.

(2) If the court determines that the person has not been convicted as alleged in the information, that a conviction alleged in the information is invalid, or that the person is otherwise not subject to an increased sentence as a matter of law, the court shall, at the request of the United States attorney, postpone sentence to allow an appeal from that determination. If no such request is made, the court shall impose sentence as provided by this part. The person may appeal from an order postponing sentence as if sentence had been pronounced and a final judgment of conviction entered.

Statute of limitations.

(e) No person who stands convicted of an offense under this part may challenge the validity of any prior conviction alleged under this section which occurred more than five years before the date of the information alleging such prior conviction.

PART E—ADMINISTRATIVE AND ENFORCEMENT PROVISIONS

PROCEDURES

Attorney General, functions, delegation.

SEC. 501. (a) The Attorney General may delegate any of his functions under this title to any officer or employee of the Department of Justice.

(b) The Attorney General may promulgate and enforce any rules, regulations, and procedures which he may deem necessary and appropriate for the efficient execution of his functions under this title.

Regulations.

(c) The Attorney General may accept in the name of the Department of Justice any form of devise, bequest, gift, or donation where the donor intends to donate property for the purpose of preventing or controlling the abuse of controlled substances. He may take all appropriate steps to secure possession of such property and may sell, assign, transfer, or convey any such property other than moneys.

Gifts, etc., acceptance.

EDUCATION AND RESEARCH PROGRAMS OF THE ATTORNEY GENERAL

SEC. 502. (a) The Attorney General is authorized to carry out educational and research programs directly related to enforcement of the laws under his jurisdiction concerning drugs or other substances which are or may be subject to control under this title. Such programs may include—

(1) educational and training programs on drug abuse and controlled substances law enforcement for local, State, and Federal personnel;

(2) studies or special projects designed to compare the deterrent effects of various enforcement strategies on drug use and abuse;

(3) studies or special projects designed to assess and detect accurately the presence in the human body of drugs or other substances which are or may be subject to control under this title, including the development of rapid field identification methods which would enable agents to detect microquantities of such drugs or other substances;

(4) studies or special projects designed to evaluate the nature and sources of the supply of illegal drugs throughout the country;

(5) studies or special projects to develop more effective methods to prevent diversion of controlled substances into illegal channels; and

(6) studies or special projects to develop information necessary to carry out his functions under section 201 of this title.

Ante, p. 1245.

(b) The Attorney General may enter into contracts for such educational and research activities without performance bonds and without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).

(c) The Attorney General may authorize persons engaged in research to withhold the names and other identifying characteristics of persons who are the subjects of such research. Persons who obtain this authorization may not be compelled in any Federal, State, or local civil, criminal, administrative, legislative, or other proceeding to identify the subjects of research for which such authorization was obtained.

Research populations, identification.

(d) The Attorney General, on his own motion or at the request of the Secretary, may authorize the possession, distribution, and dispensing of controlled substances by persons engaged in research. Persons who obtain this authorization shall be exempt from State or Federal prosecution for possession, distribution, and dispensing of controlled substances to the extent authorized by the Attorney General.

Controlled substances, exception.

COOPERATIVE ARRANGEMENTS

SEC. 503. (a) The Attorney General shall cooperate with local, State, and Federal agencies concerning traffic in controlled substances and in suppressing the abuse of controlled substances. To this end, he is authorized to—

(1) arrange for the exchange of information between governmental officials concerning the use and abuse of controlled substances;

(2) cooperate in the institution and prosecution of cases in the courts of the United States and before the licensing boards and courts of the several States;

(3) conduct training programs on controlled substance law enforcement for local, State, and Federal personnel;

(4) maintain in the Department of Justice a unit which will accept, catalog, file, and otherwise utilize all information and statistics, including records of controlled substance abusers and other controlled substance law offenders, which may be received from Federal, State, and local agencies, and make such information available for Federal, State, and local law enforcement purposes; and

(5) conduct programs of eradication aimed at destroying wild or illicit growth of plant species from which controlled substances may be extracted.

Assistance.

Confidential
information.

(b) When requested by the Attorney General, it shall be the duty of any agency or instrumentality of the Federal Government to furnish assistance, including technical advice, to him for carrying out his functions under this title; except that no such agency or instrumentality shall be required to furnish the name of, or other identifying information about, a patient or research subject whose identity it has undertaken to keep confidential.

ADVISORY COMMITTEES

Appointment.

Compensation.

Travel expenses,
etc.

SEC. 504. The Attorney General may from time to time appoint committees to advise him with respect to preventing and controlling the abuse of controlled substances. Members of the committees may be entitled to receive compensation at the rate of \$100 for each day (including traveltime) during which they are engaged in the actual performance of duties. While traveling on official business in the performance of duties for the committees, members of the committees shall be allowed expenses of travel, including per diem instead of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

80 Stat. 498;
83 Stat. 190.
5 USC 5701.

ADMINISTRATIVE HEARINGS

SEC. 505. (a) In carrying out his functions under this title, the Attorney General may hold hearings, sign and issue subpoenas, administer oaths, examine witnesses, and receive evidence at any place in the United States.

(b) Except as otherwise provided in this title, notice shall be given and hearings shall be conducted under appropriate procedures of subchapter II of chapter 5, title 5, United States Code.

80 Stat. 381.
5 USC 551.

SUBPENAS

SEC. 506. (a) In any investigation relating to his functions under this title with respect to controlled substances, the Attorney General may subpoena witnesses, compel the attendance and testimony of witnesses, and require the production of any records (including books, papers, documents, and other tangible things which constitute or contain evidence) which the Attorney General finds relevant or material to the investigation. The attendance of witnesses and the production of records may be required from any place in any State or in any territory

or other place subject to the jurisdiction of the United States at any designated place of hearing; except that a witness shall not be required to appear at any hearing more than 500 miles distant from the place where he was served with a subpoena. Witnesses summoned under this section shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

(b) A subpoena issued under this section may be served by any person designated in the subpoena to serve it. Service upon a natural person may be made by personal delivery of the subpoena to him. Service may be made upon a domestic or foreign corporation or upon a partnership or other unincorporated association which is subject to suit under a common name, by delivering the subpoena to an officer, to a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process. The affidavit of the person serving the subpoena entered on a true copy thereof by the person serving it shall be proof of service.

(c) In the case of contumacy by or refusal to obey a subpoena issued to any person, the Attorney General may invoke the aid of any court of the United States within the jurisdiction of which the investigation is carried on or of which the subpoenaed person is an inhabitant, or in which he carries on business or may be found, to compel compliance with the subpoena. The court may issue an order requiring the subpoenaed person to appear before the Attorney General to produce records, if so ordered, or to give testimony touching the matter under investigation. Any failure to obey the order of the court may be punished by the court as a contempt thereof. All process in any such case may be served in any judicial district in which such person may be found.

Exception.

Fees.

Service.

Refusal to obey
subpoena.

Order.

Failure to obey
order, penalty.
Jurisdiction.

JUDICIAL REVIEW

SEC. 507. All final determinations, findings, and conclusions of the Attorney General under this title shall be final and conclusive decisions of the matters involved, except that any person aggrieved by a final decision of the Attorney General may obtain review of the decision in the United States Court of Appeals for the District of Columbia or for the circuit in which his principal place of business is located upon petition filed with the court and delivered to the Attorney General within thirty days after notice of the decision. Findings of fact by the Attorney General, if supported by substantial evidence, shall be conclusive.

POWERS OF ENFORCEMENT PERSONNEL

SEC. 508. Any officer or employee of the Bureau of Narcotics and Dangerous Drug designated by the Attorney General may—

- (1) carry firearms;
- (2) execute and serve search warrants, arrest warrants, administrative inspection warrants, subpoenas, and summonses issued under the authority of the United States;
- (3) make arrests without warrant (A) for any offense against the United States committed in his presence, or (B) for any felony, cognizable under the laws of the United States, if he has probable cause to believe that the person to be arrested has committed or is committing a felony;
- (4) make seizures of property pursuant to the provisions of this title; and
- (5) perform such other law enforcement duties as the Attorney General may designate.

SEARCH WARRANTS

SEC. 509. (a) A search warrant relating to offenses involving controlled substances may be served at any time of the day or night if the judge or United States magistrate issuing the warrant is satisfied that there is probable cause to believe that grounds exist for the warrant and for its service at such time.

Authority to break and enter under certain conditions.

(b) Any officer authorized to execute a search warrant relating to offenses involving controlled substances the penalty for which is imprisonment for more than one year may, without notice of his authority and purpose, break open an outer or inner door or window of a building, or any part of the building, or anything therein, if the judge or United States magistrate issuing the warrant (1) is satisfied that there is probable cause to believe that (A) the property sought may and, if such notice is given, will be easily and quickly destroyed or disposed of, or (B) the giving of such notice will immediately endanger the life or safety of the executing officer or another person, and (2) has included in the warrant a direction that the officer executing it shall not be required to give such notice. Any officer acting under such warrant, shall, as soon as practicable after entering the premises, identify himself and give the reasons and authority for his entrance upon the premises.

ADMINISTRATIVE INSPECTIONS AND WARRANTS

"Controlled premises."

SEC. 510. (a) As used in this section, the term "controlled premises" means—

(1) places where original or other records or documents required under this title are kept or required to be kept, and

(2) places, including factories, warehouses, or other establishments, and conveyances, where persons registered under section 303 (or exempted from registration under section 302(d)) may lawfully hold, manufacture, or distribute, dispense, administer, or otherwise dispose of controlled substances.

Ante, p. 1253.

(b) (1) For the purpose of inspecting, copying, and verifying the correctness of records, reports, or other documents required to be kept or made under this title and otherwise facilitating the carrying out of his functions under this title, the Attorney General is authorized, in accordance with this section, to enter controlled premises and to conduct administrative inspections thereof, and of the things specified in this section, relevant to those functions.

(2) Such entries and inspections shall be carried out through officers or employees (hereinafter referred to as "inspectors") designated by the Attorney General. Any such inspector, upon stating his purpose and presenting to the owner, operator, or agent in charge of such premises (A) appropriate credentials and (B) a written notice of his inspection authority (which notice in the case of an inspection requiring, or in fact supported by, an administrative inspection warrant shall consist of such warrant), shall have the right to enter such premises and conduct such inspection at reasonable times.

(3) Except as may otherwise be indicated in an applicable inspection warrant, the inspector shall have the right—

(A) to inspect and copy records, reports, and other documents required to be kept or made under this title;

(B) to inspect, within reasonable limits and in a reasonable manner, controlled premises and all pertinent equipment, finished and unfinished drugs and other substances or materials, containers, and labeling found therein, and, except as provided in para-

graph (5) of this subsection, all other things therein (including records, files, papers, processes, controls, and facilities) appropriate for verification of the records, reports, and documents referred to in clause (A) or otherwise bearing on the provisions of this title; and

(C) to inventory any stock of any controlled substance therein and obtain samples of any such substance.

(4) Except when the owner, operator, or agent in charge of the controlled premises so consents in writing, no inspection authorized by this section shall extend to—

(A) financial data;

(B) sales data other than shipment data; or

(C) pricing data.

(c) A warrant under this section shall not be required for the inspection of books and records pursuant to an administrative subpoena issued in accordance with section 506, nor for entries and administrative inspections (including seizures of property)—

(1) with the consent of the owner, operator, or agent in charge of the controlled premises;

(2) in situations presenting imminent danger to health or safety;

(3) in situations involving inspection of conveyances where there is reasonable cause to believe that the mobility of the conveyance makes it impracticable to obtain a warrant;

(4) in any other exceptional or emergency circumstance where time or opportunity to apply for a warrant is lacking; or

(5) in any other situations where a warrant is not constitutionally required.

(d) Issuance and execution of administrative inspection warrants shall be as follows:

Administrative
inspection war-
rants, issuance
and execution.

(1) Any judge of the United States or of a State court of record, or any United States magistrate, may, within his territorial jurisdiction, and upon proper oath or affirmation showing probable cause, issue warrants for the purpose of conducting administrative inspections authorized by this title or regulations thereunder, and seizures of property appropriate to such inspections. For the purposes of this section, the term "probable cause" means a valid public interest in the effective enforcement of this title or regulations thereunder sufficient to justify administrative inspections of the area, premises, building, or conveyance, or contents thereof, in the circumstances specified in the application for the warrant.

"Probable
cause."

(2) A warrant shall issue only upon an affidavit of an officer or employee having knowledge of the facts alleged, sworn to before the judge or magistrate and establishing the grounds for issuing the warrant. If the judge or magistrate is satisfied that grounds for the application exist or that there is probable cause to believe they exist, he shall issue a warrant identifying the area, premises, building, or conveyance to be inspected, the purpose of such inspection, and, where appropriate, the type of property to be inspected, if any. The warrant shall identify the items or types of property to be seized, if any. The warrant shall be directed to a person authorized under subsection (b) (2) to execute it. The warrant shall state the grounds for its issuance and the name of the person or persons whose affidavit has been taken in support thereof. It shall command the person to whom it is directed to inspect the area, premises, building, or conveyance identified for the purpose specified, and, where appropriate, shall direct the seizure of the property specified. The warrant shall direct that it be served during normal business hours. It shall designate the judge or magistrate to whom it shall be returned.

(3) A warrant issued pursuant to this section must be executed and returned within ten days of its date unless, upon a showing by the United States of a need therefor, the judge or magistrate allows additional time in the warrant. If property is seized pursuant to a warrant, the person executing the warrant shall give to the person from whom or from whose premises the property was taken a copy of the warrant and a receipt for the property taken or shall leave the copy and receipt at the place from which the property was taken. The return of the warrant shall be made promptly and shall be accompanied by a written inventory of any property taken. The inventory shall be made in the presence of the person executing the warrant and of the person from whose possession or premises the property was taken, if they are present, or in the presence of at least one credible person other than the person making such inventory, and shall be verified by the person executing the warrant. The judge or magistrate, upon request, shall deliver a copy of the inventory to the person from whom or from whose premises the property was taken and to the applicant for the warrant.

Warrants, filing.

(4) The judge or magistrate who has issued a warrant under this section shall attach to the warrant a copy of the return and all papers filed in connection therewith and shall file them with the clerk of the district court of the United States for the judicial district in which the inspection was made.

FORFEITURES

SEC. 511. (a) The following shall be subject to forfeiture to the United States and no property right shall exist in them:

(1) All controlled substances which have been manufactured, distributed, dispensed, or acquired in violation of this title.

(2) All raw materials, products, and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting any controlled substance in violation of this title.

(3) All property which is used, or intended for use, as a container for property described in paragraph (1) or (2).

(4) All conveyances, including aircraft, vehicles, or vessels, which are used, or are intended for use, to transport, or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of property described in paragraph (1) or (2), except that—

(A) no conveyance used by any person as a common carrier in the transaction of business as a common carrier shall be forfeited under the provisions of this section unless it shall appear that the owner or other person in charge of such conveyance was a consenting party or privy to a violation of this title or title III; and

(B) no conveyance shall be forfeited under the provisions of this section by reason of any act or omission established by the owner thereof to have been committed or omitted by any person other than such owner while such conveyance was unlawfully in the possession of a person other than the owner in violation of the criminal laws of the United States, or of any State.

(5) All books, records, and research, including formulas, microfilm, tapes, and data which are used, or intended for use, in violation of this title.

Post, p. 1285.

(b) Any property subject to forfeiture to the United States under this title may be seized by the Attorney General upon process issued pursuant to the Supplemental Rules for Certain Admiralty and Maritime Claims by any district court of the United States having jurisdiction over the property, except that seizure without such process may be made when—

(1) the seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant;

(2) the property subject to seizure has been the subject of a prior judgment in favor of the United States in a criminal injunction or forfeiture proceeding under this title;

(3) the Attorney General has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or

(4) the Attorney General has probable cause to believe that the property has been used or is intended to be used in violation of this title.

In the event of seizure pursuant to paragraph (3) or (4) of this subsection, proceedings under subsection (d) of this section shall be instituted promptly.

(c) Property taken or detained under this section shall not be replevable, but shall be deemed to be in the custody of the Attorney General, subject only to the orders and decrees of the court or the official having jurisdiction thereof. Whenever property is seized under the provisions of this title, the Attorney General may—

Seized property,
custody.

(1) place the property under seal;

(2) remove the property to a place designated by him; or

(3) require that the General Services Administration take custody of the property and remove it to an appropriate location for disposition in accordance with law.

(d) All provisions of law relating to the seizure, summary and judicial forfeiture, and condemnation of property for violation of the customs laws; the disposition of such property or the proceeds from the sale thereof; the remission or mitigation of such forfeitures; and the compromise of claims and the award of compensation to informers in respect of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this title, insofar as applicable and not inconsistent with the provisions hereof; except that such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs laws shall be performed with respect to seizures and forfeitures of property under this title by such officers, agents, or other persons as may be authorized or designated for that purpose by the Attorney General, except to the extent that such duties arise from seizures and forfeitures effected by any customs officer.

(e) Whenever property is forfeited under this title the Attorney General may—

(1) retain the property for official use;

(2) sell any forfeited property which is not required to be destroyed by law and which is not harmful to the public, but the proceeds from any such sale shall be used to pay all proper expenses of the proceedings for forfeiture and sale including expenses of seizure, maintenance of custody, advertising and court costs;

(3) require that the General Services Administration take custody of the property and remove it for disposition in accordance with law; or

(4) forward it to the Bureau of Narcotics and Dangerous Drugs for disposition (including delivery for medical or scientific use to any Federal or State agency under regulations of the Attorney General).

Controlled
substances, for-
feiture.

(f) All controlled substances in schedule I that are possessed, transferred, sold, or offered for sale in violation of the provisions of this title shall be deemed contraband and seized and summarily forfeited to the United States. Similarly, all substances in schedule I, which are seized or come into the possession of the United States, the owners of which are unknown, shall be deemed contraband and summarily forfeited to the United States.

(g) (1) All species of plants from which controlled substances in schedules I and II may be derived which have been planted or cultivated in violation of this title, or of which the owners or cultivators are unknown, or which are wild growths, may be seized and summarily forfeited to the United States.

(2) The failure, upon demand by the Attorney General or his duly authorized agent, of the person in occupancy or in control of land or premises upon which such species of plants are growing or being stored, to produce an appropriate registration, or proof that he is the holder thereof, shall constitute authority for the seizure and forfeiture.

(3) The Attorney General, or his duly authorized agent, shall have authority to enter upon any lands, or into any dwelling pursuant to a search warrant, to cut, harvest, carry off, or destroy such plants.

INJUNCTIONS

Jurisdiction.

SEC. 512. (a) The district courts of the United States and all courts exercising general jurisdiction in the territories and possessions of the United States shall have jurisdiction in proceedings in accordance with the Federal Rules of Civil Procedure to enjoin violations of this title.

28 USC app.

(b) In case of an alleged violation of an injunction or restraining order issued under this section, trial shall, upon demand of the accused, be by a jury in accordance with the Federal Rules of Civil Procedure.

ENFORCEMENT PROCEEDINGS

Notice.

SEC. 513. Before any violation of this title is reported by the Director of the Bureau of Narcotics and Dangerous Drugs to any United States attorney for institution of a criminal proceeding, the Director may require that the person against whom such proceeding is contemplated be given appropriate notice and an opportunity to present his views, either orally or in writing, with regard to such contemplated proceeding.

IMMUNITY AND PRIVILEGE

Refusal to
testify, prohibi-
tion.

SEC. 514. (a) Whenever a witness refuses, on the basis of his privilege against self-incrimination, to testify or provide other information in a proceeding before a court or grand jury of the United States, involving a violation of this title, and the person presiding over the proceeding communicates to the witness an order issued under this section, the witness may not refuse to comply with the order on the basis of his privilege against self-incrimination. But no testimony or other information compelled under the order issued under subsection (b) of this section or any information obtained by the exploitation of such testimony or other information, may be used against the witness in any criminal case, including any criminal case brought in a court of a State, except a prosecution for perjury, giving a false statement, or otherwise failing to comply with the order.

(b) In the case of any individual who has been or may be called to testify or provide other information at any proceeding before a court or grand jury of the United States, the United States district court for the judicial district in which the proceeding is or may be held shall issue, upon the request of the United States attorney for such district, an order requiring such individual to give any testimony or provide any other information which he refuses to give or provide on the basis of his privilege against self-incrimination.

Order.

(c) A United States attorney may, with the approval of the Attorney General or the Deputy Attorney General, or any Assistant Attorney General designated by the Attorney General, request an order under subsection (b) when in his judgment—

(1) the testimony or other information from such individual may be necessary to the public interest; and

(2) such individual has refused or is likely to refuse to testify or provide other information on the basis of his privilege against self-incrimination.

BURDEN OF PROOF; LIABILITIES

SEC. 515. (a) (1) It shall not be necessary for the United States to negative any exemption or exception set forth in this title in any complaint, information, indictment, or other pleading or in any trial, hearing, or other proceeding under this title, and the burden of going forward with the evidence with respect to any such exemption or exception shall be upon the person claiming its benefit.

(2) In the case of a person charged under section 404(a) with the possession of a controlled substance, any label identifying such substance for purposes of section 503(b) (2) of the Federal Food, Drug, and Cosmetic Act shall be admissible in evidence and shall be prima facie evidence that such substance was obtained pursuant to a valid prescription from a practitioner while acting in the course of his professional practice.

Ante, p. 1264.

(b) In the absence of proof that a person is the duly authorized holder of an appropriate registration or order form issued under this title, he shall be presumed not to be the holder of such registration or form, and the burden of going forward with the evidence with respect to such registration or form shall be upon him.

(c) The burden of going forward with the evidence to establish that a vehicle, vessel, or aircraft used in connection with controlled substances in schedule I was used in accordance with the provisions of this title shall be on the persons engaged in such use.

(d) Except as provided in sections 2234 and 2235 of title 18, United States Code, no civil or criminal liability shall be imposed by virtue of this title upon any duly authorized Federal officer lawfully engaged in the enforcement of this title, or upon any duly authorized officer of any State, territory, political subdivision thereof, the District of Columbia, or any possession of the United States, who shall be lawfully engaged in the enforcement of any law or municipal ordinance relating to controlled substances.

65 Stat. 648.
21 USC 353.Liabilities, prohibition.
62 Stat. 803.

PAYMENTS AND ADVANCES

SEC. 516. (a) The Attorney General is authorized to pay any person, from funds appropriated for the Bureau of Narcotics and Dangerous Drugs, for information concerning a violation of this title, such sum or sums of money as he may deem appropriate, without reference to any moieties or rewards to which such person may otherwise be entitled by law.

Informers, payment.

(b) Moneys expended from appropriations of the Bureau of Narcotics and Dangerous Drugs for purchase of controlled substances and subsequently recovered shall be reimbursed to the current appropriation for the Bureau.

Funds, advance-
ment, authority of
Attorney General.

(c) The Attorney General is authorized to direct the advance of funds by the Treasury Department in connection with the enforcement of this title.

PART F—ADVISORY COMMISSION

ESTABLISHMENT OF COMMISSION ON MARIHUANA AND DRUG ABUSE

SEC. 601. (a) There is established a commission to be known as the Commission on Marihuana and Drug Abuse (hereafter in this section referred to as the "Commission"). The Commission shall be composed of—

Membership.

(1) two Members of the Senate appointed by the President of the Senate;

(2) two Members of the House of Representatives appointed by the Speaker of the House of Representatives; and

(3) nine members appointed by the President of the United States.

At no time shall more than one of the members appointed under paragraph (1), or more than one of the members appointed under paragraph (2), or more than five of the members appointed under paragraph (3) be members of the same political party.

Quorum.

(b) (1) The President shall designate one of the members of the Commission as Chairman, and one as Vice Chairman. Seven members of the Commission shall constitute a quorum, but a lesser number may conduct hearings.

Travel ex-
penses, etc.

(2) Members of the Commission who are Members of Congress or full-time officers or employees of the United States shall serve without additional compensation but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of the duties vested in the Commission. Members of the Commission from private life shall receive \$100 per diem while engaged in the actual performance of the duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties.

Meetings.

(3) The Commission shall meet at the call of the Chairman or at the call of a majority of the members thereof.

Personnel.

(c) (1) The Commission shall have the power to appoint and fix the compensation of such personnel as it deems advisable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

80 Stat. 443, 467.
5 USC 5101,
5331.

Anfo, p. 198-1.
Experts and
consultants.
80 Stat. 416.

(2) The Commission may procure, in accordance with the provisions of section 3109 of title 5, United States Code, the temporary or intermittent services of experts or consultants. Persons so employed shall receive compensation at a rate to be fixed by the Commission, but not in excess of \$75 per diem, including traveltime. While away from his home or regular place of business in the performance of services for the Commission, any such person may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

Travel expenses,
etc.

80 Stat. 499;
83 Stat. 190.

Information,
availability.

(3) The Commission may secure directly from any department or agency of the United States information necessary to enable it to

carry out its duties under this section. Upon request of the Chairman of the Commission, such department or agency shall furnish such information to the Commission.

(d) (1) The Commission shall conduct a study of marihuana including, but not limited to, the following areas:

Marihuana,
study.

(A) the extent of use of marihuana in the United States to include its various sources, the number of users, number of arrests, number of convictions, amount of marihuana seized, type of user, nature of use;

(B) an evaluation of the efficacy of existing marihuana laws;

(C) a study of the pharmacology of marihuana and its immediate and long-term effects, both physiological and psychological;

(D) the relationship of marihuana use to aggressive behavior and crime;

(E) the relationship between marihuana and the use of other drugs; and

(F) the international control of marihuana.

(2) Within one year after the date on which funds first become available to carry out this section, the Commission shall submit to the President and the Congress a comprehensive report on its study and investigation under this subsection which shall include its recommendations and such proposals for legislation and administrative action as may be necessary to carry out its recommendations.

Report to President
and Congress.

(e) The Commission shall conduct a comprehensive study and investigation of the causes of drug abuse and their relative significance. The Commission shall submit to the President and the Congress such interim reports as it deems advisable and shall within two years after the date on which funds first become available to carry out this section submit to the President and the Congress a final report which shall contain a detailed statement of its findings and conclusions and also such recommendations for legislation and administrative actions as it deems appropriate. The Commission shall cease to exist sixty days after the final report is submitted under this subsection.

Drug abuse,
study and investigation.
Interim reports,
final report to
President and Congress.

Termination.

(f) Total expenditures of the Commission shall not exceed \$1,000,000.

Expenditures,
limitation.

PART G—CONFORMING, TRANSITIONAL AND EFFECTIVE DATE, AND GENERAL PROVISIONS

REPEALS AND CONFORMING AMENDMENTS

SEC. 701. (a) Sections 201(v), 301(q), and 511 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(v), 331(q), 360(a)) are repealed.

Repeals.

79 Stat. 227,
232, 228;
82 Stat. 1361.

(b) Subsections (a) and (b) of section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333) are amended to read as follows:

Penalties.

82 Stat. 1361.

"SEC. 303. (a) Any person who violates a provision of section 301 shall be imprisoned for not more than one year or fined not more than \$1,000, or both.

"(b) Notwithstanding the provisions of subsection (a) of this section, if any person commits such a violation after a conviction of him under this section has become final, or commits such a violation with the intent to defraud or mislead, such person shall be imprisoned for not more than three years or fined not more than \$10,000 or both."

(c) Section 304(a)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 334(a)(2)) is amended (1) by striking out clauses (A) and (D), (2) by striking out "of such depressant or stimulant

79 Stat. 232.

drug or" in clause (C), (3) by adding "and" after the comma at the end of clause (C), and (4) by redesignating clauses (B), (C), and (E) as clauses (A), (B), and (C), respectively.

79 Stat. 233.

(d) Section 304(d)(3)(iii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 334(d)(3)(iii)) is amended by striking out "depressant or stimulant drugs or".

76 Stat. 794;
79 Stat. 231.

(e) Section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360) is amended (1) in subsection (a) by striking out paragraph (2), by inserting "and" at the end of paragraph (1), and by redesignating paragraph (3) as paragraph (2); (2) by striking out "or in the wholesaling, jobbing, or distributing of any depressant or stimulant drug" in the first sentence of subsection (b); (3) by striking out the last sentence of subsection (b); (4) by striking out "or in the wholesaling, jobbing, or distributing of any depressant or stimulant drug" in the first sentence of subsection (c); (5) by striking out the last sentence of subsection (c); (6) by striking out "(1)" in subsection (d) and by inserting a period after "drug or drugs" in that subsection and deleting the remainder of that subsection; and (7) by striking out "AND CERTAIN WHOLESALERS" in the section heading.

79 Stat. 234.

(f) Section 702 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 372) is amended by striking out "to depressant or stimulant drugs or" in subsection (e).

76 Stat. 796;
82 Stat. 1362.

(g) Section 201(a)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(a)(2)) is amended by inserting a period after "Canal Zone" the first time these words appear and deleting all thereafter in such section 201(a)(2).

52 Stat. 1058.

(h) The last sentence of section 801(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(a)) is amended (1) by striking out "This paragraph" and inserting in lieu thereof "Clause (2) of the third sentence of this paragraph," and (2) by striking out "section 2 of the Act of May 26, 1922, as amended (U.S.C. 1934, edition, title 21, sec. 173)" and inserting in lieu thereof "the Controlled Substances Import and Export Act".

65 Stat. 721.

(i) (1) Section 1114 of title 18, United States Code, is amended by striking out "the Bureau of Narcotics" and inserting in lieu thereof "the Bureau of Narcotics and Dangerous Drugs".

75 Stat. 498.
18 USC 1952.

(2) Section 1952 of such title is amended—

(A) by inserting in subsection (b)(1) "or controlled substances (as defined in section 102(6) of the Controlled Substances Act)" immediately following "narcotics"; and

(B) by striking out "or narcotics" in subsection (c).

Drugs, study.
58 Stat. 692.

(j) Subsection (a) of section 302 of the Public Health Service Act (42 U.S.C. 242(a)) is amended to read as follows:

"SEC. 302. (a) In carrying out the purposes of section 301 with respect to drugs the use or misuse of which might result in drug abuse or dependency, the studies and investigations authorized therein shall include the use and misuse of narcotic drugs and other drugs. Such studies and investigations shall further include the quantities of crude opium, coca leaves, and their salts, derivatives, and preparations, and other drugs subject to control under the Controlled Substances Act and Controlled Substances Import and Export Act, together with reserves thereof, necessary to supply the normal and emergency medicinal and scientific requirements of the United States. The results of studies and investigations of the quantities of narcotic drugs or other drugs subject to control under such Acts, together with reserves of such drugs, that are necessary to supply the normal and emergency medicinal and scientific requirements of the United States, shall be

Ante, p. 1242.
Post, p. 1285.

Report to Attorney General.

reported not later than the first day of April of each year to the Attorney General, to be used at his discretion in determining manufacturing quotas or importation requirements under such Acts."

PENDING PROCEEDINGS

SEC. 702. (a) Prosecutions for any violation of law occurring prior to the effective date of section 701 shall not be affected by the repeals or amendments made by such section, or abated by reason thereof.

(b) Civil seizures or forfeitures and injunctive proceedings commenced prior to the effective date of section 701 shall not be affected by the repeals or amendments made by such section, or abated by reason thereof.

(c) All administrative proceedings pending before the Bureau of Narcotics and Dangerous Drugs on the date of enactment of this Act shall be continued and brought to final determination in accord with laws and regulations in effect prior to such date of enactment. Where a drug is finally determined under such proceedings to be a depressant or stimulant drug, as defined in section 201(v) of the Federal Food, Drug, and Cosmetic Act, such drug shall automatically be controlled under this title by the Attorney General without further proceedings and listed in the appropriate schedule after he has obtained the recommendation of the Secretary. Any drug with respect to which such a final determination has been made prior to the date of enactment of this Act which is not listed in section 202 within schedules I through V shall automatically be controlled under this title by the Attorney General without further proceedings, and be listed in the appropriate schedule, after he has obtained the recommendations of the Secretary.

Ante, p. 1281.

Ante, p. 1247.

PROVISIONAL REGISTRATION

SEC. 703. (a) (1) Any person who—

(A) is engaged in manufacturing, distributing, or dispensing any controlled substance on the day before the effective date of section 302, and

(B) is registered on such day under section 510 of the Federal Food, Drug, and Cosmetic Act or under section 4722 of the Internal Revenue Code of 1954,

shall, with respect to each establishment for which such registration is in effect under any such section, be deemed to have a provisional registration under section 303 for the manufacture, distribution, or dispensing (as the case may be) of controlled substances.

(2) During the period his provisional registration is in effect under this section, the registration number assigned such person under such section 510 or under such section 4722 (as the case may be) shall be his registration number for purposes of section 303 of this title.

(b) The provisions of section 304, relating to suspension and revocation of registration, shall apply to a provisional registration under this section.

(c) Unless sooner suspended or revoked under subsection (b), a provisional registration of a person under subsection (a) (1) of this section shall be in effect until—

(1) the date on which such person has registered with the Attorney General under section 303 or has had his registration denied under such section, or

Ante, p. 1282.
68A Stat. 555.

(2) such date as may be prescribed by the Attorney General for registration of manufacturers, distributors, or dispensers, as the case may be, whichever occurs first.

EFFECTIVE DATES AND OTHER TRANSITIONAL PROVISIONS

SEC. 704. (a) Except as otherwise provided in this section, this title shall become effective on the first day of the seventh calendar month that begins after the day immediately preceding the date of enactment.

(b) Parts A, B, E, and F of this title, section 702, this section, and sections 705 through 709, shall become effective upon enactment.

Ante, p. 1256.

Publication in
Federal Register.

(c) Sections 305 (relating to labels and labeling), and 306 (relating to manufacturing quotas) shall become effective on the date specified in subsection (a) of this section, except that the Attorney General may by order published in the Federal Register postpone the effective date of either or both of these sections for such period as he may determine to be necessary for the efficient administration of this title.

CONTINUATION OF REGULATIONS

SEC. 705. Any orders, rules, and regulations which have been promulgated under any law affected by this title and which are in effect on the day preceding enactment of this title shall continue in effect until modified, superseded, or repealed.

SEVERABILITY

SEC. 706. If a provision of this Act is held invalid, all valid provisions that are severable shall remain in effect. If a provision of this Act is held invalid in one or more of its applications, the provision shall remain in effect in all its valid applications that are severable.

SAVING PROVISION

Ante, p. 1259.

52 Stat. 1040.
21 USC 301.

SEC. 707. Nothing in this Act, except this part and, to the extent of any inconsistency, sections 307(e) and 309 of this title, shall be construed as in any way affecting, modifying, repealing, or superseding the provisions of the Federal Food, Drug, and Cosmetic Act.

APPLICATION OF STATE LAW

SEC. 708. No provision of this title shall be construed as indicating an intent on the part of the Congress to occupy the field in which that provision operates, including criminal penalties, to the exclusion of any State law on the same subject matter which would otherwise be within the authority of the State, unless there is a positive conflict between that provision of this title and that State law so that the two cannot consistently stand together.

APPROPRIATIONS AUTHORIZATIONS

Ante, p. 1245.

SEC. 709. There are authorized to be appropriated for expenses of the Department of Justice in carrying out its functions under this title (except section 103) not to exceed \$60,000,000 for the fiscal year ending June 30, 1972, \$70,000,000 for the fiscal year ending June 30, 1973, and \$90,000,000 for the fiscal year ending June 30, 1974.

TITLE III—IMPORTATION AND EXPORTATION; AMENDMENTS AND REPEALS OF REVENUE LAWS

SHORT TITLE

SEC. 1000. This title may be cited as the "Controlled Substances Import and Export Act".

Citation of title.

PART A—IMPORTATION AND EXPORTATION

DEFINITIONS

SEC. 1001. (a) For purposes of this part—

(1) The term "import" means, with respect to any article, any bringing in or introduction of such article into any area (whether or not such bringing in or introduction constitutes an importation within the meaning of the tariff laws of the United States).

(2) The term "customs territory of the United States" has the meaning assigned to such term by general headnote 2 to the Tariff Schedules of the United States (19 U.S.C. 1202).

77A Stat. 11.

Ante, p. 1242.

(b) Each term defined in section 102 of title II shall have the same meaning for purposes of this title as such term has for purposes of title II.

IMPORTATION OF CONTROLLED SUBSTANCES

SEC. 1002. (a) It shall be unlawful to import into the customs territory of the United States from any place outside thereof (but within the United States), or to import into the United States from any place outside thereof, any controlled substance in schedule I or II of title II, or any narcotic drug in schedule III, IV, or V of title II, except that—

Unlawful acts.

Ante, p. 1248.

(1) such amounts of crude opium and coca leaves as the Attorney General finds to be necessary to provide for medical, scientific, or other legitimate purposes, and

Exceptions.

(2) such amounts of any controlled substance in schedule I or II or any narcotic drug in schedule III, IV, or V that the Attorney General finds to be necessary to provide for the medical, scientific, or other legitimate needs of the United States—

(A) during an emergency in which domestic supplies of such substance or drug are found by the Attorney General to be inadequate, or

(B) in any case in which the Attorney General finds that competition among domestic manufacturers of the controlled substance is inadequate and will not be rendered adequate by the registration of additional manufacturers under section 303,

Ante, p. 1253.

may be so imported under such regulations as the Attorney General shall prescribe. No crude opium may be so imported for the purpose of manufacturing heroin or smoking opium.

(b) It shall be unlawful to import into the customs territory of the United States from any place outside thereof (but within the United States), or to import into the United States from any place outside thereof, any nonnarcotic controlled substance in schedule III, IV, or V, unless such nonnarcotic controlled substance—

(1) is imported for medical, scientific, or other legitimate uses, and

(2) is imported pursuant to such notification or declaration requirements as the Attorney General may by regulation prescribe.

(c) In addition to the amount of coca leaves authorized to be imported into the United States under subsection (a), the Attorney General may permit the importation of additional amounts of coca leaves. All cocaine and ecgonine (and all salts, derivatives, and preparations from which cocaine or ecgonine may be synthesized or made) contained in such additional amounts of coca leaves imported under this subsection shall be destroyed under the supervision of an authorized representative of the Attorney General.

EXPORTATION OF CONTROLLED SUBSTANCES

Unlawful acts.

SEC. 1003. (a) It shall be unlawful to export from the United States any narcotic drug in schedule I, II, III, or IV unless—

(1) it is exported to a country which is a party to—

38 Stat. 1912.

(A) the International Opium Convention of 1912 for the Suppression of the Abuses of Opium, Morphine, Cocaine, and Derivative Drugs, or to the International Opium Convention signed at Geneva on February 19, 1925; or

61 Stat. 2230;
62 Stat. 1796.

(B) the Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs concluded at Geneva, July 13, 1931, as amended by the protocol signed at Lake Success on December 11, 1946, and the protocol bringing under international control drugs outside the scope of the convention of July 13, 1931, for limiting the manufacture and regulating the distribution of narcotic drugs (as amended by the protocol signed at Lake Success on December 11, 1946), signed at Paris, November 19, 1948; or

2 UST 1629.

(C) the Single Convention on Narcotic Drugs, 1961, signed at New York, March 30, 1961;

18 UST 1407.

(2) such country has instituted and maintains, in conformity with the conventions to which it is a party, a system for the control of imports of narcotic drugs which the Attorney General deems adequate;

(3) the narcotic drug is consigned to a holder of such permits or licenses as may be required under the laws of the country of import, and a permit or license to import such drug has been issued by the country of import;

(4) substantial evidence is furnished to the Attorney General by the exporter that (A) the narcotic drug is to be applied exclusively to medical or scientific uses within the country of import, and (B) there is an actual need for the narcotic drug for medical or scientific uses within such country; and

(5) a permit to export the narcotic drug in each instance has been issued by the Attorney General.

Ante, p. 1248.

(b) Notwithstanding subsection (a), the Attorney General may authorize any narcotic drug (including crude opium and coca leaves) in schedule I, II, III, or IV to be exported from the United States to a country which is a party to any of the international instruments mentioned in subsection (a) if the particular drug is to be applied to a special scientific purpose in the country of destination and the authorities of such country will permit the importation of the particular drug for such purpose.

(c) It shall be unlawful to export from the United States any non-narcotic controlled substance in schedule I or II unless—

(1) it is exported to a country which has instituted and maintains a system which the Attorney General deems adequate for the control of imports of such substances;

(2) the controlled substance is consigned to a holder of such permits or licenses as may be required under the laws of the country of import;

(3) substantial evidence is furnished to the Attorney General that (A) the controlled substance is to be applied exclusively to medical, scientific, or other legitimate uses within the country to which exported, (B) it will not be exported from such country, and (C) there is an actual need for the controlled substance for medical, scientific, or other legitimate uses within the country; and

(4) a permit to export the controlled substance in each instance has been issued by the Attorney General.

(d) Notwithstanding subsection (c), the Attorney General may authorize any nonnarcotic controlled substance in schedule I or II to be exported from the United States if the particular substance is to be applied to a special scientific purpose in the country of destination and the authorities of such country will permit the importation of the particular drug for such purpose.

Ante, p. 1248.

(e) It shall be unlawful to export from the United States to any other country any nonnarcotic controlled substance in schedule III or IV or any controlled substance in schedule V unless—

(1) there is furnished (before export) to the Attorney General documentary proof that importation is not contrary to the laws or regulations of the country of destination;

(2) a special controlled substance invoice, in triplicate, accompanies the shipment setting forth such information as the Attorney General may prescribe to identify the parties to the shipment and the means of shipping, and

(3) two additional copies of the invoice are forwarded to the Attorney General before the controlled substance is exported from the United States.

TRANSSHIPMENT AND IN-TRANSIT SHIPMENT OF CONTROLLED SUBSTANCES

SEC. 1004. Notwithstanding sections 1002, 1003, and 1007—

(1) A controlled substance in schedule I may—

(A) be imported into the United States for transshipment to another country, or

(B) be transferred or transshipped from one vessel, vehicle, or aircraft to another vessel, vehicle, or aircraft within the United States for immediate exportation,

if and only if it is so imported, transferred, or transshipped (i) for scientific, medical, or other legitimate purposes in the country of destination, and (ii) with the prior written approval of the Attorney General (which shall be granted or denied within 21 days of the request).

(2) A controlled substance in schedule II, III, or IV may be so imported, transferred, or transshipped if and only if advance notice is given to the Attorney General in accordance with regulations of the Attorney General.

POSSESSION ON BOARD VESSELS, ETC., ARRIVING IN OR DEPARTING FROM UNITED STATES

SEC. 1005. It shall be unlawful for any person to bring or possess on board any vessel or aircraft, or on board any vehicle of a carrier,

Ante, p. 1248.

arriving in or departing from the United States or the customs territory of the United States, a controlled substance in schedule I or II or a narcotic drug in schedule III or IV, unless such substance or drug is a part of the cargo entered in the manifest or part of the official supplies of the vessel, aircraft, or vehicle.

EXEMPTION AUTHORITY

SEC. 1006. (a) The Attorney General may by regulation exempt from sections 1002 (a) and (b), 1003, 1004, and 1005 any individual who has a controlled substance (except a substance in schedule I) in his possession for his personal medical use, or for administration to an animal accompanying him, if he lawfully obtained such substance and he makes such declaration (or gives such other notification) as the Attorney General may by regulation require.

(b) The Attorney General may by regulation except any compound, mixture, or preparation containing any depressant or stimulant substance listed in paragraph (a) or (b) of schedule III or in schedule IV or V from the application of all or any part of this title if (1) the compound, mixture, or preparation contains one or more active medicinal ingredients not having a depressant or stimulant effect on the central nervous system, and (2) such ingredients are included therein in such combinations, quantity, proportion, or concentration as to vitiate the potential for abuse of the substances which do have a depressant or stimulant effect on the central nervous system.

PERSONS REQUIRED TO REGISTER

SEC. 1007. (a) No person may—

(1) import into the customs territory of the United States from any place outside thereof (but within the United States), or import into the United States from any place outside thereof, any controlled substance, or

(2) export from the United States any controlled substance in schedule I, II, III, or IV, unless there is in effect with respect to such person a registration issued by the Attorney General under section 1008, or unless such person is exempt from registration under subsection (b).

(b) (1) The following persons shall not be required to register under the provisions of this section and may lawfully possess a controlled substance:

(A) An agent or an employee of any importer or exporter registered under section 1008 if such agent or employee is acting in the usual course of his business or employment.

(B) A common or contract carrier or warehouseman, or an employee thereof, whose possession of any controlled substance is in the usual course of his business or employment.

Ante, p. 1245.

(C) An ultimate user who possesses such substance for a purpose specified in section 102(25) and in conformity with an exemption granted under section 1006(a).

(2) The Attorney General may, by regulation, waive the requirement for registration of certain importers and exporters if he finds it consistent with the public health and safety; and may authorize any such importer or exporter to possess controlled substances for purposes of importation and exportation.

REGISTRATION REQUIREMENTS

SEC. 1008. (a) The Attorney General shall register an applicant to import or export a controlled substance in schedule I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this section. In determining the public interest, the factors enumerated in paragraph (1) through (6) of section 303(a) shall be considered.

Ante, p. 1253.

(b) Registration granted under subsection (a) of this section shall not entitle a registrant to import or export controlled substances in schedule I or II other than those specified in the registration.

Ante, p. 1248.

(c) The Attorney General shall register an applicant to import a controlled substance in schedule III, IV, or V or to export a controlled substance in schedule III or IV, unless he determines that the issuance of such registration is inconsistent with the public interest. In determining the public interest, the factors enumerated in paragraphs (1) through (6) of section 303(d) shall be considered.

(d) No registration shall be issued under this part for a period in excess of one year. Unless the regulations of the Attorney General otherwise provide, section 302(f), 304, 305, and 307 shall apply to persons registered under this section to the same extent such sections apply to persons registered under section 303.

Ante, pp. 1253-1258.

(e) The Attorney General is authorized to promulgate rules and regulations and to charge reasonable fees relating to the registration of importers and exporters of controlled substances under this section.

Rules and regulations.

(f) Persons registered by the Attorney General under this section to import or export controlled substances may import or export (and, for the purpose of so importing or exporting, may possess) such substances to the extent authorized by their registration and in conformity with the other provisions of this title and title II.

(g) A separate registration shall be required at each principal place of business where the applicant imports or exports controlled substances.

(h) Except in emergency situations as described in section 1002(a) (2) (A), prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedule I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, the Attorney General shall give manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

MANUFACTURE OR DISTRIBUTION FOR PURPOSES OF UNLAWFUL IMPORTATION

SEC. 1009. It shall be unlawful for any person to manufacture or distribute a controlled substance in schedule I or II—

(1) intending that such substance be unlawfully imported into the United States; or

(2) knowing that such substance will be unlawfully imported into the United States.

This section is intended to reach acts of manufacture or distribution committed outside the territorial jurisdiction of the United States. Any person who violates this section shall be tried in the United States district court at the point of entry where such person enters the United States, or in the United States District Court for the District of Columbia.

PROHIBITED ACTS A—PENALTIES

SEC. 1010. (a) Any person who—

(1) contrary to section 1002, 1003, or 1007, knowingly or intentionally imports or exports a controlled substance,

(2) contrary to section 1005, knowingly or intentionally brings or possesses on board a vessel, aircraft, or vehicle a controlled substance, or

(3) contrary to section 1009, manufactures or distributes a controlled substance,

shall be punished as provided in subsection (b).

Ante, p. 1248.

(b) (1) In the case of a violation under subsection (a) with respect to a narcotic drug in schedule I or II, the person committing such violation shall be imprisoned not more than fifteen years, or fined not more than \$25,000, or both. If a sentence under this paragraph provides for imprisonment, the sentence shall include a special parole term of not less than three years in addition to such term of imprisonment.

(2) In the case of a violation under subsection (a) with respect to a controlled substance other than a narcotic drug in schedule I or II, the person committing such violation shall be imprisoned not more than five years, or be fined not more than \$15,000, or both. If a sentence under this paragraph provides for imprisonment, the sentence shall, in addition to such term of imprisonment, include (A) a special parole term of not less than two years if such controlled substance is in schedule I, II, III, or (B) a special parole term of not less than one year if such controlled substance is in schedule IV.

(c) A special parole term imposed under this section or section 1012 may be revoked if its terms and conditions are violated. In such circumstances the original term of imprisonment shall be increased by the period of the special parole term and the resulting new term of imprisonment shall not be diminished by the time which was spent on special parole. A person whose special parole term has been revoked may be required to serve all or part of the remainder of the new term of imprisonment. The special term provided for in this section and in section 1012 is in addition to, and not in lieu of, any other parole provided for by law.

PROHIBITED ACTS B—PENALTIES

SEC. 1011. Any person who violates section 1004 shall be subject to the following penalties:

Ante, p. 1262.

(1) Except as provided in paragraph (2), any such person shall, with respect to any such violation, be subject to a civil penalty of not more than \$25,000. Sections 402 (c) (1) and (c) (3) shall apply to any civil penalty assessed under this paragraph.

(2) If such a violation is prosecuted by an information or indictment which alleges that the violation was committed knowingly or intentionally and the trier of fact specifically finds that the violation was so committed, such person shall be sentenced to imprisonment for not more than one year or a fine of not more than \$25,000 or both.

SECOND OR SUBSEQUENT OFFENSES

SEC. 1012. (a) Any person convicted of any offense under this part is, if the offense is a second or subsequent offense, punishable by a term of imprisonment twice that otherwise authorized, by twice the fine otherwise authorized, or by both. If the conviction is for an offense

punishable under section 1010(b), and if it is the offender's second or subsequent offense, the court shall impose, in addition to any term of imprisonment and fine, twice the special parole term otherwise authorized.

(b) For purposes of this section, a person shall be considered convicted of a second or subsequent offense if, prior to the commission of such offense, one or more prior convictions of him for a felony under any provision of this title or title II or other law of the United States relating to narcotic drugs, marihuana, or depressant or stimulant drugs, have become final.

Ante, p. 1242.

(c) Section 411 shall apply with respect to any proceeding to sentence a person under this section.

Ante, p. 1269.

ATTEMPT AND CONSPIRACY

SEC. 1013. Any person who attempts or conspires to commit any offense defined in this title is punishable by imprisonment or fine or both which may not exceed the maximum punishment prescribed for the offense, the commission of which was the object of the attempt or conspiracy.

ADDITIONAL PENALTIES

SEC. 1014. Any penalty imposed for violation of this title shall be in addition to, and not in lieu of, any civil or administrative penalty or sanction authorized by law.

APPLICABILITY OF PART E OF TITLE II

SEC. 1015. Part E of title II shall apply with respect to functions of the Attorney General (and of officers and employees of the Bureau of Narcotics and Dangerous Drugs) under this title, to administrative and judicial proceedings under this title, and to violations of this title, to the same extent that such part applies to functions of the Attorney General (and such officers and employees) under title II, to such proceedings under title II, and to violations of title II. For purposes of the application of this section to section 510, any reference in such section 510 to "this title" shall be deemed to be a reference to title III, any reference to section 303 shall be deemed to be a reference to section 1008, and any reference to section 302(d) shall be deemed to be a reference to section 1007(b)(2).

Ante, p. 1270.

Ante, p. 1274.

Ante, p. 1285.

Ante, p. 1253.

AUTHORITY OF SECRETARY OF TREASURY

SEC. 1016. Nothing in this Act shall derogate from the authority of the Secretary of the Treasury under the customs and related laws.

PART B—AMENDMENTS AND REPEALS, TRANSITIONAL AND EFFECTIVE DATE PROVISIONS

REPEALS

SEC. 1101. (a) The following provisions of law are repealed:

(1) The Act of February 23, 1887 (21 U.S.C. 191–193).

24 Stat. 409.

(2) The Narcotic Drugs Import and Export Act (21 U.S.C. 171, 173, 174–184, 185).

38 Stat. 275.

53 Stat. 1262.

(3) The Act of March 28, 1928 (31 U.S.C. 529a).

(4) Sections 2(b), 6, 7, and 8 of the Act of June 14, 1930 (21 U.S.C. 162(b), 173a, 197, 198).

46 Stat. 585;
70 Stat. 575.

46 Stat. 850.
 53 Stat. 1263.
 56 Stat. 1045.
 70 Stat. 910.
 55 Stat. 584.
 74 Stat. 55.
 70 Stat. 572.
 18 USC 1401-
 1407.

62 Stat. 840.

68A Stat. 549.
 26 USC 4701-
 4776.

70 Stat. 568;
 80 Stat. 1449.
 26 USC 7237,
 7238.

26 USC 7491.

- (5) The Act of July 3, 1930 (21 U.S.C. 199).
- (6) Section 6 of the Act of March 28, 1928 (31 U.S.C. 529g).
- (7) The Opium Poppy Control Act of 1942 (21 U.S.C. 188-188n).
- (8) Section 15 of the Act of August 1, 1956 (48 U.S.C. 1421m).
- (9) The Act of July 11, 1941 (21 U.S.C. 184a).
- (10) The Narcotics Manufacturing Act of 1960 (21 U.S.C. 501-517).

(b) (1) (A) Chapter 68 of title 18 of the United States Code (relating to narcotics) is repealed.

(B) The item relating to such chapter 68 in the analysis of part I of such title 18 is repealed.

(2) (A) Section 3616 of title 18 of the United States Code (relating to use of confiscated motor vehicles) is repealed.

(B) The item relating to such section 3616 in the analysis of chapter 229 of such title 18 is repealed.

(3) (A) Subchapter A of chapter 39 of the Internal Revenue Code of 1954 (relating to narcotic drugs and marihuana) is repealed.

(B) The table of subchapters of such chapter 39 is amended by striking out

"SUBCHAPTER A. Narcotic drugs and marihuana."

(4) (A) Sections 7237 (relating to violation of laws relating to narcotic drugs and to marihuana) and 7238 (relating to violation of laws relating to opium for smoking) of the Internal Revenue Code of 1954 are repealed.

(B) The table of sections of part II of subchapter A of chapter 75 of the Internal Revenue Code of 1954 is amended by striking out the items relating to such sections 7237 and 7238.

(5) (A) Section 7491 of the Internal Revenue Code of 1954 (relating to burden of proof of exemptions in case of marihuana offenses) is repealed.

(B) The table of sections for subchapter E of chapter 76 of the Internal Revenue Code of 1954 is amended by striking out the item relating to such section 7491.

CONFORMING AMENDMENTS

68A Stat. 593;
 79 Stat. 149.

SEC. 1102. (a) Section 4901(a) of the Internal Revenue Code of 1954 is amended by striking out the comma immediately before "4461" and inserting in lieu thereof "or", and by striking out ", 4721 (narcotic drugs), or 4751 (marihuana)".

(b) Section 4905(b) (1) of the Internal Revenue Code of 1954 (relating to registration) is amended by striking out ", narcotics, marihuana," and ", 4722, 4753,".

(c) Section 6808 of the Internal Revenue Code of 1954 (relating to special provisions relating to stamps) is amended by striking out paragraph (8).

(d) Section 7012 of the Internal Revenue Code of 1954 (relating to cross references) is amended by striking out subsections (a) and (b).

(e) Section 7103(d) (3) of the Internal Revenue Code of 1954 (relating to bonds required with respect to certain products) is amended by striking out subparagraph (D).

72 Stat. 1429.

(f) Section 7326 of the Internal Revenue Code of 1954 (relating to disposal of forfeited or abandoned property in special cases) is amended by striking out subsection (b).

70 Stat. 570.

(g) (1) Section 7607 of the Internal Revenue Code of 1954 (relating to additional authority for Bureau of Narcotics and Bureau of Customs) is amended—

(A) by striking out "The Commissioner, Deputy Commissioner, Assistant to the Commissioner, and agents of the Bureau of Narcotics of the Department of the Treasury, and officers" and inserting in lieu thereof "Officers";

(B) by striking out in paragraph (2) "narcotic drugs (as defined in section 4731) or marihuana (as defined in section 4761)" and inserting in lieu thereof "narcotic drugs (as defined in section 102(16) of the Controlled Substances Act) or marihuana (as defined in section 102(15) of the Controlled Substances Act)"; and

Ante, p. 1244.

(C) by striking out "BUREAU OF NARCOTICS AND" in the section heading.

(2) The item relating to section 7607 in the table of contents of subchapter A of chapter 78 of the Internal Revenue Code of 1954 is amended by striking out "Bureau of Narcotics and".

70 Stat. 570.

(h) Section 7609(a) of the Internal Revenue Code of 1954 (relating to cross references) is amended by striking out paragraphs (3) and (4).

72 Stat. 1430.

(i) Section 7641 of the Internal Revenue Code of 1954 (relating to supervision of operations of certain manufacturers) is amended by striking out "opium suitable for smoking purposes,".

68A Stat. 905.
26 USC 7641.

(j) Section 7651 of the Internal Revenue Code of 1954 (relating to administration and collection of taxes in possessions) is amended by striking out "and in sections 4705(b), 4735, and 4762 (relating to taxes on narcotic drugs and marihuana)".

(k) Section 7655(a) of the Internal Revenue Code of 1954 (relating to cross references) is amended by striking out paragraphs (3) and (4).

(l) Section 2901(a) of title 28 of the United States Code is amended by striking out "as defined by section 4731 of the Internal Revenue Code of 1954, as amended," and inserting in lieu thereof "as defined by section 102(16) of the Controlled Substances Act".

80 Stat. 1438.

(m) The last sentence of the second paragraph of section 584 of the Act of June 17, 1930 (19 U.S.C. 1584), is amended to read as follows: "As used in this paragraph, the terms 'opiate' and 'marihuana' shall have the same meaning given those terms by sections 102(17) and 102(15), respectively, of the Controlled Substances Act."

58 Stat. 722;
60 Stat. 39.

(n) (1) The first section of the Act of August 7, 1939 (31 U.S.C. 529a), is repealed.

Repeal.

53 Stat. 1262.

(2) Section 3 of such Act (31 U.S.C. 529d) is amended by striking out "or the Commissioner of Narcotics, as the case may be,".

(3) Section 4 of such Act (31 U.S.C. 529e) is amended by striking out "or narcotics" each place it appears.

(4) Section 5 of such Act (31 U.S.C. 529f) is amended by striking out "or narcotics" in the first sentence.

(o) Section 308(c)(2) of the Act of August 27, 1935 (40 U.S.C. 304m) is amended by striking out "Narcotic Drug Import and Export Act" and inserting in lieu thereof "Controlled Substances Act".

49 Stat. 880.

(p) Paragraph (a) of section 301 of the Narcotic Addict Rehabilitation Act of 1966 (42 U.S.C. 3411) is amended by striking out "as defined in section 4731 of the Internal Revenue Code of 1954, as amended," and inserting in lieu thereof "as defined in section 102(16) of the Controlled Substances Act".

80 Stat. 1444.

(q) Paragraph (a) of the first section of the Act of July 15, 1954 (46 U.S.C. 239a) is amended to read as follows:

68 Stat. 484.

"(a) The term 'narcotic drug' shall have the meaning given that term by section 102(16) of the Controlled Substances Act and shall also include marihuana as defined by section 102(15) of such Act."

"Narcotic
drug."

(r) Paragraph (d) of section 7 of the Act of August 9, 1939 (49 U.S.C. 787) is amended to read as follows:

53 Stat. 1292.
"Narcotic
drug."
Ante, p. 1244.

"(d) The term 'narcotic drug' shall have the meaning given that term by section 102(16) of the Controlled Substances Act and shall also include marihuana as defined by section 102(15) of such Act;"

80 Stat. 1442.

(s) Paragraph (a) of section 4251 of title 18, United States Code, is amended by striking out "as defined in section 4731 of the Internal Revenue Code of 1954, as amended," and inserting in lieu thereof "as defined in section 102(16) of the Controlled Substances Act".

Investigations.
subpena power.
69 Stat. 684.

(t) The first section of the Act of August 11, 1955 (21 U.S.C. 198a), is amended to read as follows: "That for the purpose of any investigation which, in the opinion of the Secretary of the Treasury, is necessary and proper to the enforcement of section 545 of title 18 of the United States Code (relating to smuggling goods into the United States) with respect to any controlled substance (as defined in section 102 of the Controlled Substances Act), the Secretary of the Treasury may administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of records (including books, papers, documents, and tangible things which constitute or contain evidence) relevant or material to the investigation. The attendance of witnesses and the production of records may be required from any place within the customs territory of the United States, except that a witness shall not be required to appear at any hearing distant more than 100 miles from the place where he was served with subpena. Witnesses summoned by the Secretary shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. Oaths and affirmations may be made at any place subject to the jurisdiction of the United States."

62 Stat. 716.

Witnesses, travel
expenses.

PENDING PROCEEDINGS

SEC. 1103. (a) Prosecutions for any violation of law occurring prior to the effective date of section 1101 shall not be affected by the repeals or amendments made by such section or section 1102, or abated by reason thereof.

(b) Civil seizures or forfeitures and injunctive proceedings commenced prior to the effective date of section 1101 shall not be affected by the repeals or amendments made by such section or section 1102, or abated by reason thereof.

PROVISIONAL REGISTRATION

SEC. 1104. (a) (1) Any person—

(A) who is engaged in importing or exporting any controlled substance on the day before the effective date of section 1007,

(B) who notifies the Attorney General that he is so engaged, and

(C) who is registered on such day under section 510 of the Federal Food, Drug, and Cosmetic Act or under section 4722 of the Internal Revenue Code of 1954,

76 Stat. 794;
79 Stat. 231.
21 USC 360.
68A Stat. 555.
26 USC 4722.

shall, with respect to each establishment for which such registration is in effect under any such section, be deemed to have a provisional registration under section 1008 for the import or export (as the case may be) of controlled substances.

(2) During the period his provisional registration is in effect under this section, the registration number assigned such person under such section 510 or under such section 4722 (as the case may be) shall be his registration number for purposes of part A of this title.

Ante, p. 1285.

(b) The provisions of section 304, relating to suspension and revocation of registration, shall apply to a provisional registration under this section.

Ante, p. 1255.

(c) Unless sooner suspended or revoked under subsection (b), a provisional registration of a person under subsection (a) (1) of this section shall be in effect until—

(1) the date on which such person has registered with the Attorney General under section 1008 or has had his registration denied under such section, or

(2) such date as may be prescribed by the Attorney General for registration of importers or exporters, as the case may be, whichever occurs first.

EFFECTIVE DATES AND OTHER TRANSITIONAL PROVISIONS

SEC. 1105. (a) Except as otherwise provided in this section, this title shall become effective on the first day of the seventh calendar month that begins after the day immediately preceding the date of enactment.

(b) Sections 1000, 1001, 1006, 1015, 1016, 1103, 1104, and this section shall become effective upon enactment.

(c) (1) If the Attorney General, pursuant to the authority of section 704(c) of title II, postpones the effective date of section 306 (relating to manufacturing quotas) for any period beyond the date specified in section 704(a) and such postponement applies to narcotic drugs, the repeal of the Narcotics Manufacturing Act of 1960 by paragraph (10) of section 1101(a) of this title is hereby postponed for the same period, except that the postponement made by this paragraph shall not apply to the repeal of sections 4, 5, 13, 15, and 16 of that Act.

Ante, pp. 1284, 1257.

(2) Effective for any period of postponement, by paragraph (1) of this subsection, of the repeal of provisions of the Narcotics Manufacturing Act of 1960, that Act shall be applied subject to the following modifications:

(A) The term "narcotic drug" shall mean a narcotic drug as defined in section 102(16) of title II, and all references, in the Narcotics Manufacturing Act of 1960, to a narcotic drug as defined by section 4731 of the Internal Revenue Code of 1954 are amended to refer to a narcotic drug as defined by such section 102(16).

"Narcotic drug."
Ante, p. 1244.

74 Stat. 57.
26 USC 4731.

(B) On and after the date prescribed by the Attorney General pursuant to clause (2) of section 703(c) of title II, the requirements of a manufacturer's license with respect to a basic class of narcotic drug under the Narcotics Manufacturing Act of 1960, and of a registration under section 4722 of the Internal Revenue Code of 1954 as a prerequisite to issuance of such a license, shall be superseded by a requirement of actual registration (as distinguished from provisional registration) as a manufacturer of that class of drug under section 303(a) of title II.

68A Stat. 555.

Ante, p. 1253.

(C) On and after the effective date of the repeal of such section 4722 by section 1101(b) (3) of this title, but prior to the date specified in subparagraph (B) of this paragraph, the requirement of registration under such section 4722 as a prerequisite of a manufacturer's license under the Narcotics Manufacturing Act of 1960 shall be superseded by a requirement of either (i) actual registration as a manufacturer under section 303 of title II, or (ii) provisional registration (by virtue of a preexisting registration under such section 4722) under section 703 of title II.

(d) Any orders, rules, and regulations which have been promulgated under any law affected by this title and which are in effect on the day preceding enactment of this title shall continue in effect until modified, superseded, or repealed.

TITLE IV—REPORT ON ADVISORY COUNCILS

REPORT ON ADVISORY COUNCILS

Reports to Congress.

58 Stat. 682.
42 USC 201
note.
77 Stat. 282.
42 USC 2661
note.

SEC. 1200. (a) Not later than March 31 of each calendar year after 1970, the Secretary of the Department of Health, Education, and Welfare shall submit a report on the activities of advisory councils (established or organized pursuant to any applicable statute of the Public Health Service Act, Public Law 410, Seventy-eighth Congress, as amended, or the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, Public Law 88-164, as amended) to the Committee on Labor and Public Welfare of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives. Such report shall contain, at least, a list of all such advisory councils, the names and occupations of their members, a description of the function of each advisory council, and a statement of the dates of the meetings of each advisory council.

(b) If the Secretary determines that a statutory advisory council is not needed or that the functions of two or more statutory advisory councils should be combined, he shall include in the report a recommendation that such advisory council be abolished or that such functions be combined.

"Statutory advisory council."

(c) As used in this section, the term "statutory advisory council" means any committee, board, commission, council, or other similar group established or organized pursuant to any applicable statute to advise and make recommendations with respect to the administration or improvement of an applicable program or other related matter.

Approved October 27, 1970.

Public Law 91-514

AN ACT

October 27, 1970
[H. R. 14678]

To strengthen the penalties for illegal fishing in the territorial waters and the contiguous fishery zone of the United States, and for other purposes.

U.S. territorial waters.
Illegal fishing, penalties.

78 Stat. 195.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act entitled "An Act to prohibit fishing in the territorial waters of the United States and in certain other areas by vessels other than vessels of the United States and by persons in charge of such vessels", approved May 20, 1964 (16 U.S.C. 1082), is amended—

(1) by striking out "\$10,000" in subsection (a) thereof and inserting in lieu thereof "\$100,000", and

(2) by adding at the end of subsection (b) the following new sentence: "For the purposes of this Act, it shall be a rebuttable presumption that all fish found aboard a vessel seized in connection with such violation of this Act were taken or retained in violation of this Act."

SEC. 2. The first sentence of section 3(a) of such Act of May 20, 1964 (16 U.S.C. 1083), is amended to read as follows: "Enforcement of the provisions of this Act is the joint responsibility of the Secretary of the Interior, the Secretary of the Treasury, and the Secretary of the Department in which the Coast Guard is operating, and each such Secretary may, by agreement with any other Federal department or agency, utilize the equipment (including aircraft and vessels) of that department or agency to carry out such enforcement."

Enforcement
responsibility.
78 Stat. 195.

SEC. 3. Such Act of May 20, 1964 (16 U.S.C. 1081-1085), is further amended by adding at the end thereof the following new subsection:

Informers, reward.

"SEC. 6. The Secretary of the Treasury may pay to any person, other than an officer of the United States or a person authorized to function as a Federal law enforcement agent under this Act, compensation of not more than \$5,000 if such person submits to any such officer or authorized person original information concerning any violation, perpetrated or contemplated, of this Act and such information leads to any penalty or forfeiture incurred for violation of this Act."

Approved October 27, 1970.

Public Law 91-515

AN ACT

October 30, 1970
[H. R. 17570]

To amend titles III and IX of the Public Health Service Act so as to revise, extend, and improve the programs of research, investigation, education, training, and demonstrations authorized thereunder, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Public Health
Service Act,
amendments.

TITLE I—AMENDMENTS TO TITLE IX OF THE PUBLIC HEALTH SERVICE ACT

SEC. 101. This title may be cited as the "Heart Disease, Cancer, Stroke, and Kidney Disease Amendments of 1970".

Citation of
title.

SEC. 102. Section 900 of the Public Health Service Act is amended to read as follows:

79 Stat. 926.
42 USC 299.

"PURPOSES

"SEC. 900. The purposes of this title are—

"(a) through grants and contracts, to encourage and assist in the establishment of regional cooperative arrangements among medical schools, research institutions, and hospitals for research and training (including continuing education), for medical data exchange, and for demonstrations of patient care in the fields of heart disease, cancer, stroke, and kidney disease, and other related diseases;

“(b) to afford to the medical profession and the medical institutions of the Nation, through such cooperative arrangements, the opportunity of making available to their patients the latest advances in the prevention, diagnosis, and treatment and rehabilitation of persons suffering from these diseases;

“(c) to promote and foster regional linkages among health care institutions and providers so as to strengthen and improve primary care and the relationship between specialized and primary care; and

“(d) by these means, to improve generally the quality and enhance the capacity of the health manpower and facilities available to the Nation and to improve health services for persons residing in areas with limited health services, and to accomplish these ends without interfering with the patterns, or the methods of financing, of patient care or professional practice, or with the administration of hospitals, and in cooperation with practicing physicians, medical center officials, hospital administrators, and representatives from appropriate voluntary health agencies.”

Appropriations.

79 Stat. 926;
82 Stat. 1005.
42 USC 299a.

SEC. 103. (a) (1) The first sentence of section 901(a) of such Act is amended by striking out “and” immediately after “June 30, 1969,” and by inserting immediately before “, for grants” the following: “, \$125,000,000 for the fiscal year ending June 30, 1971, \$150,000,000 for the fiscal year ending June 30, 1972, and \$250,000,000 for the fiscal year ending June 30, 1973”.

(2) Such first sentence is further amended by striking out the period after “title” and inserting in lieu thereof “and for contracts to carry out the purposes of this title.”

Funds, limitation.

(3) Such section 901(a) is amended by striking out the second sentence and inserting in lieu thereof the following: “Of the sums appropriated under this section for the fiscal year ending June 30, 1971, not more than \$15,000,000 shall be available for activities in the field of kidney disease. Of the sums appropriated under this section for any fiscal year ending after June 30, 1970, not more than \$5,000,000 may be made available in any such fiscal year for grants for new construction.”

(b) Section 901 of such Act is further amended by adding at the end thereof the following new subsection:

“(e) At the request of any recipient of a grant under this title, the payments to such recipient may be reduced by the fair market value of any equipment, supplies, or services furnished by the Secretary to such recipient and by the amount of the pay, allowance, traveling expenses, and any other costs in connection with the detail of an officer or employee of the Government to the recipient when such furnishing or such detail, as the case may be, is for the convenience of and at the request of such recipient and for the purpose of carrying out the regional medical program to which the grant under this title is made.”

SEC. 104. Section 902(a) of such Act is amended by striking out “training, diagnosis, and treatment relating to heart disease, cancer, or stroke, and, at the option of the applicant, related disease or diseases” and inserting in lieu thereof “training, prevention, diagnosis, treatment, and rehabilitation relating to heart disease, cancer, stroke, or kidney disease and, at the option of the applicant, other related diseases”.

79 Stat. 927;
82 Stat. 1005.
42 USC 299b.

(b) Section 902(f) is amended by striking out “includes” and inserting in lieu thereof “means new construction of facilities for demonstrations, research, and training when necessary to carry out regional medical programs”.

SEC. 105. Section 903(b)(4) of such Act is amended—

42 USC 299c.

(1) by striking out “voluntary health agencies, and” and inserting in lieu thereof “voluntary or official health agencies, health planning agencies, and”;

(2) by inserting immediately after “under the program”, where it first appears therein, the following: “(including as an ex officio member, if there is located in such region one or more hospitals or other health facilities of the Veterans’ Administration, the individual whom the Administrator of Veterans’ Affairs shall have designated to serve on such advisory group as the representative of the hospitals or other health care facilities of such Administration which are located in such region)”; and

(3) by striking out “need for the services provided under the program” and inserting in lieu thereof “need for and financing of the services provided under the program, and which advisory group shall be sufficient in number to insure adequate community orientation (as determined by the Secretary)”.

SEC. 106. That part of the second sentence of section 904(b) of such Act preceding paragraph (1) is amended by striking out “section 903(b)(4) and” and inserting in lieu thereof the following: “section 903(b)(4), if opportunity has been provided, prior to such recommendation, for consideration of the application by each public or non-profit private agency or organization which has developed a comprehensive regional, metropolitan area, or other local area plan referred to in section 314(b) covering any area in which the regional medical program for which the application is made will be located, and if the application”.

42 USC 299d.

SEC. 107. (a) Section 905(a) of such Act is amended to read as follows:

“SEC. 905. (a) The Secretary may appoint, without regard to the civil service laws, a National Advisory Council on Regional Medical Programs. The Council shall consist of the Assistant Secretary of Health, Education, and Welfare for Health and Scientific Affairs, who

National Ad-
visory Council on
Regional Medical
Programs.
42 USC 299e.

shall be the Chairman, the Chief Medical Director of the Veterans' Administration who shall be an ex officio member, and twenty members, not otherwise in the regular full-time employ of the United States, who are leaders in the fields of the fundamental sciences, the medical sciences, health care administration, or public affairs. At least two of the appointed members shall be practicing physicians, one shall be outstanding in the study or health care of persons suffering from heart disease, one shall be outstanding in the study or health care of persons suffering from cancer, one shall be outstanding in the study or health care of persons suffering from stroke, one shall be outstanding in the study or health care of persons suffering from kidney disease, two shall be outstanding in the field of prevention of heart disease, cancer, stroke, or kidney disease, and four shall be members of the public."

Term of office.
Ante, p. 1299.

(b) Of the persons first appointed under section 905(a) of the Public Health Service Act to serve as the four additional members of the National Advisory Council on Regional Medical Programs authorized by the amendment made by subsection (a) of this section—

- (1) one shall serve for a term of one year,
- (2) one shall serve for a term of two years,
- (3) one shall serve for a term of three years, and
- (4) one shall serve for a term of four years,

as designated by the Secretary of Health, Education, and Welfare at the time of appointment.

(c) Members of the National Advisory Council on Regional Medical Programs (other than the Surgeon General) in office on the date of enactment of this Act shall continue in office in accordance with the term of office for which they were last appointed to the Council.

79 Stat. 930.
42 USC 299g.

SEC. 108. Section 907 of such Act is amended by striking out "or stroke," and inserting in lieu thereof "stroke, or kidney disease,".

42 USC 299i.

SEC. 109. Section 909(a) of such Act is amended by inserting "or contract" after "grant" each place it appears therein.

82 Stat. 1006.
42 USC 299j.

SEC. 110. (a) Section 910 of such Act is amended to read as follows:

"MULTIPROGRAM SERVICES

"SEC. 910. (a) To facilitate interregional cooperation, and develop improved national capability for delivery of health services, the Secretary is authorized to utilize funds appropriated under this title to make grants to public or nonprofit private agencies or institutions or combinations thereof and to contract for—

"(1) programs, services, and activities of substantial use to two or more regional medical programs;

"(2) development, trial, or demonstration of methods for control of heart disease, cancer, stroke, kidney disease, or other related diseases;

"(3) the collection and study of epidemiologic data related to any of the diseases referred to in paragraph (2);

"(4) development of training specifically related to the prevention, diagnosis, or treatment of any of the diseases referred to in paragraph (2), or to the rehabilitation of persons suffering from any of such diseases; and for continuing programs of such training where shortage of trained personnel would otherwise limit application of knowledge and skills important to the control of any of such diseases; and

"(5) the conduct of cooperative clinical field trials.

"(b) The Secretary is authorized to assist in meeting the costs of special projects for improving or developing new means for the delivery of health services concerned with the diseases with which this title is concerned.

“(c) The Secretary is authorized to support research, studies, investigations, training, and demonstrations designed to maximize the utilization of manpower in the delivery of health services.”

SEC. 111. (a) The heading to title IX of such Act is amended by striking out “STROKE, AND RELATED DISEASES” and inserting in lieu thereof “STROKE, KIDNEY DISEASE, AND OTHER RELATED DISEASES”.

(b) Sections 902(a), 903(a), 903(b), 904(a), 904(b), 905(b), 905(d), 906, 907, and 909(a) of such Act (as amended by the preceding provisions of this Act) are each further amended by striking out “Surgeon General”, each place it appears therein and inserting in lieu thereof “Secretary”. 42 USC 299b-299g, 2991.

TITLE II—AMENDMENTS TO TITLE III OF THE PUBLIC HEALTH SERVICE ACT

PART A—RESEARCH AND DEMONSTRATIONS RELATING TO HEALTH FACILITIES AND SERVICES

SEC. 201. (a) (1) Section 304(a) of the Public Health Service Act is amended—

81 Stat. 534.
42 USC 242b.

(A) by inserting “(1)” immediately after “Sec. 304. (a)”;

(B) by redesignating clauses (1) and (2) as clauses (A) and

(B), respectively; and

(C) by redesignating clauses (A), (B), and (C) as clauses (i), (ii), and (iii), respectively.

(2) Section 304(b) of such Act is amended—

(A) by striking out “(b)” and inserting in lieu thereof “(2)”;

and

(B) by striking out “this section” each place it appears therein and inserting in lieu thereof “this subsection”.

(3) Section 304(c) of such Act is amended—

(A) by striking out “(c)” and inserting in lieu thereof “(3)”;

and

(B) by striking out “this section” each place it appears therein and inserting in lieu thereof “this subsection”.

(b) Section 304 of such Act is further amended by adding after the provision thereof redesignated as paragraph (3) by subsection (a) (3) (A) of this section the following new subsection:

“Systems Analysis of National Health Care Plans

“(b) (1) (A) The Secretary shall develop, through utilization of the systems analysis method, plans for health care systems designed adequately to meet the health needs of the American people. For purposes of the preceding sentence, the systems analysis method means the analytical method by which various means of obtaining a desired result or goal is associated with the costs and benefits involved.

“(B) The Secretary shall complete the development of the plans referred to in subparagraph (A), within such period as may be necessary to enable him to submit to the Congress not later than September 30, 1971, a report thereon which shall describe each plan so developed in terms of—

Report to Congress.

“(i) the number of people who would be covered under the plan;

“(ii) the kind and type of health care which would be covered under the plan;

“(iii) the cost involved in carrying out the plan and how such costs would be financed;

“(iv) the number of additional physicians and other health care personnel and the number and type of health care facilities needed to enable the plan to become fully effective;

“(v) the new and improved methods, if any, of delivery of health care services which would be developed in order to effectuate the plan;

“(vi) the accessibility of the benefits of such plan to various socioeconomic classes of persons;

“(vii) the relative effectiveness and efficiency of such plan as compared to existing means of financing and delivering health care; and

“(viii) the legislative, administrative, and other actions which would be necessary to implement the plan.

“(C) In order to assure that the advice and service of experts in the various fields concerned will be obtained in the plans authorized by this paragraph and that the purposes of this paragraph will fully be carried out—

“(i) the Secretary shall utilize, whenever appropriate, personnel from the various agencies, bureaus, and other departmental subdivisions of the Department of Health, Education, and Welfare;

“(ii) the Secretary is authorized, with the consent of the head of the department or agency involved, to utilize (on a reimbursable basis) the personnel and other resources of other departments and agencies of the Federal Government; and

“(iii) the Secretary is authorized to consult with appropriate State or local public agencies, private organizations, and individuals.

“Cost and Coverage Report on Existing Legislative Proposals

National health insurance plan legislation, study.

“(2) (A) The Secretary shall, in accordance with this paragraph, conduct a study of each legislative proposal which is introduced in the Senate or the House of Representatives during the Ninety-first Congress, and which undertakes to establish a national health insurance plan or similar plan designed to meet the needs of health insurance or for health services of all or the overwhelming majority of the people of the United States.

“(B) In conducting such study with respect to each such legislative proposal, the Secretary shall evaluate and analyze such proposal with a view to determining—

“(i) the costs of carrying out the proposal; and

“(ii) the adequacy of the proposal in terms of (I) the portion of the population covered by the proposal, (II) the type health care provided, paid for, or insured against under the proposal, (III) whether, and if so, to what extent, the proposal provides for the development of new and improved methods for the delivery of health care and services.

Report to Congress.

“(C) Not later than March 31, 1971, the Secretary shall submit to the Congress a report on each legislative proposal which he has been directed to study under this paragraph, together with an analysis and evaluation of such proposal.”

(c) Subsection (d) of section 304 of such Act is hereby redesignated as subsection (c) and is amended to read as follows:

Appropriation.
81 Stat. 534;
Ante, p. 352.
42 USC 242b.

“(c) (1) There are authorized to be appropriated for payment of grants or under contracts under subsection (a), and for purposes of carrying out the provisions of subsection (b), \$71,000,000 for the fiscal year ending June 30, 1971 (of which not less than \$2,000,000 shall be available only for purposes of carrying out the provisions of subsection

(b)), \$82,000,000 for the fiscal year ending June 30, 1972, and \$94,000,000 for the fiscal year ending June 30, 1973.

“(2) In addition to the funds authorized to be appropriated under paragraph (1) to carry out the provisions of subsection (b) there are hereby authorized to be appropriated to carry out such provisions for each fiscal year such sums as may be necessary.”

(d) The amendments made by subsection (c) of this section shall be effective only with respect to fiscal years ending after June 30, 1970.

Effective date.

SEC. 202. That provision of section 304 of the Public Health Service Act redesignated by section 201(a) of this Act as paragraph (3) of subsection (a) is further amended—

Ante, p. 1301.

(1) by inserting “(A)” immediately after “(3)”; and

(2) by adding after and below such provision the following new subparagraph:

“(B) The amounts otherwise payable to any person under a grant or contract made under this subsection shall be reduced by—

“(i) amounts equal to the fair market value of any equipment or supplies furnished to such person by the Secretary for the purpose of carrying out the project with respect to which such grant or contract is made, and

“(ii) amounts equal to the pay, allowances, traveling expenses, and related personnel expenses attributable to the performance of services by an officer or employee of the Government in connection with such project, if such officer or employee was assigned or detailed by the Secretary to perform such services, but only if such person requested the Secretary to furnish such equipment or supplies, or such services, as the case may be.”

SEC. 203. That provision of section 304 of the Public Health Service Act redesignated by section 201(a) of this Act as paragraph (1) of subsection (a) is further amended by—

(1) striking out the period at the end thereof and inserting in lieu thereof “, and”; and

(2) adding after and below the clause thereof redesignated by such section 201(a) as clause (iii) the following new clauses:

“(iv) projects for research, experiments, and demonstrations dealing with the effective combination or coordination of public, private, or combined public-private methods or systems for the delivery of health services at regional, State, or local levels, and

“(v) projects for research and demonstrations in the provision of home health services.”

PART B—NATIONAL HEALTH SURVEYS AND STUDIES

SEC. 210. (a)(1) Clause (1) of subsection (a) of section 305 of the Public Health Service Act is amended by striking out “and” before “(E)”, and by inserting after the semicolon at the end of such clause the following: “(F) health care resources; (G) environmental and social health hazards; and (H) family formation, growth, and dissolution;”.

70 Stat. 490.
42 USC 242c.

(2) Such subsection is further amended by adding at the end thereof the following new sentence: “No information obtained in accordance with this paragraph may be used for any purpose other than the statistical purposes for which it was supplied except pursuant to regulations of the Secretary; nor may any such information be published if the particular establishment or person supplying it is identifiable except with the consent of such establishment or person.”

(b) Section 305 is further amended by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively, and by adding after subsection (a) the following new subsection:

“(b) The Secretary is authorized, directly or by contract, to undertake research, development, demonstration, and evaluation, relating to the design and implementation of a cooperative system for producing comparable and uniform health information and statistics at the Federal, State, and local levels.”

Appropriation.

(c) The subsection of such section 305 redesignated (by subsection (b) of this section) as subsection (d) is amended to read as follows:

“(d) There are authorized to be appropriated to carry out this section \$15,000,000 for the fiscal year ending June 30, 1971, \$20,000,000 for the fiscal year ending June 30, 1972, and \$25,000,000 for the fiscal year ending June 30, 1973.”

PART C—GRANTS TO STATES FOR COMPREHENSIVE STATE HEALTH PLANNING

80 Stat. 1181;
81 Stat. 533.
42 USC 246.

SEC. 220. (a) (1) The first sentence of section 314(a) (1) of the Public Health Service Act is amended by striking out “June 30, 1970” and inserting in lieu thereof “June 30, 1973”.

(2) The second sentence of such section 314(a) (1) is amended by striking out “and \$15,000,000 for the fiscal year ending June 30, 1970” and inserting in lieu thereof the following: “\$15,000,000 for the fiscal year ending June 30, 1970, \$15,000,000 for the fiscal year ending June 30, 1971, \$17,000,000 for the fiscal year ending June 30, 1972, and \$20,000,000 for the fiscal year ending June 30, 1973”.

(b) Section 314(a) (2) (B) of such Act is amended by striking out “State and local agencies” and inserting in lieu thereof “Federal, State, and local agencies (including as an ex officio member, if there is located in such State one or more hospitals or other health care facilities of the Veterans’ Administration, the individual whom the Administrator of Veterans’ Affairs shall have designated to serve on such council as the representative of the hospitals or other health care facilities of such Administration which are located in such State)”.

(c) Section 314(a) (2) (B) of such Act (as amended by subsection (b) of this section) is further amended by inserting “(including representation of the regional medical program or programs included in whole or in part within the State)” immediately after “concerned with health”.

(d) Section 314(a) (2) (C) of such Act is amended (1) by inserting “and including home health care” immediately after “private”, and (2) by inserting immediately before the semicolon at the end thereof the following: “and including environmental considerations as they relate to public health”.

PART D—PROJECT GRANTS FOR AREAWIDE HEALTH PLANNING

Anf., p. 340.

SEC. 230. Section 314(b) of the Public Health Service Act is amended—

(1) by striking out, in the first sentence thereof, “June 30, 1970” and inserting in lieu thereof “June 30, 1973”;

(2) by inserting after the word “services” the second place it appears therein, the phrase “and including the provision of such services through home health care”;

(3) by striking out, in the second sentence thereof, “and \$15,000,000 for the fiscal year ending June 30, 1970” and inserting in lieu thereof the following: “\$15,000,000 for the fiscal year ending June 30, 1970, \$20,000,000 for the fiscal year ending June 30, 1971, \$30,000,000 for the fiscal year ending June 30, 1972, and \$40,000,000 for the fiscal year ending June 30, 1973”;

(4) by inserting “(1) (A)” immediately after “(b)”;

(5) by adding after and below the existing language contained therein the following:

“(B) Project grants may be made by the Secretary under subparagraph (A) to the State agency administering or supervising the administration of the State plan approved under subsection (a) with respect to a particular region or area, but only if (i) no application for such a grant with respect to such region or area has been filed by any other agency or organization qualified to receive such a grant, and (ii) such State agency certifies, and the Secretary finds, that ample opportunity has been afforded to qualified agencies and organizations to file application for such a grant with respect to such region or area and that it is improbable that, in the foreseeable future, any agency or organization which is qualified for such a grant will file application therefor.

“(2) (A) In order to be approved under this subsection, an application for a grant under this subsection must contain or be supported by reasonable assurances that there has been or will be established, in or for the area with respect to which such grant is sought, an area-wide health planning council. The membership of such council shall include representatives of public, voluntary, and nonprofit private agencies, institutions, and organizations concerned with health (including representatives of the interests of local government, of the regional medical program for such area, and of consumers of health services). A majority of the members of such council shall consist of representatives of consumers of health services.

“(B) In addition, an application for a grant under this subsection must contain or be supported by reasonable assurances that the area-wide health planning agency has made provision for assisting health care facilities in its area to develop a program for capital expenditures for replacement, modernization, and expansion which is consistent with an overall State plan which will meet the needs of the State and the area for health care facilities, equipment, and services without duplication and otherwise in the most efficient and economical manner.”

PART E—PROJECT GRANTS FOR TRAINING, STUDIES AND DEMONSTRATIONS

SEC. 240. Section 314(c) of the Public Health Service Act is amended—

80 Stat. 1183;
81 Stat. 533.
42 USC 246.

(1) by striking out, in the first sentence thereof, “June 30, 1970” and inserting in lieu thereof “June 30, 1973”; and

(2) by striking out, in the second sentence thereof, “and \$7,500,000 for the fiscal year ending June 30, 1970” and inserting in lieu thereof the following: “\$7,500,000 for the fiscal year ending June 30, 1970, \$8,000,000 for the fiscal year ending June 30, 1971, \$10,000,000 for the fiscal year ending June 30, 1972, and \$12,000,000 for the fiscal year ending June 30, 1973”.

PART F—GRANTS FOR COMPREHENSIVE PUBLIC HEALTH SERVICES

SEC. 250. (a) Section 314(d) (1) of the Public Health Service Act is amended by striking out “and \$100,000,000 for the fiscal year ending June 30, 1970” and inserting in lieu thereof “\$100,000,000 for the fiscal year ending June 30, 1970, \$130,000,000 for the fiscal year ending June 30, 1971, \$145,000,000 for the fiscal year ending June 30, 1972, and \$165,000,000 for the fiscal year ending June 30, 1973”.

(b) Section 314(d) (2) (C) of such Act is amended (1) by striking out “and (iii)” and inserting in lieu thereof “(iii)” and (2) by inserting before the semicolon at the end thereof the following: “; and (iv) the plan is compatible with the total health program of the State”.

PART G—PROJECT GRANTS FOR HEALTH SERVICES DEVELOPMENT

80 Stat. 1186;
81 Stat. 534.
42 USC 246.

SEC. 260. (a) Section 314(e) of the Public Health Service Act is amended by striking out “and” immediately after “June 30, 1969,” and by inserting after “June 30, 1970,” the following: “\$109,500,000 for the fiscal year ending June 30, 1971, \$135,000,000 for the fiscal year ending June 30, 1972, and \$157,000,000 for the fiscal year ending June 30, 1973.”

(b) The first sentence of 314(e) is further amended by inserting immediately after “cost” the following: “(including equity requirements and amortization of loans on facilities acquired from the Office of Economic Opportunity or construction in connection with any program or project transferred from the Office of Economic Opportunity)”.

(c) (1) The second sentence of such section is amended to read as follows: “Any grant made under this subsection may be made only if the application for such grant has been referred for review and comment to the appropriate areawide health planning agency or agencies (or, if there is no such agency in the area, then to such other public or nonprofit private agency or organization (if any) which performs similar functions) and only if the services assisted under such grant will be provided in accordance with such plans as have been developed pursuant to subsection (a).”

Effective date.

(2) The amendment made by paragraph (1) shall be effective with respect to grants under section 314(e) of the Public Health Service Act which are made after the date of enactment of this Act.

PART H—ADMINISTRATION OF GRANTS IN CERTAIN MULTIGRANT PROJECTS

58 Stat. 691;
76 Stat. 592.
42 USC 241-
242h.

SEC. 270. Part A of title III of the Public Health Service Act is amended by adding at the end thereof the following new section:

“Administration of Grants in Certain Multigrant Projects

“SEC. 310A. For the purpose of facilitating the administration of, and expediting the carrying out of the purposes of, the programs established by title IX, and sections 304, 314(a), 314(b), 314(c), 314(d), and 314(e) of this Act in situations in which grants are sought or made under two or more of such programs with respect to a single project, the Secretary is authorized to promulgate regulations—

Ante, pp. 1297,
1301, 1304.

“(1) under which the administrative functions under such programs with respect to such project will be performed by a single administrative unit which is the administrative unit charged with the administration of any of such programs or is the administrative unit charged with the supervision of two or more of such programs;

“(2) designed to reduce the number of applications, reports, and other materials required under such programs to be submitted with respect to such project, and otherwise to simplify, consolidate, and make uniform (to the extent feasible), the data and information required to be contained in such applications, reports, and other materials; and

“(3) under which inconsistent or duplicative requirements imposed by such programs will be revised and made uniform with respect to such project;

except that nothing in this section shall be construed to authorize the Secretary to waive or suspend, with respect to any such project, any requirement with respect to any of such programs if such requirement is imposed by law or by any regulation required by law.”

PART I—ANNUAL REPORT, NATIONAL ADVISORY COUNCIL, ETC.

SEC. 280. Part A of title III of the Public Health Service Act is further amended by adding after section 310A thereof (as added by section 270 of this Act) the following new section:

“Annual Report

“310B. On or before January 1 of each year, the Secretary shall transmit to the Congress a report of the activities carried on under the provisions of title IX of this Act and sections 304, 305, 314(a), 314(b), 314(c), 314(d), and 314(e) of this title together with (1) an evaluation of the effectiveness of such activities in improving the efficiency and effectiveness of the research, planning, and delivery of health services in carrying out the purposes for which such provisions were enacted, (2) a statement of the relationship between Federal financing and financing from other sources of the activities undertaken pursuant to such provisions (including the possibilities for more efficient support of such activities through use of alternate sources of financing after an initial period of support under such provisions), and (3) such recommendations with respect to such provisions as he deems appropriate.”

Ante, pp. 1297,
1301, 1304.

SEC. 281. Title III of the Public Health Service Act is amended by adding after section 315 thereof the following new section:

58 Stat. 691.
42 USC 241.

“NATIONAL ADVISORY COUNCIL ON COMPREHENSIVE HEALTH PLANNING PROGRAMS

“SEC. 316. (a) The Secretary shall appoint, without regard to the civil service laws, a National Advisory Council on Comprehensive Health Planning Programs. The Council shall consist of the Secretary or his designee, who shall be the chairman, and sixteen members, not otherwise in the regular full-time employ of the United States, who are (1) leaders in the fields of the fundamental sciences, the medical sciences, or the organization, delivery, and financing of health care, (2) officials in State and areawide health planning agencies, (3) leaders in health care administration, or State or community or other public affairs, who are State or local officials, or (4) representatives of consumers of health care. At least six of the appointed members shall be individuals representing the consumers of health care, one shall be an official of a State health planning agency, one shall be an official of an areawide health planning agency, and one shall be a member of the National Advisory Council on Regional Medical Programs.

Appointment.

Members.

“(b) Each appointed member of the Council shall hold office for a term of four years, except that any member appointed to fill a vacancy prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and except that the terms of office of the members first taking office shall expire, as designated by the Secretary at the time of appointment, four at the end of the first year, four at the end of the second year, four at the end of the third year, and four at the end of the fourth year after the date of appointment. An appointed member shall not be eligible to serve continuously for more than two terms.

Term.

“(c) Appointed members of the Council, while attending meetings or conferences thereof or otherwise serving on the business of the Council, shall be entitled to receive compensation at rates fixed by the Secretary, but at rates not exceeding the daily equivalent of the rate specified at the time of service for GS-18 of the general schedule,

Ante, p. 198-1.

80 Stat. 499;
83 Stat. 190.

including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703(b) of title 5 of the United States Code for persons in the Government service employed intermittently.

Ante, p. 1304.

“(d) The Council shall advise and assist the Secretary in the preparation of general regulations for, and as to policy matters arising with respect to, the administration of section 314 of this title, with increased emphasis on cooperation in the coordination of programs thereunder with the National Advisory Council on Regional Medical Programs, with particular attention to the relationship between the improved organization and delivery of health services and the financing of such services; and shall, in carrying out such functions, review, not less often than annually, the grants made under section 314 to determine their effectiveness in carrying out its purposes.”

58 Stat. 693.
42 USC 243.

SEC. 282. Part B of title III of the Public Health Service Act is amended by striking out “Surgeon General” each place it appears and inserting in lieu thereof “Secretary”.

PART J—REGULATION OF VACCINES, BLOOD, BLOOD COMPONENTS, AND ALLERGENIC PRODUCTS

58 Stat. 702.
42 USC 262.

SEC. 291. Section 351 of the Public Health Service Act is amended by inserting, after “antitoxin”, each time such word appears, the following: “vaccine, blood, blood component or derivative, allergenic product,”.

PART K—EXTENSION OF RESEARCH CONTRACT AUTHORITY

79 Stat. 448;
81 Stat. 540.
42 USC 241.

SEC. 292. Paragraph (h) of section 301 of the Public Health Service Act is amended by striking out “five succeeding fiscal years” and inserting in lieu thereof “eight succeeding fiscal years”.

TITLE III—COMMUNITY MENTAL HEALTH CENTERS

Ante, p. 56.

SEC. 301. Section 201 of the Community Mental Health Centers Amendments of 1970 is amended by adding at the end thereof the following new subsection:

“(c) In the case of any community mental health center—

79 Stat. 428.
42 USC 2688.

“(1) for which a staffing grant was made under Part B of the Community Mental Health Centers Act for any period which began on or before June 30, 1970; and

“(2) (A) with respect to which the portion of the costs (as described in section 220(a) of such Act) which may be met from funds under a grant under such part B is increased (by reason of the enactment of the preceding subsections of this section) for any period after June 30, 1970; or

“(B) with respect to which the period during which a grant under such part B may be made is extended by reason of the enactment of subsection (a) of this section;

Ante, p. 57.

the provisions of section 221(a) (4) of such Act shall be deemed to have been complied with for any period after June 30, 1970, if the Secretary determines that there is satisfactory assurance that the amount of total costs, Federal and non-Federal (as described in section 220(a) of such Act), which will be incurred by such center for staffing purposes for any period after June 30, 1970, will not be less than the amount of such total costs for the period which last commenced on or before June 30, 1970, except that the grantee shall not be required to increase the amount contributed as the non-Federal share in the event the amount of the Federal participation is reduced.”

TITLE IV—AUTHORITY FOR GROUP PRACTICE

SEC. 401. (a) The Secretary of Health, Education, and Welfare may, in accordance with the provisions of this section, authorize any carrier, which is a party to a contract entered into under chapter 89 of title 5, United States Code (relating to health benefits for Federal employees), or under the Retired Federal Employees Health Benefits Act, or which participates in the carrying out of any such contract, to issue in any State contracts entitling any person as a beneficiary to receive comprehensive medical services (as defined in subsection (b)) from a group practice unit or organization (as defined in subsection (c)) with which such carrier has contracted or otherwise arranged for the provision of such services.

Ante, p. 869.

(b) As used in this section, the term “comprehensive medical services” means comprehensive preventive, diagnostic, and therapeutic medical services (as defined in regulations of the Secretary), furnished on a prepaid basis; and may include, at the option of a carrier, such other health services including mental health services, and equipment and supplies, furnished on such terms and conditions with respect to copayment and other matters, as may be authorized in regulations of the Secretary.

Definitions.

(c) As used in this section:

(1) The term “group practice unit or organization” means a non-profit agency, co-operative, or other organization undertaking to provide, through direct employment of, or other arrangements with the members of a medical group, comprehensive medical services (or such services and other health services) to members, subscribers, or other persons protected under contracts of carriers.

(2) The term “medical group” means a partnership or other association or group of persons who are licensed to practice medicine in a State (or of such persons and persons licensed to practice dentistry or optometry) who (A) as their principal professional activity and as a group responsibility, engage in the coordinated practice of their profession primarily in one or more group practice facilities, (B) pool their income from practice as members of the group and distribute it among themselves according to a prearranged plan, or enter into an employment arrangement with a group practice unit or organization for the provision of their services, (C) share common overhead expenses (if and to the extent such expenses are paid by members of the group), medical and other records, and substantial portions of the equipment and professional, technical, and administrative staff, and (D) include within the group at least such professional personnel, and make available at least such health services, as may be specified in regulations of the Secretary.

(d) Nothing in this section shall preclude any State or State agency from regulating the amounts charged for contracts issued pursuant to subsection (a) or the manner of soliciting and issuing such contracts, or from regulating any carrier issuing such contracts in any manner not inconsistent with the provisions of this section.

*Contract charges,
State regulation.*

TITLE V—STUDY RELATING TO ENVIRONMENTAL
POLLUTION

SEC. 501. (a) The Congress finds that there is general agreement that air, water, and other common environmental pollution may be hazardous to the health of individuals resident in the United States, but that despite the existence of various research papers and other technical reports on the health hazards of such pollution, there is no authoritative source of information about (1) the nature and gravity

of these hazards, (2) the availability of medical and other assistance to persons affected by such pollution, especially when such pollution reaches emergency levels, and (3) the measures, other than those relating solely to abatement of the pollution, that may be taken to avoid or reduce the effects of such pollution on the health of individuals.

Presidential
study.

(b) The President shall immediately commence (1) a study of the nature and gravity of the hazards to human health and safety created by air, water, and other common environmental pollution, (2) a survey of the medical and other assistance available to persons affected by such pollution, especially when such pollution reaches emergency levels, and (3) a survey of the measures, other than those relating solely to abatement of the pollution, that may be taken to avoid or reduce the effects of such pollution on the health of individuals.

Report to Con-
gress.

(c) The President shall, within nine months of the enactment of this Act, transmit to the Congress a report of the study and surveys required by subsection (b) of this section, including (1) his conclusions regarding the nature and gravity of the hazards to human health and safety created by environmental pollution, (2) his evaluation of the medical and other assistance available to persons affected by such pollution, especially when such pollution reaches emergency levels, (3) his assessment of the measures, other than those relating solely to abatement of the pollution, that may be taken to avoid or reduce the effects of such pollution on the health of individuals, and (4) such legislative or other recommendations as he may deem appropriate.

Report supple-
ments.

(d) The President shall, within one year of his transmittal to the Congress of the report required by subsection (c) of this section, and annually thereafter, supplement that report with such new data, evaluations, or recommendations as he may deem appropriate.

Appropriation.

(e) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

TITLE VI—MISCELLANEOUS

NATIONAL ADVISORY COUNCIL

42 USC 218,
289b, 289f, 292b.

SEC. 601. (a) (1) Sections 217(b), 432(a), 443(b), and 703(c) of the Public Health Service Act are amended by inserting "or committees" after "councils" wherever it appears therein.

42 USC 289a-
289c, 289j.

(2) Sections 431, 432(b), 433, 443, and 452 of such Act are amended by inserting "or committee" after "council" wherever it appears therein.

76 Stat. 1073.
42 USC 217a.

(3) Subsections (b) and (c) of section 222 of such Act are amended by inserting "council or" before "committee" wherever it appears therein.

(4) Such section is further amended by inserting in the heading thereof "COUNCILS OR" before "COMMITTEES".

Compensation.

64 Stat. 447.
42 USC 210.

(b) (1) Subsection (c) of section 208 of the Public Health Service Act is amended to read:

"(c) Members of the National Advisory Health Council and members of other national advisory or review councils or committees established under this Act, including members of the Technical Electronic Product Radiation Safety Standards Committee and the Board of Regents of the National Library of Medicine, but excluding ex officio members, while attending conferences or meetings of their respective councils or committees or while otherwise serving at the request of the Secretary, shall be entitled to receive compensation at rates to be fixed by the Secretary, but at rates not exceeding the daily equivalent of the rate specified at the time of such service for grade GS-18 of the General Schedule, including traveltime; and while away from their homes or regular places of business they may be allowed travel ex-

Ante, p. 198-1.

penses, including per diem in lieu of subsistence, as authorized by section 5703(b) of title 5 of the United States Code for persons in the Government service employed intermittently.”

(2) The second sentence of subsection (d) of section 306, the second sentence of subsection (d) of section 307, the first sentence of paragraph (2) of subsection (f) of section 358, subsection (d) of section 373, subsection (e) of section 641, subsection (d) of section 703, subsection (d) of section 725, subsection (d) of section 774, subsection (c) of section 841, and subsection (c) of section 905 of such Act are deleted.

(3) Paragraph (2) of subsection (f) of section 358 is further amended by striking out “under this subsection” in the second sentence thereof and by inserting in lieu thereof “to members of the Committee who are not officers or employees of the United States pursuant to subsection (c) of section 208 of this Act”.

(4) Subsection (d) of section 905 of such Act is redesignated as subsection (c).

(c)(1) Subsection (a) of section 222 of such Act is amended to read:

“(a) The Secretary may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, from time to time, appoint such advisory councils or committees (in addition to those authorized to be established under other provisions of law), for such periods of time, as he deems desirable with such period commencing on a date specified by the Secretary for the purpose of advising him in connection with any of his functions.”

(2) Subsection (c) of such section is amended by inserting “or programs” after “projects”.

(d)(1) Subsection (g) of section 408 of the Food, Drug, and Cosmetic Act is amended by striking out “as compensation for their services a reasonable per diem, for time actually spent in the work of the committee, and shall in addition be reimbursed for their necessary traveling and subsistence expenses while so serving away from their places of residence.” after “shall receive” and by inserting in lieu thereof “compensation and travel expenses in accordance with subsection (b)(5)(D) of section 706.”

(2) Subparagraph (D) of paragraph (5) of subsection (b) of section 706 of such Act is amended by striking out the third sentence thereof and by inserting in lieu thereof the following new sentence: “Members of any advisory committee established under this Act, while attending conferences or meetings of their committees or otherwise serving at the request of the Secretary, shall be entitled to receive compensation at rates to be fixed by the Secretary but at rates not exceeding the daily equivalent of the rate specified at the time of such service for grade GS-18 of the General Schedule, including traveltime; and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703(b) of title 5 of the United States Code for persons in the Government service employed intermittently.”

80 Stat. 499;
83 Stat. 190.

42 USC 242d.
42 USC 242e.
42 USC 263f.
Anfe, pp. 66,
344.
42 USC 292b.
42 USC 293e,
295f-4, 298, 299e.
82 Stat. 1179.

79 Stat. 929.

76 Stat. 1073.
42 USC 217a.

80 Stat. 443,
467.
5 USC 5101,
5331.
Anfe, p. 198-1.

68 Stat. 511.
21 USC 346a.

74 Stat. 399.
21 USC 376.

76 Stat. 1072.
42 USC 289e.

TRAINING AUTHORITY OF INSTITUTE OF GENERAL MEDICAL SCIENCES

SEC. 602. Section 442 of the Public Health Service Act is amended by striking out “research” before “training”.

Approved October 30, 1970.

Public Law 91-516

October 30, 1970
[H. R. 18260]

AN ACT

To authorize the United States Commissioner of Education to establish education programs to encourage understanding of policies, and support of activities, designed to enhance environmental quality and maintain ecological balance.

Environmental
Education Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the “Environmental Education Act”.

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. (a) The Congress of the United States finds that the deterioration of the quality of the Nation’s environment and of its ecological balance poses a serious threat to the strength and vitality of the people of the Nation and is in part due to poor understanding of the Nation’s environment and of the need for ecological balance; that presently there do not exist adequate resources for educating and informing citizens in these areas, and that concerted efforts in educating citizens about environmental quality and ecological balance are therefore necessary.

(b) It is the purpose of this Act to encourage and support the development of new and improved curricula to encourage understanding of policies, and support of activities designed to enhance environmental quality and maintain ecological balance; to demonstrate the use of such curricula in model educational programs and to evaluate the effectiveness thereof; to provide support for the initiation and maintenance of programs in environmental education at the elementary and secondary levels; to disseminate curricular materials and other information for use in educational programs throughout the Nation; to provide training programs for teachers, other educational personnel, public service personnel, and community, labor, and industrial and business leaders and employees, and government employees at State, Federal, and local levels; to provide for the planning of outdoor ecological study centers; to provide for community education programs on preserving and enhancing environmental quality and maintaining ecological balance; and to provide for the preparation and distribution of materials by mass media in dealing with the environment and ecology.

ENVIRONMENTAL EDUCATION

Environmental
education office,
establishment.

SEC. 3. (a) (1) There is established, within the Office of Education, an office of environmental education (referred to in this section as the “office”) which, under the supervision of the Commissioner, through regulations promulgated by the Secretary, shall be responsible for (A) the administration of the program authorized by subsection (b) and (B) the coordination of activities of the Office of Education which are related to environmental education. The office shall be headed by a Director who shall be compensated at a rate not to exceed that prescribed for grade GS-17 in section 5332 of title 5, United States Code.

Ante, p. 198-1.
“Environmental
education.”

(2) For the purposes of this Act, the term “environmental education” means the educational process dealing with man’s relationship with his natural and manmade surroundings, and includes the relation of population, pollution, resource allocation and depletion, conservation, transportation, technology, and urban and rural planning to the total human environment.

Grants and
contracts.

(b) (1) The Commissioner shall carry out a program of making grants to, and contracts with, institutions of higher education, State

and local educational agencies, regional educational research organizations, and other public and private agencies, organizations, and institutions (including libraries and museums) to support research, demonstration, and pilot projects designed to educate the public on the problems of environmental quality and ecological balance, except that no grant may be made other than to a nonprofit agency, organization or institution.

Prohibition.

(2) Funds appropriated for grants and contracts under this section shall be available for such activities as—

Funds, availability.

(A) the development of curricula (including interdisciplinary curricula) in the preservation and enhancement of environmental quality and ecological balance;

(B) dissemination of information relating to such curricula and to environmental education, generally;

(C) in the case of grants to State and local educational agencies, for the support of environmental education programs at the elementary and secondary education levels;

(D) preservice and inservice training programs and projects (including fellowship programs, institutes, workshops, symposiums, and seminars) for educational personnel to prepare them to teach in subject matter areas associated with environmental quality and ecology, and for public service personnel, government employees, and business, labor, and industrial leaders and employees;

(E) planning of outdoor ecological study centers;

(F) community education programs on environmental quality, including special programs for adults; and

(G) preparation and distribution of materials suitable for use by the mass media in dealing with the environment and ecology.

In addition to the activities specified in the first sentence of this paragraph, such funds may be used for projects designed to demonstrate, test, and evaluate the effectiveness of any such activities, whether or not assisted under this section.

(3)(A) Financial assistance under this subsection may be made available only upon application to the Commissioner. Applications under this subsection shall be submitted at such time, in such form, and containing such information as the Secretary shall prescribe by regulation and shall be approved only if it—

Financial assistance, application.

(i) provides that the activities and services for which assistance is sought will be administered by, or under the supervision of, the applicant;

(ii) describes a program for carrying out one or more of the purposes set forth in the first sentence of paragraph (2) which holds promise of making a substantial contribution toward attaining the purposes of this section;

(iii) sets forth such policies and procedures as will insure adequate evaluation of the activities intended to be carried out under the application;

(iv) sets forth policies and procedures which assure that Federal funds made available under this Act for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the purposes described in section 3, and in no case supplant such funds.

(v) provides for such fiscal control and fund accounting pro-

cedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this title; and

Reports and
recordkeeping.

(vi) provides for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require and for keeping such records, and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

(B) Applications from local educational agencies for financial assistance under this Act may be approved by the Commissioner only if the State educational agency has been notified of the application and been given the opportunity to offer recommendations.

(C) Amendments of applications shall, except as the Secretary may otherwise provide by or pursuant to regulation, be subject to approval in the same manner as original applications.

Federal share,
limitation.

(4) Federal assistance to any program or project under this section, other than those involving curriculum development, dissemination of curricular materials, and evaluation, shall not exceed 80 per centum of the cost of such program for the first fiscal year of its operation, including costs of administration, unless the Commissioner determines, pursuant to regulations adopted and promulgated by the Secretary establishing objective criteria for such determinations, that assistance in excess of such percentages is required in furtherance of the purposes of this section. The Federal share for the second year shall not exceed 60 per centum, and for the third year 40 per centum. Non-Federal contributions may be in cash or kind, fairly evaluated, including but not limited to plant, equipment, and services.

Advisory Council on Environmental Education; establishment; membership.

(c) (1) There is hereby established an Advisory Council on Environmental Education consisting of twenty-one members appointed by the Secretary. The Secretary shall appoint one member as Chairman. The Council shall consist of persons appointed from the public and private sector with due regard to their fitness, knowledge, and experience in matters of, but not limited to, academic, scientific, medical, legal, resource conservation and production, urban and regional planning, and information media activities as they relate to our society and affect our environment, and shall give due consideration to geographical representation in the appointment of such members: *Provided, however,* That the Council shall consist of not less than three ecologists and three students.

Duties.

(2) The Council shall—

(A) advise the Commissioner and the office concerning the administration of, preparation of general regulations for, and operation of programs assisted under this section;

(B) make recommendations to the office with respect to the allocation of funds appropriated pursuant to subsection (d) among the purposes set forth in paragraph (2) of subsection (b) and the criteria to be used in approving applications, which criteria shall insure an appropriate geographical distribution of approved programs and projects throughout the Nation;

(C) develop criteria for the review of applications and their disposition; and

(D) evaluate programs and projects assisted under this section and disseminate the results thereof.

TECHNICAL ASSISTANCE

SEC. 4. The Secretary of Health, Education, and Welfare, in cooperation with the heads of other agencies with relevant jurisdiction, shall, insofar as practicable upon request, render technical assistance to local educational agencies, public and private nonprofit organizations, institutions of higher education, agencies of local, State, and Federal governments and other agencies deemed by the Secretary to play a role in preserving and enhancing environmental quality and maintaining ecological balance. The technical assistance shall be designed to enable the recipient agency to carry on education programs which are related to environmental quality and ecological balance.

SMALL GRANTS

SEC. 5. (a) In addition to the grants authorized under section 3, the Commissioner, from the sums appropriated, shall have the authority to make grants, in sums not to exceed \$10,000 annually, to nonprofit organizations such as citizens groups, volunteer organizations working in the environmental field, and other public and private nonprofit agencies, institutions, or organizations for conducting courses, workshops, seminars, symposiums, institutes, and conferences, especially for adults and community groups (other than the group funded).

Limitation.

(b) Priority shall be given to those proposals demonstrating innovative approaches to environmental education.

(c) For the purposes of this section, the Commissioner shall require evidence that the interested organization or group shall have been in existence one year prior to the submission of a proposal for Federal funds and that it shall submit an annual report on Federal funds expended.

Report.

(d) Proposals submitted by organizations and groups under this section shall be limited to the essential information required to evaluate them, unless the organization or group shall volunteer additional information.

ADMINISTRATION

SEC. 6. In administering the provisions of this Act, the Commissioner is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public or private agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement, as may be agreed upon. The Commissioner shall publish annually a list and description of projects supported under this Act and shall distribute such list and description to interested educational institutions, citizens' groups, conservation organizations, and other organizations and individuals involved in enhancing environmental quality and maintaining ecological balance.

AUTHORIZATION

SEC. 7. There is authorized to be appropriated \$5,000,000 for the fiscal year ending June 30, 1971, \$15,000,000 for the fiscal year ending June 30, 1972, and \$25,000,000 for the fiscal year ending June 30, 1973, for carrying out the purposes of this Act.

Approved October 30, 1970.

Public Law 91-517

AN ACT

October 30, 1970
[S. 2846]

To amend the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 to assist the States in developing a plan for the provision of comprehensive services to persons affected by mental retardation and other developmental disabilities originating in childhood, to assist the States in the provision of such services in accordance with such plan, to assist in the construction of facilities to provide the services needed to carry out such plan, and for other purposes.

Developmental
Disabilities Serv-
ices and Facili-
ties Construction
Amendments of
1970.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Developmental Disabilities Services and Facilities Construction Amendments of 1970".

TITLE I—GRANTS FOR PLANNING, PROVISION OF SERVICES, AND CONSTRUCTION AND OPERATION OF FACILITIES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES

77 Stat. 282;
81 Stat. 528.
42 USC 2661-
2678d.

SEC. 101. (a) Title I of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, as amended, is amended by striking out the caption and substituting the following:

"TITLE I—SERVICES AND FACILITIES FOR THE MENTALLY RETARDED AND PERSONS WITH OTHER DEVELOPMENTAL DISABILITIES".

42 USC 2671-
2677.

(b) Part C of the Mental Retardation Facilities Construction Act, as amended, is amended by striking out the caption and sections 131 through 137 and substituting the following:

"PART C—GRANTS FOR PLANNING, PROVISION OF SERVICES, AND CONSTRUCTION AND OPERATION OF FACILITIES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES

"DECLARATION OF PURPOSE

"SEC. 130. The purpose of this part is to authorize—

"(a) grants to assist the several States in developing and implementing a comprehensive and continuing plan for meeting the current and future needs for services to persons with developmental disabilities;

"(b) grants to assist public or nonprofit private agencies in the construction of facilities for the provision of services to persons with developmental disabilities, including facilities for any of the purposes stated in this section;

"(c) grants for provision of services to persons with developmental disabilities, including costs of operation, staffing, and maintenance of facilities for persons with developmental disabilities;

"(d) grants for State or local planning, administration, or technical assistance relating to services and facilities for persons with developmental disabilities;

“(e) grants for training of specialized personnel needed for the provision of services for persons with developmental disabilities, or research related thereto; and

“(f) grants for developing or demonstrating new or improved techniques for the provision of services for persons with developmental disabilities.

“AUTHORIZATION OF APPROPRIATIONS

“SEC. 131. In order to make the grants to carry out the purposes of section 130, there are authorized to be appropriated \$60,000,000 for the fiscal year ending June 30, 1971, \$105,000,000 for the fiscal year ending June 30, 1972, and \$130,000,000 for the fiscal year ending June 30, 1973.

“STATE ALLOTMENTS

“SEC. 132. (a)(1) From the sums appropriated to carry out the purposes of section 130 for each fiscal year, other than amounts reserved by the Secretary for projects under subsection (e), the several States shall be entitled to allotments determined, in accordance with regulations, on the basis of (A) the population, (B) the extent of need for services and facilities for persons with developmental disabilities, and (C) the financial need, of the respective States; except that the allotment of any State (other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands) for any such fiscal year shall not be less than \$100,000 plus, if such fiscal year is later than the fiscal year ending June 30, 1971, and if the sums so appropriated for such fiscal year exceed the amount authorized to be appropriated to carry out such purposes for the fiscal year ending June 30, 1971, an amount which bears the same ratio to \$100,000 as the difference between the amount so appropriated and the amount authorized to be appropriated for the fiscal year ending June 30, 1971, bears to the amount authorized to be appropriated for the fiscal year ending June 30, 1971.

“(2) In determining, for purposes of paragraph (1), the extent of need in any State for services and facilities for persons with developmental disabilities, the Secretary shall take into account the scope and extent of the services specified, pursuant to section 134(b)(5), in the State plan of such State approved under this part.

“(3) Sums allotted to a State for a fiscal year and designated by it for construction and remaining unobligated at the end of such year shall remain available to such State for such purpose for the next fiscal year (and for such year only), in addition to the sums allotted to such State for such next fiscal year: *Provided*, That if the maximum amount which may be specified pursuant to section 134(b)(15) for a year plus any part of the amount so specified pursuant thereto for the preceding fiscal year and remaining unobligated at the end thereof is not sufficient to pay the Federal share of the cost of construction of a specific facility included in the construction program of the State developed pursuant to section 134(b)(13), the amount specified pursuant to such section for such preceding year shall remain available for a second additional year for the purpose of paying the Federal share of the cost of construction of such facility.

“(b) Whenever the State plan approved in accordance with section 134 provides for participation of more than one State agency in administering or supervising the administration of designated portions of the State plan, the State may apportion its allotment among such agencies in a manner which, to the satisfaction of the Secretary, is reasonably related to the responsibilities assigned to such agencies in

carrying out the purposes of this part. Funds so apportioned to State agencies may be combined with other State or Federal funds authorized to be spent for other purposes, provided the purposes of this part will receive proportionate benefit from the combination.

“(c) Whenever the State plan approved in accordance with section 134 provides for cooperative or joint effort between States or between or among agencies, public or private, in more than one State, portions of funds allotted to one or more such cooperating States may be combined in accordance with the agreements between the agencies involved.

“(d) The amount of an allotment to a State for a fiscal year which the Secretary determines will not be required by the State during the period for which it is available for the purpose for which allotted shall be available for reallocation by the Secretary from time to time, on such date or dates as he may fix, to other States with respect to which such a determination has not been made, in proportion to the original allotments of such States for such fiscal year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates such State needs and will be able to use during such period; and the total of such reductions shall be similarly reallocated among the States whose proportionate amounts were not so reduced. Any amount so reallocated to a State for a fiscal year shall be deemed to be a part of its allotment under subsection (a) for such fiscal year.

“(e) Of the sums appropriated pursuant to section 131, such amount as the Secretary may determine, but not more than 10 per centum thereof, shall be available for grants by the Secretary to public or nonprofit private agencies to pay up to 90 per centum of the cost of projects for carrying out the purposes of section 130 which in his judgment are of special national significance because they will assist in meeting the needs of the disadvantaged with developmental disabilities, or will demonstrate new or improved techniques for provision of services for such persons, or are otherwise specially significant for carrying out the purposes of this title.

“NATIONAL ADVISORY COUNCIL ON SERVICES AND FACILITIES FOR THE DEVELOPMENTALLY DISABLED

“SEC. 133. (a) (1) Effective July 1, 1971, there is hereby established a National Advisory Council on Services and Facilities for the Developmentally Disabled (hereinafter referred to as the ‘Council’), which shall consist of twenty members, not otherwise in the regular full-time employ of the United States, to be appointed by the Secretary without regard to the provisions of title 5, United States Code, governing appointments in the competitive civil service.

80 Stat. 378.
5 USC 101 *et seq.*

“(2) The Secretary shall from time to time designate one of the members of the Council to serve as Chairman thereof.

Membership.

“(3) The members of the Council shall be selected from leaders in the fields of service to the mentally retarded and other persons with developmental disabilities, including leaders in State or local government, in institutions of higher education, and in organizations representing consumers of such services. At least five members shall be representative of State or local public or nonprofit private agencies responsible for services to persons with developmental disabilities, and at least five shall be representative of the interests of consumers of such services.

Term of office.

“(b) Each member of the Council shall hold office for a term of four years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and

except that, of the twenty members first appointed, five shall hold office for a term of three years, five shall hold office for a term of two years, and five shall hold office for a term of one year, as designated by the Secretary at the time of appointment.

“(c) It shall be the duty and function of the Council to (1) advise the Secretary with respect to any regulations promulgated or proposed to be promulgated by him in the implementation of this title, and (2) study and evaluate programs authorized by this title with a view to determining their effectiveness in carrying out the purposes for which they were established.

Duties.

“(d) The Council is authorized to engage such technical assistance as may be required to carry out its functions, and the Secretary shall, in addition, make available to the Council such secretarial, clerical, and other assistance and such statistical and other pertinent data prepared by or available to the Department of Health, Education, and Welfare as it may require to carry out such functions.

Technical, clerical assistance.

“(e) Members of the Council, while attending meetings or conferences thereof or otherwise serving on the business of the Council, shall be entitled to receive compensation at rates fixed by the Secretary, but at rates not exceeding the daily equivalent of the rate provided for GS-18 of the General Schedule for each day of such service (including travel time), and, while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

Compensation, travel expenses.

Ante, p. 198-1.

80 Stat. 499;
83 Stat. 190.

“STATE PLANS

“SEC. 134. (a) Any State desiring to take advantage of this part must have a State plan submitted to and approved by the Secretary under this section.

“(b) In order to be approved by the Secretary under this section, a State plan for the provision of services and facilities for persons with developmental disabilities must—

Approval, conditions.

“(1) designate (A) a State planning and advisory council, to be responsible for submitting revisions of the State plan and transmitting such reports as may be required by the Secretary; (B) except as provided in clause (C), the State agency or agencies which shall administer or supervise the administration of the State plan and, if there is more than one such agency, the portion of such plan which each will administer (or the portion the administration of which each will supervise); and (C) a single State agency as the sole agency for administering or supervising the administration of grants for construction under the State plan, except that during fiscal year 1971, the Secretary may waive, in whole or in part, the requirements of this paragraph;

“(2) describe (A) the quality, extent, and scope of services being provided, or to be provided, to persons with developmental disabilities under such other State plans for Federally assisted State programs as may be specified by the Secretary, but in any case including education for the handicapped, vocational rehabilitation, public assistance, medical assistance, social services, maternal and child health, crippled children's services, and comprehensive health and mental health plans, and (B) how funds allotted to the State in accordance with section 132 will be used to complement and augment rather than duplicate or replace services and facilities for persons with developmental disabilities which are eligible for Federal assistance under such other State programs;

“(3) set forth policies and procedures for the expenditure of funds under the plan, which, in the judgment of the Secretary, are designed to assure effective continuing State planning, evaluation, and delivery of services (both public and private) for persons with developmental disabilities;

“(4) contain or be supported by assurances satisfactory to the Secretary that (A) the funds paid to the State under this part will be used to make a significant contribution toward strengthening services for persons with developmental disabilities in the various political subdivisions of the State in order to improve the quality, scope, and extent of such services; (B) part of such funds will be made available to other public or nonprofit private agencies, institutions, and organizations; (C) such funds will be used to supplement and, to the extent practicable, to increase the level of funds that would otherwise be made available for the purposes for which the Federal funds are provided and not to supplant such non-Federal funds; and (D) there will be reasonable State financial participation in the cost of carrying out the State plan;

“(5) (A) provide for the furnishing of services and facilities for persons with developmental disabilities associated with mental retardation, (B) specify the other categories of developmental disabilities (approved by the Secretary) which will be included in the State plan, and (C) describe the quality, extent, and scope of such services as will be provided to eligible persons;

“(6) provide that services and facilities furnished under the plan for persons with developmental disabilities will be in accordance with standards prescribed by regulations, including standards as to the scope and quality of such services and the maintenance and operation of such facilities, except that during fiscal year 1971, the Secretary may waive, in whole or in part, the requirements of this paragraph;

“(7) provide such methods of administration, including methods relating to the establishment and maintenance of personnel standards on a merit basis (except that the Secretary shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with such methods), as are found by the Secretary to be necessary for the proper and efficient operation of the plan;

“(8) provide that the State planning and advisory council shall be adequately staffed, and shall include representatives of each of the principal State agencies and representatives of local agencies and nongovernmental organizations and groups concerned with services for persons with developmental disabilities: *Provided*, That at least one-third of the membership of such council shall consist of representatives of consumers of such services;

“(9) provide that the State planning and advisory council will from time to time, but not less often than annually, review and evaluate its State plan approved under this section and submit appropriate modifications to the Secretary;

“(10) provide that the State agencies designated pursuant to paragraph (1) will make such reports, in such form and containing such information, as the Secretary may from time to time reasonably require, and will keep such records and afford such access thereto as the Secretary finds necessary to assure the correctness and verification of such reports;

“(11) provide that special financial and technical assistance shall be given to areas of urban or rural poverty in providing services and facilities for persons with developmental disabilities who are residents of such areas:

Annual review.

Records and reports, availability.

Urban or rural poverty area, special assistance.

“(12) describe the methods to be used to assess the effectiveness and accomplishments of the State in meeting the needs of persons with developmental disabilities in the State;

“(13) provide for the development of a program of construction of facilities for the provision of services for persons with developmental disabilities which (A) is based on a statewide inventory of existing facilities and survey of need; and (B) meets the requirements prescribed by the Secretary for furnishing needed services to persons unable to pay therefor;

“(14) set forth the relative need, determined in accordance with regulations prescribed by the Secretary, for the several projects included in the construction program referred to in paragraph (13), and assign priority to the construction of projects, insofar as financial resources available therefor and for maintenance and operation make possible, in the order of such relative need;

“(15) specify the per centum of the State's allotment (under section 132) for any year which is to be devoted to construction of facilities, which per centum shall be not more than 50 per centum of the State's allotment or such lesser per centum as the Secretary may from time to time prescribe;

“(16) provide for affording to every applicant for a construction project an opportunity for hearing before the State agency;

“(17) provide for such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of and accounting for funds paid to the State under this part; and

“(18) contain such additional information and assurances as the Secretary may find necessary to carry out the provisions and purposes of this part.

“(c) The Secretary shall approve any State plan and any modification thereof which complies with the provisions of subsection (b). The Secretary shall not finally disapprove a State plan except after reasonable notice and opportunity for a hearing to the State.

“APPROVAL OF PROJECTS FOR CONSTRUCTION

“SEC. 135. (a) For each project for construction pursuant to a State plan approved under this part, there shall be submitted to the Secretary, through the State agency designated pursuant to section 134(b) (1) (C), an application by the State or a political subdivision thereof or by a public or nonprofit private agency. If two or more agencies join in the construction of the project, the application may be filed by one or more of such agencies. Such application shall set forth—

Application.

“(1) a description of the site for such project;

“(2) plans and specifications thereof, in accordance with regulations prescribed by the Secretary;

“(3) reasonable assurance that title to such site is or will be vested in one or more of the agencies filing the application or in a public or nonprofit private agency which is to operate the facility;

“(4) reasonable assurance that adequate financial support will be available for the construction of the project and for its maintenance and operation when completed;

“(5) reasonable assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of work on construction of the project will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the

49 Stat. 1011;
78 Stat. 238.

64 Stat. 1267.
63 Stat. 108.

Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5); and the Secretary of Labor shall have with respect to the labor standards specified in this paragraph the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. 1332-15) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c); and

“(6) a certification by the State agency of the Federal share for the project.

“(b) The Secretary shall approve such application if sufficient funds to pay the Federal share of the cost of construction of such project are available from the allotment to the State, and if the Secretary finds (1) that the application contains such reasonable assurances as to title, financial support, and payment of prevailing rates of wages and overtime pay, (2) that the plans and specifications are in accord with regulations prescribed by the Secretary, (3) that the application is in conformity with the State plan approved under this part, and (4) that the application has been approved and recommended by the State agency and is entitled to priority over other projects within the State in accordance with the State's plan for persons with developmental disabilities and in accordance with regulations prescribed by the Secretary.

“(c) No application shall be disapproved until the Secretary has afforded the State agency an opportunity for a hearing.

“(d) Amendment of any approved application shall be subject to approval in the same manner as the original application.

“WITHHOLDING OF PAYMENTS FOR CONSTRUCTION

“SEC. 136. Whenever the Secretary, after reasonable notice and opportunity for hearing to the State planning and advisory council designated pursuant to section 134(b)(1)(A) and the State agency designated pursuant to section 134(b)(1)(C) finds—

“(a) that the State agency is not complying substantially with the provisions required by section 134(b) to be included in the State plan, or with regulations of the Secretary;

“(b) that any assurance required to be given in an application filed under section 135 is not being or cannot be carried out;

“(c) that there is a substantial failure to carry out plans and specifications related to construction approved by the Secretary under section 134; or

“(d) that adequate funds are not being provided annually for the direct administration of the State plan,
the Secretary may forthwith notify such State council and agency that—

“(e) no further payments will be made to the State for construction from allotments under this part; or

“(f) no further payments will be made from allotments under this part for any project or projects designated by the Secretary as being affected by the action or inaction referred to in paragraph (a), (b), (c), or (d) of this section;

as the Secretary may determine to be appropriate under the circumstances; and, except with regard to any project for which the application has already been approved and which is not directly affected, further payments for construction projects may be withheld, in whole or in part, until there is no longer any failure to comply (or to carry out the assurance or plans and specifications or to provide adequate funds, as the case may be) or, if such compliance (or other action) is impossible, until the State repays or arranges for the repayment of Federal moneys to which the recipient was not entitled.

“PAYMENTS TO THE STATES FOR PLANNING, ADMINISTRATION, AND SERVICES

“SEC. 137. (a) (1) From each State's allotments for a fiscal year under section 132, the State shall be paid the Federal share of the expenditures, other than expenditures for construction, incurred during such year under its State plan approved under this part. Such payments shall be made from time to time in advance on the basis of estimates by the Secretary of the sums the State will expend under the State plan, except that such adjustments as may be necessary shall be made on account of previously made underpayments or overpayments under this section.

“(2) For the purpose of determining the Federal share with respect to any State, expenditures by a political subdivision thereof or by nonprofit private agencies, organizations, and groups shall, subject to such limitations and conditions as may be prescribed by regulations, be regarded as expenditures by such State.

“(b) (1) Except as provided in paragraph (2), the ‘Federal share’ with respect to any State for purposes of this section for any fiscal year shall be 75 per centum of the expenditures, other than expenditures for construction, incurred by the State during such year under its State plan approved under this part during each of the fiscal years ending June 30, 1971, and June 30, 1972, and 70 per centum of such nonconstruction expenditures during the fiscal year ending June 30, 1973.

“Federal share.”

“(2) In the case of any project located in an area within a State determined by the Secretary to be an urban or rural poverty area, the ‘Federal share’ with respect to such project for purposes of this section for any fiscal year may be up to 90 per centum of the expenditures, other than expenditures for construction, incurred by the State during such year under its State plan approved under this part with respect to such project for the first twenty-four months of such project, and 80 per centum of such nonconstruction expenditures for the next twelve months.

Urban or rural poverty area.

“WITHHOLDING OF PAYMENTS FOR PLANNING, ADMINISTRATION,
AND SERVICES

“SEC. 138. Whenever the Secretary, after reasonable notice and opportunity for hearing to the State planning and advisory council and the appropriate State agencies or agency, designated pursuant to section 134(b) (1) finds that—

“(a) there is a failure to comply substantially with any of the provisions required by section 134 to be included in the State plan; or

“(b) there is a failure to comply substantially with any regulations of the Secretary which are applicable to this part, the Secretary shall notify such State council and agency or agencies that further payments will not be made to the State under this part (or, in his discretion, that further payments will not be made to the State under this part for activities in which there is such failure), until he is satisfied that there will no longer be such failure. Until he is so satisfied, the Secretary shall make no further payment to the State under this part, or shall limit further payment under this part to such State to activities in which there is no such failure.

“REGULATIONS

“SEC. 139. The Secretary, as soon as practicable, by general regulations applicable uniformly to all the States, shall prescribe—

“(a) the kinds of services which are needed to provide adequate programs for persons with developmental disabilities, the kinds of

services which may be provided under a State plan approved under this part, and the categories of persons for whom such services may be provided;

“(b) standards as to the scope and quality of services provided for persons with developmental disabilities under a State plan approved under this part;

“(c) the general manner in which a State, in carrying out its State plan approved under this part, shall determine priorities for services and facilities based on type of service, categories of persons to be served, and type of disability, with special consideration being given to the needs for such services and facilities in areas of urban and rural poverty; and

“(d) general standards of construction and equipment for facilities of different classes and in different types of location.

After appointment of the Council, regulations and revisions therein shall be promulgated by the Secretary only after consultation with Council.

“NONDUPLICATION

“SEC. 140. (a) In determining the amount of any payment for the construction of any facility under a State plan approved under this part, there shall be disregarded (1) any portion of the costs of such construction which are financed by Federal funds provided under any provision of law other than this part, and (2) the amount of any non-Federal funds required to be expended as a condition of receipt of such Federal funds.

“(b) In determining the amount of any State’s Federal share of expenditures for planning, administration, and services incurred by it under a State plan approved under this part, there shall be disregarded (1) any portion of such expenditures which are financed by Federal funds provided under any provision of law other than this part, and (2) the amount of any non-Federal funds required to be expended as a condition of receipt of such Federal funds.”

SEC. 102. (a) Section 401 of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, as amended (42 U.S.C. 2691), is amended by—

(1) striking out “; for purposes of this title and title II only, includes the Trust Territory of the Pacific Islands” in subsection (a) and inserting “the Trust Territory of the Pacific Islands,” after “Virgin Islands.”;

(2) striking out subsection (b) and inserting in lieu thereof the following:

“(b) The term ‘facility for persons with developmental disabilities’ means a facility, or a specified portion of a facility, designed primarily for the delivery of one or more services to persons with one or more developmental disabilities.”;

(3) striking out the words “the mentally retarded” wherever they occur in subsection (d) and inserting the words “persons with developmental disabilities” in lieu thereof;

(4) amending the first sentence of subsection (h) (2) to read as follows: “The Federal share with respect to any project in the State shall be the amount determined by the appropriate State agency designated in the State plan, but, except as provided in paragraph (3), the Federal share (A) for any project under part C of title I may not exceed 66⅔ per centum of the costs of construction of such project; and (B) for any project under part A of title II may not exceed 66⅔ per centum of the costs of construction of such project or the State’s Federal percentage, whichever is the lower.”; and

Ante, p. 54.

77 Stat. 296.

“Facility for persons with developmental disabilities.”

Ante, p. 55.

(5) adding at the end of the section the following subsections:

“(1) The term ‘developmental disability’ means a disability attributable to mental retardation, cerebral palsy, epilepsy, or another neurological condition of an individual found by the Secretary to be closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals, which disability originates before such individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial handicap to such individual.

“Developmental disability.”

“(m) The term ‘services for persons with developmental disabilities’ means specialized services or special adaptations of generic services directed toward the alleviation of a developmental disability or toward the social, personal, physical, or economic habilitation or rehabilitation of an individual with such a disability, and such term includes diagnosis, evaluation, treatment, personal care, daycare, domiciliary care, special living arrangements, training, education, sheltered employment, recreation, counseling of the individual with such disability and of his family, protective and other social and socio-legal services, information and referral services, follow-along services, and transportation services necessary to assure delivery of services to persons with developmental disabilities.

“Services for persons with developmental disabilities.”

“(n) The term ‘regulations’ means (unless the text otherwise indicates) regulations promulgated by the Secretary.”

“Regulations.”

(b) Sections 403, 405, and 406 of such Act are amended by inserting the words “or persons with other developmental disabilities” after the words “mentally retarded” wherever they occur.

77 Stat. 297.
42 USC 2693,
2695, 2696.

(c) Section 404 of such Act is amended by deleting “134(b)” and inserting “134(c)” in lieu thereof.

42 USC 2694.

EFFECTIVE DATE

SEC. 103. The amendments made by sections 101 and 102 of this title shall apply with respect to fiscal years beginning after June 30, 1970. Funds appropriated before June 30, 1970, under part C of the Mental Retardation Facilities Construction Act shall remain available for obligation during the fiscal year ending June 30, 1971.

Ante, p. 1316.

TITLE II—AMENDMENTS TO PART B OF THE MENTAL RETARDATION FACILITIES CONSTRUCTION ACT

CONSTRUCTION GRANTS

SEC. 201. (a) The first sentence of section 121(a) of the Mental Retardation Facilities Construction Act is amended—

77 Stat. 284;
81 Stat. 527.
42 USC 2661.

(1) by striking out “clinical facilities providing, as nearly as practicable, a full range of inpatient and outpatient services for the mentally retarded (which, for purposes of this part, includes other neurological handicapping conditions found by the Secretary to be sufficiently related to mental retardation to warrant inclusion in this part) and”;

(2) by striking out “clinical training” and inserting in lieu thereof: “interdisciplinary training”; and

(3) by striking out “each for the fiscal year ending June 30, 1969, and the fiscal year ending June 30, 1970” and inserting in lieu thereof: “for each of the next five fiscal years through the fiscal year ending June 30, 1973”.

(b) Such section 121(a) is amended by striking out “the mentally

retarded" in the second sentence and the second time and third time it appears in the first sentence and inserting in lieu thereof "persons with developmental disabilities".

(c) Sections 124 and 125 of the Mental Retardation Facilities Construction Act are each amended by striking out "the mentally retarded" each place it appears in those sections and inserting in lieu thereof "persons with developmental disabilities".

77 Stat. 285;
81 Stat. 527.
42 USC 2664,
2665.

DEMONSTRATION AND TRAINING GRANTS

SEC. 202. Part B of the Mental Retardation Facilities Construction Act is amended by redesignating sections 122, 123, 124, and 125 as sections 123, 124, 125, and 126, respectively, and by adding the following new section after section 121:

42 USC 2662-
2665.

"DEMONSTRATION AND TRAINING GRANTS

"SEC. 122.(a) For the purposes of assisting institutions of higher education to contribute more effectively to the solution of complex health, education, and social problems of children and adults suffering from developmental disabilities, the Secretary may, in accordance with the provisions of this part, make grants to cover costs of administering and operating demonstration facilities and interdisciplinary training programs for personnel needed to render specialized services to persons with developmental disabilities, including established disciplines as well as new kinds of training to meet critical shortages in the care of persons with developmental disabilities.

Appropriations.

"(b) For the purpose of making grants under this section, there are authorized to be appropriated \$15,000,000 for the fiscal year ending June 30, 1971; \$17,000,000 for the fiscal year ending June 30, 1972; and \$20,000,000 for the fiscal year ending June 3, 1973."

SEC. 203. Section 123 of such Act, as so redesignated by section 202 of this Act, is amended by inserting "(a)" after "SEC. 123.", by inserting "the construction of" before "any facility", by striking out "section 133(3)" and inserting in lieu thereof "section 139(d)", and by adding the following new subsection at the end thereof:

Ante, p. 1323.

"(b) Applications for demonstration and training grants under this part may be approved by the Secretary only if the applicant is a college or university operating a facility of the type described in section 121, or is a public or nonprofit private agency or organization operating such a facility. In considering applications for such grants, the Secretary shall give priority to any application which shows that the applicant has made arrangements, in accordance with regulations of the Secretary, for a junior college to participate in the programs for which the application is made."

SEC. 204. Section 124 of such Act, as so redesignated by section 202 of this Act, is amended by striking out "for the construction of a facility" and "of construction" in subsection (a) thereof, and by striking out "in such installments consistent with construction progress," in subsection (b).

SEC. 205. Section 125 of such Act, as so redesignated by section 202 of this Act, is amended by inserting "construction" before "funds".

MAINTENANCE OF EFFORT

SEC. 206. Part B of such Act is amended by adding at the end thereof the following new section:

42 USC 2661-
2665.

“MAINTENANCE OF EFFORT

“SEC. 127. Applications for grants under this part may be approved by the Secretary only if the application contains or is supported by reasonable assurances that the grants will not result in any decrease in the level of State, local, and other non-Federal funds for services for persons with developmental disabilities and training of persons to provide such services which would (except for such grant) be available to the applicant, but that such grants will be used to supplement, and, to the extent practicable, to increase the level of such funds.”

CONFORMING AMENDMENTS

SEC. 207. (a) Section 100 of such title is amended to read as follows:

77 Stat. 282.
42 USC 2661
note.

“SHORT TITLE

“SEC. 100. This title may be cited as the ‘Developmental Disabilities Services and Facilities Construction Act’.”

(b) The heading for part B of such title is amended to read as follows:

“PART B—CONSTRUCTION, DEMONSTRATION, AND TRAINING GRANTS FOR UNIVERSITY-AFFILIATED FACILITIES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES”.

Approved October 30, 1970.

Public Law 91-518

AN ACT

October 30, 1970
[H. R. 17849]

To provide financial assistance for and establishment of a national rail passenger system, to provide for the modernization of railroad passenger equipment, to authorize the prescribing of minimum standards for railroad passenger service, to amend section 13a of the Interstate Commerce Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the “Rail Passenger Service Act of 1970”.

Rail Passenger
Service Act of
1970.

TITLE I—FINDINGS, PURPOSES, AND DEFINITIONS

SEC. 101. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE.

The Congress finds that modern, efficient, intercity railroad passenger service is a necessary part of a balanced transportation system; that the public convenience and necessity require the continuance and improvement of such service to provide fast and comfortable transportation between crowded urban areas and in other areas of the country; that rail passenger service can help to end the congestion on our highways and the overcrowding of airways and airports; that the traveler in America should to the maximum extent feasible have freedom to choose the mode of travel most convenient to his needs; that to achieve these goals requires the designation of a basic national rail passenger system and the establishment of a rail passenger corporation for the purpose of providing modern, efficient, intercity rail passenger service; that Federal financial assistance as well as investment capital from the private sector of the economy is needed for this purpose; and that interim emergency Federal financial assistance to certain railroads may be necessary to permit the orderly transfer of railroad passenger service to a railroad passenger corporation.

SEC. 102. DEFINITIONS.

For the purposes of this Act—

(1) "Railroad" means a common carrier by railroad, as defined in section 1(3) of part I of the Interstate Commerce Act, as amended (49 U.S.C. 1(3)) other than the corporation created by title III of this Act.

(2) "Secretary" means the Secretary of Transportation or his delegate unless the context indicates otherwise.

(3) "Commission" means the Interstate Commerce Commission.

(4) "Basic system" means the system of intercity rail passenger service designated by the Secretary under title II and section 403(a) of this Act.

(5) "Intercity rail passenger service" means all rail passenger service other than (A) commuter and other short-haul service in metropolitan and suburban areas, usually characterized by reduced fare, multiple-ride and commutation tickets, and by morning and evening peak period operations, and (B) auto-ferry service characterized by transportation of automobiles and their occupants where contracts for such service have been consummated prior to enactment of this Act.

(6) "Avoidable loss" means the avoidable costs of providing passenger service, less revenues attributable thereto, as determined by the Interstate Commerce Commission pursuant to the provisions of section 553 of title 5, United States Code.

(7) "Corporation" means the National Railroad Passenger Corporation created under title III of this Act.

41 Stat. 474;
54 Stat. 899.
Post, p. 1330.

Post, pp. 1329,
1335.

80 Stat. 383.

(8) "Regional transportation agency" means an authority, corporation, or other entity established for the purpose of providing passenger service within a region.

TITLE II—BASIC NATIONAL RAIL PASSENGER SYSTEM

SEC. 201. DESIGNATION OF SYSTEM.

In carrying out the congressional findings and declaration of purpose set forth in title I of this Act, the Secretary, acting in cooperation with other interested Federal agencies and departments, is authorized and directed to submit to the Commission and to the Congress within thirty days after the date of enactment of this Act his preliminary report and recommendations for the basic system. Such recommendations shall specify those points between which intercity passenger trains shall be operated, identify all routes over which service may be provided, and the trains presently operated over such routes, together with basic service characteristics of operations to be provided within the basic system, taking into account schedules, number of trains, connections, through car service, and sleeping, parlor, dining, and lounge facilities. In recommending the basic system the Secretary shall take into account the need for expeditious intercity rail passenger service within and between all regions of the continental United States, and the Secretary shall consider the need for such service within the States of Alaska and Hawaii and the Commonwealth of Puerto Rico. In formulating such recommendations the Secretary shall consider opportunities for provision of faster service, more convenient service, service to more centers of population, and service at lower cost, by the joint operation, for passenger service, of facilities of two or more railroad companies; the importance of a given service to overall viability of the basic system; adequacy of other transportation facilities serving the same points; unique characteristics and advantages of rail service as compared to other modes of transportation; the relationship of public benefits of given services to the costs of providing such services; and potential profitability of the service. The exclusion of a particular route, train, or service from the basic system shall not be deemed to create a presumption that the route, train, or service is not required by public convenience and necessity in any proceeding under section 13a of the Interstate Commerce Act (49 U.S.C. 13a).

Preliminary report to ICC and Congress.

72 Stat. 571.

SEC. 202. REVIEW OF THE BASIC SYSTEM.

The Commission, the State Commissions, the representatives of the railroads, and labor organizations duly authorized under the Railway Labor Act to represent railroad employees shall, within thirty days after receipt of the preliminary report of the Secretary designating the basic system, review such report consistent with the purposes of this Act and provide the Secretary with their comments and recommendations in writing. The Secretary shall give due consideration to such comments and recommendations. The Secretary shall, within ninety days after the date of enactment of this Act, submit his final report designating the basic system to the Congress. Such final report shall include a summary of their recommendations together with his reasons for failing to adopt any such recommendation. The basic system as designated by the Secretary shall become effective for the purposes of this Act upon the date that the final report of the Secretary is submitted to Congress and shall not be reviewable in any court.

44 Stat. 577;
49 Stat. 1189.
45 USC 151.

Final report to Congress.

Effective date.

TITLE III—CREATION OF A RAIL PASSENGER CORPORATION

SEC. 301. CREATION OF THE CORPORATION.

There is authorized to be created a National Railroad Passenger Corporation. The Corporation shall be a for profit corporation, the purpose of which shall be to provide intercity rail passenger service, employing innovative operating and marketing concepts so as to fully develop the potential of modern rail service in meeting the Nation's intercity passenger transportation requirements. The Corporation will not be an agency or establishment of the United States Government. It shall be subject to the provisions of this Act and, to the extent consistent with this Act, to the District of Columbia Business Corporation Act. The right to repeal, alter, or amend this Act at any time is expressly reserved.

68 Stat. 177;
77 Stat. 140.
D.C. Code 29-
901.

Incorporators,
Presidential ap-
pointments.

SEC. 302. PROCESS OF ORGANIZATION.

The President of the United States shall appoint not fewer than three incorporators, by and with the advice and consent of the Senate, who shall also serve as the board of directors for one hundred and eighty days following the date of enactment of this Act. The incorporators shall take whatever actions are necessary to establish the Corporation, including the filing of articles of incorporation, as approved by the President.

SEC. 303. DIRECTORS AND OFFICERS.

Board of direc-
tors.

(a) The Corporation shall have a board of fifteen directors consisting of individuals who are citizens of the United States, of whom one shall be elected annually by the board to serve as chairman. Eight members of the board shall be appointed by the President of the United States, by and with the advice and consent of the Senate, for terms of four years or until their successors have been appointed and qualified, except that the first three members of the board so appointed shall continue in office for terms of two years, and the next three members for terms of three years. Any member appointed to fill a vacancy may be appointed only for the unexpired term of the director whom he succeeds. At all times the Secretary shall be one of the members of the board of directors appointed by the President and at all times at least one such member shall be a consumer representative. Three members of the board shall be elected annually by common stockholders, and four shall be elected annually by preferred stockholders of the Corporation. The members of the board appointed by the President and those elected by common stockholders shall take office on the one hundred and eighty-first day after the date of enactment of this Act. Election of the remaining four members of the board shall take place as soon as practicable after the first issuance of preferred stock by the Corporation. Pending election of the remaining four members, seven members shall constitute a quorum for the purpose of conducting the business of the board. No director appointed by the President may have any direct or indirect financial or employment relationship with any railroad during the time that he serves on the board. Each of the directors not employed by the Federal Government shall receive compensation at the rate of \$300 for each meeting of the board he attends. In addition, each director shall be reimbursed for necessary travel and subsistence expenses incurred in attending the meetings of the board. No director elected by railroads shall vote on any action of the board of directors relating to any contract or operating relationship between the Corporation and a railroad, but he may be present at meetings of the board at which such matters are voted upon, and he may be included for purposes of

Conflict of in-
terest, prohibition.

Compensation,
travel expenses.

determining a quorum and may participate in discussions at any such meeting.

(b) The board of directors is empowered to adopt and amend bylaws governing the operation of the Corporation. Such bylaws shall not be inconsistent with the provisions of this Act or of the articles of incorporation.

Bylaws.

(c) The articles of incorporation of the Corporation shall provide for cumulative voting for all stockholders and shall provide that, upon conversion of one-fourth of the outstanding shares of preferred stock, the common stockholders shall be entitled to elect four directors and the preferred stockholders shall be entitled to elect three directors; upon the conversion of one-half of the outstanding shares of preferred stock, the common stockholders shall be entitled to elect five directors and the preferred stockholders shall be entitled to elect two directors; upon the conversion of three-fourths of the outstanding shares of preferred stock, the common stockholders shall be entitled to elect six directors and the preferred stockholders shall be entitled to elect one director; and upon conversion of all outstanding shares of preferred stock, the common stockholders shall be entitled to elect seven directors. Any change of directors resulting from such stock conversion shall take effect at the next annual meeting of the Corporation following such stock conversion.

(d) The Corporation shall have a president and such other officers as may be named and appointed by the board. The rates of compensation of all officers shall be fixed by the board. Officers shall serve at the pleasure of the board. No individual other than a citizen of the United States may be an officer of the Corporation. No officer of the Corporation may have any direct or indirect employment or financial relationship with any railroad during the time of his employment by the Corporation.

Corporation,
President and of-
ficers.

SEC. 304. FINANCING OF THE CORPORATION.

(a) The Corporation is authorized to issue and have outstanding, in such amounts as it shall determine, two issues of capital stock, a common and a preferred, each of which shall carry voting rights and be eligible for dividends. Common stock may be initially issued only to a railroad. Preferred stock may be issued to and held only by any person other than (1) a railroad or (2) any person controlling one or more railroads, as defined in section 1(3)(b) of the Interstate Commerce Act. The articles of incorporation of the Corporation shall provide for the following respective rights of each issue of stock:

Stock issues,
restriction.

(A) **COMMON STOCK.**—Common stock shall have a par value of \$10 per share and shall be designated fully paid and non-assessable. No dividends shall be paid on the common stock whenever dividends on the preferred stock are in arrears.

(B) (i) **PREFERRED STOCK.**—Preferred stock shall have a par value of \$100 per share and shall be designated fully paid and nonassessable. Dividends shall be fixed at a rate not less than 6 per centum per annum, and shall be cumulative so that, if for any dividend period dividends at the rate fixed in the articles of incorporation shall not have been declared and paid or set aside for payment on the preferred shares, the deficiency shall be declared and paid or set apart for payment prior to the making of any dividend or other distribution on the common shares.

(ii) Preferred stock shall be entitled to a liquidation preference over common stock, which shall entitle preferred stockholders to a liquidating payment not less than par value plus all accrued unpaid dividends prior to any payment on liquidation to common stockholders.

54 Stat. 899.
49 USC 1.

(iii) Preferred stock shall be convertible into shares of common stock at such time and upon such terms as the articles of incorporation shall provide.

Stock ownership,
limitation.

54 Stat. 899.
49 USC 1.

(b) At no time after the initial issue is completed shall the aggregate of the shares of common stock of the Corporation owned by a single railroad or by any person controlling one or more railroads, as defined in section 1(3)(b) of the Interstate Commerce Act, directly or indirectly through subsidiaries or affiliated companies, nominees, or any person subject to its direction or control, exceed 33⅓ per centum of such shares issued and outstanding.

(c) At no time may any stockholder, or any syndicate or affiliated group of such stockholders, own more than 10 per centum of the shares of preferred stock of the Corporation issued and outstanding.

(d) The articles of incorporation shall provide that no shares of any issue of stock may be redeemed or repurchased for five years, following the date of enactment of this Act.

Bonds, securities,
etc., author-
ization.

(e) The Corporation is authorized to issue, in addition to the stock authorized by subsection (a) of this section, nonvoting securities, bonds, debentures, and other certificates of indebtedness as it may determine.

Inspection rights
requirements, ex-
ception.
68 Stat. 197.

(f) The requirement of section 45(b) of the District of Columbia Business Corporation Act (D.C. Code, sec. 29-920(b)) as to the percentage of stock which a stockholder must hold in order to have the rights of inspection and copying set forth in that subsection shall not be applicable in the case of holders of the stock of the Corporation, and they may exercise such rights without regard to the percentage of stock they hold.

SEC. 305. GENERAL POWERS OF THE CORPORATION.

The Corporation is authorized to own, manage, operate, or contract for the operation of intercity trains operated for the purpose of providing modern, efficient, intercity transportation of passengers and to carry mail and express on such trains; to conduct research and development related to its mission; and to acquire by construction, purchase, or gift, or to contract for the use of, physical facilities, equipment, and devices necessary to rail passenger operations. The Corporation shall, consistent with prudent management of the affairs of the Corporation, rely upon railroads to provide the employees necessary to the operation and maintenance of its passenger trains and to the performance of all services and work incidental thereto, to the extent the railroads are able to provide such employees and services in an economic and efficient manner. To carry out its functions and purposes, the Corporation shall have the usual powers conferred upon a stock corporation by the District of Columbia Business Corporation Act.

68 Stat. 179;
77 Stat. 140.
D.C. Code 29-
901.

SEC. 306. APPLICABILITY OF THE INTERSTATE COMMERCE ACT AND OTHER LAWS.

(a) The Corporation shall be deemed a common carrier by railroad within the meaning of section 1(3) of the Interstate Commerce Act and shall be subject to all provisions of the Interstate Commerce Act other than those pertaining to—

(1) regulation of rates, fares, and charges;

(2) abandonment or extension of lines of railroads utilized solely for passenger service, and the abandonment or extension of operations over such lines of railroads, whether by trackage rights or otherwise;

(3) regulation of routes and service and, except as otherwise provided in this Act, the discontinuance or change of passenger train service operations.

41 Stat. 474;
54 Stat. 899.
49 USC 1.

(b) The Corporation shall be subject to the same laws and regulations with respect to safety and with respect to the representation of its employees for purposes of collective bargaining, the handling of disputes between carriers and their employees, employee retirement, annuity and unemployment systems, and other dealings with its employees as any other common carrier subject to part I of the Interstate Commerce Act.

(c) The Corporation shall not be subject to any State or other law pertaining to the transportation of passengers by railroad as it relates to rates, routes, or service.

(d) Leases and contracts entered into by the Corporation, regardless of the place where the same may be executed, shall be governed by the laws of the District of Columbia.

(e) Persons contracting with the Corporation for the joint use or operation of such facilities and equipment as may be necessary for the provision of efficient and expeditious passenger service shall be and are hereby relieved from all prohibitions of existing law, including the antitrust laws of the United States, with respect to such contracts, agreements, or leases insofar as may be necessary to enable them to enter into such contracts and to perform their obligations thereunder.

SEC. 307. SANCTIONS.

(a) If the Corporation or any railroad engages in or adheres to any action, practice, or policy inconsistent with the policies and purposes of this Act, obstructs or interferes with any activities authorized by this Act, refuses, fails, or neglects to discharge its duties and responsibilities under this Act, or threatens any such violation, obstruction, interference, refusal, failure, or neglect, the district court of the United States for any district in which the Corporation or other person resides or may be found shall have jurisdiction, except as otherwise prohibited by law, upon petition of the Attorney General of the United States or, in a case involving a labor agreement, upon petition of any employee affected thereby, including duly authorized employee representatives, to grant such equitable relief as may be necessary or appropriate to prevent or terminate any violation, conduct, or threat.

(b) Nothing contained in this section shall be construed as relieving any person of any punishment, liability, or sanction which may be imposed otherwise than under this Act.

SEC. 308. REPORTS TO THE CONGRESS.

(a) The Corporation shall transmit to the President and the Congress, annually, commencing one year from the date of enactment of this Act, and at such other times as it deems desirable, a comprehensive and detailed report of its operations, activities, and accomplishments under this Act, including a statement of receipts and expenditures for the previous year. At the time of its annual report, the Corporation shall submit such legislative recommendations as it deems desirable, including the amount of financial assistance needed for operations and for capital improvements, the manner and form in which the amount of such assistance should be computed, and the sources from which such assistance should be derived.

(b) The Secretary and the Commission shall transmit to the President and the Congress, one year following the date of enactment of this Act and biennially thereafter, reports on the state of rail passenger service and the effectiveness of this Act in meeting the requirement for a balanced national transportation system, together with any legislative recommendations.

24 Stat. 379;
54 Stat. 919.
49 USC 27 and
note.

Annual reports.

Legislative
recommendations.

Biennial reports.

TITLE IV—PROVISION OF RAIL PASSENGER SERVICES

SEC. 401. ASSUMPTION OF PASSENGER SERVICE BY THE CORPORATION; COMMENCEMENT OF OPERATIONS.

Intercity rail
passenger serv-
ice, contracts.

Ante, p. 1328.

24 Stat. 379;
54 Stat. 919.
49 USC 27 and
note.

72 Stat. 571.
49 USC 13a.
Passenger serv-
ice deficit pay-
ments.

(a) (1) On or before May 1, 1971, the Corporation is authorized to contract and, upon written request therefor from a railroad, shall tender a contract to relieve the railroad, from and after May 1, 1971, of its entire responsibility for the provision of intercity rail passenger service. On or after March 1, 1973, but before January 1, 1975, the Corporation is authorized to contract, and upon written request therefor, shall tender a contract to relieve the railroad of its entire responsibility for the provision of intercity rail passenger service and such relief shall become effective upon the date on which such contract is entered into. Contracts may be entered into on or before May 1, 1971, notwithstanding the fact that the decision of the Commission under section 102(f) of this Act with respect to avoidable loss has not become final. Any contract entered into before such decision of the Commission has become final shall be subject to adjustment to assure that the contract is consistent with such final decision of the Commission. The contract may be made upon such terms and conditions as necessary to permit the Corporation to undertake passenger service on a timely basis. Upon its entering into a valid contract (including protective arrangements for employees), the railroad shall be relieved of all its responsibilities as a common carrier of passengers by rail in intercity rail passenger service under part I of the Interstate Commerce Act or any State or other law relating to the provision of intercity passenger service: *Provided*, That any railroad discontinuing a train hereunder must give notice in accordance with the notice procedures contained in section 13a(1) of the Interstate Commerce Act.

(2) In consideration of being relieved of this responsibility by the Corporation, the railroad shall agree to pay to the Corporation each year for three years an amount equal to one-third of 50 per centum of the fully distributed passenger service deficit of the railroad as reported to the Commission for the year ending December 31, 1969. The payment to the Corporation may be made in cash or, at the option of the Corporation, by the transfer of rail passenger equipment or the provision of future service as requested by the Corporation. Unless the railroad waives all rights to receive stock in exchange for its payments, the railroad shall receive common stock from the Corporation in an amount equivalent in par value to each payment.

(3) In agreeing to pay the amount specified in paragraph (2) of this subsection, a railroad may reserve the right to pay a lesser sum to be determined by calculating either of the following:

(A) 100 per centum of the avoidable loss of all intercity rail passenger service operated by the railroad during the period January 1, 1969, through December 31, 1969; or

(B) 200 per centum of the avoidable loss of the intercity rail passenger service operated by the railroad during the period January 1, 1969, through December 31, 1969, covering all intercity service over the routes between those points between which the Secretary, under sections 201 and 202 of title II of this Act, has specified that intercity passenger trains shall be operated within the basic system.

Ante, p. 1329.

If the amount owed the Corporation under either of these alternatives is agreed by the parties to be less than the amount paid pursuant to paragraph (2), the Corporation shall pay the difference to the railroad and the railroad shall surrender to the Corporation an amount of stock, at par value, equivalent to such payment. If the railroad and the

Corporation are unable to agree as to the amount owed, the matter shall be referred to the Interstate Commerce Commission for decision. The Commission, upon investigation, shall decide the issue within ninety days following the date of referral, or within such additional time as the Commission may order not to exceed an aggregate of one hundred and eighty days following such date of referral, and its decision shall be binding on both parties.

(4) The payments to the Corporation shall be made in accordance with a schedule to be agreed upon between the parties. Unless the parties otherwise agree, the payments for each of the first twelve months following the date on which the Corporation assumes any of the operational responsibilities of the railroad shall be in cash and not less than one thirty-sixth of the amount owed.

Payment schedule.

(b) On May 1, 1971, the Corporation shall begin the provision of intercity rail passenger service between points within the basic system unless such service is being provided (i) either by a railroad with which it has not entered into a contract under subsection (a) of this section or (ii) by a regional transportation agency, provided such agency gives satisfactory assurance to the Corporation of the agency's financial and operating capability to provide such service, and of its willingness to cooperate with the Corporation and with other regional transportation agencies on matters of through train service, through car service, and connecting train service. The Corporation may at any time subsequent to May 1, 1971, contract with a regional transportation agency to provide intercity rail passenger service between points within the basic system included within the service of such agency.

Operations, commencement.

(c) No railroad or any other person may, without the consent of the Corporation, conduct intercity rail passenger service over any route over which the Corporation is performing scheduled intercity rail passenger service pursuant to a contract under this section.

Prohibition.

SEC. 402. FACILITY AND SERVICE AGREEMENTS.

(a) The Corporation may contract with railroads or with regional transportation agencies for the use of tracks and other facilities and the provision of services on such terms and conditions as the parties may agree. In the event of a failure to agree, the Interstate Commerce Commission shall, if it finds that doing so is necessary to carry out the purposes of this Act, order the provision of services or the use of tracks or facilities of the railroad by the Corporation, on such terms and for such compensation as the Commission may fix as just and reasonable, and the rights of the Corporation to such services or to the use of tracks or facilities of the railroad or agency under such order or under an order issued under subsection (b) of this section shall be conditioned upon payment by the Corporation of the compensation fixed by the Commission. If the amount of compensation fixed is not duly and promptly paid, the railroad or agency entitled thereto may bring an action against the Corporation to recover the amount properly owed.

Interstate Commerce Commission authority.

(b) To facilitate the initiation of operations by the Corporation within the basic system, the Commission shall, upon application by the Corporation, require a railroad to make immediately available tracks and other facilities. The Commission shall thereafter promptly proceed to fix such terms and conditions as are just and reasonable.

SEC. 403. NEW SERVICE.

(a) The Corporation may provide intercity rail passenger service in excess of that prescribed for the basic system, either within or outside the basic system, including the operation of special and extra passenger trains, if consistent with prudent management. Any intercity rail passenger service provided under this subsection for a continuous period of two years shall be designated by the Secretary as a part of the basic system.

Rail service
beyond basic sys-
tem.

(b) Any State, regional, or local agency may request of the Corporation rail passenger service beyond that included within the basic system. The Corporation shall institute such service if the State, regional, or local agency agrees to reimburse the Corporation for a reasonable portion of any losses associated with such services.

Reimbursement
costs.

(c) For purposes of this section the reasonable portion of such losses to be assumed by the State, regional, or local agency, shall be no less than 66⅔ per centum of, nor more than, the solely related costs and associated capital costs, including interest on passenger equipment, less revenues attributable to, such service. If the Corporation and the State, regional, or local agency are unable to agree upon a reasonable apportionment of such losses, the matter shall be referred to the Secretary for decision. In deciding this issue the Secretary shall take into account the intent of this Act, and the impact of requiring the Corporation to bear such losses upon its ability to provide improved service within the basic system.

SEC. 404. DISCONTINUANCE OF SERVICE.

(a) Unless it has entered into a contract with the Corporation pursuant to section 401(a) (1) of this Act, no railroad may discontinue any intercity passenger train whatsoever prior to January 1, 1975, the provisions of any other Act, the laws or constitution of any State, or the decision or order of, or the pendency of any proceeding before, a Federal or State court, agency, or authority to the contrary notwithstanding. On and after January 1, 1975, passenger train service operated by such railroad may be discontinued under the provisions of section 13a of the Interstate Commerce Act. Upon filing of a notice of discontinuance by such railroad, the Corporation may undertake to initiate passenger train operations between the points served.

(b) (1) The Corporation must provide the service included within the basic system until July 1, 1973, to the extent it has assumed responsibility for such service by contract with a railroad pursuant to section 401 of this Act.

(2) Except as provided in section 403(a) of this Act, service beyond that prescribed for the basic system undertaken by the Corporation upon its own initiative may be discontinued at any time.

(3) If at any time after July 1, 1973, the Corporation determines that any train or trains in the basic system in whole or in part are not required by public convenience and necessity, or will impair the ability of the Corporation to adequately provide other services, such train or trains may be discontinued under the procedures of section 13a of the Interstate Commerce Act (49 U.S.C. 13a) : *Provided, however*. That at least thirty days prior to any change or discontinuance, in whole or in part, of any service under this subsection, the Corporation shall mail to the Governor of each State in which the train in question is operated, and post in every station, depot, or other facility served thereby notice of the proposed change or discontinuance. The Corporation may not change or discontinue this service if prior to the end of the thirty-day notice period, State, regional, or local agencies request continuation of the service and within ninety days agree to reimburse the Corporation for a reasonable portion of any losses associated with the continuation of service beyond the notice period.

(4) For the purposes of paragraph (3) of this subsection, the reasonable portion of such losses to be assumed by the State, regional, or local agency shall be no less than 66⅔ per centum of, nor more than, the solely related costs and associated capital costs, including interest on passenger equipment, less revenues attributable to, such service. If the Corporation and the State, regional, or local agencies are unable to agree upon a reasonable apportionment of such losses, the matter

72 Stat. 571.
49 USC 13a.

Change in serv-
ice, notice to
Governors.

shall be referred to the Secretary for decision. In deciding this issue the Secretary shall take into account the purposes of this Act and the impact of requiring the Corporation to bear such losses upon its ability to provide improved service within the basic system.

SEC. 405. PROTECTIVE ARRANGEMENTS FOR EMPLOYEES.

(a) A railroad shall provide fair and equitable arrangements to protect the interests of employees affected by discontinuances of intercity rail passenger service whether occurring before, on, or after January 1, 1975.

(b) Such protective arrangements shall include, without being limited to, such provisions as may be necessary for (1) the preservation of rights, privileges, and benefits (including continuation of pension rights and benefits) to such employees under existing collective-bargaining agreements or otherwise; (2) the continuation of collective-bargaining rights; (3) the protection of such individual employees against a worsening of their positions with respect to their employment; (4) assurances of priority of reemployment of employees terminated or laid off; and (5) paid training or retraining programs. Such arrangements shall include provisions protecting individual employees against a worsening of their positions with respect to their employment which shall in no event provide benefits less than those established pursuant to section 5(2)(f) of the Interstate Commerce Act. Any contract entered into pursuant to the provisions of this title shall specify the terms and conditions of such protective arrangements. No contract under section 401(a)(1) of this Act between a railroad and the Corporation may be made unless the Secretary of Labor has certified to the Corporation that the labor protective provisions of such contract afford affected employees fair and equitable protection by the railroad.

54 Stat. 905.
49 USC 5.

(c) After commencement of operations in the basic system, the substantive requirements of subsection (b) of this section shall apply to the Corporation. The certification by the Secretary of Labor that employees affected have been provided fair and equitable protection as required by this section shall be a condition to the completion of any transaction requiring such protection.

(d) The Corporation shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors and subcontractors in the performance of construction work financed with the assistance of funds received under any contract or agreement entered into under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act. The Corporation shall not enter into any such contract or agreement without first obtaining adequate assurance that required labor standards will be maintained on the construction work. Health and safety standards promulgated by the Secretary of Labor pursuant to section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333) shall be applicable to all construction work performed under such contracts or agreements, except any construction work performed by a railroad employee. Wage rates provided for in collective bargaining agreements negotiated under and pursuant to the Railway Labor Act shall be considered as being in compliance with the Davis-Bacon Act.

49 Stat. 1011;
78 Stat. 238.
40 USC 276a-
276a-5.

83 Stat. 96.

44 Stat. 577;
49 Stat. 1189.
45 USC 151-188.

(e) The Corporation shall not contract out any work normally performed by employees in any bargaining unit covered by a contract between the Corporation or any railroad providing intercity rail passenger service upon the date of enactment of this Act and any labor organization, if such contracting out shall result in the layoff of any employee or employees in such bargaining unit.

TITLE V—ESTABLISHMENT OF A FINANCIAL INVESTMENT ADVISORY PANEL

SEC. 501. APPOINTMENT OF ADVISORY PANEL.

Within thirty days after enactment of this Act, the President shall appoint a fifteen-man financial advisory panel. Six members of the panel shall represent the business of investment banking, commercial banking, and rail transportation. Two members shall be representatives of the Secretary of the Treasury and seven members shall represent the public in the various regions of the Nation.

SEC. 502. PURPOSE OF ADVISORY PANEL.

The advisory panel appointed by the President shall advise the directors of the Corporation on ways and means of increasing capitalization of the Corporation.

SEC. 503. REPORT TO CONGRESS.

On or before January 1, 1971, the panel shall submit a report to Congress evaluating the initial capitalization of the Corporation and the prospects for increasing its capitalization.

TITLE VI—FEDERAL FINANCIAL ASSISTANCE

SEC. 601. FEDERAL GRANTS.

There is authorized to be appropriated to the Secretary in fiscal year 1971, \$40,000,000 to remain available until expended, for payment to the Corporation for the purpose of assisting in—

- (1) the initial organization and operation of the Corporation;
- (2) the establishment of improved reservations systems and advertising;
- (3) servicing, maintenance, and repair of railroad passenger equipment;
- (4) the conduct of research and development and demonstration programs respecting new rail passenger services;
- (5) the development and demonstration of improved rolling stock; and
- (6) essential fixed facilities for the operation of passenger trains on lines and routes included in the basic system over which no through passenger trains are being operated at the time of enactment of this Act, including necessary track connections between lines of the same or different railroads.

SEC. 602. GUARANTY OF LOANS.

The Secretary is authorized, on such terms and conditions as he may prescribe, to guarantee any lender against loss of principal or interest on securities, obligations, or loans issued to finance the upgrading of roadbeds and the purchase by the Corporation or agency of new rolling stock, rehabilitation of existing rolling stock and for other corporate purposes. The maturity date of such securities, obligations, or loans, including all extensions and renewals thereof, shall not be later than twenty years from their date of issuance, and the amount of guaranteed loans outstanding at any time may not exceed \$100,000,000. The Secretary shall prescribe and collect from the lending institution a reasonable annual guaranty fee. There to be appropriated such amounts as necessary to carry out this section not to exceed \$100,000,000.

Maturity date.

Appropriation.

TITLE VII—INTERIM EMERGENCY FEDERAL FINANCIAL ASSISTANCE

SEC. 701. INTERIM AUTHORITY TO PROVIDE EMERGENCY FINANCIAL ASSISTANCE FOR RAILROADS OPERATING PASSENGER SERVICE.

(a) For the purpose of permitting a railroad to enter into or carry out a contract entered into under this Act, the Secretary is authorized, on such terms and conditions as he may prescribe, to (1) make loans to such railroad, or (2) guarantee any lender against loss of principal or interest on any loan to such railroad.

(b) Before making a loan or a guarantee under this section, the Secretary must find, in writing, that—

Conditions.

(1) the loan or guarantee is necessary to carry out the provisions of this Act;

(2) the proceeds of any loan made or guaranteed under this Act will be used solely to carry out contracts entered into under this Act;

(3) the loan or guarantee is not otherwise available on reasonable terms and conditions; and

(4) there is reasonable assurance that the business affairs of the railroad will be conducted in a prudent manner.

(c) (1) In any case in which there is a liquidation of the assets of any railroad which is the recipient of a loan made or guaranteed under this Act, the United States shall have the first right to redeem that portion of such assets consisting of those rights-of-way, tracks, and other facilities designated by the Secretary to be necessary for the purpose of providing intercity rail passenger service, including services employing innovative technology, within the basic system.

(2) It is the intent of the Congress that, in the case of a loan guarantee under this Act, the United States shall stand in the same position with respect to other creditors as in the case of a direct loan by the United States giving the United States priority over secured and unsecured creditors.

(d) Interest on loans made under this section shall be at a rate not less than a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturity of such loans adjusted to the nearest one-eighth of one per centum.

Interest rate,
determination by
Treasury Secretary.

(e) The maturity date on any loan made or guaranteed under this section, including renewals and extensions thereof, shall not be later than five years from the date of issuance.

(f) The aggregate amount of loans and loan guarantees made under this section shall not exceed \$200,000,000.

SEC. 702. AUTHORIZATION FOR APPROPRIATIONS.

There are hereby authorized to be appropriated such amounts not to exceed \$200,000,000 as may be necessary to carry out the purposes of this title. Any sums appropriated shall be available until expended.

TITLE VIII—MISCELLANEOUS PROVISIONS

SEC. 801. ADEQUACY OF SERVICE.

The Commission is authorized to prescribe such regulations as it considers necessary to provide safe and adequate service, equipment, and facilities for intercity rail passenger service. Any person who violates a regulation issued under this section shall be subject to a civil penalty of not to exceed \$500 for each violation. Each day a violation continues shall constitute a separate offense.

Regulations,
violation, penalty.

SEC. 802. EFFECT ON PENDING PROCEEDINGS.

Upon enactment of this Act, no railroad may discontinue any intercity rail passenger service whatsoever other than in accordance with the provisions of this Act, notwithstanding the provisions of any other Act, the laws or constitution of any State, or the decision or order of, or the pendency of any proceeding before, any Federal or State court, agency, or authority.

SEC. 803. SEPARABILITY.

If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 804. ACCOUNTABILITY.

59 Stat. 600;
70 Stat. 667.

Section 201 of the Government Corporation Control Act (31 U.S.C. 856) is amended by striking out "and" immediately preceding "(5)" and by inserting immediately before the period at the end thereof the following: "and (6) the National Railroad Passenger Corporation".

SEC. 805. RECORDS AND AUDIT OF THE CORPORATION.

Annual audit by
independent ac-
countants.

Records, avail-
ability.

Report to Con-
gress, contents.
Ante, p. 1333.

Audit by Comp-
troller General.

Records, avail-
ability.

Report to Con-
gress, contents.

(1) (A) The accounts of the Corporation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audit shall be conducted at the place or places where the accounts of the Corporation are normally kept. All books, accounts, financial records, reports, files, and other papers, things, or property belonging to or in use by the Corporation and necessary to facilitate the audit shall be made available to the person conducting the audit; and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person.

(B) The report of each such independent audit shall be included in the annual report required by section 308(a) of this Act. The audit report shall set forth the scope of the audit and include such statements as are necessary to present fairly the Corporation's assets and liabilities, surplus or deficit, with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the Corporation's income and expenses during the year, and a statement of the sources and application of funds, together with the independent auditor's opinion of those statements.

(2) (A) The financial transactions of the Corporation for any fiscal year during which Federal funds are available to finance any portion of its operations may be audited by the Comptroller General of the United States in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General. Any such audit shall be conducted at the place or places where accounts of the Corporation are normally kept. The representative of the Comptroller General shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by the Corporation pertaining to its financial transactions and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, and property of the Corporation shall remain in possession and custody of the Corporation.

(B) A report of each such audit shall be made by the Comptroller General to the Congress. The report to the Congress shall contain such comments and information as the Comptroller General may

deem necessary to inform Congress of the financial operations and condition of the Corporation, together with such recommendations with respect thereto as he may deem advisable. The report shall also show specifically any program, expenditure, or other financial transaction or undertaking observed in the course of the audit, which, in the opinion of the Comptroller General, has been carried on or made without authority of law. A copy of each report shall be furnished to the President, to the Secretary, and to the Corporation at the time submitted to the Congress.

Copies.

TITLE IX—TAX DEDUCTION FOR CERTAIN PAYMENTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

SEC. 901. (a) Part VIII of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to special deductions for corporations) is amended by adding at the end thereof the following new section:

68A Stat. 72;
83 Stat. 612.
26 USC 241-249.

“SEC. 250. CERTAIN PAYMENTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION.

“(a) GENERAL RULE.—If—

“(1) any corporation which is a common carrier by railroad (as defined in section 1(3) of the Interstate Commerce Act (49 U.S.C. 1(3))) makes a payment in cash, rail passenger equipment, or services to the National Railroad Passenger Corporation (hereinafter in this section referred to as the ‘Passenger Corporation’) pursuant to a contract entered into under section 401(a) of the Rail Passenger Service Act of 1970, and

41 Stat. 474;
54 Stat. 899.

“(2) no stock in the Passenger Corporation is issued at any time to such corporation in connection with any contract entered into under such section 401(a),

then the amount of such payment shall (subject to subsection (c)) be allowed as a deduction for the taxable year in which it is made.

“(b) WHEN PAYMENT IS MADE.—Under regulations prescribed by the Secretary or his delegate, a payment in rail passenger equipment shall be treated as made when title to the equipment is transferred, and a payment in services shall be treated as made when the services are rendered.

“(c) EFFECT OF CERTAIN SUBSEQUENT ACQUISITIONS OF STOCK.—

“(1) DISALLOWANCE OF DEDUCTIONS.—If any deduction has been allowed under subsection (a) to a corporation and such corporation (or a successor corporation) acquires any stock in the Passenger Corporation (other than in a transaction described in section 374 or 381) before the close of the 36-month period which begins with the day on which the last payment is made to the Passenger Corporation pursuant to the contract entered into under such section 401(a), then such deduction shall be disallowed (as of the close of the taxable year for which it was allowed under subsection (a)).

70 Stat. 402;
68A Stat. 124.
26 USC 374, 381.

“(2) COLLECTION OF DEFICIENCY.—If any deduction is disallowed by reason of paragraph (1), then the periods of limitation provided in sections 6501 and 6502 on the making of an assessment and the collection by levy or a proceeding in court shall, with respect to any deficiency (including interest and additions to the tax) resulting from such a disallowance, include one year following the date on which the person acquiring the stock which results in the disallowance (in accordance with regulations prescribed by the Secretary or his delegate) notifies the Secretary or his delegate of such acquisition; and such assessment and col-

68A Stat. 803.
26 USC 6501,
6502.

lection may be made notwithstanding any provision of law or rule of law which otherwise would prevent such assessment and collection.

“(d) MEMBERS OF CONTROLLED GROUP.—Under regulations prescribed by the Secretary or his delegate, if a corporation is a member of a controlled group of corporations (within the meaning of section 1563), subsections (a)(2) and (c) shall be applied by treating all members of such controlled group as one corporation.”

(b) The table of sections for such part VIII is amended by adding at the end thereof the following:

“Sec. 250. Certain payments to the National Railroad Passenger Corporation.”

Effective date.

(c) The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

Approved October 30, 1970.

Public Law 91-519

AN ACT

November 2, 1970
[S. 3586]

To amend title VII of the Public Health Service Act to establish eligibility of new schools of medicine, dentistry, osteopathy, pharmacy, optometry, veterinary medicine, and podiatry for institutional grants under section 771 thereof, to extend and improve the program relating to training of personnel in the allied health professions, and for other purposes.

Health Training
Improvement Act
of 1970.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the “Health Training Improvement Act of 1970”.

TITLE I—SCHOOLS OF MEDICINE, DENTISTRY, OSTEOPATHY, PHARMACY, OPTOMETRY, VETERINARY MEDICINE, AND PODIATRY

INSTITUTIONAL GRANTS

SEC. 101. (a) Section 771 of the Public Health Service Act (42 U.S.C. 295f-1) is amended by adding at the end thereof the following new subsection:

82 Stat. 775.

“(d) In the case of a new school of medicine, dentistry, osteopathy, pharmacy, optometry, veterinary medicine, or podiatry, which applies for a grant under this section in the fiscal year preceding the fiscal year in which it will admit its first class, the enrollment for purposes of subparagraph (a)(1)(A) of this section shall be the number of full-time students which the Secretary determines, on the basis of assurances provided by the school, will be enrolled in the school, in the fiscal year after the fiscal year in which the grant is made.”

(b) The amendment made by subsection (a) of this section shall be effective only with respect to sums available for grants under section 771 of the Public Health Service Act from appropriations under section 770 of such Act for the fiscal years ending after June 30, 1970.

42 USC 295f.

MEDICAL AND DENTAL SCHOOLS IN FINANCIAL DISTRESS

SEC. 102. (a) Section 772 of the Public Health Service Act (42 U.S.C. 295f-2) is amended—

(1) by adding at the end thereof the following new sentence: “Sums appropriated under section 770 for the fiscal year ending June 30, 1971, for grants under this section to assist any such schools which are in serious financial straits to meet their costs of operation shall remain available to make such grants until June 30, 1972.”; and

Funds, availability.

(2) by inserting “(a)” after “Sec. 772.” and by adding at the end the following new subsection:

“(b) The Congress finds and declares that the Nation’s economy, welfare, and security are adversely affected by the acute financial crisis which threatens the survival of medical and dental schools which provide the highest quality of teaching, medical and dental research, and delivery of health care for the Nation. The Secretary shall determine the need for emergency financial assistance to such medical and dental schools and shall report to the Congress on or before June 30,

Report to Congress.

1971, his determinations of such need and his recommendations for such administrative and legislative action as he determines is necessary to meet such needs.”

82 Stat. 774.
42 USC 795f.

(b) The amendment made by paragraph (1) of subsection (a) of this section shall apply only with respect to appropriations under section 770 of the Public Health Service Act made after the date of the enactment of this Act.

TITLE II—ALLIED HEALTH PROFESSIONS

GRANTS FOR CONSTRUCTION OF TEACHING FACILITIES FOR ALLIED HEALTH PROFESSIONS PERSONNEL

80 Stat. 1222;
82 Stat. 788.

SEC. 201. (a) Paragraph (1) of subsection (a) of section 791 of the Public Health Service Act (42 U.S.C. 295h(a)(1)) is amended (1) by striking out “and” after “June 30, 1969;” and (2) by striking out the period and inserting in lieu thereof a semicolon and the following: “; \$20,000,000 for the fiscal year ending June 30, 1971; \$30,000,000 for the fiscal year ending June 30, 1972; and \$40,000,000 for the fiscal year ending June 30, 1973.”

(b) Paragraph (1) of subsection (b) of such section is amended by striking out “July 1, 1969” and inserting in lieu thereof “July 1, 1972”.

GRANTS TO IMPROVE THE QUALITY OF TRAINING FOR ALLIED HEALTH PROFESSIONS

SEC. 202. (a) Effective with respect to appropriations for the fiscal year beginning July 1, 1970, section 792 of the Public Health Service Act (42 U.S.C. 295h-1(a)) is amended as follows:

(1) Subsection (a) of such section is amended to read as follows:

“Basic Improvement Grants

“SEC. 792. (a)(1) There are authorized to be appropriated \$15,000,000 for the fiscal year ending June 30, 1971, \$15,000,000 for the fiscal year ending June 30, 1972, and \$15,000,000 for the fiscal year ending June 30, 1973, for basic improvement grants under this subsection.”

(2) Subsection (b) of such section is amended—

(A) by striking out the subsection heading,

(B) by striking out “(b)(1)” and inserting in lieu thereof “(2)”;

(C) by striking out “paragraph (2)” and inserting in lieu thereof “paragraph (3)”;

(D) by striking out “June 30, 1970” and inserting in lieu thereof “June 30, 1973”; and

(E) by striking out “(2)” in paragraph (2) and inserting in lieu thereof “(3)”.

Repeal.

(3) Subsection (c) is repealed and the following new subsections are inserted immediately before subsection (d):

“Special Improvement Grants

“(b) There are authorized to be appropriated \$15,000,000 for the fiscal year ending June 30, 1971, \$20,000,000 for the fiscal year ending June 30, 1972, and \$30,000,000 for the fiscal year ending June 30, 1973, for special improvement grants to assist training centers for allied

health professions in projects for the provision, maintenance, or improvement of the specialized functions which the center serves.

“Special Projects for Experimentation, Demonstration, and
Institutional Improvement

“(c) (1) There are authorized to be appropriated \$10,000,000 for the fiscal year ending June 30, 1971, \$20,000,000 for the fiscal year ending June 30, 1972, and \$30,000,000 for the fiscal year ending June 30, 1973, for grants and contracts for special projects under this subsection.

“(2) The Secretary is authorized, from sums available therefor from appropriations made under this subsection and subsection (b), to make grants to public or nonprofit private agencies, organizations, and institutions, and to enter into contracts with individuals, agencies, organizations, and institutions, for special projects related to training or retraining of allied health personnel, including—

Contract author-
ity.

“(A) planning, establishing, demonstrating, or developing new programs, or modifying or expanding existing programs, including interdisciplinary training programs;

“(B) developing, demonstrating, or establishing special programs, or adapting existing programs, to reach special groups such as returning veterans with experience in a health field, the economically or culturally deprived, or persons reentering any of the allied health fields;

“(C) developing, demonstrating, or evaluating new or improved teaching methods or curriculums;

“(D) developing, demonstrating, or establishing interrelationships among institutions which will facilitate the training, retraining, or utilization of allied health manpower;

“(E) developing, demonstrating, or evaluating new types of health manpower;

“(F) developing, demonstrating, or evaluating techniques for appropriate recognition (including equivalency and proficiency testing mechanisms) of previously acquired training or experience; and

“(G) developing, demonstrating, or evaluating new or improved means of recruitment, retraining, or retention of allied health manpower.”

(b) Effective with respect to grants from appropriations for the fiscal year beginning July 1, 1970, subsection (d) of section 792 is amended—

80 Stat. 1227.
42 USC 295h-1.

(A) by striking out “basic or special improvement” in paragraph (1);

(B) by inserting “in the case of a basic or special improvement grant,” immediately after “(A)” in paragraph (2)(A); and

(C) by striking out “for grants under subsection (c)” in paragraph (3) and inserting in lieu thereof “for special improvement grants under subsection (b) and for special project grants under subsection (c)”.

(c) Effective with respect to grants from appropriations for the fiscal year beginning July 1, 1970, section 795(3) of such Act (42 U.S.C. 295h-4) is amended by striking out “as applied to any training center for allied health professions” and inserting in lieu thereof “, as applied to any training center for allied health professions or to any private agency, organization, or institution.”

(d) Effective with respect to the fiscal year beginning July 1, 1970, section 794 of such Act (42 U.S.C. 295h-3) is repealed.

Repeal.
Effective date.
80 Stat. 1228;
82 Stat. 788.

TRAINEESHIPS FOR ADVANCED TRAINING OF ALLIED HEALTH PROFESSIONS
PERSONNEL

80 Stat. 1228;
82 Stat. 788.

SEC. 203. (a) Subsection (a) of section 793 of the Public Health Service Act (42 U.S.C. 295h-2(a)) is amended (1) by striking out "and" after "June 30, 1969;" and (2) by inserting after "June 30, 1970;" the following: "\$8,000,000 for the fiscal year ending June 30, 1971; \$10,000,000 for the fiscal year ending June 30, 1972; and \$12,000,000 for the fiscal year ending June 30, 1973;"

(b) Effective with respect to grants from appropriations for the fiscal year beginning July 1, 1970—

(1) Subsection (b) of such section is amended by striking out "training centers for allied health professions" and inserting in lieu thereof "agencies, organizations, and institutions".

(2) Subsection (c) of such section is amended by striking out "centers" and inserting in lieu thereof "public or nonprofit private agencies, organizations, and institutions".

ENCOURAGEMENT OF FULL UTILIZATION OF EDUCATIONAL TALENT FOR
THE ALLIED HEALTH PROFESSIONS

42 USC 295h.

SEC. 204. Part G of title VII of the Public Health Service Act is amended by adding immediately after section 793 thereof the following new sections:

"GRANTS AND CONTRACTS TO ENCOURAGE FULL UTILIZATION OF EDUCATIONAL TALENT FOR ALLIED HEALTH PROFESSIONS

"SEC. 794A. (a) To assist in meeting the need for additional trained personnel in the allied health professions, the Secretary is authorized to make grants to State or local educational agencies or other public or nonprofit private agencies, institutions, and organizations, or enter into contracts without regard to section 3709 of the Revised Statutes (41 U.S.C. (5)), for the purpose of—

"(1) identifying individuals of financial, educational, or cultural need with a potential for education or training in the allied health professions, including returning veterans of the Armed Forces of the United States with training or experience in the health field, and encouraging and assisting them, whenever appropriate, to (A) complete secondary school, (B) undertake such postsecondary training as may be required to qualify them for training in the allied health professions, and (C) undertake postsecondary educational training in the allied health professions, or

"(2) publicizing existing sources of financial aid available to persons undertaking training or education in the allied health professions.

Appropriation.

"(b) For the purpose of carrying out the provisions of this section, there are authorized to be appropriated \$750,000 for the fiscal year ending June 30, 1971; \$1,000,000 for the fiscal year ending June 30, 1972; and \$1,250,000 for the fiscal year ending June 30, 1973.

"SCHOLARSHIP GRANTS

"SEC. 794B. (a) The Secretary is authorized to make (in accordance with such regulations as he may prescribe) grants to public or nonprofit private agencies, institutions, and organizations with an established program for training or retraining of personnel in the allied health professions or occupations specified by the Secretary for (1) scholarships to be awarded by such agency, institution, or organization to students thereof, and (2) scholarships in retaining programs

of such agency, institution, or organization to be awarded to allied health professions personnel in occupations for which such agency, institution, or organization determines that there is a need for the development of, or the expansion of, training.

“(b) Scholarships awarded by any agency, institution, or organization from grants under subsection (a) shall be awarded for any year only to individuals of exceptional financial need who require such assistance for such year in order to pursue a course of study offered by such agency, institution, or organization.

“(c) Grants under subsection (a) may be paid in advance or by way of reimbursement and at such intervals as the Secretary may deem appropriate and with appropriate adjustments on account of overpayments or underpayments previously made.

“(d) Any scholarship awarded from grants under subsection (a) to any individual for any year shall cover such portion of the individual's tuition, fees, books, equipment, and living expenses as the agency, institution, or organization awarding the scholarship may determine to be needed by such individual for such year on the basis of his requirements and financial resources; except that the amount of any such scholarship shall not exceed \$2,000, plus \$600 for each dependent (not in excess of three) in the case of any individual who is awarded such a scholarship.

Scholarship,
limitation.

“(e) The Secretary shall not approve any grant under this section unless the applicant therefor provides assurances satisfactory to the Secretary that funds made available through such grant will be so used as to supplement and, to the extent practicable, increase the level of non-Federal funds, which would in the absence of such grant, be made available for the purpose for which such grant is requested.

“(f) For the purpose of carrying out the provisions of this section, there is authorized to be appropriated \$4,000,000 for the fiscal year ending June 30, 1971; \$5,000,000 for the fiscal year ending June 30, 1972; and \$6,000,000 for the fiscal year ending June 30, 1973.

Appropriation.

“WORK-STUDY PROGRAMS

“SEC. 794C. (a) The Secretary is authorized to enter into agreements with public or nonprofit private agencies, institutions, and organizations with established programs for the training or retraining of personnel in the allied health professions specified by the Secretary under which the Secretary will make grants to such agencies, institutions, and organizations to assist them in the operation of work-study programs for individuals undergoing training or retraining provided by such programs.

“(b) Any agreement entered into pursuant to this section with a public or nonprofit private agency, institution, or organization shall—

“(1) provide that such agency, institution, or organization, will operate a work-study program for the part-time employment of its students or trainees either (A) in work for such agency, institution, or organization or (B) pursuant to arrangements between such agency, institution, or organization and another public or private nonprofit agency, institution, or organization, in work which is in the public interest for such other agency, institution, or organization;

“(2) provide that any such work-study program shall be operated in such manner that its operation will not result in the displacement of employed workers or impair existing contracts for employment;

“(3) provide that any such work-study program will provide conditions of employment, for the students or trainees partici-

pating therein, which are appropriate and reasonable in light of such factors as type of work performed, prevailing wages in the area for similar work, and proficiency of the individual in the performance of the work involved;

“(4) provide that no Federal funds made available to such agency, institution, or organization pursuant to such agreement shall be used for the construction, operation, or maintenance of any facility or part thereof which is used or is to be used for sectarian instruction or as a place for religious worship;

“(5) provide that Federal funds made available to such agency, institution, or organization pursuant to such agreement shall be used only to make payments to its students or trainees performing work in the work-study program operated by such agency, institution, or organization; except that such agency, institution, or organization may use a portion of such funds to meet administrative expenses connected with the operation of such program, but the portion which may be so used shall not exceed 5 per centum of that part of such funds which is used for the purpose of making payments, to such students or trainees, for work performed for a public or private nonprofit agency, institution, or organization other than the agency, institution, or organization receiving such Federal funds pursuant to such agreement;

“(6) provide that such agency, institution, or organization, in selecting students or trainees for employment in such work-study program, will give preference to individuals from low-income families, and that no individual will be selected for employment in such program unless he (A) is in need of the earnings from such employment in order to pursue a course of study (whether on a full-time or part-time basis) for training or retraining of personnel in the allied health professions provided by such agency, institution, or organization, (B) is capable, in the opinion of such agency, institution, or organization, of maintaining good standing in such course of study while employed under such work-study program, and (C) in the case of any individual who at the time he applies for such employment is a new student or trainee, has been accepted for enrollment in such course of study on a full-time basis or part-time and, in the case of any other individual, is enrolled in such course of study on such a basis and is maintaining good standing in such course of study;

“(7) provide that such agency, institution, or organization shall, in the operation of such work-study program, provide all individuals desiring employment therein an opportunity to make application for such employment and that, to the extent that necessary funds are available, all eligible applicants will be employed in such program; and

“(8) include such other provisions as the Secretary may deem necessary or appropriate to carry out the purposes of this section.

“(c) The Secretary shall not approve any grant under this section unless the applicant therefor provides assurances satisfactory to the Secretary that funds made available through such grant will be so used as to supplement and, to the extent practical, increase the level of non-Federal funds which would, in the absence of such grant, be made available for the purpose for which such grant is requested.

“(d) (1) Funds provided through any grant made under this section shall not be used to pay more than—

“(A) 90 per centum, in the case of the period commencing on the date of the enactment of this section and ending with the close of the third June 30th thereafter,

“(B) 85 per centum, in the case of the one-year period which immediately succeeds the period referred to in clause (A),

Administrative
expenses.

Funds, limita-
tion.

Low-income
families, prefer-
ence.

Employment op-
portunities.

Funds, limita-
tion.

“(C) 80 per centum, in the case of the one-year period which immediately succeeds the period referred to in clause (B), nor

“(D) 75 per centum, in the case of any period after the period referred to in clause (C),
of the costs attributable to the payment of compensation to students or trainees for employment in the work-study program with respect to which such grant is made.

“(2)(A) In determining (for purposes of paragraph (1)) the amounts attributable to the payment of compensation to students or trainees for employment in any work-study program, there shall be disregarded any Federal funds (other than such funds derived from a grant under this section) used for the payment of such compensation.

“(B) In determining (for purposes of paragraph (1)) the total amounts expended for the payment of compensation to students or trainees for employment in any work-study program operated by any agency, institution, or organization receiving a grant under this section, there shall be included the reasonable value of compensation provided by such agency, institution, or organization to such students or trainees in the form of services and supplies (including tuition, board, and books).

Student services
and supplies.

“(e) For the purpose of carrying out the provisions of this section, there is authorized to be appropriated \$2,000,000 for the fiscal year ending June 30, 1971, \$4,000,000 for the fiscal year ending June 30, 1972, and \$6,000,000 for the fiscal year ending June 30, 1973.

Appropriation.

“LOANS FOR STUDENTS OF THE ALLIED HEALTH PROFESSIONS

“SEC. 794D. (a) (1) The Secretary is authorized (in accordance with such regulations as he may prescribe) to enter into an agreement for the establishment and operation of a student loan fund in accordance with this section with any public or private nonprofit agency, institution, or organization which has an established program for the training or retraining of personnel in the allied health professions specified by the Secretary.

Student loan
fund.

“(2) Each agreement entered into under this subsection shall—

“(A) provide for establishment of a student loan fund by such agency, institution, or organization for students or trainees enrolled in such program;

“(B) provide for deposit in the fund of (i) the Federal capital contributions paid under this section to the agency, institution, or organization by the Secretary, (ii) an additional amount from other sources equal to not less than one-ninth of such Federal capital contributions, (iii) collections of principal and interest on loans made from the fund, (iv) collections pursuant to subsection (b) (6), and (v) any other earnings of the fund;

Fund deposits.

“(C) provide that the fund shall be used only for loans to students or trainees enrolled in such program of the agency, institution, or organization in accordance with the agreement and for costs of collection of such loans and interest thereon;

“(D) provide that loans may be made from such fund to students pursuing a course of study (whether full time or part time) in such program of such agency, institution, or organization and that while the agreement remains in effect no such student who is attending such program of such agency, institution, or organization shall receive a loan from a loan fund established under section 204 of the National Defense Education Act of 1958 or pursuant to part B of the title IV of the Higher Education Act of 1965; and

“(E) contain such other provisions as are necessary to protect the financial interests of the United States.

72 Stat. 1584;
82 Stat. 1034.
20 USC 424.
20 USC 1071.

Limitation.	<p>“(b) (1) The total of the loans for any academic year (or its equivalent, as determined under regulations of the Secretary) made by agencies, institutions or organizations from loan funds established pursuant to agreements under this section may not exceed \$1,500 in the case of any student. The aggregate of the loans for all years from such funds may not exceed \$6,000 in the case of any student.</p>
Terms and conditions.	<p>“(2) Loans from any such student loan fund by any agency, institution or organization shall be made on such terms and conditions as it may determine; subject, however, to such conditions, limitations, and requirements as the Secretary may prescribe (by regulation or in the agreement with the agency, institution, or organization) with a view to preventing impairment of the capital of such fund to the maximum extent practicable in the light of the objective of enabling the student to complete his course of study; and except that—</p> <p>“(A) such loan may be made only to a student who (i) is in need of the amount of the loan to pursue a part-time or full-time course of study at the agency, institution, or organization, and (ii) is capable, in the opinion of the agency, institution, or organization, of maintaining good standing in such course of study;</p>
Repayment.	<p>“(B) such loan shall be repayable in equal or graduated periodic installments (with the right of the borrower to accelerate repayment) over the ten-year period which begins one year after the student ceases to pursue a part-time or full-time course of study in a program for the training or retraining of personnel in the allied health professions at an agency, institution, or organization approved by the Secretary, excluding from such ten-year period all (i) periods (up to three years) of (I) active duty performed by the borrower as a member of a uniformed service, or (II) service as a volunteer under the Peace Corps Act, and (ii) periods (up to five years) during which the borrower is pursuing a full-time course of study at a school leading to a baccalaureate or associate degree or the equivalent of either or to a higher degree in one of the allied health professions;</p> <p>“(C) not to exceed 50 per centum of any such loan (plus interest) shall be canceled for full-time employment in any of the allied health professions (including teaching any such profession or service as an administrator, supervisor, or specialist in any such profession) in any public or private nonprofit agency, institution, or organization, or in a rural area with an individual practitioner of medicine or dentistry if such service is approved by a local county health department or its equivalent at the rate of 10 per centum of the amount of such loan plus interest thereon, which was unpaid on the first day of such service, for each complete year of such service, except that such rate shall be 15 per centum for each complete year of service in such a profession in a public or other nonprofit hospital, other health service facility or health agency which is determined, in accordance with regulations of the Secretary, to have a substantial shortage of persons rendering service in such profession, and for purposes of any cancellation at such higher rate, an amount equal to an additional 50 per centum of the total amount of such loans plus interest may be canceled;</p> <p>“(D) the liability to repay the unpaid balance of such loan and accrued interest thereon shall be canceled upon the death of the borrower, or if the Secretary determines that he has become permanently and totally disabled;</p>
Interest rate.	<p>“(E) such a loan shall bear interest on the unpaid balance of the loan, computed only for periods during which the loan is repayable, at the rate of 3 per centum per annum;</p>

75 Stat. 612.
22 USC 2501
note.

"(F) such a loan shall be made without security or endorsement, except that if the borrower is a minor and the note or other evidence of obligation executed by him would not, under the applicable law, create a binding obligation, either security or endorsement may be required; and

Unsecured loans,
exception.

"(G) no note or other evidence of any such loan may be transferred or assigned by the agency, institution, or organization making the loan except that, if the borrower transfers to another agency, institution, or organization participating in the program under this section, such note or other evidence of a loan may be transferred to such other agency, institution, or organization.

"(3) When all or any part of a loan, or interest, is canceled under this subsection, the Secretary shall pay to the agency, institution, or organization an amount equal to its proportionate share of the canceled portion, as determined by the Secretary.

"(4) Any loan for any year by an agency, institution, or organization from a student loan fund established pursuant to an agreement under this section shall be made in such installments as may be provided in regulations of the Secretary or such agreement and, upon notice to the Secretary by the agency, institution, or organization that any recipient of a loan is failing to maintain satisfactory standing, any or all further installments of his loan shall be withheld, as may be appropriate.

Loans, install-
ments.

"(5) An agreement under this section with any agency, institution, or organization shall include provisions designed to make loans from the student loan fund established thereunder reasonably available (to the extent of the available funds in such fund) to all eligible students in the agency, institution, or organization in need thereof.

"(6) Subject to regulations of the Secretary, an agency, institution, or organization may assess a charge with respect to a loan from the loan fund established pursuant to an agreement under this section for failure of the borrower to pay all or any part of an installment when it is due and, in the case of a borrower who is entitled to deferment of the loan under paragraph (2) (B) or cancellation of part or all of the loan under paragraph (2) (C), for any failure to file timely and satisfactory evidence of such entitlement. The amount of any such charge may not exceed \$1 for the first month or part of a month by which such installment or evidence is late and \$2 for each such month or part of a month thereafter. The agency, institution, or organization may elect to add the amount of any such charge to the principal amount of the loan as of the first day after the day on which such installment or evidence was due, or to make the amount of the charge payable to the agency, institution, or organization not later than the due date of the next installment after receipt by the borrower of notice of the assessment of the charge.

Failure to pay
installments, as-
sessments.

Limitation.

"(7) An agency, institution, or organization may provide, in accordance with regulations of the Secretary, that during the repayment period of a loan from a loan fund established pursuant to an agreement under this section payments of principal and interest by the borrower with respect to all the outstanding loans made to him from loan funds so established shall be at a rate equal to not less than \$15 per month.

Monthly rate.

"(c) There are authorized to be appropriated to the Secretary for Federal capital contributions to student loan funds pursuant to subsection (a) (2) (B) (i) \$3,500,000 for the fiscal year ending June 30, 1971, \$5,000,000 for the fiscal year ending June 30, 1972, and \$10,000,000 for the fiscal year ending June 30, 1973, and there are also authorized to be appropriated such sums for the fiscal year ending June 30, 1974, and each of the two succeeding fiscal years as may be

Appropriation.

necessary to enable students who have received a loan from any academic year ending before July 1, 1973, to continue or complete their education. Sums appropriated pursuant to this subsection for any fiscal year shall be available to the Secretary (1) for payments into the funds established by subsection (f) (4), and (2) in accordance with agreements under this section, for Federal capital contributions to schools with which such agreements have been made, to be used together with deposits in such funds pursuant to subsection (a) (2) (B) (ii), for establishment and maintenance of student loan funds.

Funds, allotment.

“(d) (1) From the sums appropriated pursuant to subsection (c) for any fiscal year, the Secretary shall allot to each agency, institution, or organization, which has an established program or programs for the training or retraining of personnel in the allied health professions approved by the Secretary, an amount which bears the same ratio to the amount so appropriated as the number of persons enrolled on a full-time basis in such program or programs in such agency, institution, or organization approved by the Secretary bears to the total number of persons enrolled on a full-time basis in such programs in all such agencies, institutions, or organizations in all the States. The number of persons enrolled, in such a program, on a full-time basis in such agencies, institutions, or organizations for purposes of the subsection shall be determined by the Secretary for the most recent year for which satisfactory data are available to him. Funds available in any fiscal year for payment to agencies, institutions, or organizations under this section (whether as Federal capital contributions or as loans under subsection (f)) which are in excess of the amount appropriated pursuant to subsection (c) for that year shall be allotted among agencies, institutions, or organizations approved by the Secretary in such manner as the Secretary determines will best carry out the purposes of this section.

Applications, filing dates.

“(2) The Secretary shall from time to time set dates by which agencies, institutions, or organizations must file applications for Federal capital contributions and for loans pursuant to subsection (f).

Installments.

“(3) The Federal capital contributions to a loan fund of an agency, institution, or organization approved by the Secretary under this section shall be paid from time to time in such installments as the Secretary determines will not result in unnecessary accumulations in its loan fund.

“(e) (1) After June 30, 1977, and not later than September 30, 1977, there shall be a capital distribution of the balance of the loan fund established under an agreement pursuant to subsection (a) (2) by each agency, institution or organization approved by the Secretary as follows:

“(A) The Secretary shall first be paid an amount which bears the same ratio to such balance in such fund at the close of June 30, 1977, as the total amount of the Federal capital contributions to such fund by the Secretary pursuant to subsection (a) (2) (B) (i) bears to the total amount in such fund derived from such Federal capital contributions from funds deposited therein pursuant to subsection (a) (2) (B) (ii).

“(B) The remainder of such balance shall be paid to the agency, institution, or organization approved by the Secretary.

“(2) After September 30, 1977, each agency, institution or organization approved by the Secretary with which the Secretary has made an agreement under this section shall pay to the Secretary, not less often than quarterly, the same proportionate share of amounts received by it after June 30, 1977, in payment of principal and interest on loans made from the loan fund established pursuant to such agreement (other than so much of such fund as relates to payments from the revolving fund established by subsection (f) (4)) as was determined for the Secretary under paragraph (1).

“(f)(1)(A) During the fiscal year ending June 30, 1971, and each of the next two fiscal years, the Secretary may make loans, from the revolving fund established by paragraph (4), to any public or private nonprofit agency, institution or organization approved by him, to provide all or part of the capital needed by any such agency, institution or organization for making loans to students under this subsection (other than capital needed to make the institutional contributions required of agencies, institutions or organizations by subsection (a)(2)(B)(ii)). Loans to students from such borrowed sums shall be subject to the terms, conditions, and limitations set forth in subsection (b). The requirement in subsection (a)(2)(B)(ii) with respect to institutional contributions by agencies, institutions, or organizations to student loan funds shall not apply to loans made to agencies, institutions, or organizations under this subsection.

“(B) A loan to an agency, institution, or organization approved by the Secretary under this subsection may be made upon such terms and conditions, consistent with applicable provisions of subsection (a), as the Secretary deems appropriate. If the Secretary deems it to be necessary to assure that the purposes of this subsection will be achieved, these terms and conditions may include provisions making the obligation of the agency, institution, or organization to the Secretary on such a loan payable solely from such revenues or other assets or security (including collections on loans to students) as the Secretary may approve. Such a loan shall bear interest at a rate which the Secretary determines to be adequate to cover (i) the cost of the funds to the Treasury as determined by the Secretary of the Treasury, taking into consideration the current average yields of outstanding marketable obligations of the United States having maturities comparable to the maturities of loans made by the Secretary under this subsection, and (ii) probable losses.

“(2) If an agency, institution, or organization approved by the Secretary borrows any sums under this subsection, the Secretary shall agree to pay to it (A) an amount equal to 90 per centum of the loss to it from defaults on student loans made from such sums, (B) the amount by which the interest payable by it on such sums exceeds the interest received by it on student loans made from such sums, (C) an amount equal to the amount of collection expenses authorized by subsection (a)(2)(C) to be paid out of a student loan fund with respect to such sums, and (D) the amount of the principal which is canceled pursuant to subsection (b)(2)(C) or (D) with respect to student loans made from such sums. There are authorized to be appropriated without fiscal year limitation such sums as may be necessary to carry out the purposes of this paragraph.

“(3) The total of the loans made in any fiscal year under this subsection shall not exceed the lesser of (1) such limitations as may be specified in appropriation Acts, and (2) the difference between \$35,000,000 and the amount of Federal capital contributions paid under this section for that year.

Limitation.

“(4)(A) There is hereby created within the Treasury an allied professions training fund (hereinafter in this paragraph referred to as the ‘fund’) which shall be available to the Secretary without fiscal year limitation as a revolving fund for the purposes of this subsection. A business-type budget for the fund shall be prepared, transmitted to the Congress, considered, and enacted in the manner prescribed by law (sections 102, 103, and 104 of the Government Corporation Control Act, 31 U.S.C. 847-849) for wholly owned Government corporations.

59 Stat. 598;
61 Stat. 584.

“(B) The fund shall consist of appropriations paid into the fund pursuant to subsection (c), appropriations made pursuant to this paragraph, all amounts received by the Secretary as interest payments

or repayments of principal on loans under this subsection, and any other moneys, property, or assets derived by him from his operations in connection with this subsection (other than paragraph (2)), including any moneys derived directly or indirectly from the sale of assets, or beneficial interest or participations in assets, of the fund.

“(C) All loans, expenses (other than normal administrative expenses), and payments pursuant to operations of the Secretary under this subsection (other than paragraph (s)) shall be paid from the fund, including (but not limited to) expenses and payments of the Secretary in connection with the sale, under section 302(c) of the Federal National Mortgage Association Charter Act, of participation in obligations acquired under this subsection. From time to time, and at least at the close of each fiscal year, the Secretary shall pay from the fund into the Treasury as miscellaneous receipts interest on the cumulative amount of appropriations paid out for loans under this subsection, less the average undisbursed cash balance in the fund during the year. The rate of such interest shall be determined by the Secretary of the Treasury, taking into consideration the average market yield during the month preceding each fiscal year on outstanding Treasury obligations of maturity comparable to the average maturity of loans made from the fund. Interest payments may be deferred with the approval of the Secretary of the Treasury, but any interest payments so deferred shall themselves bear interest. If at any time the Secretary determines that moneys in the fund exceed the present and any reasonable prospective future requirements of the fund, such excess may be transferred to the general fund of the Treasury.

“(g) The Secretary may agree to modifications of agreements or loans made under this section, and may compromise, waive, or release any right, title, claim, or demand of the United States arising or acquired under this section.”

STUDY OF ALLIED HEALTH PROGRAMS

82 Stat. 788. SEC. 205. Section 798 of the Public Health Service Act (42 U.S.C. 295h-7) is amended to read as follows:

STUDY

“SEC. 798. (a) The Secretary shall conduct a study of the administration of—

“(1) the provisions of this part,

“(2) other provisions of this Act which relate to the allied health professions or the training of individuals to prepare them to engage in any of such professions; and

“(3) provisions of law which are administered by the Commissioner of Education and which relate to the allied health professions or the training of individuals to prepare them to engage in any of such professions;

with a view to determining the adequacy of such provisions and the programs established pursuant thereto to meet the needs of the Nation for allied health professions personnel.”

ADVANCE FUNDING

Ante, p. 1346.

SEC. 206. Part G of title VII of the Public Health Service Act is further amended by adding after section 798 thereof the following new section:

“ADVANCE FUNDING

“SEC. 799. Any appropriation Act which appropriates funds for any fiscal year for grants, contracts, or other payments under this part may also appropriate for the next fiscal year the funds that are authorized to be appropriated for such payments for such next fiscal year; but no funds may be made available therefrom for obligation for such payments before the fiscal year for which such funds are authorized to be appropriated.”

LICENSURE REPORT

SEC. 207. Part G of title VII of the Public Health Service Act is further amended by adding after section 799 (as added by section 206 of this Act) the following new section:

“LICENSURE REPORT

“SEC. 799A. The Secretary shall prepare and submit to the Congress, prior to July 1, 1971, a report identifying the major problems associated with licensure, certification, and other qualifications for practice or employment of health personnel (including group practice of health personnel), together with summaries of the activities (if any) of Federal agencies, professional organizations, or other instrumentalities directed toward the alleviation of such problems and toward maximizing the proper and efficient utilization of health personnel in meeting the health needs of the Nation. Such report shall include specific recommendations by the Secretary for steps to be taken toward the solution of the problems so identified in such report.”

Report to Congress.

Approved November 2, 1970.

Public Law 91-520

AN ACT

To authorize the Thousand Islands Bridge Authority to construct, maintain, and operate an additional toll bridge across the Saint Lawrence River at or near Cape Vincent, New York.

November 2, 1970
[H. R. 15069]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That, in order to facilitate the increased volume of international commerce, improve postal service, and strengthen the friendly relations between the United States of America and the Government of Canada and other purposes, the Thousand Islands Bridge Authority, its successors and assigns, the successor to the New York Development Association, Incorporated, which was authorized to construct, maintain, and operate toll bridges between the mainland of United States across the Saint Lawrence River to the mainland of Canada, pursuant to an Act entitled “An Act authorizing the New York Development Association, Incorporated, its successors and assigns, to construct, maintain, and operate a bridge across the Saint Lawrence River near Alexandria Bay, New York” approved March 4, 1929, be and is hereby authorized to construct, maintain, and operate an additional toll bridge and approaches thereto, across the easterly channel of the Saint Lawrence River, at or near Cape Vincent in the county of Jefferson, New York to some convenient point

St. Lawrence
River.
Toll bridge, construction authorization.

45 Stat. 1552.

Cape Vincent,
N. Y.—Kingston,
Ont.

on Wolfe Island and also a bridge and approaches thereto, from the westerly side of Wolfe Island across the westerly or Canadian channel of the Saint Lawrence River to a point at or near Kingston, in the Province of Ontario, Canada, and to collect tolls for the use thereof, so far as the United States has jurisdiction over the waters of the Saint Lawrence River, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges across navigable waters," approved March 23, 1906, and subject to the approval of the proper authorities in Canada.

SEC. 2. The Thousand Islands Bridge Authority, its successor and assigns, is hereby authorized to enter into contracts and other agreements, with the appropriate governmental authorities in Canada, necessary or incidental to the construction, maintenance, and operation of its facilities.

SEC. 3. Notwithstanding the provisions of section 6 of the Act of March 23, 1906 (33 U.S.C. 496), this Act shall be null and void unless the Thousand Islands Bridge Authority, its successors or assigns, shall commence construction of the bridge referred to in the first section of this Act within three years and shall complete the construction of said additional bridge within eight years from the date of enactment of this Act.

SEC. 4. The Thousand Islands Bridge Authority, its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge and in accordance with any laws of the State of New York or the United States applicable thereto, and the rates of tolls so fixed shall be the legal rates until changed by the Secretary of Transportation under the authority contained in the Act of March 23, 1906.

SEC. 5. The enactment of this Act shall not be construed as repealing or amending the provisions of an Act entitled "An Act authorizing the New York Development Association, Incorporated, its successors and assigns, to construct, maintain, and operate a bridge across the Saint Lawrence River near Alexandria Bay, New York" approved March 4, 1929.

SEC. 6. The bonds or notes issued by the Thousand Islands Bridge Authority to finance the facilities authorized pursuant to this Act shall be deemed to be obligations issued by a political subdivision of the State of New York.

SEC. 7. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved November 2, 1970.

Public Law 91-521

AN ACT

November 25, 1970
[S. 2455]

To authorize appropriations for the Civil Rights Commission, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Subsection (a) of section 103 of the Civil Rights Act of 1957 (71 Stat. 635; 42 U.S.C. 1975b(a)), as amended, is further amended as follows: Strike "\$75" and insert in lieu thereof "\$100".

SEC. 2. Subsection (a) of section 105 of the Civil Rights Act of 1957 (71 Stat. 636; 42 U.S.C. 1975d(a)), as amended, is further amended as follows: Strike "\$75" and insert in lieu thereof "\$100".

SEC. 3. Section 106 of the Civil Rights Act of 1957 (71 Stat. 636; 42 U.S.C. 1975e), as amended, is further amended to read as follows:

34 Stat. 84.
33 USC 491.

Commencement
and completion,
time limit.

Tolls.

Civil Rights
Commission.
78 Stat. 250.
Compensation.

Appropriations.
81 Stat. 582.

"SEC. 106. For the purposes of carrying out this Act, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1970, the sum of \$3,400,000, and for each fiscal year thereafter until January 31, 1973, the sum of \$3,400,000."

SEC. 4. Subsection (e) of section 102 of the Civil Rights Act of 1957 (71 Stat. 634, as amended, 78 Stat. 249) is amended by inserting the following after the last period: "If a report of the Commission tends to defame, degrade or incriminate any person, then the report shall be delivered to such person thirty days before the report shall be made public in order that such person may make a timely answer to the report. Each person so defamed, degraded or incriminated in such report may file with the Commission a verified answer to the report not later than twenty days after service of the report upon him. Upon a showing of good cause, the Commission may grant the person an extension of time within which to file such answer. Each answer shall plainly and concisely state the facts and law constituting the person's reply or defense to the charges or allegations contained in the report. Such answer shall be published as an appendix to the report. The right to answer within these time limitations and to have the answer annexed to the Commission report shall be limited only by the Commission's power to except from the answer such matter as it determines has been inserted scandalously, prejudiciously or unnecessarily."

Defamatory re-
port, answer.
42 USC 1975a.

Filing.

Approved November 25, 1970.

Public Law 91-522

AN ACT

To amend the Agricultural Adjustment Act of 1933, as amended, and reenacted and amended by the Agricultural Marketing Act of 1937, as amended, to authorize marketing research and promotion projects including paid advertising for almonds.

November 25, 1970
[H. R. 13978]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section (8) (c) (6) (I) of the Agricultural Adjustment Act of 1933, as amended, and reenacted and amended by the Agricultural Marketing Act of 1937, is further amended as follows by—

Almonds.
Marketing orders,
paid advertising.
68 Stat. 906;
Ante, p. 827.
7 USC 608c.

(1) inserting "almonds," before the word "cherries";

(2) inserting before the colon at the end of the first proviso the following: "and with respect to almonds may provide for crediting the pro rata expense assessment obligations of a handler with all or any portion of his direct expenditures for such marketing promotion including paid advertising as may be authorized by the order"; and

(3) amending the second proviso to read as follows: " : *Provided further,* That the inclusion in a Federal marketing order of provisions for research and marketing promotion, including paid advertising, shall not be deemed to preclude, preempt or supersede any such provisions in any State program covering the same commodity."

Ante, p. 333.

Approved November 25, 1970.

Public Law 91-523

AN ACT

November 25, 1970
[S. 902]

To amend section 1162 of title 18, United States Code, relating to State jurisdiction over offenses committed by or against Indians in the Indian country.

Indians.
Jurisdiction in
Alaska.
67 Stat. 588;
72 Stat. 545.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 1162 of title 18, United States Code, is amended by deleting the following:

"Alaska----- All Indian country within the Territory" and inserting in lieu thereof the following:

"Alaska----- All Indian country within the State, except that on Annette Islands, the Metlakatla Indian community may exercise jurisdiction over offenses committed by Indians in the same manner in which such jurisdiction may be exercised by Indian tribes in Indian country over which State jurisdiction has not been extended."

62 Stat. 757;
63 Stat. 94.

SEC. 2. Subsection (c) of section 1162 of title 18, United States Code, is amended to read as follows: "(c) The provisions of sections 1152 and 1153 of this chapter shall not be applicable within the areas of Indian country listed in subsection (a) of this section as areas over which the several States have exclusive jurisdiction."

Approved November 25, 1970.

Public Law 91-524

AN ACT

November 30, 1970
[H. R. 18546]

To establish improved programs for the benefit of producers and consumers of dairy products, wool, wheat, feed grains, cotton, and other commodities, to extend the Agricultural Trade Development and Assistance Act of 1954, as amended, and for other purposes.

Agricultural Act
of 1970.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Agricultural Act of 1970".

TITLE I—PAYMENT LIMITATION

SEC. 101. Notwithstanding any other provision of law—

Post, pp. 1362,
1368, 1371.

(1) The total amount of payments which a person shall be entitled to receive under each of the annual programs established by titles IV, V, and VI of this Act for the 1971, 1972, or 1973 crop of the commodity shall not exceed \$55,000.

"Payments."

(2) The term "payments" as used in this section includes price-support payments, set-aside payments, diversion payments, public

access payments, and marketing certificates, but does not include loans or purchases.

(3) If the Secretary determines that the total amount of payments which will be earned by any person under the program in effect for any crop will be reduced under this section, the set-aside acreage for the farm or farms on which such person will be sharing in payments earned under such program shall be reduced to such extent and in such manner as the Secretary determines will be fair and reasonable in relation to the amount of the payment reduction.

Set-aside
acreage, reduction.

(4) The Secretary shall issue regulations defining the term "person" and prescribing such rules as he determines necessary to assure a fair and reasonable application of such limitation: *Provided*, That the provisions of this Act which limit payments to any person shall not be applicable to lands owned by States, political subdivisions, or agencies thereof, so long as such lands are farmed primarily in the direct furtherance of a public function, as determined by the Secretary.

Regulations.

TITLE II—DAIRY

DAIRY BASE PLANS

SEC. 201. (a) The Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is further amended by striking in subparagraph (B) of subsection 8c(5) all that part of said subparagraph (B) which follows the comma at the end of clause (c) and inserting in lieu thereof the following: "(d) a further adjustment to encourage seasonal adjustments in the production of milk through equitable apportionment of the total value of the milk purchased by any handler, or by all handlers, among producers on the basis of their marketings of milk during a representative period of time, which need not be limited to one year; (e) a provision providing for the accumulation and disbursement of a fund to encourage seasonal adjustments in the production of milk may be included in an order; and (f) a further adjustment, equitably to apportion the total value of milk purchased by all handlers among producers on the basis of their marketings of milk, which may be adjusted to reflect the utilization of producer milk by all handlers in any use classification or classifications, during a

79 Stat. 1187.
7 USC 608c.

representative period of one to three years, which will be automatically updated each year. In the event a producer holding a base allocated under this clause (f) shall reduce his marketings, such reduction shall not adversely affect his history of production and marketing for the determination of future bases, or future updating of bases, except that an order may provide that, if a producer reduces his marketings below his base allocation in any one or more use classifications designated in the order, the amount of any such reduction shall be taken into account in determining future bases, or future updating of bases. Bases allocated to producers under this clause (f) may be transferable under an order on such terms and conditions, including those which will prevent bases taking on an unreasonable value, as are prescribed in the order by the Secretary of Agriculture. Provisions shall be made in the order for the allocation of bases under this clause (f)—

“(i) for the alleviation of hardship and inequity among producers; and

“(ii) for providing bases for dairy farmers not delivering milk as producers under the order upon becoming producers under the order who did not produce milk during any part of the representative period and these new producers shall within ninety days after the first regular delivery of milk at the price for the lowest use classification specified in such order be allocated a base which the Secretary determines proper after considering supply and demand conditions, the development of orderly and efficient marketing conditions and to the respective interests of producers under the order, all other dairy farmers and the consuming public. Producer bases so allocated shall for a period of not more than three years be reduced by not more than 20 per centum; and

“(iii) dairy farmers not delivering milk as producers under the order upon becoming producers under the order by reason of a plant to which they are making deliveries becoming a pool plant under the order, by amendment or otherwise, shall be provided bases with respect to milk delivered under the order based on their past deliveries of milk on the same basis as other producers under the order; and

“(iv) such order may include such additional provisions as the Secretary deems appropriate in regard to the reentry of producers who have previously discontinued their dairy farm enterprise or transferred bases authorized under this clause (f); and

“(v) notwithstanding any other provision of this Act, dairy farmers not delivering milk as producers under the order, upon becoming producers under the order, shall within ninety days be provided with respect to milk delivered under the order, allocations based on their past deliveries of milk during the representative period from the production facilities from which they are delivering milk under the order on the same basis as producers under the order on the effective date of order provisions authorized under this clause (f): *Provided*, That bases shall be allocated only to a producer marketing milk from the production facilities from which he marketed milk during the representative period, except that in no event shall such allocation of base exceed the amount of milk actually delivered under such order.

The assignment of other source milk to various use classes shall be made without regard to whether an order contains provisions authorized under this clause (f). In the case of any producer who during any accounting period delivers a portion of his milk to persons not fully regulated by the order, provision shall be made for reducing the allocation of, or payment to be received by, any such producer under this clause (f) to compensate for any marketings of milk to such other persons for such period or periods as necessary to insure equitable

participation in marketings among all producers. Notwithstanding the provisions of section 8c(12) and the last sentence of section 8c(19) of this Act, order provisions under this clause (f) shall not be effective in any marketing order unless separately approved by producers in a referendum in which each individual producer shall have one vote and may be terminated separately whenever the Secretary makes a determination with respect to such provisions as is provided for the termination of an order in subparagraph 8c(16)(B). Disapproval or termination of such order provisions shall not be considered disapproval of the order or of other terms of the order."

49 Stat. 759;
75 Stat. 305.
7 USC 608c.

(b) The legal status of producer handlers of milk under the provisions of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, shall be the same subsequent to the adoption of the amendments made by this Act as it was prior thereto.

48 Stat. 31;
50 Stat. 246.
7 USC 601
note.

(c) Nothing in subsection (a) of this section 201 shall be construed as invalidating any class I base plan provisions of any marketing order previously issued by the Secretary of Agriculture pursuant to authority contained in the Food and Agriculture Act of 1965 (79 Stat. 1187), but such provisions are expressly ratified, legalized, and confirmed and may be extended through and including December 31, 1971.

7 USC 608c
note.

(d) It is not intended that existing law be in any way altered, rescinded, or amended with respect to section 8c(5)(G) of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and such section 8c(5)(G) is fully reaffirmed.

49 Stat. 755.
Termination
provisions.

(e) The provisions of this section shall not be effective after December 31, 1973 except with respect to orders providing for Class I base plans issued prior to such date, but in no event shall any order so issued extend or be effective beyond December 31, 1976.

SUSPENSION OF BUTTERFAT SUPPORT PROGRAM

SEC. 202. Effective only with respect to the period beginning April 1, 1971, and ending March 31, 1974—

Price supports.

(a) The first sentence of section 201 of the Agricultural Act of 1949, as amended (7 U.S.C. 1446), is amended by striking the words "milk, butterfat, and the products of milk and butterfat" and inserting in lieu thereof the words "and milk".

Designated non-
basic commodities.
63 Stat. 1052.

(b) Paragraph (c) of section 201 of the Agricultural Act of 1949, as amended (7 U.S.C. 1446(c)), is amended to read as follows:

Milk and butter-
fat.
68 Stat. 899;
70 Stat. 86;
74 Stat. 1054.

"(c) The price of milk shall be supported at such level not in excess of 90 per centum nor less than 75 per centum of the parity price thereof as the Secretary determines necessary in order to assure an adequate supply. Such price support shall be provided through purchases of milk and the products of milk."

TRANSFER OF DAIRY PRODUCTS TO THE MILITARY AND TO VETERANS HOSPITALS

SEC. 203. Section 202 of the Agricultural Act of 1949, as amended (7 U.S.C. 1446a), is amended by changing "December 31, 1970" to read "December 31, 1973" both places it appears therein.

81 Stat. 464.

DAIRY INDEMNITY PROGRAM

SEC. 204. (a) Section 3 of the Act of August 13, 1968 (Public Law 90-484; 82 Stat. 750), is amended by striking out the word "June 30, 1970.", and inserting in lieu thereof the word "June 30, 1973."

7 USC 450f.

Milk removal.
82 Stat. 750.
7 USC 450j.

(b) The first sentence of section 1 of said Act is amended by inserting, "and manufacturers of dairy products who have been directed since the date of enactment of the Agricultural Act of 1970 to remove their dairy products," after "milk", and the second sentence is revised to read: "Any indemnity payment to any farmer shall continue until he has been reinstated and is again allowed to dispose of his milk on commercial markets."

TITLE III—WOOL

Price supports.
68 Stat. 910;
79 Stat. 1188;
82 Stat. 996.
7 USC 1782.

SEC. 301. The National Wool Act of 1954, as amended, is amended as follows:

(1) Designate the first two sentences of section 703 as subsection "(a)", and, in the second sentence, delete "1970" and substitute "1973".

(2) In the third sentence of section 703, delete the portion beginning with "The support price for shorn wool shall be" and ending with "Provided further, That the" and substitute "The", designate the third sentence as subsection "(b)", change the period at the end thereof to a colon and add the following: "Provided, That for the three marketing years beginning January 1, 1971, and ending December 31, 1973, the support price for shorn wool shall be 72 cents per pound, grease basis."

(3) Designate the fourth and fifth sentences of section 703 as subsection "(c)", change the period at the end of the fifth sentence to a colon and add the following: "Provided, That for the three marketing years beginning January 1, 1971, and ending December 31, 1973, the support price for mohair shall be 80.2 cents per pound, grease basis."

(4) Designate the sixth sentence of section 703 as subsection "(d)".

(5) Designate the last sentence of section 703 as subsection "(e)".

TITLE IV—WHEAT

Price support levels.

79 Stat. 1203.
7 USC 1445a.

Loans and purchases, availability.

SEC. 401. Effective only with respect to the 1971, 1972, and 1973 crops of wheat, section 107 of the Agricultural Act of 1949, as amended, is further amended to read as follows:

"SEC. 107. Notwithstanding any other provision of law—

"(a) Loans and purchases on each crop of wheat shall be made available at such level as the Secretary determines appropriate, taking into consideration competitive world prices of wheat, the feeding value of wheat in relation to feed grains, and the level at which price support is made available for feed grains: *Provided*, That in no event shall such level be in excess of the parity price for wheat or less than \$1.25 per bushel.

"(b) If a set-aside program is in effect for any crop of wheat under section 379b(c) of the Agricultural Adjustment Act of 1938, as amended, certificates, loans and purchases shall be made available on such crop only to producers who comply with the provisions of such program."

Post, p. 1363.

Marketing certificates.

79 Stat. 1202;
76 Stat. 627;
78 Stat. 180.
7 USC 1379b,
1379c.

Face value.

SEC. 402. Effective only with respect to the 1971, 1972, and 1973 crops of wheat sections 379b and 379c of the Agricultural Adjustment Act of 1938, as amended, are further amended to read as follows:

"SEC. 379b. (a) The Secretary shall provide for the issuance of wheat marketing certificates for the purpose of enabling producers on any farm for which certificates are issued to receive, in addition to the other proceeds from the sale of wheat, an amount equal to the face value of such certificates. The face value per bushel of domestic marketing certificates for the 1971, 1972, and 1973 crops of wheat shall be in such amount as, together with the national average market price received by farmers during the first five months of the marketing year

for such crop, the Secretary determines will be equal to the parity price for wheat as of the beginning of the marketing year for the crop.

“(b) The domestic wheat marketing certificates shall be made available for a farm on the number of bushels determined by multiplying the domestic allotment for the farm for the crop to which such certificates relate by the projected yield established for the farm with such adjustments as the Secretary determines necessary to provide a fair and equitable yield.

Availability,
determination.

“(c)(1) The Secretary shall provide for a set-aside of cropland if he determines that the total supply of wheat or other commodities will, in the absence of such a set-aside, likely be excessive taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency. If a set-aside of cropland is in effect under this subsection (c), then as a condition of eligibility for loans, purchases, and certificates on wheat, the producers on a farm must set aside and devote to approved conservation uses an acreage of cropland equal to (i) such percentage of the domestic wheat allotment for the farm as may be specified by the Secretary and will be estimated by the Secretary to result in a set-aside not in excess of 13.3 million acres in the case of the 1971 crop, or 15 million acres in the case of the 1972 or 1973 crop, plus (ii) the acreage of cropland on the farm devoted in preceding years to soil-conserving uses, as determined by the Secretary. The Secretary is authorized for the 1971, 1972, and 1973 crops to limit the acreage planted to wheat on the farm to such percentage of the domestic wheat allotment as he determines necessary to provide an orderly transition to the program provided for under this section. Grazing shall not be permitted during any of the five principal months of the normal growing season as determined by the county committee established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, and subject to this limitation (1) the Secretary shall permit producers to plant and graze on the set-aside acreage sweet sorghum, and (2) the Secretary may permit, subject to such terms and conditions as he may prescribe, all or any of the set-aside acreage to be devoted to grazing or the production of guar, sesame, safflower, sunflower, castor beans, mustard seed, crambe, plantago ovato, flaxseed, or other commodity, if he determines that such production is needed to provide an adequate supply, is not likely to increase the cost of the price-support program, and will not adversely affect farm income.

Set-aside
acreage.

Acreage planted,
limitation.

Grazing.

52 Stat. 31;
78 Stat. 743.
16 USC 590h.

“(2) To assist in adjusting the acreage of commodities to desirable goals, the Secretary may make land diversion payments, in addition to the certificates authorized in subsection (b), available to producers on a farm who, to the extent prescribed by the Secretary, devote to approved conservation uses an acreage of cropland on the farm in addition to that required to be so devoted under subsection (c)(1). The land diversion payments for a farm shall be at such rate or rates as the Secretary determines to be fair and reasonable taking into consideration the diversion undertaken by the producers and the productivity of the acreage diverted. The Secretary shall limit the total acreage to be diverted under agreements in any county or local community so as not to adversely affect the economy of the county or local community.

Land diversion
payments.

Rates.

Acreage limita-
tion.

Set-aside acre-
age, protection.

“(3) The wheat program formulated under this section shall require the producer to take such measures as the Secretary may deem appropriate to protect the set-aside acreage and the additional diverted acreage from erosion, insects, weeds, and rodents. Such acreage may be devoted to wildlife food plots or wildlife habitat in conformity with standards established by the Secretary in consultation with wildlife agencies. The Secretary may provide for an additional payment on

such acreage in an amount determined by the Secretary to be appropriate in relation to the benefit to the general public if the producer agrees to permit, without other compensation, access to all or such portion of the farm as the Secretary may prescribe by the general public, for hunting, trapping, fishing, and hiking, subject to applicable State and Federal regulations.

Agreement, filing.

Acreage, soil conserving uses.

Agreement, termination or modification.

Certificate and payment sharing.

Noncompliance.

Advancement.

Marketing cards, etc.

Farm domestic allotment.

Apportionment among States.

“(4) If the operator of the farm desires to participate in the program formulated under this subsection (c), he shall file his agreement to do so no later than such date as the Secretary may prescribe. Loans and purchases on wheat, marketing certificates, and payments under this section shall be made available to producers on such farm only if the producers set aside and devote to approved soil conserving uses an acreage on the farm equal to the number of acres which the operator agrees to set aside and devote to approved soil conserving uses, and the agreement shall so provide. The Secretary may, by mutual agreement with the producer, terminate or modify any such agreement entered into pursuant to this subsection (c) (4) if he determines such action necessary because of an emergency created by drought or other disaster, or in order to prevent or alleviate a shortage in the supply of agricultural commodities.

“(d) The Secretary shall provide for the sharing of certificates issued and of payments made under this section for any farm among producers on the farm on a fair and equitable basis.

“(e) In any case in which the failure of a producer to comply fully with the terms and conditions of the program formulated under this section preclude the issuance of certificates and the making of loans, purchases, and payments, the Secretary may, nevertheless, issue such certificates and make such loans, purchases, and payments in such amounts as he determines to be equitable in relation to the seriousness of the default.

“(f) The Secretary shall advance to producers, as soon as practicable after July 1 of the year in which the crop is harvested, an amount equal to 75 per centum of the Secretary's estimate of the face value of certificates to be issued with respect to such crop and such advance shall be repaid through the withholding of certificates for such crop having a face value equal to such advance. If the face value of the certificates as finally determined is less than the advance, the difference shall not be required to be repaid.

“(g) The Secretary is authorized to issue such regulations as he determines necessary to carry out the provisions of this title.

“(h) Marketing certificates issued under this Act and transfers thereof shall be represented by such documents, marketing cards, records, accounts, certifications, or other statements or forms as the Secretary may prescribe.

“(i) The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.

“SEC. 379c. (a) (1) The farm domestic allotment for each crop of wheat shall be determined as provided in this section. The Secretary shall proclaim a national domestic allotment for the 1972 and 1973 crops of wheat not later than April 15 of each calendar year for the crop harvested in the next succeeding calendar year. The national domestic allotment for any crop of wheat shall be the number of acres which the Secretary determines on the basis of the estimated national yield will result in marketing certificates being issued to producers participating in the program in an amount equal to the amount of wheat which he estimates will be used for food products for consumption in the United States during the marketing year for the crop (not less than 535 million bushels). The national domestic allotment for any crop of wheat shall be apportioned by the Secretary among the

States on the basis of the apportionment to each State of the national domestic allotment for the preceding crop adjusted to the extent deemed necessary by the Secretary to establish a fair and equitable apportionment base for each State, taking into consideration established crop rotation practices, the estimated decrease in farm domestic allotments, and other relevant factors.

“(2) The State domestic acreage allotment for wheat, less a reserve of not to exceed 1 per centum thereof for apportionment as provided in this subsection, shall be apportioned by the Secretary among the counties in the State, on the basis of the apportionment to each such county of the domestic wheat allotment for the preceding crop, adjusted to the extent deemed necessary by the Secretary in order to establish a fair and equitable apportionment base for each county taking into consideration established crop-rotation practices, the estimated decrease in farm domestic allotments, and other relevant factors.

County apportionment.

“(3) The farm domestic allotment for each crop of wheat shall be determined by apportioning the county domestic wheat allotment among farms in the county which had a domestic wheat allotment for the preceding crop on the basis of such allotment, adjusted to reflect established crop-rotation practices and such other factors as the Secretary determines should be considered for the purpose of establishing a fair and equitable allotment. The farm domestic allotment for the 1971 crop of wheat shall be determined by multiplying the farm acreage allotment established for the 1971 crop by a national allocation percentage established in the same manner as for the 1970 crop, but which will result in the allotment of a total of not less than 19.7 million acres and will be based on a wheat marketing allocation of not less than 535 million bushels. Notwithstanding any other provision of this subsection, the farm domestic allotment shall be adjusted downward to the extent required by subsection (b).

Factors determining allotment.

“(4) Not to exceed 1 per centum of the State domestic allotment for any crop may be apportioned to farms for which there was no domestic allotment for the preceding crop on the basis of the following factors: suitability of the land for production of wheat, the past experience of the farm operator in the production of wheat, the extent to which the farm operator is dependent on income from farming for his livelihood, the production of wheat on other farms owned, operated, or controlled by the farm operator, and such other factors as the Secretary determines should be considered for the purpose of establishing fair and equitable farm domestic allotments. No part of such reserve shall be apportioned to a farm to reflect new cropland brought into production after the date of enactment of the set-aside program for wheat.

“(5) The planting on a farm of wheat of any crop for which no farm domestic allotment was established shall not make the farm eligible for a domestic allotment under subsection (a) (3) nor shall such farm by reason of such planting be considered ineligible for an allotment under subsection (a) (4).

“(6) The Secretary may make such adjustments in acreage under this Act as he determines necessary to correct for abnormal factors affecting production, and to give due consideration to tillable acreage, crop rotation practices, types of soil, soil and water conservation measures, and topography, and in addition, in the case of conserving use acreages and to such other factors as he deems necessary in order to establish a fair and equitable conserving use acreage for the farm.

Acreage adjustments.

“(b) (1) If for any crop the total acreage of wheat planted on a farm is less than the farm domestic allotment, the farm domestic allotment used as a base for the succeeding crop shall be reduced by the percentage by which such planted acreage was less than such

Allotment reduction, conditions.

farm domestic allotment, but such reduction shall not exceed 20 per centum of the farm domestic allotment for the preceding crop. If no acreage has been planted to wheat for three consecutive crop years on any farm which has a domestic allotment, such farm shall lose its domestic allotment. Producers on any farm who have planted to wheat not less than 90 per centum of the domestic allotment for the farm shall be considered to have planted an acreage equal to 100 per centum of such allotment. An acreage on the farm which the Secretary determines was not planted to wheat because of drought, flood, or other natural disaster or a condition beyond the control of the producer shall be considered to be an acreage of wheat planted for harvest. For the purpose of this subsection, the Secretary may permit producers of wheat to have acreage devoted to soybeans or to feed grains for which there is a set-aside program in effect considered as devoted to the production of wheat to such extent and subject to such terms and conditions as the Secretary determines will not impair the effective operation of the program.

“(2) Notwithstanding the provisions of subsection (b)(1), no farm domestic allotment shall be reduced or lost through failure to plant the farm domestic allotment, if the producer elects not to receive certificates for the portion of the farm domestic allotment not planted, to which he would otherwise be entitled under the provisions of this Act.”

SEC. 403. Effective only with respect to the marketing years beginning July 1, 1971, July 1, 1972, and July 1, 1973, the Agricultural Adjustment Act of 1938, as amended, is further amended as follows:

(1) by deleting in the first sentence of section 379d(b) the words “During any marketing year for which a wheat marketing allocation program is in effect,” and substituting “During each marketing year,”;

(2) by adding at the end of section 379d(b) the following: “Notwithstanding the foregoing, the Secretary is authorized, to temporarily suspend the requirement for export marketing certificates for the period beginning July 1, 1971, and ending June 30, 1974.

(3) by adding at the end of section 379e the following: “Notwithstanding any other provision of this Act, Commodity Credit Corporation shall sell marketing certificates for the marketing years for the 1971, 1972, and 1973 crops of wheat to persons engaged in the processing of food products but in determining the cost to processors the face value shall be 75 cents per bushel.”

SEC. 404. Effective only with respect to the 1971, 1972, and 1973 crops, the Agricultural Adjustment Act of 1938, as amended, is further amended as follows:

(1) sections 331, 332, 335, 336, 338, and 339 shall not be applicable to the 1971, 1972, and 1973 crops of wheat;

(2) sections 333 and 334 shall not be applicable to the 1972 and 1973 crops of wheat;

(3) by adding in section 378 a new subsection (e) to read as follows:

“(e) The term ‘allotment’ as used in this section includes the domestic allotment for wheat.”

(4) by adding at the end of section 379 the following sentence: “The term ‘acreage allotments’ as used in this section includes the domestic allotment for wheat.” and

(5) by adding in the first sentence of section 385 after the words “parity payment,” the words “payments (including certificates) under the wheat and feed grain set-aside programs.”

SEC. 405. Effective only with respect to the 1971, 1972, and 1973

Marketing re-
strictions.

78 Stat. 181;
79 Stat. 1202,
1203.
7 USC 1379d.

Marketing certif-
icates, sale.
79 Stat. 1206.
7 USC 1709e.

52 Stat. 52;
76 Stat. 618.
7 USC 1331-1339.
79 Stat. 1199.

72 Stat. 995.
7 USC 1378.

79 Stat. 1211.
7 USC 1379.

76 Stat. 626.
7 USC 1385.

Allotments,
transfer.

crops of wheat, section 706, Public Law 89-321 (79 Stat. 1210), is amended as follows: 7 USC 1305.

(1) by adding in the first sentence after the words "the Soil Conservation and Domestic Allotment Act, as amended," the words "or the Agricultural Act of 1949, as amended,"; and

(2) by adding at the end thereof the following sentence: "The term 'acreage allotments' as used in this section includes the domestic allotment for wheat."

"Acreage allotments."

SEC. 406. Public Law 74, Seventy-seventh Congress (68 Stat. 905), shall not be applicable to the crops of wheat planted for harvest in the calendar years 1971, 1972, and 1973.

Marketing excess, penalty, 7 USC 1330, 1340.

SEC. 407. The amount of any wheat stored by a producer under section 379c(b) of the Agricultural Adjustment Act of 1938, as amended, prior to the 1971 crop of wheat may be reduced by the amount by which the actual total production of the 1971, 1972, or 1973 crop on the farm is less than the number of bushels determined by multiplying three times the domestic allotment for such crop on the farm by the yield established for the farm for the purpose of issuance of domestic marketing certificates. The provisions of such section shall continue to apply to the wheat so stored to the extent not inconsistent therewith.

Storage. Ante, p. 1365.

SEC. 408. Effective only with respect to the 1971, 1972, and 1973 crops of the commodity the Agricultural Act of 1949 as amended is further amended by adding in section 408 a new subsection (k) as follows:

Applicability.

63 Stat. 1055. 7 USC 1428.

"REFERENCES TO TERMS MADE APPLICABLE TO WHEAT AND FEED GRAINS

"(k) References made in sections 402, 403, 406, and 416 to the terms 'support price,' 'level of support,' and 'level of price support' shall be considered to apply as well to the level of loans and purchases for wheat and feed grains under this Act; and references made to the terms 'price support,' 'price support operations,' and 'price support program' in such sections and in section 401(a) shall be considered as applying as well to the loan and purchase operations for wheat and feed grains under this Act."

SEC. 409. Section 407 of the Agricultural Act of 1949, as amended, is further amended effective only with respect to the marketing years for the 1971, 1972, and 1973 crops of the commodity as follows:

63 Stat. 1055; 79 Stat. 1197; 82 Stat. 703, 996. 7 USC 1427.

(1) by deleting in the third sentence the language following the third colon and substituting the following: "Provided, That the Corporation shall not sell any of its stocks of wheat, corn, grain sorghum, barley, oats, and rye, respectively, at less than 115 per centum of the current national average loan rate for the commodity, adjusted for such current market differentials reflecting grade, quality, location, and other value factors as the Secretary determines appropriate, plus reasonable carrying charges."

(2) by deleting in the fifth sentence "current basic county support rate including the value of any applicable price-support payment in kind (or a comparable price if there is no current basic county support rate)" and substituting "current basic county loan rate (or a comparable price if there is no current basic county loan rate)"; and

(3) by deleting in the seventh sentence "but in no event shall the purchase price exceed the then current support price for such commodities." and substituting "or unduly affecting market prices, but in no event shall the purchase price exceed the Corporation's minimum sales price for such commodities for unrestricted use."

SEC. 410. Notwithstanding any other provision of law, for the 1971, 1972, and 1973 crops of wheat, feed grains and cotton, if in any year at

least 55 per centum of the cropland acreage on an established summer fallow farm is devoted to a summer fallow use, no further acreage shall be required to be set aside under the wheat, feed grain and cotton programs for such year.

TITLE V—FEED GRAINS

Loans and purchases.

72 Stat. 994;
77 Stat. 44;
79 Stat. 1138.
7 USC 1441
note.

SEC. 501. Effective only with respect to the 1971, 1972, and 1973 crops of feed grains, section 105 of the Agricultural Act of 1949, as amended, is further amended to read as follows:

“SEC. 105. Notwithstanding any other provision of law—

“(a) (1) The Secretary shall make available to producers loans and purchases on each crop of corn at such level, not less than \$1.00 per bushel nor in excess of 90 per centum of the parity price therefor, as the Secretary determines will encourage the exportation of feed grains and not result in excessive total stocks of feed grains in the United States.

“(2) The Secretary shall make available to producers loans and purchases on each crop of barley, oats, and rye, respectively, at such level as the Secretary determines is fair and reasonable in relation to the level that loans and purchases are made available for corn, taking into consideration the feeding value of such commodity in relation to corn and the other factors specified in section 401(b), and on each crop of grain sorghums at such level as the Secretary determines is fair and reasonable in relation to the level that loans and purchases are made available for corn, taking into consideration the feeding value and average transportation costs to market of grain sorghums in relation to corn.

“(b) (1) In addition, the Secretary shall make available to producers payments for each crop of corn, grain sorghums, and, if designated by the Secretary, barley. The payment rate for corn shall be at such rate as, together with the national average market price received by farmers for corn during the first five months of the marketing year for the crop, the Secretary determines will not be less than (A) \$1.35 per bushel, or (B) 70 per centum of the parity price of corn as of the beginning of the marketing year, whichever is the greater. The payment rate for grain sorghums and, if designated by the Secretary, barley, shall be such rate as the Secretary determines fair and reasonable in relation to the rate at which payments are made available for corn. Notwithstanding the foregoing, the rate of payment for the 1973 crop shall not be such as will result in a total amount of payments which the Secretary estimates will be made pursuant to this subsection with respect to the 1973 crop of feed grains above the total amount of payments made pursuant to this subsection with respect to the 1972 crop of feed grains by reason of the level specified in clause (B) being fixed above 68 per centum of the parity price for corn.

Payments, computation.

“(2) The payments with respect to a farm shall be made available on 50 per centum of the feed grain base for the farm and shall be computed on the basis of the yield established for the farm for the preceding crop with such adjustments as the Secretary determines necessary to provide a fair and equitable yield.

Feed grain base, reduction.

“(3) If for any crop the total acreage on a farm planted to feed grains included in the program formulated under this subsection is less than the portion of the feed grain base for the farm on which payments are available under this subsection, the feed grain base for the farm for the succeeding crops shall be reduced by the percentage by which the planted acreage is less than such portion of the feed grain base for the farm, but such reduction shall not exceed 20 per centum of the feed grain base. If no acreage has been planted to such feed grains for three consecutive crop years on any farm which has a feed

grain base, such farm shall lose its feed grain base: *Provided*, That no farm feed grain base shall be reduced or lost through failure to plant, if the producer elects not to receive payment for such portion of the farm feed grain base not planted, to which he would otherwise be entitled under the provisions of this Act. Any such acres eliminated from any farm shall be assigned to a national pool for the adjustment of feed grain bases as provided for in subsection (e) (2). Producers on any farm who have planted to such feed grains not less than 90 per centum of the portion of the feed grain base on which payments are made available shall be considered to have planted an acreage equal to 100 per centum of such portion. An acreage on the farm which the Secretary determines was not planted to such feed grains because of drought, flood, or other natural disaster or condition beyond the control of the producer shall be considered to be an acreage of feed grains planted for harvest. For the purpose of this paragraph, the Secretary may permit producers of feed grains to have acreage devoted to soybeans or to wheat considered as devoted to the production of such feed grains to such extent and subject to such terms and conditions as the Secretary determines will not impair the effective operation of the feed grain or soybean program.

“(c) (1) The Secretary shall provide for a set-aside of cropland if he determines that the total supply of feed grains or other commodities will, in the absence of such a set-aside, likely be excessive taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices of feed grains and to meet a national emergency. If a set-aside of cropland is in effect under this subsection (c), then as a condition of eligibility for loans, purchases, and payments on corn, grain sorghums, and, if designated by the Secretary, barley, respectively, the producers on a farm must set aside and devote to approved conservation uses an acreage of cropland equal to (i) such percentage of the feed grain base for the farm as may be specified by the Secretary, plus (ii) the acreage of cropland on the farm devoted in preceding years to soil-conserving uses, as determined by the Secretary. The Secretary is authorized for the 1971, 1972, and 1973 crops to limit the acreage planted to feed grains on the farm to such percentage of the feed grain base as he determines necessary to provide an orderly transition to the program provided for under this section. If for any crop, the producer so requests for purposes of having acreage devoted to the production of wheat considered as devoted to the production of feed grains, pursuant to the provisions of section 328 of the Food and Agriculture Act of 1962, the term ‘feed grains’ shall include oats and rye, and barley, if not designated by the Secretary as provided above. Such section 328 shall be effective in 1971, 1972, 1973 to the same extent as it would be if a diversion program were in effect for feed grains during each of such years. Grazing shall not be permitted during any of the five principal months of the normal growing season as determined by the county committee established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, and subject to this limitation (1) the Secretary shall permit producers to plant and graze on the set-aside acreage sweet sorghum, and (2) the Secretary may permit, subject to such terms and conditions as he may prescribe, all or any of the set-aside acreage to be devoted to grazing or the production of guar, sesame, safflower, sunflower, castor beans, mustard seed, crambe, plantago ovato, flaxseed, or other commodity, if he determines that such production is needed to provide an adequate supply, is not likely to increase the cost of the price-support program, and will not adversely affect farm income.

Cropland, set-aside.

76 Stat. 631;
79 Stat. 1206.
7 USC 1339c.
“Feed grains.”

52 Stat. 31;
78 Stat. 743.
16 USC 590h.

Land diversion
payments.

"(2) To assist in adjusting the acreage of commodities to desirable goals, the Secretary may make land diversion payments, in addition to the payments authorized in subsection (b), to producers on a farm who, to the extent prescribed by the Secretary, devote to approved conservation uses an acreage of cropland on the farm in addition to that required to be so devoted under subsection (c) (1). The land diversion payments for a farm shall be at such rate or rates as the Secretary determines to be fair and reasonable taking into consideration the diversion undertaken by the producers and the productivity of the acreage diverted. The Secretary shall limit the total acreage to be diverted under agreements in any county or local community so as not to adversely affect the economy of the county or local community.

Lands, public
use, additional
payments.

"(3) The feed grain program formulated under this section shall require the producer to take such measures as the Secretary may deem appropriate to protect the set-aside acreage and the additional diverted acreage from erosion, insects, weeds, and rodents. Such acreage may be devoted to wildlife food plots or wildlife habitat in conformity with standards established by the Secretary in consultation with wildlife agencies. The Secretary may provide for an additional payment on such acreage in an amount determined by the Secretary to be appropriate in relation to the benefit to the general public if the producer agrees to permit, without other compensation, access to all or such portion of the farm as the Secretary may prescribe by the general public, for hunting, trapping, fishing, and hiking, subject to applicable State and Federal regulations.

"(4) If the operator of the farm desires to participate in the program formulated under this section, he shall file his agreement to do so no later than such date as the Secretary may prescribe. Loans and purchases on feed grains included in the set-aside program and payments under this section shall be made available to producers on such farm only if the producers set aside and devote to approved soil conserving uses an acreage on the farm equal to the number of acres which the operator agrees to set aside and devote to approved soil conserving uses, and the agreement shall so provide. The Secretary may, by mutual agreement with the producer, terminate or modify any such agreement entered into pursuant to this subsection (c) (4) if he determines such action necessary because of an emergency created by drought or other disaster, or in order to prevent or alleviate a shortage in the supply of agricultural commodities.

Payment shar-
ing.

"(d) The Secretary shall provide for the sharing of payments under this section among producers on the farm on a fair and equitable basis.

"(e) (1) For the purpose of this section, the feed grain base shall be the average acreage devoted on the farm to corn, grain sorghums and, if designated by the Secretary, barley in 1959 and 1960.

"(2) The Secretary may make such adjustments in acreage under this section as he determines necessary to correct for abnormal factors affecting production, and to give due consideration to tillable acreage, crop-rotation practices, types of soil, soil and water conservation measures, and topography, and in addition, in the case of conserving use acreages to such other factors as he deems necessary in order to establish a fair and equitable conserving use acreage for the farm. The Secretary shall, upon the request of a majority of the State committee established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, adjust the feed grain bases for farms within any State or county in order to establish fair and equitable feed grain bases for farms within such State or county: *Provided*, That except for acreage provided for in subsection (b) (3),

adjustments made pursuant to this sentence shall not increase the total State feed grain acreage. The Secretary is authorized to draw upon the acreage pool provided for in subsection (b) (3) in making such adjustments. Notwithstanding any other provision of this subsection, the feed grain base for the farm shall be adjusted downward to the extent required by subsection (b) (3).

“(3) Notwithstanding any other provision of this subsection not to exceed 1 per centum of the estimated total feed grain bases for all farms in a State for any year may be reserved from the feed grain bases established for farms in the State for apportionment to farms on which there were no acreages devoted to feed grains in the crop years 1959 and 1960 on the basis of the following factors: suitability of the land for the production of feed grains, the extent to which the farm operator is dependent on income from farming for his livelihood, the production of feed grains on other farms owned, operated, or controlled by the farm operator, and such other factors as the Secretary determines should be considered for the purpose of establishing fair and equitable feed grain bases. No part of such reserve shall be allocated to a farm to reflect new cropland brought into production after the date of enactment of the set-aside program for feed grains. An acreage equal to the feed grain base so established for each farm shall be deemed to have been devoted to feed grains on the farm in each of the crop years 1959 and 1960 for purposes of this section.

“(f) In any case in which the failure of a producer to comply fully with the terms and conditions of the program formulated under this section precludes the making of loans, purchases, and payments, the Secretary may, nevertheless, make such loans, purchases, and payments in such amounts as he determines to be equitable in relation to the seriousness of the default.

“(g) The Secretary shall make a preliminary payment to producers, as soon as practicable after July 1 of the year in which the crop is harvested, at a rate equal to 32 cents per bushel for corn, with comparable rates for grain sorghums and, if designated by the Secretary, barley, and the payment so made shall not be reduced if the rate as finally determined is less than the rate of the preliminary payment. If the set-aside in effect under subsection (c) is less than 20 per centum of the feed grain base, the preliminary payment rate under this subsection shall be reduced proportionately.

“(h) The Secretary is authorized to issue such regulations as he determines necessary to carry out the provisions of this section.

“(i) The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.”

Preliminary payments.

Regulations.

TITLE VI—COTTON

SEC. 601. The Agricultural Adjustment Act of 1938, as amended, is amended effective beginning with the 1971 crop of upland cotton as follows:

52 Stat. 31.
7 USC 1281 and
note.

(1) Sections 342, 343, 344, 345, 346, and 377 of the Act shall not be applicable to upland cotton of the 1971, 1972, and 1973 crops.

7 USC 1342-
1346, 1377.

(2) A new section 342a is added to read as follows:

“SEC. 342a. The Secretary shall, not later than November 15, of the calendar years 1970, 1971, and 1972, proclaim a national cotton production goal for the 1971 and subsequent crops of upland cotton. The national cotton production goal for any year shall be the number of bales of upland cotton (standard bales of four hundred and eighty pounds net weight) equal to the estimated domestic consumption and estimated exports for the marketing year beginning in the calendar

National cotton
production goal.

year for which such national cotton production goal is proclaimed, plus an allowance of not less than 5 per centum of such estimated consumption and estimated exports for market expansion except that the Secretary shall make such adjustments in the amount of such production goal as he determines necessary after taking into consideration the estimated stocks of upland cotton in the United States (including the qualities of such stocks) and stocks in foreign countries, which would be available for the marketing year, to assure the maintenance of adequate but not excessive carryover stocks in the United States (not less than 50 per centum of the average offtake for the three preceding marketing years) to provide a continuous and stable supply of the different qualities of upland cotton needed in the United States and in foreign cotton consuming countries and, in addition, to provide an adequate reserve for purposes of national security."

(3) Effective only with respect to the 1971, 1972, and 1973 crops, section 344a is amended as follows:

(1) subsection (a) is amended to read as follows:

"(a) Notwithstanding any other provision of law, the Secretary shall (1) permit the owner and operator of any farm for which a farm base acreage allotment is established to sell or lease all or any part or the right to all or any part of such allotment to any other owner or operator of a farm for which a farm base acreage allotment is established (other than pursuant to section 350(e)(1)(A)) for transfer to such farm; and (2) permit the owner of a farm to transfer all or any part of such allotment to any other farm owned or controlled by him: *Provided*, That any temporary transfer of farm acreage allotment by lease or by owner approved by the county committee to take effect during the period 1966 through 1970 for a term extending beyond 1970 shall be approved pro rata on the basis of the farm base acreage allotment for the farm from which the transfer is made, but no temporary transfer by lease entered into after March 15, 1970, shall be approved for 1974 and subsequent crops."

(2) subdivisions (ii), (iv), (v), and (vi) of subsection (b), the last sentence of subsection (b) and subsections (e) and (h) shall not be applicable to the 1971, 1972, and 1973 crops: *Provided*, That no farm allotment may be sold or leased for transfer to a farm in another county unless the Agricultural Stabilization and Conservation Committee established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, for the county from which such transfers are being made (1) finds that a demand for such acreage allotments no longer exists in such county and (2) approves any transfers of allotments to farms outside such county.

(4) Section 350 of the Act is amended to read as follows:

"SEC. 350. (a) The Secretary shall establish for each of the 1971, 1972, and 1973 crops of upland cotton a national base acreage allotment. Such national base acreage allotment shall be announced not later than November 15 of the calendar year preceding the year for which the national base acreage allotment is to be effective. The national base acreage allotment for any crop of cotton shall be the number of acres which the Secretary determines on the basis of the expected national yield will produce an amount of cotton equal to the estimated domestic consumption of cotton (standard bales of four hundred and eighty pounds net weight) for the marketing year beginning in the year in which the crop is to be produced, plus not to exceed 25 per centum thereof if the Secretary, taking into consideration other actions he may take under the Agricultural Act of 1970, determines that such additional amount is necessary to provide for a production which will equal the national cotton production goal, except that such national

Acreage allotments, sale or lease.

79 Stat. 1197;

82 Stat. 996.

7 USC 1344b.

Post, p. 1373.

Limitation.

52 Stat. 31;

78 Stat. 743.

16 USC 590h.

79 Stat. 1193.

7 USC 1350.

National base acreage allotment, establishment.

base acreage allotment shall be eleven million five hundred thousand acres for the 1971 crop and in the case of the 1972 and 1973 crops shall be in such amount as the Secretary determines necessary to maintain adequate supplies.

“(b) The national base acreage allotment for each crop of upland cotton shall be apportioned by the Secretary to the States on the basis of the acreage planted (including acreage regarded as having been planted) to upland cotton within the farm acreage allotment or the farm base acreage allotment, whichever is in effect, during the five calendar years immediately preceding the calendar year in which the national cotton production goal is proclaimed, with adjustments for abnormal weather conditions or other natural disaster during such period.

Apportionment
to States.

“(c) The State base acreage allotment for each crop of upland cotton shall be apportioned to counties on the same basis as to years and conditions as is applicable to the State under subsection (b): *Provided*, That the State committee may reserve not to exceed 2 per centum of its State acreage allotment which shall be used to make adjustments in county allotments for trends in acreage, for counties adversely affected by abnormal conditions affecting plantings, or for small or new farms, or to correct inequities in farm allotments and to prevent hardships.

Apportionment
to counties.

“(d) The Secretary shall adjust the apportionment base for each county as may be necessary because of transfers of allotments across county lines.

“(e) (1) The county base acreage allotment for the 1971 crop shall be apportioned to old cotton farms in the county on the basis of the domestic acreage allotment established for the farm for the 1970 crop. For the 1972 and each subsequent crop of upland cotton the county base acreage allotment shall be apportioned to old cotton farms in the county on the basis of the farm base acreage allotment established for such farm for the preceding year. The county committee may reserve not in excess of 10 per centum of the county allotment which, in addition to the acreage made available under the proviso in subsection (c), shall be used for (A) establishing allotments for farms on which cotton was not planted (or regarded as planted) during any of the three calendar years immediately preceding the year for which the allotment is made, on the basis of land, labor, and equipment available for the production of cotton, crop-rotation practices, and the soil and other physical facilities affecting the production of cotton; and (B) making adjustments of the farm allotments established under this paragraph so as to establish allotments which are fair and reasonable in relation to the factors set forth in this paragraph and abnormal conditions of production on such farms, or in making adjustments in farm allotments to correct inequities and to prevent hardships. No part of such reserve shall be apportioned to a farm to reflect new cropland brought into production after the date of enactment of the Agricultural Act of 1970.

Apportionment
to farms.

“(2) If for any crop the total acreage of cotton planted on a farm is less than the farm base acreage allotment, the farm base acreage allotment used as a base for the succeeding crop shall be reduced by the percentage by which such planted acreage was less than such farm base acreage allotment, but such reduction shall not exceed 20 per centum of the farm base acreage allotment for the preceding crop. If not less than 90 per centum of the base acreage allotment for the farm is planted to cotton, the farm shall be considered to have an acreage planted to cotton equal to 100 per centum of such allotment. For purposes of this paragraph, an acreage on the farm which the Secretary determines was not planted to cotton because of drought, flood, other

natural disaster, or a condition beyond the control of the producer shall be considered to be an acreage planted to cotton. For the purpose of this paragraph, the Secretary shall, in the event producers of wheat or feed grains are permitted to do so, permit producers of cotton to have acreage devoted to soybeans, wheat, or feed grains considered as devoted to the production of cotton to such extent and subject to such terms and conditions as the Secretary determines will not impair the effective operation of the cotton or soybean program.

Farm base
acreage allotment,
termination.

“(3) If no acreage is planted to cotton for any three consecutive crop years on any farm which had a farm base acreage allotment for such years, such farm shall lose its base acreage allotment.

“(f) Effective for the 1971, 1972, and 1973 crops, any part of any farm base acreage allotment on which upland cotton will not be planted and which is voluntarily surrendered to the county committee shall be deducted from the farm base acreage allotment for such farm and may be reapportioned by the county committee to other farms in the same county receiving farm base acreage allotments in amounts determined by the county committee to be fair and reasonable on the basis of past acreage of upland cotton, land, labor, equipment available for the production of upland cotton, crop rotation practices, and soil and other physical facilities affecting the production of upland cotton. If all of the acreage voluntarily surrendered is not needed in the county, the county committee may surrender the excess acreage to the State committee to be used to make adjustments in farm base acreage allotments for other farms in the State adversely affected by abnormal conditions affecting plantings or to correct inequities or to prevent hardship. Any farm base acreage allotment released under this provision shall be regarded for the purpose of establishing future farm base acreage allotments as having been planted on the farm and in the county where the release was made rather than on the farm and in the county to which the allotment was transferred: *Provided*, That, notwithstanding any other provision of law, any part of any farm base acreage allotment for any crop year may be permanently released in writing to the county committee by the owner and operator of the farm and reapportioned as provided herein. Acreage released under this subsection shall be credited to the State in determining future allotments.

Post, p. 1376.

“(g) Any farm receiving any base acreage allotment through release and reapportionment or sale, lease, or transfer shall, as a condition to the right to receive such allotment, comply with the set-aside requirements of section 103(e) (4) of the Agricultural Act of 1949, as amended, applicable to such acreage as determined by the Secretary.

“(h) Notwithstanding any other provision of this Act, if the Secretary determines for any year that because of drought, flood, other natural disaster, or a condition beyond the control of the producer a portion of the farm base acreage allotment in a county cannot be timely planted or replanted in such year, he may authorize for such year the transfer of all or a part of such cotton acreage for any farm in the county so affected to another farm in the county or in an adjoining county on which one or more of the producers on the farm from which the transfer is to be made will be engaged in the production of upland cotton and will share in the proceeds thereof, in accordance with such regulations as the Secretary may prescribe. Any farm base acreage allotment transferred under this subsection shall be regarded as planted to upland cotton on the farm and in the county and State from which transfer is made for purposes of establishing future farm, county and State allotments.”

SEC. 602. Effective beginning with the 1971 crop of upland cotton, section 103 of the Agricultural Act of 1949, as amended, is amended by adding at the end thereof a new subsection (e) reading as follows:

“(e) (1) The Secretary shall upon presentation of warehouse receipts reflecting accrued storage charges of not more than 60 days make available for the 1971, 1972, and 1973 crops of upland cotton to cooperators nonrecourse loans for a term of ten months from the first day of the month in which the loan is made at such level as will reflect for Middling one-inch upland cotton (micronaire 3.5 through 4.9) at average location in the United States 90 per centum of the acreage world price for such cotton for the two-year period ending July 31 in the year in which the loan level is announced, except that to prevent the establishment of such a loan level as would adversely affect the competitive position of United States upland cotton, following one or more years of excessively high prices, the Secretary shall make such adjustments as are necessary to keep United States upland cotton competitive and to retain an adequate share of the world market for such cotton. The average world price for such cotton for such preceding two-year period shall be determined by the Secretary annually pursuant to a published regulation which shall specify the procedures and the factors to be used by the Secretary in making the world price determination. The loan level for any crop of upland cotton shall be determined and announced not later than November 1 of the calendar year preceding the marketing year for which such loan is to be effective. Notwithstanding the foregoing, if the carryover of upland cotton as of the beginning of the marketing year for the 1972 or 1973 crop exceeds 7.2 million bales, producers on any farm harvesting cotton of such crop from an acreage in excess of the base acreage allotment for such farm shall be entitled to loans and purchases only on an amount of the cotton of such crop produced on such farm determined by multiplying the yield used in computing payments for such farm by the base acreage allotment for such farm.

Loans.

“(2) In addition, the Secretary shall make available to cooperators payments on the 1971, 1972, and 1973 crops of upland cotton. The payments shall be at such rate per pound as, together with the national average market price for Middling one-inch upland cotton (micronaire 3.5 through 4.9) in the designated spot markets during the first five months of the marketing year for the crop, the Secretary determines will be equal to the greater of (i) 35 cents, or (ii) 65 per centum of the parity price for upland cotton as of the beginning of the marketing year, except that the rate of payment so determined for the 1972 crop and the 1973 crop, respectively, shall be adjusted by multiplying the amount thereof by the ratio of (i) the national base acreage allotment for the 1971 crop to (ii) the national base acreage allotment for the crop for which the rate is being determined: *Provided*, That the payment rate with respect to any producer who (i) is on a small farm (that is, a farm on which the base acreage allotment is ten acres or less, or on which the yield used in making payments times the farm base acreage allotment is five thousand pounds or less, and for which the base acreage allotment has not been reduced under section 350(f)), (ii) resides on such farm, and (iii) derives his principal income from cotton produced on such farm, shall be increased by 30 per centum; but, notwithstanding paragraph (3), such increase shall be made only with respect to his share of cotton actually harvested on such farm within the quantity specified in paragraph (3). The Secretary shall make a preliminary payment to producers, as soon as practicable after July 1 of the year in which the crop is harvested, at a rate equal to 15 cents per pound, and the payment so made shall not be reduced if the rate as finally determined is less than the rate of the preliminary payment.

Payments.

Small farm, payment bonus.

Ante, p. 1374.

“(3) Such payments shall be made available for a farm on the quantity of upland cotton determined by multiplying the acreage planted

within the farm base acreage allotment for the farm for the crop by the average yield established for the farm: *Provided*, That payments shall be made on any farm planting not less than 90 per centum of the farm base acreage allotment on the basis of the entire amount of such allotment. For purposes of this paragraph, an acreage on the farm which the Secretary determines was not planted to cotton because of drought, flood, other natural disaster, or a condition beyond the control of the producer shall be considered to be an acreage planted to cotton. The average yield for the farm for any year shall be determined on the basis of the actual yields per harvested acre for the three preceding years, except that the 1970 farm projected yield shall be substituted in lieu of the actual yields for the years 1968 and 1969: *Provided*, That the actual yields shall be adjusted by the Secretary for abnormal yields in any year caused by drought, flood, or other natural disaster: *Provided further*, That the average yield established for the farm for any year shall not be less than the yield used in making payments for the preceding year if the total cotton production on the farm in such preceding year is not less than the yield used in making payments for the farm for such preceding year times the farm base acreage allotment for such preceding year (for the 1970 crop, the farm domestic allotment).

Set-aside cropland program.

Production restriction, authority.

52 Stat. 31;
78 Stat. 743.
16 USC 590h.

Land diversion payments.

Ante, p. 1375.

“(4) (A) The Secretary shall provide for a set aside of cropland if he determines that the total supply of agricultural commodities will, in the absence of such a set-aside, likely be excessive taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency. If a set-aside of cropland is in effect under this paragraph (4), then as a condition of eligibility for loans and payments on upland cotton the producers on a farm must set aside and devote to approved conservation uses an acreage of cropland equal to (i) such percentage of the farm base acreage allotment for the farm as may be specified by the Secretary (not to exceed 28 per centum of the farm base acreage allotment), plus (ii) the acreage of cropland on the farm devoted in preceding years to soil conserving uses, as determined by the Secretary. If the Secretary determines prior to the planting season for such crop that the carryover of upland cotton as of the beginning of the marketing year for the 1972 or 1973 crop will exceed 7.2 million bales, the Secretary is authorized for such crop to limit the acreage planted to upland cotton on the farm in excess of the farm base acreage allotment to such percentage of the farm base acreage allotment as he determines necessary to reduce the total supply to a reasonable level. Grazing shall not be permitted during any of the five principal months of the normal growing season as determined by the county committee established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, and subject to this limitation (1) the Secretary shall permit producers to plant and graze on the set-aside acreage sweet sorghum, and (2) the Secretary may permit, subject to such terms and conditions as he may prescribe, all or any of the set-aside acreage to be devoted to grazing or the production of guar, sesame, safflower, sunflower, castor beans, mustard seed, crambe, plantago ovato, flaxseed, or other commodity, if he determines that such production is needed to provide an adequate supply, is not likely to increase the cost of the price-support program, and will not adversely affect farm income.

“(B) To assist in adjusting the acreage of commodities to desirable goals, the Secretary may make land diversion payments, in addition to the payments authorized in subsection (e) (2), to producers on a farm who, to the extent prescribed by the Secretary, devote to approved conservation uses an acreage of cropland on the farm in addition to

that required to be so devoted under subsection (e) (4) (A). The land diversion payments for a farm shall be at such rate or rates as the Secretary determines to be fair and reasonable taking into consideration the diversion undertaken by the producers and the productivity of the acreage diverted. The Secretary shall limit the total acreage to be diverted under agreements in any county or local community so as not to adversely affect the economy of the county or local community.

Total diverted
acreage, limita-
tion.

“(5) The upland cotton program formulated under this section shall require the producer to take such measures as the Secretary may deem appropriate to protect the set-aside acreage and the additional diverted acreage from erosion, insects, weeds, and rodents. Such acreage may be devoted to wildlife food plots or wildlife habitat in conformity with standards established by the Secretary in consultation with wildlife agencies. The Secretary may provide for an additional payment on such acreage in an amount determined by the Secretary to be appropriate in relation to the benefit to the general public if the producer agrees to permit, without other compensation, access to all or such portion of the farm as the Secretary may prescribe by the general public, for hunting, trapping, fishing, and hiking, subject to applicable State and Federal regulations.

Recreational
use, additional
payments.

“(6) If the operator of the farm desires to participate in the program formulated under this section, he shall file his agreement to do so no later than such date as the Secretary may prescribe. Loans and purchases on upland cotton and payments under this section shall be made available to the producers on such farm only if producers set aside and devote to approved soil conserving uses an acreage on the farm equal to the number of acres which the operator agrees to set aside and devote to approved soil conserving uses, and the agreement shall so provide. The Secretary may, by mutual agreement with the producer, terminate or modify any such agreement entered into pursuant to this subsection (e) (6) if he determines such action necessary because of an emergency created by drought or other disaster, or in order to alleviate a shortage in the supply of agricultural commodities.

“(7) The Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers, including provision for sharing on a fair and equitable basis, in payments under this section.

Tenants, equi-
table share.

“(8) In any case in which the failure of a producer to comply fully with the terms and conditions of the program formulated under this section precludes the making of loans, purchases, and payments, the Secretary may, nevertheless, make such loans, purchases, and payments in such amounts as he determines to be equitable in relation to the seriousness of the default.

“(9) The Secretary is authorized to issue such regulations as he determines necessary to carry out the provisions of this Title.

“(10) The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.

“(11) The provisions of subsection 8(g) of the Soil Conservation and Domestic Allotment Act, as amended (relating to assignment of payments), shall apply to payments under this subsection.”

80 Stat. 1167.
16 USC 590h.

SEC. 603. Effective only with respect to the period beginning August 1, 1971, and ending July 31, 1974, the tenth sentence of section 407 of the Agricultural Act of 1949, as amended, is amended by deleting all of that sentence from the beginning to and including the words “110 per centum of the loan rate, and (2)” and inserting in lieu thereof the following: “Notwithstanding any other provision of law, (1) the Commodity Credit Corporation shall sell upland cotton for unrestricted use at the same prices as it sells cotton for export, in no event, however, at less than 110 per centum of the loan rate for Middling one-

79 Stat. 1197.
7 USC 1427.

inch upland cotton (micronaire 3.5 through 4.9) adjusted for such current market differentials reflecting grade, quality, location, and other value factors as the Secretary determines appropriate plus reasonable carrying charges and (2)".

63 Stat. 1055;
79 Stat. 1197.
7 USC 1428.

SEC. 604. Section 408(b) of the Agricultural Act of 1949, as amended, is amended by inserting a colon in lieu of the period at the end of the first sentence and adding the following: "*And provided*, That for the 1971, 1972, and 1973 crops of upland cotton a cooperator shall be a producer on a farm on which a farm base acreage allotment has been established who has set aside the acreage required under section 103(e)."

Ante, p. 1375.

SEC. 605. Effective only with respect to the 1971, 1972, and 1973 crops the Agricultural Adjustment Act of 1938, as amended, is further amended as follows:

72 Stat. 995.
7 USC 1378 and
note.

(1) By adding in section 378 a new subsection (d) to read as follows:

"(d) The term 'allotment' as used in this section includes the farm base acreage allotment for upland cotton."

79 Stat. 1211.
7 USC 1379.

(2) By adding at the end of section 379 the following sentence: "The term 'acreage allotments' as used in this section includes the farm base acreage allotments for upland cotton."

Ante, p. 1366.

(3) By adding in the first sentence of section 385 after the words "parity payment," the words "payments under the cotton set-aside program,".

Ante, p. 1367.
"Acreage allotments."

SEC. 606. Effective only with respect to the 1971, 1972, and 1973 crops, section 706, Public Law 89-321 (79 Stat. 1210) is amended by adding at the end thereof the following sentence: "The term 'acreage allotments' as used in this section includes the farm base acreage allotments for upland cotton."

SEC. 607. Effective only with respect to the 1971, 1972, and 1973 crops of the commodity, the Agricultural Act of 1949, as amended, is further amended by adding in section 408 a new subsection (1) as follows:

Ante, p. 1367.

"REFERENCE TO TERMS MADE APPLICABLE TO UPLAND COTTON"

7 USC 1422,
1423, 1426, 1431.

"(1) References made in sections 402, 403, 406, and 416 to the terms 'support price,' 'level of support,' and 'level of price support' shall be considered to apply as well to the level of loans and purchases for upland cotton under this Act; and references made to the terms 'price support,' 'price support operations,' and 'price support program' in such sections and in section 401(a) shall be considered as applying as well to the loan and purchase operations for upland cotton under this Act."

7 USC 1421.

Nonapplicability.
70 Stat. 212.
7 USC 1446d.
Annual report to Congress.

SEC. 608. Section 203 of the Agricultural Act of 1949, as amended, shall not be applicable to the 1971, 1972, and 1973 crops.

SEC. 609. The Secretary shall file annually with the President for transmission to the Congress a complete report of the programs carried out under this title. Such report shall include the amount of funds spent, the purposes for which such funds were spent, the basis for participation in such programs in the various States, and an appraisal of the effectiveness of the programs.

SEC. 610. The Commodity Credit Corporation, in furtherance of its powers and duties under subsections (e) and (f) of section 5 of the Commodity Credit Corporation Charter Act, shall, through the Cotton Board established under the Cotton Research and Promotion Act, and upon approval of the Secretary, enter into agreements with the contracting organization specified pursuant to section 7(g) of that Act for the conduct, in domestic and foreign markets, of market develop-

62 Stat. 1072.
15 USC 714c.
80 Stat. 279.
7 USC 2101 note.
7 USC 2106.

ment, research or sales promotion programs and programs to aid in the development of new and additional markets, marketing facilities and uses for cotton and cotton products, including programs to facilitate the utilization and commercial application of research findings. Each year the amount available for such agreements shall be that portion of the funds (not exceeding \$10,000,000) authorized to be made available to cooperators under the cotton program for such year but which is not paid to producers because of a statutory limitation on the amounts of such funds payable to any producer. The Secretary is authorized to deduct from funds available for payments to producers under section 103 of the Agricultural Act of 1949, as amended, on each of the 1972 and 1973 crops of upland cotton such additional sums for use as specified above (not exceeding \$10,000,000 for each such crop) as he determines desirable; and the final rate of payment provided in section 103 if higher than the rate of the preliminary payment provided in such section shall be reduced to the extent necessary to defray such costs. No funds made available under this section shall be used for the purpose of influencing legislative action or general farm policy with respect to cotton.

Ante, p. 1374.

Use of funds,
restriction.

TITLE VII—EXTENSION OF TITLES I AND II OF PUBLIC LAW 480

SEC. 701. Section 409 of the Agricultural Trade Development and Assistance Act of 1954, as amended (Public Law 83-480; 7 U.S.C. 1736c), is amended by striking the words "December 31, 1970." and inserting in lieu thereof the words "December 31, 1973."

80 Stat. 1537;
82 Stat. 450.

SEC. 702. Section 104 of such Act is amended by inserting before the comma at the end of paragraph (1) of the first proviso following subsection (k) the following: ", and in the case of currencies to be used for the purposes specified in paragraph (2) of subsection (b) the Appropriation Act may specifically authorize the use of such currencies and shall not require the appropriation of dollars for the purchase of such currencies".

80 Stat. 1528.
7 USC 1704.

TITLE VIII—GENERAL AND MISCELLANEOUS

LONG-TERM LAND RETIREMENT

SEC. 801. Section 16(e) of the Soil Conservation and Domestic Allotment Act, as amended, is amended—

76 Stat. 606.
16 USC 590p.

(1) By inserting "(A)" after "Sec. 16(e)(1)".

(2) By inserting in the first sentence after "For the purpose of promoting the conservation and economic use of land" the following: ", and of assisting farmers who because of advanced age, poor health, or other reasons, desire to retire from farming but wish to continue living on their farms,".

Retired farmers,
assistance.

(3) By inserting in the first sentence after "is authorized to enter into agreements," the following: "during the calendar years 1971, 1972, and 1973,".

(4) By striking out the proviso at the end of paragraph (1) and inserting in lieu thereof the following: "Provided, That any agree-

ments entered into under this section after July 1, 1970, shall prohibit grazing of such acreage.”

76 Stat. 606.
16 USC 590p.

Wildlife, recreational usage.

(5) By inserting a new subparagraph (B) at the end of paragraph (1) to read as follows:

Advisory Board,
appointment.

“(B) Such acreage may be devoted to approved wildlife food plots or fish and wildlife habitat which are established in conformity with standards developed by the Secretary in consultation with the Secretary of the Interior, and the Secretary may compensate producers for such practices. The Secretary may also provide for payment in an amount determined by the Secretary to be appropriate in relation to the benefit to the general public if the producer agrees to permit access, without other compensation, to all or such portion of the farm as the Secretary may prescribe by the general public, for hunting, trapping, fishing, and hiking, subject to applicable State and Federal regulations. The Secretary after consultation with the Secretary of the Interior shall appoint an Advisory Board consisting of citizens knowledgeable in the fields of agriculture and wildlife with whom he may consult on the wildlife practice phase of programs under this subsection, and the Secretary may compensate members of the Board and reimburse them for per diem and traveling expenses. The Secretary shall invite the several States to participate in wildlife phases of programs under this subsection by assisting the Department of Agriculture in developing guidelines for (a) providing technical assistance for wildlife and habitat improvement practices, (b) reviewing applications of farmers for the public land use option and selecting eligible areas based on desirability of wildlife habitat, (c) determining accessibility, (d) evaluating effects on surrounding areas, (e) considering esthetic values, (f) checking compliance by cooperators, and (g) carrying out programs of wildlife stocking and management on the acreage set aside. The Secretary shall consult with the Secretary of the Interior regarding regulations to govern the administration of those aspects of this subparagraph (B) that pertain to wildlife. Funds are authorized to be appropriated to the Secretary of the Interior for use in assisting the State wildlife agencies to carry out the provisions of this subparagraph and in administering such assistance.”

(6) By adding at the end of paragraph (2) the following: “The foregoing provision shall not prevent a producer from placing a farm in the program if the farm was acquired by the producer to replace an eligible farm from which he was displaced because of its acquisition by any Federal, State, or other agency having the right of eminent domain.”

(7) By adding at the end of paragraph (4) the following: “Any agreement may be terminated by mutual agreement with the producer if the Secretary determines that such termination would be in the public interest.”

Total retired
acreage, limitation.

(8) By adding at the end of paragraph (5) the following: “The Secretary may if he determines that such action will contribute to the effective and equitable administration of the program use an advertising-and-bid procedure in determining the lands in any area to be covered by agreements. The total acreage placed under agreements in any county or local community shall be limited to a percentage of the total eligible acreage in such county or local community which the Secretary determines would not adversely affect the economy of the county or local community. In determining such percentage the Secretary shall give appropriate consideration to the productivity of the acreage being retired as compared to the average productivity of eligible acreage in the county or local community.”

(9) By adding a new paragraph (6) to read as follows:

“(6) For the purpose of obtaining an increase in the permanent retirement of cropland to noncrop uses the Secretary may, notwithstanding any other provision of law, transfer funds available for carrying out the program to any other Federal agency or to States or local government agencies for use in rural areas in acquiring cropland for the preservation of open spaces, natural beauty, the development of wildlife or recreational facilities, or the prevention of air or water pollution under terms and conditions consistent with and at costs not greater than those under agreements entered into with producers, provided the Secretary determines that the purpose of the program will be accomplished by such action. The Secretary also is authorized to share the cost with State and local governmental agencies and other Federal agencies in the establishment of practices or uses which will establish, protect, and conserve open spaces, natural beauty, wildlife or recreational resources, or prevent air or water pollution under terms and conditions and at costs consistent with those under agreements entered into with producers, provided the Secretary determines that the purposes of the program will be accomplished by such action. No appropriation shall be made for any agreement under this paragraph (6) involving an estimated total Federal payment in excess of \$250,000 unless such agreement has been approved by resolution adopted by the Committee on Agriculture of the House of Representatives and the Committee on Agriculture and Forestry of the Senate.”

Payments, limitation.

(10) By striking out the last sentence of paragraph (7) and substituting the following: “In carrying out the program, the Secretary shall not during any of the fiscal years ending June 30, 1971, through June 30, 1973, or during the period June 30, 1973, to December 31, 1973, (A) enter into agreements with producers which would require payments to producers in any calendar year under such agreements in excess of \$10,000,000 plus any amount by which agreements entered into in prior fiscal years require payments in amounts less than authorized for such years, or (B) enter into agreements with States or local agencies under paragraph (6) which would require payments to such State or local government agencies in any calendar year under such agreements in excess of \$10,000,000 plus any amount by which agreements entered into in prior fiscal years require payments in amounts less than authorized for such years. For purposes of applying the foregoing limitations, the annual payment shall be chargeable to the year in which performance is rendered regardless of the year in which it is made.”

76 Stat. 607.
16 USC 590p.

(11) By striking out “June 30, 1963” in paragraph (7) and substituting “June 30, 1972”.

(12) By inserting “farming opportunities and” preceding the words “interests of tenants and sharecroppers in paragraph (3)”.

MARKETING QUOTA EXEMPTION FOR BOILED PEANUTS

SEC. 802. The last paragraph of the Act entitled “An Act to amend the peanut marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, and for other purposes”, approved August 13, 1957 (7 U.S.C. 1359 note), is amended to read as follows: “This amendment shall be effective for the 1957 and subsequent crops of peanuts.”

71 Stat. 344.

VOLUNTARY RELINQUISHMENT OF ALLOTMENTS

SEC. 803. Notwithstanding any other provision of law, the Secretary may provide for the reduction or cancellation of any allotment or

base when the owner of the farm states in writing that he has no further use of such allotment or base.

INDEMNIFICATION FOR BEEKEEPERS

Pesticide residue losses.

SEC. 804. (a) The Secretary of Agriculture is authorized to make indemnity payments to beekeepers who through no fault of their own have suffered losses of honey bees after January 1, 1967, as a result of utilization of economic poisons near or adjacent to the property on which the beehives of such beekeepers were located.

(b) The amount of the indemnity payment in the case of any beekeeper shall be determined on the basis of the net loss sustained by such beekeeper as a result of the loss of his honey bees.

(c) Indemnity payments shall be made only in cases in which the loss occurred as a result of the use of economic poisons which had been registered and approved for use by the Federal Government.

Appropriations.

(d) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Regulations.

(e) The Secretary is authorized to issue such regulations as he deems necessary to carry out the purposes of this section.

Effective date.

(f) The provisions of this section shall not be in effect after December 31, 1973.

Hay production on set-aside or diverted acreage.
Anle, pp. 1362, 1368, 1371.

SEC. 805. (a) Notwithstanding any other provision of law, the Secretary shall permit any producer who is participating in the wheat program under title IV of this Act, in the feed grain program under title V of this Act, or in the cotton program under title VI of this Act, in any year in which an acreage diversion or set-aside program is in effect, under any such program in which such producer is participating, subject to the conditions prescribed in subsection (b) of this section, to plant and harvest hay from 25 per centum of the acreage on the farm diverted from production under such programs or twenty-five acres, whichever is greater.

(b) Any producer who elects to plant and harvest hay on diverted or set aside acreage pursuant to this section shall first agree not to use any such hay harvested from such acreage unless authorized to do so by the Secretary.

(c) When any diverted or set aside acreage has been planted and harvested under authority of this section, the hay harvested therefrom shall be baled and stored in sealed storage on the farm in accordance with such regulations as the Secretary may prescribe and shall be available only for use during periods of emergency declared by the Secretary. In order to avoid deterioration of such hay stored on the farm for emergency purposes pursuant to this section, the Secretary may permit such hay to be removed and used or sold from time to time so long as an amount of hay equal to the amount removed is previously placed in storage and sealed.

(d) Any farmer who has hay stored on his farm for emergency purposes pursuant to this section may remove such hay from storage and use it whenever the Secretary has (1) designated as an emergency area the area in which such farm is located, and (2) specifically authorized the use of emergency hay by farmers in the area.

Hay storage, loans, conditions.

(e) The Secretary of Agriculture is authorized to make or guarantee loans to farmers, both tenants and landowners, to assist such farmers in the construction of storage facilities on the farm for the storage of emergency hay pursuant to the provisions of this section if such farmers are unable to obtain loans from commercial sources at reasonable rates and on reasonable terms and conditions. Loans made by the Secretary under this subsection shall be made at the current rate of

interest for periods not exceeding ten years, and on such other terms and conditions as the Secretary may prescribe.

SEC. 806. (a) Section 306 of the Consolidated Farmers Home Administration Act of 1961, as amended (7 U.S.C. 1926), is amended by adding at the end thereof a new subsection as follows:

80 Stat. 1318;
82 Stat. 770.

“(d) Any amounts appropriated under this section shall remain available until expended, and any amounts authorized for any fiscal year under this section but not appropriated may be appropriated for any succeeding fiscal year.”

(b) Subtitle A of the Consolidated Farmers Home Administration Act of 1961, as amended (7 U.S.C. 1921–1929), is amended by adding at the end thereof a new section as follows:

75 Stat. 307.

“SEC. 310. Funds appropriated for the purpose of making direct real estate loans to farmers and ranchers under this subtitle shall remain available until expended.”

TITLE IX—RURAL DEVELOPMENT

COMMITMENT OF CONGRESS

SEC. 901. (a) The Congress commits itself to a sound balance between rural and urban America. The Congress considers this balance so essential to the peace, prosperity, and welfare of all our citizens that the highest priority must be given to the revitalization and development of rural areas.

LOCATION OF FEDERAL FACILITIES

(b) Congress hereby directs the heads of all executive departments and agencies of the Government to establish and maintain, insofar as practicable, departmental policies and procedures with respect to the location of new offices and other facilities in areas or communities of lower population density in preference to areas or communities of high population densities. The President is hereby requested to submit to the Congress not later than September 1 of each fiscal year a report reflecting the efforts during the immediately preceding fiscal year of all executive departments and agencies in carrying out the provisions of this section, citing the location of all new facilities, and including a statement covering the basic reasons for the selection of all new locations.

Report to Congress.

PLANNING ASSISTANCE

(c) The Secretary of the Department of Housing and Urban Development and the Secretary of Agriculture shall submit to the Congress a joint progress report as to their efforts during the immediately preceding fiscal year to provide assistance to States planning for the development of rural multicounty areas not included in economically depressed areas under authority of the Housing and Urban Development Act of 1968. The first such annual report shall be submitted not later than December 1, 1970, and shall cover the period beginning August 1, 1968, the date of enactment of the Housing and Urban Development Act of 1968, and ending June 30, 1970.

Report to Congress.

82 Stat. 476.
12 USC 1701t
note.

INFORMATION AND TECHNICAL ASSISTANCE

(d) The Secretary of Agriculture shall submit to the Congress a report not later than September 1 of each fiscal year reflecting the efforts of the Department of Agriculture to provide information and technical assistance to small communities and less populated areas in regard to rural development during the immediately preceding fiscal year. The first such annual report shall be submitted not later than

Report to Congress.

December 1, 1970, covering the period beginning July 1, 1969, and ending June 30, 1970. The Secretary shall include in such reports to what extent technical assistance has been provided through land-grant colleges and universities, through the Extension Service, and other programs of the Department of Agriculture.

GOVERNMENT SERVICES

Report to Congress.

(e) The President shall submit to the Congress a report not later than September 1 of each fiscal year stating the availability of telephone, electrical, water, sewer, medical, educational, and other government or government assisted services to rural areas and outlining efforts of the executive branch to improve these services during the immediately preceding fiscal year. The President is requested to submit the first such annual report, covering the fiscal year ending June 30, 1970, on or before December 1, 1970.

FINANCIAL ASSISTANCE

Report to Congress.

(f) The President shall report to Congress on the possible utilization of the Farm Credit Administration and agencies in the Department of Agriculture to fulfill rural financial assistance requirements not filled by other agencies. The President is requested to submit the report requested by this section on or before July 1, 1971, together with such recommendations for legislation as he deems appropriate.

Approved November 30, 1970.

Public Law 91-525

JOINT RESOLUTION

December 1, 1970
[H. J. Res. 1403]

To provide an additional temporary extension of the Federal Housing Administration's insurance authority.

Housing.
Ante, p. 1064.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2(a) of the National Housing Act is amended by striking out "December 1, 1970" in the first sentence and inserting in lieu thereof "January 1, 1971".

(b) Section 217 of such Act is amended by striking out "December 1, 1970" and inserting in lieu thereof "January 1, 1971".

(c) Section 221(f) of such Act is amended by striking out "December 1, 1970" in the fifth sentence and inserting in lieu thereof "January 1, 1971".

(d) Section 809(f) of such Act is amended by striking out "December 1, 1970" in the second sentence and inserting in lieu thereof "January 1, 1971".

(e) Section 810(k) of such Act is amended by striking out "December 1, 1970" in the second sentence and inserting in lieu thereof "January 1, 1971".

(f) Section 1002(a) of such Act is amended by striking out "December 1, 1970" in the second sentence and inserting in lieu thereof "January 1, 1971".

(g) Section 1101(a) of such Act is amended by striking out "December 1, 1970" in the second sentence and inserting in lieu thereof "January 1, 1971".

Approved December 1, 1970.

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Public Law 91-526

JOINT RESOLUTION

To authorize and request the President to proclaim the period January 10, 1971, through January 16, 1971, as "National Retailing Week."

December 2, 1970
[H. J. Res. 1255]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in honor of the retailers and in recognition of the 60th Annual Convention of the National Retail Merchants Association to be held in New York, New York, during the period January 10, 1971, through January 13, 1971, the President is authorized and requested to issue a proclamation designating that period as "National Retailing Week" and calling upon the people of the United States and interested groups and organizations to observe such period with appropriate ceremonies and activities.

National Retail-
ing Week.
Proclamation.

Approved December 2, 1970.

Public Law 91-527

AN ACT

To authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning the use of drugs and for other related educational purposes.

December 3, 1970
[H. R. 14252]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Drug Abuse Ed-
ucation Act of
1970.

SHORT TITLE

SECTION 1. This Act may be cited as the "Drug Abuse Education Act of 1970".

STATEMENT OF PURPOSE

SEC. 2. (a) The Congress hereby finds and declares that drug abuse diminishes the strength and vitality of the people of our Nation; that such abuse of dangerous drugs is increasing in urban and suburban areas; that there is a lack of authoritative information and creative projects designed to educate students and others about drugs and their abuse; and that prevention and control of such drug abuse require intensive and coordinated efforts on the part of both governmental and private groups.

(b) It is the purpose of this Act to encourage the development of new and improved curricula on the problems of drug abuse; to demonstrate the use of such curricula in model educational programs and to evaluate the effectiveness thereof; to disseminate curricular materials and significant information for use in educational programs throughout the Nation; to provide training programs for teachers, counselors, law enforcement officials, and other public service and community leaders; and to offer community education programs for parents and others, on drug abuse problems.

DRUG ABUSE EDUCATION PROJECTS

Grants.
Contract author-
ity.

Curricula, de-
velopment and
evaluation.

Training programs.

Local educa-
tional agencies,
financial assist-
ance.

Application for
assistance, re-
quirements.

SEC. 3. (a) The Secretary shall carry out a program of making grants to, and contracts with, institutions of higher education, State and local educational agencies, and other public and private education or research agencies, institutions, and organizations to support research, demonstration, and pilot projects designed to educate the public on problems related to drug abuse.

(b) Funds appropriated for grants and contracts under this section shall be available for such activities as—

(1) projects for the development of curricula on the use and abuse of drugs, including the evaluation and selection of exemplary existing materials and the preparation of new and improved curricular materials for use in elementary, secondary, adult, and community education programs;

(2) projects designed to demonstrate, and test the effectiveness of curricula described in clause (1) (whether developed with assistance under this Act or otherwise);

(3) in the case of applicants who have conducted projects under clause (2), projects for the dissemination of curricular materials and other significant information regarding the use and abuse of drugs to public and private elementary, secondary, adult and community education programs;

(4) evaluations of the effectiveness of curricula tested in use in elementary, secondary, and adult and community education programs involved in projects described in clause (2);

(5) preservice and inservice training programs on drug abuse (including courses of study, institutes, seminars, workshops, and conferences) for teachers, counselors, and other educational personnel, law enforcement officials, and other public service and community leaders and personnel;

(6) community education programs on drug abuse (including seminars, workshops, and conferences) especially for parents and others in the community;

(7) evaluations of the training and community education programs described in clauses (5) and (6), including the examination of the intended and actual impact of such programs, the identification of strengths and weaknesses in such programs, and the evaluation of materials used in such programs;

(8) programs or projects to recruit, train, organize and employ professional and other persons, including former drug abusers or drug dependent persons, to organize and participate in programs of public education in drug abuse.

In the case of activities described in clauses (4) and (7), the Secretary may undertake such activities directly or through grants or contracts.

(c) In addition to the purposes described in subsection (b) of this section, funds in an amount not to exceed 5 per centum of the sums appropriated to carry out this section may be made available for the payment of reasonable and necessary expenses of State educational agencies in assisting local educational agencies in the planning development, and implementation of drug abuse education programs.

(d) (1) Financial assistance for a project under this section may be made only upon application at such time or times, in such manner, and containing or accompanied by such information as the Secretary deems necessary, and only if such application—

(A) provides that the activities and services for which assistance under this title is sought will be administered by or under the supervision of the applicant;

(B) provides for carrying out one or more projects or programs eligible for assistance under subsection (b) of this section and provides for such methods of administration as are necessary for the proper and efficient operation of such projects or programs;

(C) sets forth policies and procedures which assure that Federal funds made available under this section for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the purposes described in subsection (b) of this section, and in no case supplant such funds; and

(D) provides for making such reports, in such form and containing such information, as the Secretary may reasonably require, and for keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

Reports and records.

(2) Applications from local educational agencies for financial assistance under this section may be approved by the Secretary only if the State educational agency has been notified of the application and been given the opportunity to offer recommendations.

(3) Amendments of applications shall, except as the Secretary may otherwise provide by or pursuant to regulation, be subject to approval in the same manner.

(e) There are hereby authorized to be appropriated \$5,000,000 for the fiscal year beginning July 1, 1970, \$10,000,000 for the fiscal year beginning July 1, 1971; and \$14,000,000 for the fiscal year beginning July 1, 1972, for the purpose of carrying out this section. Sums appropriated pursuant to this section shall remain available until expended.

Appropriation.

COMMUNITY EDUCATION PROJECTS

SEC. 4. There is authorized to be appropriated \$5,000,000 for the fiscal year beginning July 1, 1970, \$10,000,000 for the fiscal year beginning July 1, 1971, and \$14,000,000 for the fiscal year beginning July 1, 1972, for grants or contracts to carry out the provisions of this section. From the sums available therefore for any fiscal year, the Secretary of Health, Education, and Welfare is authorized to make grants to, or enter into contracts with, public or private nonprofit agencies, organizations, and institutions for planning and carrying out community-oriented education programs on drug abuse and drug dependency for the benefit of interested and concerned parents, young persons, community leaders, and other individuals and groups within a community. Such programs may include, among others, seminars, workshops, conferences, telephone counseling and information services to provide advice, information, or assistance to individuals with respect to drug abuse or drug dependency problems, the operation of centers designed to serve as a locale which is available, with or without appointment or prior arrangement, to individuals seeking to discuss or obtain information, advice, or assistance with respect to drug

Appropriation.

Grants; contract authority.

Workshops, conferences, etc.

abuse or drug dependency problems, arrangements involving the availability of so-called "peer group" leadership programs, and programs establishing and making available procedures and means of coordinating and exchanging ideas, information, and other data involving drug abuse and drug dependency problems. Such programs shall, to the extent feasible, (A) provide for the use of adequate personnel from similar social, cultural, age, ethnic, and racial backgrounds as those of the individuals served under any such program, (B) include a comprehensive and coordinated range of services, and (C) be integrated with, and involve the active participation of a wide range of public and nongovernmental agencies.

TECHNICAL ASSISTANCE

SEC. 5. The Secretary and the Attorney General (on matters of law enforcement) shall, when requested, render technical assistance to local educational agencies, public and private nonprofit organizations, and institutions of higher education in the development and implementation of programs of drug abuse education. Such technical assistance may, among other activities, include making available to such agencies or institutions information regarding effective methods of coping with problems of drug abuse, and making available to such agencies or institutions personnel of the Department of Health, Education, and Welfare and the Department of Justice, or other persons qualified to advise and assist in coping with such problems or carrying out a drug abuse education program.

HEW and Justice
Department, per-
sonnel available.

PAYMENTS

SEC. 6. Payments under this Act may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

ADMINISTRATION

SEC. 7. In administering the provisions of this Act, the Secretary is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public or private agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement, as may be agreed upon.

DEFINITIONS

SEC. 8. As used in this Act—

(a) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(b) The term "State" includes, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

Approved December 3, 1970.

Public Law 91-528

AN ACT

To amend the joint resolution establishing the American Revolution Bicentennial Commission.

December 7, 1970
[S. 3630]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution entitled "Joint resolution to establish the American Revolution Bicentennial Commission, and for other purposes", approved July 4, 1966 (80 Stat. 259), as amended, is further amended—

American Revolution Bicentennial Commission.

81 Stat. 567.

(1) by adding in section 2(b) (3) the words "the Secretary of Housing and Urban Development and the Secretary of Transportation," after the words "the Secretary of Commerce,";

(2) by deleting in section 6(c) everything after the word "section" and inserting in lieu thereof the words "3109 of title 5, United States Code.";

80 Stat. 416.

Symbols, unlawful use.

(3) by adding an additional section 6(g) to read as follows: "SEC. 6. (g) Whoever, except as authorized under rules and regulations issued by the Commission, knowingly manufactures, reproduces, or uses any logos, symbols, or marks originated under authority of and certified by the Commission for use in connection with the commemoration of the American Revolution Bicentennial, or any facsimile thereof, or in such a manner as suggests any such logos, symbols, or marks, shall be fined not more than \$250 or imprisoned not more than six months or both: *Provided*, That this section shall be applicable upon publication in the Federal Register of notification of certification hereunder by the Commission with respect to each such logo, symbol, or mark.";

Penalty.

Publication in Federal Register.

(4) by deleting section 7(a) and inserting in lieu thereof the following:

Appropriation.

81 Stat. 567;
83 Stat. 132.

"SEC. 7. (a) There is authorized to be appropriated not to exceed \$373,000 for the period through fiscal year 1971."

Approved December 7, 1970.

Public Law 91-529

AN ACT

To amend section 427(b) of title 37, United States Code, to provide that a family separation allowance shall be paid to a member of a uniformed service even though the member does not maintain a residence or household for his dependents, subject to his management and control.

December 7, 1970
[H. R. 110]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 427(b) of title 37, United States Code, is amended by adding the following sentence at the end thereof: "An allowance is payable under this subsection even though the member does not maintain for his primary dependents who would otherwise normally reside with him, a residence or household, subject to his management and control, which he is likely to share with them as a common household when his duty assignment permits."

Uniformed Services.
Family separation allowance.
77 Stat. 217.

SEC. 2. Section 1 of this Act is effective October 1, 1963.

Approved December 7, 1970.

Effective date.

Public Law 91-530

AN ACT

December 7, 1970
[H. R. 13564]

To provide that in the District of Columbia one or more grantors in a conveyance creating an estate in joint tenancy or tenancy by the entireties may also be one of the grantees.

D.C.
Tenancies.

31 Stat. 1352;
32 Stat. 538.

D.C. Code,
technical amend-
ments.

Ante, p. 484.

D.C. Code 22-
1122.
Repeal.

Effective date.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1031 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (D.C. Code, sec. 45-816), is amended (1) by adding at the end thereof the following: "An estate in joint tenancy or tenancy by the entireties may be created by a conveyance in which one or more of the grantors in the conveyance is also one of the grantees.", and (2) by striking out "and joint tenancies" in the side heading of such section and inserting in lieu thereof the following: "**tenancies by the entireties, and joint tenancies**".

SEC. 2. (a) Title 11 of the District of Columbia Code, as amended by section 111 of the Act of July 29, 1970 (84 Stat. 475), is amended as follows:

(1) Section 11-921(a) (3) (A) (ix) of such title is amended by striking out "sec. 1-804(b)" and inserting in lieu thereof "sec. 1-804b".

(2) Section 11-1101(8) of such title is amended by striking out "subsection" and inserting in lieu thereof "section".

(3) Section 11-1101(16) of such title is amended by striking out "VII" and inserting in lieu thereof "IV".

(4) Section 11-1501(b) (4) of such title is amended by inserting immediately after "Fairfax Counties" the following: "(and any cities within the outer boundaries thereof)".

(5) Section 11-1561(5) of such title is amended by striking out "has either (A)" and inserting in lieu thereof "either (A) has".

(6) Section 11-1561(6) of such title is amended by striking out "has either (A)" and inserting in lieu thereof "either (A) has".

(7) Section 11-1742(a) of such title is amended by striking out "may be assigned" and inserting in lieu thereof "may be assigned".

(b) (1) Section 601 of the Act of July 29, 1970 (84 Stat. 667), is amended by striking out "IX" and inserting in lieu thereof "X".

(2) It is the intent of Congress that the amendment made by paragraph (1) of this subsection shall (A) revive title IX of the Act of December 27, 1967 (81 Stat. 742), as of the date of enactment of this Act, and (B) repeal title X of such Act of December 27, 1967 (81 Stat. 742), as of the date of enactment of this Act.

(c) Title 23 of the District of Columbia Code, as enacted by section 210(a) of the Act of July 29, 1970 (84 Stat. 604), is amended as follows:

(1) The heading of section 23-551 of such title is amended by striking out "supression" and inserting in lieu thereof "suppression".

(2) Section 23-551(b) (5) of such title is amended by striking out "subsection (i) of this section" and inserting in lieu thereof "section 23-549(a)".

(d) The amendments made by subsections (a) and (c) of this section shall take effect on the first day of the seventh calendar month which begins after the date of the enactment of the Act of July 29, 1970 (84 Stat. 473).

SEC. 3. That part of the schedule of rates contained in section 101 of the District of Columbia Police and Firemen's Salary Act of 1958, as amended (D.C. Code, sec. 4-823), relating to salary class 11 is amended to read as follows:

Fire Chief and
Chief of Police,
salary adjustment.
Ante, p. 354.

"Salary class and title	Service step			Longevity step					
	1	2	3	4	5	6	A	B	C
Class 11..... Fire Chief Chief of Police."	29,925	31,350	32,775						

SEC. 4. The amendment made by the third section of this Act shall take effect on the first day of the first pay period beginning on or after July 1, 1969.

Effective date.

Approved December 7, 1970.

Public Law 91-531

AN ACT

To amend section 19 of the District of Columbia Public Assistance Act of 1962.

December 7, 1970
[H. R. 670]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 19 of the District of Columbia Public Assistance Act of 1962 (76 Stat. 917; D.C. Code, sec. 3-218) is amended to read as follows:

D.C.
Public assistance recipients,
responsibility of relatives.

"SEC. 19. (a) Responsible relatives for any applicant or recipient of public assistance shall be limited to spouse for spouse and parent for a child under the age of twenty-one, and their financial responsibility shall be based upon their ability to pay. Any such applicant or recipient of public assistance or person in need thereof, or the Commissioner of the District of Columbia, may bring an action to require such financially responsible spouse or parent to provide such support, and the court shall have the power to make orders requiring such spouse or parent to pay such eligible applicant or recipient of public assistance such sum or sums of money in such installments as the court in its discretion may direct, and such orders may be enforced in the same manner as orders for alimony.

"(b) The Commissioner is authorized on behalf of the District to sue such spouse or parent for the amount of public assistance granted to such recipient under this Act or under any Act repealed by this Act, or for so much thereof as such spouse or parent is reasonably able to pay.

Power to sue.

"(c) All suits, actions, and court proceedings under this section shall be brought in the Domestic Relations Branch of the District of Columbia Court of General Sessions, or in that court division which may subsequently exercise the jurisdiction exercised by the Domestic Relations Branch on the effective date of this Act. To the extent applicable, suits, actions, and proceedings brought pursuant to this section shall be governed by the provisions of the Act approved April 11, 1956 (70 Stat. 111), as such Act may from time to time be amended or superseded."

Court jurisdiction.

Approved December 7, 1970.

Ante, p. 473.

Public Law 91-532

AN ACT

December 7, 1970
[H. R. 4183]

To provide that the widow of a retired officer or member of the Metropolitan Police Department or the Fire Department of the District of Columbia who married such officer or member after his retirement may qualify for survivor benefits.

D.C. police and
firemen, survivor
benefits.
71 Stat. 391.
“Widow.”

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (a) (3) of the Policemen and Firemen’s Retirement and Disability Act (D.C. Code, sec. 4-521 (3)) is amended to read as follows:

“(3) The term ‘widow’ means the surviving wife of a member or former member if—

“(A) she was married to such member or former member (i) while he was a member, or (ii) for at least two years immediately preceding his death, or

“(B) she is the mother of issue by such marriage.”

Applicability,
exception.

(b) The amendment made by this Act shall apply with respect to any surviving wife of a “member” (as that term is defined in subsection (a) (1) of the Policemen and Firemen’s Retirement and Disability Act) or former member irrespective of whether such wife became a “widow” (as that term is defined in such amendment) prior to, on, or after the date of the enactment of this Act, except that no annuity shall be paid by reason of the amendment made by this Act for any period prior to the first day of the first pay period beginning on or after January 1, 1971.

Approved December 7, 1970.

Public Law 91-533

AN ACT

December 7, 1970
[H. R. 386]

To amend title 37 of the United States Code to provide that a family separation allowance shall be paid to any member of a uniformed service assigned to Government quarters providing he is otherwise entitled to such separation allowance.

Uniformed
Services.
Family separa-
tion allowance.
Ante, p. 1389.
Effective date.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 427 (b) of title 37, United States Code, is amended by striking out “who is entitled to a basic allowance for quarters”.

SEC. 2. The amendment made by this Act shall take effect on the first day of the first calendar month which occurs after the date of the enactment of this Act.

Approved December 7, 1970.

Public Law 91-534

AN ACT

December 7, 1970
[H. R. 9486]

To amend title 37 of the United States Code to provide that a family separation allowance shall be paid to any member of a uniformed service who is a prisoner of war, missing in action, or in a detained status during the Vietnam conflict.

Uniformed
Services.
Family separa-
tion allowance.
80 Stat. 625.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, under regulations to be prescribed by the Secretary of Defense, a member of a uniformed service with dependents who is in a missing status (as defined in section 551 (2) of title 37 United States Code) during the Vietnam conflict and is not entitled to an allowance under section

427(b) of title 37 may be paid a monthly allowance equal to \$30. For the purposes of this Act, the Vietnam conflict ends on the date designated by the President by Executive order as the date of the termination of combat activities in Vietnam.

Ante, pp. 1389, 1392.

SEC. 2. This Act takes effect on the first day of the first month which begins after the date of enactment of this Act.

Effective date.

Approved December 7, 1970.

Public Law 91-535

AN ACT

To amend the District of Columbia Alcoholic Beverage Control Act.

December 8, 1970
[H. R. 9017]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. The last sentence of subsection (c) of section 3 of the District of Columbia Alcoholic Beverage Control Act (D.C. Code, sec. 25-103(c)) is amended by striking out “, other than champagne”.

District of
Columbia Alco-
holic Beverage
Control Act,
amendments.
48 Stat. 319.

SEC. 2. Subsection (g) of section 11 of the District of Columbia Alcoholic Beverage Control Act (D.C. Code, sec. 25-111(g)) is amended by striking out the fifth, sixth, seventh, and eighth sentences and inserting in lieu thereof the following: “In the case of restaurants and hotels, alcoholic beverages may be sold or served only to (1) persons seated at counters or tables, (2) persons in an enclosed or screened-off area set aside for the accommodation of persons waiting to be seated at tables, or (3) assemblages of more than six persons in a private room if such room has been previously approved by the Board. A restaurant operating on the premises of a theater, symphony hall, opera house, or other facility which has as its principal purpose the presentation of live drama, music, opera, or other performing arts, may sell and serve alcoholic beverages to seated or standing persons at locations within the facility approved by the Board. In the case of hotels, alcoholic beverages may also be sold and served in the private room of a registered guest. In the case of clubs, alcoholic beverages may be sold and served in any room or area available only to bona fide members of such club or their bona fide guests, or both.”

48 Stat. 997;
76 Stat. 89.

SEC. 3. (a) The first sentence of section 17 of the District of Columbia Alcoholic Beverage Control Act (D.C. Code, sec. 25-118) is amended by striking out “or knowingly employs in the sale or distribution of beverages any person who has, within five years prior thereto, been convicted of a misdemeanor under the National Prohibition Act, as amended and supplemented, or, within ten years prior thereto, been convicted of any felony.”.

49 Stat. 900.

(b) Section 25 of such Act (D.C. Code, sec. 25-125) is amended by striking out “allow any person who has, within ten years prior thereto, been convicted of any felony, to sell, give, furnish, or distribute any beverage, nor”.

SEC. 4. Section 26 of the District of Columbia Alcoholic Beverage Control Act (D.C. Code, sec. 25-126) is amended—

48 Stat. 333.

(1) by inserting “within the District” immediately after “served” in the second sentence;

(2) by inserting immediately after such second sentence the following new sentence: "Without the District, but not more than twenty-five miles distant from the place of the hearing, such summons shall be served by a United States marshal or his deputy."; and

63 Stat. 107.
Ante, p. 570.

(3) by striking out "United States District Court for the District of Columbia" in the third and fourth sentences and inserting in lieu thereof "District of Columbia Court of General Sessions".

49 Stat. 900.

SEC. 5. The proviso in the first sentence of section 13 of the District of Columbia Alcoholic Beverage Control Act (D.C. Code, sec. 25-114) is amended by inserting ", the holder of a retailer's license, class A," immediately after "wholesaler's license", and by inserting a comma immediately before "may store beverages".

48 Stat. 336.

SEC. 6. Section 35 of the District of Columbia Alcoholic Beverage Control Act (D.C. Code, sec. 25-133) is amended by inserting after the first sentence the following: "For purposes of this section, the extension of credit by the holder of a class A retailer's license in connection with a sale by such license holder of any beverage through a credit card or other document or device intended or adapted for the purpose of establishing credit shall be considered a sale on credit of such beverage by such license holder."

Approved December 8, 1970.

Public Law 91-536

AN ACT

December 8, 1970
[H. R. 13565]

To validate certain deeds improperly acknowledged or executed (or both) that are recorded in the land records of the Recorder of Deeds of the District of Columbia.

D.C.
Deeds, im-
properly execu-
ted, validation•
31 Stat. 1270.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 515 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (D.C. Code, sec. 45-408), is amended—

(1) by striking out "prior to the adoption of this code" and inserting in lieu thereof "prior to January 1, 1969,";

(2) by inserting "(1)" immediately after "in the District" in the paragraph of such section designated "Seventh" and by adding before the period at the end of such paragraph the following: ", (2) which may have been recorded without the seal of the notary public before whom the acknowledgment was taken having been first attached, (3) in which the certificate of acknowledgment is not in the prescribed form, (4) which may have been acknowledged before a person who was not a proper officer, or (5) in which the official character of the officer taking the acknowledgment is not set out in the body of the certificate"; and

(3) by inserting "(a)" immediately after "Defective acknowledgments.—" and by adding at the end of such section the following new subsection:

"(b) This section shall not be construed to validate any deed with respect to which there was any misrepresentation, fraudulent act, or illegal provision in connection with its execution or acknowledgment."

Approved December 8, 1970.

Public Law 91-537

AN ACT

To revise certain laws relating to the liability of hotels, motels, and similar establishments in the District of Columbia to their guests.

December 8, 1970
[H. R. 10336]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) if a hotel, motel, or similar establishment in the District of Columbia which provides lodging to transient guests (1) provides a suitable depository (other than a checkroom) for the safekeeping of personal property (other than a motor vehicle), and (2) displays conspicuously in the guest and public rooms of that establishment a printed copy of this section (or summary thereof), that establishment shall not be liable for the loss or destruction of, or damage to, any personal property of a guest or patron not deposited for safekeeping, except that this sentence shall not apply with respect to the liability of that establishment for loss or destruction of, or damage to, any personal property retained by a guest in his room if the property is such property as is usual, common, or prudent for a guest to retain in his room. In the case of any personal property of a guest or patron deposited in such a depository for safekeeping, that establishment shall be liable for the loss or destruction of, or damage to, that property to the extent of the lesser of \$1,000 or the fair market value of the property at the time of its loss, destruction, or damage.

D.C. hotels,
etc.
Liability laws,
revision.

(b) If a hotel, motel, or similar establishment in the District of Columbia which provides lodging to transient guests maintains a checkroom (conspicuously designated as such) where guests and patrons may deposit personal property, that establishment shall, if it conspicuously posts a printed copy of this section (or summary thereof), be liable for the loss or destruction of, or damage to, that property only to the extent of the lesser of \$200 or the fair market value of the property at the time of its loss, destruction, or damage unless the destruction or damage is caused by its agent or servant.

SEC. 2. (a) A hotel, motel, or similar establishment in the District of Columbia which provides lodging to transient guests, has a lien upon, and may retain possession of, any personal property belonging to, or under the control of, a guest or patron of that establishment, for the amount due that establishment from that guest or patron for lodging, food, or other item of value, except that the amount of the lien authorized by this subsection may not exceed \$1,000.

Lien rights.

(b) If, within 30 days after his property has been retained under subsection (a), a guest or patron fails to pay the establishment retaining that property any amount due that establishment for lodging, food, or other item of value, that establishment may sell that property at a public sale. Prior to that sale, the establishment shall send, by registered or certified mail, to the last known address of that guest or patron a demand for payment of the amount due, and shall publish a notice of sale once a week for three successive weeks in a daily newspaper of general circulation published in the District of Columbia. That notice shall state—

Retained property, public sale.

(1) that the purpose of the sale is to satisfy the lien granted by subsection (a);

(2) the amount for which that lien is granted, including storage charges;

(3) the day, time, and place of sale; and

(4) a description of the property including, in the case of the sale of a motor vehicle, the make, type, year, model number, serial number, engine number, and the year and license registration number of that motor vehicle.

Notice,
contents.

In the case of the sale of a motor vehicle, a notice shall be given to any person whose security interest, lien, or other claim upon that motor vehicle is recorded with the motor vehicle registry of the State (including the District of Columbia) of registration of that motor vehicle. That notice shall be given at least 15 days prior to the date of sale.

Sale proceeds,
disposition.

(c) The proceeds of a sale of property made under subsection (b) shall be applied as follows:

(1) first, to cover the expenses of the storage and sale of the property, and

(2) second, to discharge any security interest, lien, or other claim upon the property in the order of priority provided for by law.

Any amount remaining after the application provided for by paragraphs (1) and (2) shall be paid to the party entitled to the remainder if that party is known and can be located. If that party is not known or cannot be located within one year after the date of the sale, the establishment shall pay, within a reasonable time, the remainder to the government of the District of Columbia.

Unclaimed
property, public
sale.

SEC. 3. (a) A hotel, motel, or similar establishment in the District of Columbia which provides lodging to transient guests may sell at public auction any personal property that has been deposited for safekeeping, checked, or left unclaimed at that establishment for more than 90 days. If the owner of that property is known, the establishment shall, at least 15 days before that sale is held, send, by registered or certified mail, a notice to the owner at his last known address stating—

Notice.

(1) that the purpose of the sale is to dispose of unclaimed property;

(2) the amount of storage and other charges (including interest on those charges) against that property;

(3) the day, time, and place of sale; and

(4) a description of the property including, in the case of the sale of a motor vehicle, the make, type, year, model number, serial number, engine number, and the year and license registration number of that motor vehicle.

Motor vehicle.

In the case of the sale of a motor vehicle, a notice shall be given to any person whose security interest, lien, or other claim upon that motor vehicle is recorded with the motor vehicle registry of the State (including the District of Columbia) of registration of that motor vehicle. That notice shall be given at least 15 days prior to the date of sale.

Sale proceeds,
disposition.

(b) The proceeds of a sale of property made under subsection (a) shall be applied as follows:

(1) first, to cover the expenses of the storage and sale of the property (including interest on those charges), and

(2) second, to discharge any security interest, lien, or other claim upon the property in the order of priority provided for by law.

Any amount remaining after the application provided for by paragraphs (1) and (2) shall be paid to the party entitled to the remainder if that party is known and can be located. If that party is not known or cannot be located within one year after the date of the sale, the establishment shall pay, within a reasonable time, the remainder to the government of the District of Columbia.

SEC. 4. (a) The Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (31 Stat. 1189), is amended—

(1) by striking out section 1261 (D.C. Code, sec. 34-103) and by redesignating sections 1263 and 1264 as 1261 and 1262, respectively; and

(2) by striking out in the section redesignated as section 1261 (D.C. Code, sec. 34-104) "by any of the last three sections" and inserting in lieu thereof "by section 1260".

(b) The Act entitled "An Act establishing the liability of hotel proprietors and innkeepers in the District of Columbia", approved December 21, 1920 (D.C. Code, secs. 34-101 and 34-102), is repealed.

Repeal.

41 Stat. 1081.

Approved December 8, 1970.

Public Law 91-538

AN ACT

To enact the Interstate Agreement on Detainers into law.

December 9, 1970
[H. R. 6951]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Interstate Agreement on Detainers Act".

SEC. 2. The Interstate Agreement on Detainers is hereby enacted into law and entered into by the United States on its own behalf and on behalf of the District of Columbia with all jurisdictions legally joining in substantially the following form:

Interstate
Agreement on
Detainers Act.

"The contracting States solemnly agree that:

"ARTICLE I

"The party States find that charges outstanding against a prisoner, detainees based on untried indictments, informations, or complaints and difficulties in securing speedy trial of persons already incarcerated in other jurisdictions, produce uncertainties which obstruct programs of prisoner treatment and rehabilitation. Accordingly, it is the policy of the party States and the purpose of this agreement to encourage the expeditious and orderly disposition of such charges and determination of the proper status of any and all detainees based on untried indictments, informations, or complaints. The party States also find that proceedings with reference to such charges and detainees, when emanating from another jurisdiction, cannot properly be had in the absence of cooperative procedures. It is the further purpose of this agreement to provide such cooperative procedures.

"ARTICLE II

"As used in this agreement:

"(a) 'State' shall mean a State of the United States; the United States of America; a territory or possession of the United States; the District of Columbia; the Commonwealth of Puerto Rico.

"(b) 'Sending State' shall mean a State in which a prisoner is incarcerated at the time that he initiates a request for final disposition pursuant to article III hereof or at the time that a request for custody or availability is initiated pursuant to article IV hereof.

"(c) 'Receiving State' shall mean the State in which trial is to be had on an indictment, information, or complaint pursuant to article III or article IV hereof.

"ARTICLE III

"(a) Whenever a person has entered upon a term of imprisonment in a penal or correctional institution of a party State, and whenever during the continuance of the term of imprisonment there is pending in any other party State any untried indictment, information, or complaint on the basis of which a detainer has been lodged against the prisoner, he shall be brought to trial within one hundred and eighty days after he shall have caused to be delivered to the prosecuting officer and the appropriate court of the prosecuting officer's jurisdiction written notice of the place of his imprisonment and his request for a final disposition to be made of the indictment, information, or complaint: *Provided*, That, for good cause shown in open court, the prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance. The request of the prisoner shall be accompanied by a certificate of the appropriate official having custody of the prisoner, stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner, and any decision of the State parole agency relating to the prisoner.

"(b) The written notice and request for final disposition referred to in paragraph (a) hereof shall be given or sent by the prisoner to the warden, commissioner of corrections, or other official having custody of him, who shall promptly forward it together with the certificate to the appropriate prosecuting official and court by registered or certified mail, return receipt requested.

"(c) The warden, commissioner of corrections, or other official having custody of the prisoner shall promptly inform him of the

source and contents of any detainer lodged against him and shall also inform him of his right to make a request for final disposition of the indictment, information, or complaint on which the detainer is based.

“(d) Any request for final disposition made by a prisoner pursuant to paragraph (a) hereof shall operate as a request for final disposition of all untried indictments, informations, or complaints on the basis of which detainees have been lodged against the prisoner from the State to whose prosecuting official the request for final disposition is specifically directed. The warden, commissioner of corrections, or other official having custody of the prisoner shall forthwith notify all appropriate prosecuting officers and courts in the several jurisdictions within the State to which the prisoner's request for final disposition is being sent of the proceeding being initiated by the prisoner. Any notification sent pursuant to this paragraph shall be accompanied by copies of the prisoner's written notice, request, and the certificate. If trial is not had on any indictment, information, or complaint contemplated hereby prior to the return of the prisoner to the original place of imprisonment, such indictment, information, or complaint shall not be of any further force or effect, and the court shall enter an order dismissing the same with prejudice.

“(e) Any request for final disposition made by a prisoner pursuant to paragraph (a) hereof shall also be deemed to be a waiver of extradition with respect to any charge or proceeding contemplated thereby or included therein by reason of paragraph (d) hereof, and a waiver of extradition to the receiving State to serve any sentence there imposed upon him, after completion of his term of imprisonment in the sending State. The request for final disposition shall also constitute a consent by the prisoner to the production of his body in any court where his presence may be required in order to effectuate the purposes of this agreement and a further consent voluntarily to be returned to the original place of imprisonment in accordance with the provisions of this agreement. Nothing in this paragraph shall prevent the imposition of a concurrent sentence if otherwise permitted by law.

“(f) Escape from custody by the prisoner subsequent to his execution of the request for final disposition referred to in paragraph (a) hereof shall void the request.

“ARTICLE IV

“(a) The appropriate officer of the jurisdiction in which an untried indictment, information, or complaint is pending shall be entitled to have a prisoner against whom he has lodged a detainer and who is

serving a term of imprisonment in any party State made available in accordance with article V(a) hereof upon presentation of a written request for temporary custody or availability to the appropriate authorities of the State in which the prisoner is incarcerated: *Provided*, That the court having jurisdiction of such indictment, information, or complaint shall have duly approved, recorded, and transmitted the request: *And provided further*, That there shall be a period of thirty days after receipt by the appropriate authorities before the request be honored, within which period the Governor of the sending State may disapprove the request for temporary custody or availability, either upon his own motion or upon motion of the prisoner.

“(b) Upon request of the officer’s written request as provided in paragraph (a) hereof, the appropriate authorities having the prisoner in custody shall furnish the officer with a certificate stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner, and any decisions of the State parole agency relating to the prisoner. Said authorities simultaneously shall furnish all other officers and appropriate courts in the receiving State who has lodged detainers against the prisoner with similar certificates and with notices informing them of the request for custody or availability and of the reasons therefor.

“(c) In respect of any proceeding made possible by this article, trial shall be commenced within one hundred and twenty days of the arrival of the prisoner in the receiving State, but for good cause shown in open court, the prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance.

“(d) Nothing contained in this article shall be construed to deprive any prisoner of any right which he may have to contest the legality of his delivery as provided in paragraph (a) hereof, but such delivery may not be opposed or denied on the ground that the executive authority of the sending State has not affirmatively consented to or ordered such delivery.

“(e) If trial is not had on any indictment, information, or complaint contemplated hereby prior to the prisoner’s being returned to the original place of imprisonment pursuant to article V(e) hereof, such indictment, information, or complaint shall not be of any further force or effect, and the court shall enter an order dismissing the same with prejudice.

“ARTICLE V

“(a) In response to a request made under article III or article IV hereof, the appropriate authority in a sending State shall offer to deliver temporary custody of such prisoner to the appropriate authority in the State where such indictment, information, or complaint is pending against such person in order that speedy and efficient prosecution may be had. If the request for final disposition is made by the prisoner, the offer of temporary custody shall accompany the written notice provided for in article III of this agreement. In the case of a Federal prisoner, the appropriate authority in the receiving State shall be entitled to temporary custody as provided by this agreement or to the prisoner’s presence in Federal custody at the place of trial, whichever custodial arrangement may be approved by the custodian.

“(b) The officer or other representative of a State accepting an offer of temporary custody shall present the following upon demand:

“(1) Proper identification and evidence of his authority to act for the State into whose temporary custody this prisoner is to be given.

“(2) A duly certified copy of the indictment, information, or complaint on the basis of which the detainer has been lodged and on the basis of which the request for temporary custody of the prisoner has been made.

“(c) If the appropriate authority shall refuse or fail to accept temporary custody of said person, or in the event that an action on the indictment, information, or complaint on the basis of which the detainer has been lodged is not brought to trial within the period provided in article III or article IV hereof, the appropriate court of the jurisdiction where the indictment, information, or complaint has been pending shall enter an order dismissing the same with prejudice, and any detainer based thereon shall cease to be of any force or effect.

“(d) The temporary custody referred to in this agreement shall be only for the purpose of permitting prosecution on the charge or charges contained in one or more untried indictments, informations, or complaints which form the basis of the detainer or detainers or for prosecution on any other charge or charges arising out of the same transaction. Except for his attendance at court and while being transported to or from any place at which his presence may be required, the prisoner shall be held in a suitable jail or other facility regularly used for persons awaiting prosecution.

“(e) At the earliest practicable time consonant with the purposes of this agreement, the prisoner shall be returned to the sending State.

“(f) During the continuance of temporary custody or while the prisoner is otherwise being made available for trial as required by this agreement, time being served on the sentence shall continue to run but good time shall be earned by the prisoner only if, and to the extent that, the law and practice of the jurisdiction which imposed the sentence may allow.

“(g) For all purposes other than that for which temporary custody as provided in this agreement is exercised, the prisoner shall be deemed to remain in the custody of and subject to the jurisdiction of the sending State and any escape from temporary custody may be dealt with in the same manner as an escape from the original place of imprisonment or in any other manner permitted by law.

“(h) From the time that a party State receives custody of a prisoner pursuant to this agreement until such prisoner is returned to the territory and custody of the sending State, the State in which the one or more untried indictments, informations, or complaints are pending or in which trial is being had shall be responsible for the prisoner and shall also pay all costs of transporting, caring for, keeping, and returning the prisoner. The provisions of this paragraph shall govern unless the States concerned shall have entered into a supplementary agreement providing for a different allocation of costs and responsibilities as between or among themselves. Nothing herein contained shall be construed to alter or affect any internal relationship among the departments, agencies, and officers of and in the government of a party State, or between a party State and its subdivisions, as to the payment of costs, or responsibilities therefor.

"ARTICLE VI

"(a) In determining the duration and expiration dates of the time periods provided in articles III and IV of this agreement, the running of said time periods shall be tolled whenever and for as long as the prisoner is unable to stand trial, as determined by the court having jurisdiction of the matter.

"(b) No provision of this agreement, and no remedy made available by this agreement shall apply to any person who is adjudged to be mentally ill.

"ARTICLE VII

"Each State party to this agreement shall designate an officer who, acting jointly with like officers of other party States, shall promulgate rules and regulations to carry out more effectively the terms and provisions of this agreement, and who shall provide, within and without the State, information necessary to the effective operation of this agreement.

"ARTICLE VIII

"This agreement shall enter into full force and effect as to a party State when such State has enacted the same into law. A State party to this agreement may withdraw herefrom by enacting a statute repealing the same. However, the withdrawal of any State shall not affect the status of any proceedings already initiated by inmates or by State officers at the time such withdrawal takes effect, nor shall it affect their rights in respect thereof.

"ARTICLE IX

"This agreement shall be liberally construed so as to effectuate its purposes. The provisions of this agreement shall be severable and if any phrase, clause, sentence, or provision of this agreement is declared to be contrary to the constitution of any party State or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this agreement and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this agreement shall be held contrary to the constitution of any State party hereto, the agreement shall remain in full force and effect as to the remaining States and in full force and effect as to the State affected as to all severable matters."

"Governor."

SEC. 3. The term "Governor" as used in the agreement on detainers shall mean with respect to the United States, the Attorney General, and with respect to the District of Columbia, the Commissioner of the District of Columbia.

"Appropriate courts"

SEC. 4. The term "appropriate court" as used in the agreement on detainers shall mean with respect to the United States, the courts of the United States, and with respect to the District of Columbia, the courts of the District of Columbia, in which indictments, informations, or complaints, for which disposition is sought, are pending.

SEC. 5. All courts, departments, agencies, officers, and employees of the United States and of the District of Columbia are hereby directed to enforce the agreement on detainers and to cooperate with one

another and with all party States in enforcing the agreement and effectuating its purpose.

SEC. 6. For the United States, the Attorney General, and for the District of Columbia, the Commissioner of the District of Columbia, shall establish such regulations, prescribe such forms, issue such instructions, and perform such other acts as he deems necessary for carrying out the provisions of this Act.

SEC. 7. The right to alter, amend, or repeal this Act is expressly reserved.

SEC. 8. This Act shall take effect on the ninetieth day after the date of its enactment.

Approved December 9, 1970.

Regulations.

Effective date.

Public Law 91-539

AN ACT

December 9, 1970

[H. R. 15216]

To authorize the Secretary of Defense to lend certain Army, Navy, and Air Force equipment and to provide transportation and other services to the Boy Scouts of America in connection with the World Jamboree of Boy Scouts to be held in Japan in 1971, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of Defense is hereby authorized, under such regulations as he may prescribe, to lend to the Boy Scouts of America, for the use and accommodation of the approximately four thousand Scouts, Scouters, and officials who are to attend the World Jamboree, Boy Scouts, to be held in Japan in July and August 1971, such tents, cots, blankets, commissary equipment, flags, refrigerators, and other equipment and without reimbursement, furnish services and expendable medical supplies, as may be necessary or useful to the extent that items are in stock and items or services are available.

Boy Scouts,
World Jamboree,
military support.

(b) Such equipment is authorized to be delivered at such time prior to the holding of such jamboree, and to be returned at such time after the close of such jamboree, as may be agreed upon by the Secretary of Defense and the Boy Scouts of America. No expense shall be incurred by the United States Government for the delivery, return, rehabilitation, or replacement of such equipment.

Equipment.

(c) The Secretary of Defense, before delivering such property, shall take from the Boy Scouts of America, good and sufficient bond for the safe return of such property in good order and condition, and the whole without expense to the United States.

Bond.

SEC. 2. (a) The Secretary of Defense is hereby authorized under such regulations as he may prescribe, to provide, without expense to the United States Government, transportation from the United States or military commands overseas, and return, on vessels of the Military Sea Transportation Service or aircraft of the Military Air Transportation Service for (1) those Boy Scouts, Scouters, and officials certified by the Boy Scouts of America, as representing the Boy Scouts of America, at the jamboree referred to in the first section of this Act, and (2) the equipment and property of such Boy Scouts, Scouters, and officials and the property loaned to the Boy Scouts of America, by the Secretary of Defense pursuant to this Act to the extent that such transportation will not interfere with the requirements of military operations.

Transportation
services.

Bond.

(b) Before furnishing any transportation under this section, the Secretary of Defense shall take from the Boy Scouts of America, a good and sufficient bond for the reimbursement to the United States by the Boy Scouts of America, of the actual costs of transportation furnished under this section.

Reimbursement.

SEC. 3. Amounts paid to the United States to reimburse it for expenses incurred under the first section and for the actual costs of transportation furnished under section 2 shall be credited to the current applicable appropriations or funds to which such expenses and costs were charged and shall be available for the same purposes as such appropriations or funds.

Passport fee.

SEC. 4. Under regulations prescribed by the Secretary of State, no fee shall be collected for the application for a passport by or the issuance of a passport to, any Boy Scout, Scouter, or official who is certified by the Boy Scouts of America, as representing the Boy Scouts of America, at the jamboree referred to in the first section of this Act.

Approved December 9, 1970.

Public Law 91-540

AN ACT

December 9, 1970
[S. 2543]

To prohibit the movement in interstate or foreign commerce of horses which are "sored", and for other purposes.

Horse Protec-
tion Act of 1970.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Horse Protection Act of 1970".

SEC. 2. (a) A horse shall be considered to be sored if, for the purpose of affecting its gait—

(1) a blistering agent has been applied after the date of enactment of this Act internally or externally to any of the legs, ankles, feet, or other parts of the horse;

(2) burns, cuts, or lacerations have been inflicted after the date of enactment of this Act on the horse;

(3) a chemical agent, or tacks or nails have been used after the date of enactment of this Act on the horse; or

(4) any other cruel or inhumane method or device has been used after the date of enactment of this Act on the horse, including, but not limited to, chains or boots;

which may reasonably be expected (A) to result in physical pain to the horse when walking, trotting, or otherwise moving, (B) to cause extreme physical distress to the horse, or (C) to cause inflammation.

(b) As used in this Act, the term "commerce" means commerce between a point in any State or possession of the United States (including the District of Columbia and the Commonwealth of Puerto Rico) and any point outside thereof, or between points within the same State or possession of the United States (including the District of Columbia and the Commonwealth of Puerto Rico) but through any place outside thereof, or within the District of Columbia, or from any foreign country to any point within the United States.

"Commerce."

SEC. 3. The Congress hereby finds (1) that the practice of soring horses for the purposes of affecting their natural gait is cruel and inhumane treatment of such animals; (2) that the movement of sored horses in commerce adversely affects and burdens such commerce; and (3) that horses which are sored compete unfairly with horses moved in commerce which are not sored.

SEC. 4. (a) It shall be unlawful for any person to ship, transport, or otherwise move, or deliver or receive for movement, in commerce, for the purpose of showing or exhibition, any horse which such person has reason to believe is sored.

Unlawful acts.

(b) It shall be unlawful for any person to show or exhibit, or enter for the purpose of showing or exhibiting, in any horse show or exhibition, any horse which is sored if that horse or any other horse was moved to such show or exhibition in commerce.

(c) It shall be unlawful for any person to conduct any horse show or exhibition in which there is shown or exhibited a horse which is sored, if any horse was moved to such show or exhibition in commerce, unless such person can establish that he has complied with such rules and regulations as the Secretary of Agriculture may prescribe to prevent the showing or exhibition of horses which have been sored.

Inspection.

SEC. 5. (a) Any representative of the Secretary of Agriculture is authorized to make such inspections of any horses which are being moved, or have been moved, in commerce and to make such inspections of any horses at any horse show or exhibition within the United States to which any horse was moved in commerce, as he deems necessary for the effective enforcement of this Act, and the owner or other person having custody of any such horse shall afford such representative access to and opportunity to so inspect such horse.

Horse shows
and exhibitions,
records.

(b) The person or persons in charge of any horse show or exhibition within the United States, or such other person or persons as the Secretary of Agriculture (hereinafter referred to in this Act as the "Secretary") may by regulation designate, shall keep such records as the Secretary may by regulation prescribe. The person or persons in charge of any horse show or exhibition, or such other person or persons as the Secretary may by regulation designate, shall afford the representatives of the Secretary access to and opportunity to inspect and copy such records at all reasonable times.

Penalty.

Hearing
opportunity.

SEC. 6. (a) Any person who violates any provision of this Act or any regulation issued thereunder, other than a violation the penalty for which is prescribed by subsection (b) of this section, shall be assessed a civil penalty by the Secretary of not more than \$1,000 for each such violation. No penalty shall be assessed unless such person is given notice and opportunity for a hearing with respect to such violation. Each violation shall be a separate offense. Any such civil penalty may be compromised by the Secretary. Upon any failure to pay the penalty assessed under this subsection, the Secretary shall request the Attorney General to institute a civil action in a district court of the United States for any district in which such person is found or resides or transacts business to collect the penalty and such court shall have jurisdiction to hear and decide any such action.

Penalty.

(b) Any person who willfully violates any provision of this Act or any regulation issued thereunder shall be fined not more than \$2,000 or imprisoned not more than six months, or both.

SEC. 7. Whenever the Secretary believes that a willful violation of this Act has occurred and that prosecution is needed to obtain compliance with the Act, he shall inform the Attorney General and the Attorney General shall take such action with respect to such matter as he deems appropriate.

Department of
Agriculture
personnel.

SEC. 8. The Secretary, in carrying out the provisions of this Act, shall utilize, to the maximum extent practicable, the existing personnel and facilities of the Department of Agriculture. The Secretary is further authorized to utilize the officers and employees of any State, with its consent, and with or without reimbursement, to assist him in carrying out the provisions of this Act.

Regulations.

SEC. 9. The Secretary is authorized to issue such rules and regulations as he deems necessary to carry out the provisions of this Act.

SEC. 10. No provision of this Act shall be construed as indicating an intent on the part of the Congress to occupy the field in which such provision operates to the exclusion of the law of any State on the same subject matter, unless there is a direct and positive conflict between such provision and the law of the State so that the two cannot be reconciled or consistently stand together. Nor shall any provision of this Act be construed to exclude the Federal Government from enforcing the provision of this Act within any State, whether or not such State has enacted legislation on the same subject, it being the intent of the Congress to establish concurrent jurisdiction with the States over such subject matter. In no case shall any such State take any action pursuant to this section involving a violation of any such law of that State which would preclude the United States from enforcing the provisions of this Act against any person.

Report to
Congress.

SEC. 11. On or before the expiration of thirty calendar months following the date of enactment of this Act, and every twenty-four-calendar-month period thereafter, the Secretary shall submit to the Congress a report upon the matters covered by this Act, including enforcement and other actions taken thereunder, together with such recommendations for legislative and other action as he deems appropriate.

SEC. 12. There are hereby authorized to be appropriated such sums, not to exceed \$100,000 annually, as may be necessary to carry out the provisions of this Act. Appropriation.

Approved December 9, 1970.

Public Law 91-541

JOINT RESOLUTION

To provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute.

December 10, 1970
[H. J. Res. 1413]

Whereas the labor dispute between the carriers represented by the National Railway Labor Conference and the Eastern, Western, and Southeastern Carriers Conference Committees and certain of their employees represented by the United Transportation Union, the Brotherhood of Railway Airline and Steamship Clerks, Freight Handlers, Express and Station Employees (BRAC), the Brotherhood of Maintenance of Way Employees, Hotel and Restaurant Employees and Bartenders International Union threatens essential transportation services of the Nation; and

Whereas it is essential to the national interest, including the national health and defense, that essential transportation services be maintained; and

Whereas all the procedures for resolving such dispute provided for in the Railway Labor Act have been exhausted and have not resulted in settlement of the dispute; and

44 Stat. 577;
48 Stat. 1185,
45 USC 151.

Whereas the Congress finds that emergency measures are essential to security and continuity of transportation services by such carriers; and

Whereas it is desirable to achieve the objectives in a manner which preserves and prefers solutions reached through collective bargaining; and

Whereas the recommendations of Presidential Emergency Board Numbered 178 for settlement of this dispute did not result in a settlement: Now, therefore, in order to encourage these parties to reach their own agreement, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the final paragraph of section 10 of the Railway Labor Act (45 U.S.C. 160) shall apply and be extended for an additional period with respect to the above dispute, so that no change, except by agreement, shall be made by the carriers represented by the National Railway Labor Conference and the Eastern, Western, and Southeastern Carriers Conference Committees or by their employees, in the conditions out of which such dispute arose prior to 12:01 antemeridian of March 1, 1971.

Railway strikes
or lockouts.
Prohibition.
44 Stat. 586.

SEC. 2. Not later than fifteen days prior to the expiration date specified in the first section of this joint resolution the President shall submit to the Congress a full and comprehensive report containing—

Report to
Congress.

(1) the progress, if any, of negotiations between the National Railway Labor Conference and the Eastern, Western, and Southeastern Carriers Conference Committees and their employees; and

(2) any such recommendations for a proposed solution of the dispute described in this joint resolution as he deems appropriate.

Pay increase,
effective date.

SEC. 3. Notwithstanding the first section of this joint resolution, the rates of pay of all employees who are subject to the first section of this resolution shall be increased by 5 percent effective as of January 1, 1970, and by 32 cents per hour effective as of November 1, 1970. Nothing in this section shall prevent any change made by agreement in the increases in rates of pay provided pursuant to this section.

Approved December 10, 1970.

Public Law 91-542

December 11, 1970
[H. R. 19000]

AN ACT

To amend the Act of April 24, 1961, authorizing the use of judgment funds of the Nez Perce Tribe.

Indians.
Nez Perce
Tribe, judgment
funds.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 1 of the Act entitled "An Act to authorize the use of funds arising from a judgment in favor of the Nez Perce Tribe of Indians, and for other purposes," approved April 24, 1961 (75 Stat. 45), is amended by inserting after "180-A," the following: "and the funds deposited in the Treasury of the United States to pay the final judgment entered by the Indian Claims Commission on April 29, 1970 in docket 179."

SEC. 2. The last sentence of section 2 of the aforesaid Act is amended by inserting after "175" a comma and "179".

Approved December 11, 1970.

Public Law 91-543

December 11, 1970
[H. R. 9677]

AN ACT

To amend section 1866 of title 28, United States Code, prescribing the manner in which summonses for jury duty may be served.

Federal jurors.
Duty, service
of summons.
82 Stat. 58.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1866(b) of title 28, United States Code, is amended to read as follows:

"When the court orders a grand or petit jury to be drawn, the clerk or jury commission or their duly designated deputies shall issue summonses for the required number of jurors.

"Each person drawn for jury service may be served personally, or by registered or certified mail addressed to such person at his usual residence or business address.

"If such service is made personally, the summons shall be delivered by the clerk or the jury commission or their duly designated deputies to the marshal who shall make such service.

"If such service is made by registered or certified mail, the summons may be served by the clerk or jury commission or their duly designated deputies who shall make affidavit of service and shall file with such affidavit the addressee's receipt for the registered or certified summons. If such service is made by the marshal, he shall attach to his return the addressee's receipt for the registered or certified mail."

Approved December 11, 1970.

Public Law 91-544

AN ACT

Making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes.

December 11, 1970
[H. R. 17970]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1971, for military construction functions administered by the Department of Defense, and for other purposes, namely:

Military Construction Appropriations Act, 1971.

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, and facilities for the Army as currently authorized in military public works or military construction Acts, and in sections 2673 and 2675 of title 10, United States Code, \$646,958,000, to remain available until expended.

72 Stat. 1459;
Ante, p. 1224.

MILITARY CONSTRUCTION, NAVY

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, and facilities for the Navy as currently authorized in military public works or military construction Acts, and in sections 2673 and 2675 of title 10, United States Code, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, \$302,483,000, to remain available until expended.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, and facilities for the Air Force as currently authorized in military public works or military construction Acts, and in sections 2673 and 2675 of title 10, United States Code, \$284,147,000, to remain available until expended.

MILITARY CONSTRUCTION, DEFENSE AGENCIES

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, and facilities for activities and agencies of the Department of Defense (other than the military departments and the Office of Civil Defense), as currently authorized in military public works or military construction Acts, and in sections 2673 and 2675 of title 10, United States Code, \$46,300,000, to remain available until expended; and, in addition, not to exceed \$20,000,000 to be derived by transfer from the appropriation "Research, development, test, and evaluation, Defense Agencies" as determined by the Secretary of Defense: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction as he may designate.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard as authorized by chapter 133 of title 10, United States

70A Stat. 120.
10 USC 2231.

Code, as amended, and the Reserve Forces Facilities Acts, \$15,000,000, to remain available until expended.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, as amended, and the Reserve Forces Facilities Acts, \$8,000,000, to remain available until expended.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 133 of title 10, United States Code, as amended, and the Reserve Forces Facilities Acts, \$10,000,000, to remain available until expended.

MILITARY CONSTRUCTION, NAVAL RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 133 of title 10, United States Code, as amended, and the Reserve Forces Facilities Acts, \$5,000,000, to remain available until expended.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 133 of title 10, United States Code, as amended, and the Reserve Forces Facilities Acts, \$4,000,000, to remain available until expended.

FAMILY HOUSING, DEFENSE

For expenses of family housing for the Army, Navy, Marine Corps, Air Force, and Defense agencies, for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation, maintenance, and debt payment, including leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$806,464,000, to be obligated and expended in the Family Housing Management Account established pursuant to section 501(a) of Public Law 87-554, in not to exceed the following amounts:

76 Stat. 236.
42 USC 1594a-1.

For the Army:

Construction, \$46,402,000;

Operation, maintenance, \$152,500,000;

For the Navy and Marine Corps:

Construction, \$95,174,000;

Operation, maintenance, \$101,661,000;

For the Air Force:

Construction, \$75,926,000;

Operation, maintenance, \$165,075,000;

For defense agencies:

Construction, \$326,000;

Operation, maintenance, \$5,134,000;

For Department of Defense: Debt payment, \$164,266,000.

Provided, That the amounts provided under this head for construction and for debt payment shall remain available until expended.

GENERAL PROVISIONS

SEC. 101. Funds appropriated to the Department of Defense for construction in prior years are hereby made available for construction authorized for each such department by the authorizations enacted into law during the second session of the Ninety-first Congress.

Prior appropriations.

SEC. 102. None of the funds appropriated in this Act shall be expended for payments under a cost-plus-a-fixed-fee contract for work, where cost estimates exceed \$25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

Contracts.

SEC. 103. None of the funds appropriated in this Act shall be expended for additional costs involved in expediting construction unless the Secretary of Defense certifies such costs to be necessary to protect the national interest and establishes a reasonable completion date for each project, taking into consideration the urgency of the requirement, the type and location of the project, the climatic and seasonal conditions affecting the construction, and the application of economical construction practices.

Construction costs, limitation.

SEC. 104. None of the funds appropriated in this Act shall be used for the construction, replacement, or reactivation of any bakery, laundry, or drycleaning facility in the United States, its territories, or possessions, as to which the Secretary of Defense does not certify, in writing, giving his reasons therefor, that the services to be furnished by such facilities are not obtainable from commercial sources at reasonable rates.

Bakery facilities, etc.

SEC. 105. Funds appropriated to the Department of Defense for construction are hereby made available for hire of passenger motor vehicles.

Motor vehicles, hire.

SEC. 106. Funds appropriated to the Department of Defense for construction may be used for advances to the Bureau of Public Roads, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

Access roads, construction.

72 Stat. 908.

SEC. 107. None of the funds appropriated in this Act may be used to begin construction of new bases inside the continental United States for which specific appropriations have not been made.

New bases.

SEC. 108. No part of the funds provided in this Act shall be used for purchase of land or land easements in excess of 100 per centum of the value as determined by the Corps of Engineers or the Naval Facilities Engineering Command, except: (a) where there is a determination of value by a Federal court, (b) purchases negotiated by the Attorney General or his designee, and (c) where the estimated value is less than \$25,000.

Land purchases or easements.

SEC. 109. None of the funds appropriated in this Act may be used to make payments under contracts for any project in a foreign country unless the Secretary of Defense or his designee, after consultation with the Secretary of the Treasury or his designee, certifies to the Congress that the use, by purchase from the Treasury, of currencies of such country acquired pursuant to law is not feasible for the purpose, stating the reason therefor.

Foreign projects.

Family housing,
limitations.

SEC. 110. None of the funds appropriated in this Act shall be used to (1) acquire land, (2) provide for site preparation, or (3) install utilities for any family housing, except housing for which funds have been made available in annual military construction appropriations Acts.

Short title.

This Act may be cited as the "Military Construction Appropriations Act, 1971".

Approved December 11, 1970.

Public Law 91-545

AN ACT

December 11, 1970
[H. R. 4302]

To amend title 28 of the United States Code, section 753, to authorize payment by the United States of fees charged by court reporters for furnishing certain transcripts in proceedings under the Criminal Justice Act.

U.S. district
courts.
Transcript fees.
79 Stat. 647.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (f) of section 753 of title 28 of the United States Code is amended by striking all of the third sentence of that paragraph and substituting therefor the following: "Fees for transcripts furnished in criminal proceedings to persons proceeding under the Criminal Justice Act (18 U.S.C. 3006A), or in habeas corpus proceedings to persons allowed to sue, defend, or appeal in forma pauperis, shall be paid by the United States out of moneys appropriated for those purposes."

Ante, p. 916.

Approved December 11, 1970.

Public Law 91-546

AN ACT

December 14, 1970
[H. R. 18126]

To amend title 28 of the United States Code to provide for holding district court for the Eastern District of New York at Westbury, New York.

U.S. district
courts.
81 Stat. 662.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second paragraph of section 112(c) of title 28 of the United States Code is amended to read as follows:

New York.

"Court for the Eastern District shall be held at Brooklyn, Mineola, and Westbury."

62 Stat. 883.
Mississippi.

SEC. 2. That the last sentence of section 104(b) (4) of title 28 of the United States Code is amended to read as follows:

"Court for the southern division shall be held at Biloxi and Gulfport."

SEC. 3. That the last sentence of section 104(b) (3) of title 28, United States Code, is amended to read as follows:

"Court for the western division shall be held at Natchez and Vicksburg: *Provided*, That court shall be held at Natchez if suitable quarters and accommodations are furnished at no cost to the United States."

Maryland.

SEC. 4. That section 100 of title 28, United States Code, is amended to read as follows:

"§ 100. Maryland.

"Maryland constitutes one judicial district.

"Court shall be held at Baltimore, Cumberland, Denton, and at a suitable site in Prince Georges County not more than five miles from the boundary of Montgomery and Prince Georges Counties."

Approved December 14, 1970.

Public Law 91-547

AN ACT

December 14, 1970
[S. 2224]

To amend the Investment Company Act of 1940 and the Investment Advisers Act of 1940 to define the equitable standards governing relationships between investment companies and their investment advisers and principal underwriters, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Investment Company Amendments Act of 1970".

Investment
Company Amend-
ments Act of 1970.

SEC. 2. (a) Section 2(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)) is amended as follows:

54 Stat. 790.

(1) Paragraph (5) is amended by striking out "under section 11(k) of the Federal Reserve Act, as amended" and inserting in lieu thereof "under the authority of the Comptroller of the Currency".

(2) Paragraphs (19) through (35) are redesignated as paragraphs (20) through (36), respectively, and paragraphs (36) through (42) are redesignated as paragraphs (38) through (44), respectively.

(3) A new paragraph is inserted immediately after paragraph (18) to read as follows:

"(19) 'Interested person' of another person means—

"Interested
person."

"(A) when used with respect to an investment company—

"(i) any affiliated person of such company,

"(ii) any member of the immediate family of any natural person who is an affiliated person of such company,

"(iii) any interested person of any investment adviser of or principal underwriter for such company,

"(iv) any person or partner or employee of any person who at any time since the beginning of the last two fiscal years of such company has acted as legal counsel for such company,

"(v) any broker or dealer registered under the Securities Exchange Act of 1934 or any affiliated person of such a broker or dealer, and

48 Stat. 881.
15 USC 78a.

"(vi) any natural person whom the Commission by order shall have determined to be an interested person by reason of having had, at any time since the beginning of the last two fiscal years of such company, a material business or professional relationship with such company or with the principal executive officer of such company or with any other investment company having the same investment adviser or principal underwriter or with the principal executive officer of such other investment company:

Provided, That no person shall be deemed to be an interested person of an investment company solely by reason of (aa) his being a member of its board of directors or advisory board or an owner of its securities, or (bb) his membership in the immediate family of any person specified in clause (aa) of this proviso; and

"(B) when used with respect to an investment adviser of or principal underwriter for any investment company—

"(i) any affiliated person of such investment adviser or principal underwriter,

"(ii) any member of the immediate family of any natural person who is an affiliated person of such investment adviser or principal underwriter,

"(iii) any person who knowingly has any direct or indirect beneficial interest in, or who is designated as trustee, executor, or guardian of any legal interest in, any security issued either by such investment adviser or principal underwriter or by a controlling person of such investment adviser or principal underwriter,

“(iv) any person or partner or employee of any person who at any time since the beginning of the last two fiscal years of such investment company has acted as legal counsel for such investment adviser or principal underwriter,

48 Stat. 881.
15 USC 78a.

“(v) any broker or dealer registered under the Securities Exchange Act of 1934 or any affiliated person of such a broker or dealer, and

“(vi) any natural person whom the Commission by order shall have determined to be an interested person by reason of having had at any time since the beginning of the last two fiscal years of such investment company a material business or professional relationship with such investment adviser or principal underwriter or with the principal executive officer or any controlling person of such investment adviser or principal underwriter.

“Member of the immediate family.”

For the purposes of this paragraph (19), ‘member of the immediate family’ means any parent, spouse of a parent, child, spouse of a child, spouse, brother, or sister, and includes step and adoptive relationships. The Commission may modify or revoke any order issued under clause (vi) of subparagraph (A) or (B) of this paragraph whenever it finds that such order is no longer consistent with the facts. No order issued pursuant to clause (vi) of subparagraph (A) or (B) of this paragraph shall become effective until at least sixty days after the entry thereof, and no such order shall affect the status of any person for the purposes of this title or for any other purpose for any period prior to the effective date of such order.”

(4) A new paragraph is inserted immediately after redesignated paragraph (36) (formerly paragraph (35)) as follows:

“Separate account.”

“(37) ‘Separate account’ means an account established and maintained by an insurance company pursuant to the laws of any State or territory of the United States, or of Canada or any province thereof, under which income, gains and losses, whether or not realized, from assets allocated to such account, are, in accordance with the applicable contract, credited to or charged against such account without regard to other income, gains, or losses of the insurance company.”

(5) A new paragraph is inserted immediately after redesignated paragraph (44) (formerly paragraph (42)) as follows:

“Savings and loan association.”

“(45) ‘Savings and loan association’ means a savings and loan association, building and loan association, cooperative bank, homestead association, or similar institution, which is supervised and examined by State or Federal authority having supervision over any such institution, and a receiver, conservator, or other liquidating agent of any such institution.”

54 Stat. 811.

(b) Section 13(b) of such Act (15 U.S.C. 80a-13(b)) is amended by striking out “paragraph (40)” and inserting in lieu thereof “paragraph (42)”.

Exemptions.
54 Stat. 797.

SEC. 3. (a) The second sentence of paragraph (2) of section 3(b) of the Investment Company Act of 1940 (15 U.S.C. 80a-3(b)(2)) is amended by inserting “in good faith” after “paragraph”.

80 Stat. 243.

(b) Section 3(c) of such Act (15 U.S.C. 80a-3(c)) is amended as follows:

(1) The material preceding paragraph (1) is amended to read as follows:

“(c) Notwithstanding subsection (a), none of the following persons is an investment company within the meaning of this title:”

(2) Strike paragraph (8); redesignate paragraphs (5) through (15) as paragraphs (4) through (13), respectively; and strike “paragraphs

(3), (5), and (6)" in redesignated paragraph (6) (formerly paragraph (7)) and insert in lieu thereof "paragraphs (3), (4), and (5)".

(3) Redesignated paragraph (5) (formerly paragraph (6)) is amended by inserting "redeemable securities," before "face-amount certificates".

54 Stat. 798.
15 USC 80a-3.

(4) Redesignated paragraph (8) (formerly paragraph (10)) is amended to read as follows:

"(8) Any company subject to regulation under the Public Utility Holding Company Act of 1935."

49 Stat. 838.
15 USC 79.
Certain trust
funds and ac-
counts, exclusion.

(5) Redesignated paragraph (11) (formerly paragraph (13)) is amended to read as follows:

"(11) Any employees' stock bonus, pension, or profit-sharing trust which meets the requirements for qualification under section 401 of the Internal Revenue Code of 1954; or any collective trust fund maintained by a bank consisting solely of assets of such trusts; or any separate account the assets of which are derived solely from (A) contributions under pension or profit-sharing plans which meet the requirements of such section or the requirements for deduction of the employer's contribution under section 404(a)(2) of such Code, and (B) advances made by an insurance company in connection with the operation of such separate account."

68A Stat. 134;
76 Stat. 809, 1141;
80 Stat. 1577.
26 USC 401.

26 USC 404.

(c)(1) Section 8(b)(2) of such Act (15 U.S.C. 80a-8(b)(2)) is amended to read as follows:

Registration
statement.

"(2) a recital of all investment policies of the registrant, not enumerated in paragraph (1), which are changeable only if authorized by shareholder vote;"

Policy change-
able only by
shareholder vote.

(2) Paragraphs (3) and (4) are redesignated as paragraphs (4) and (5), respectively.

54 Stat. 804.

(3) A new paragraph is inserted immediately after paragraph (2) to read as follows:

Fundamental
policy.

"(3) a recital of all policies of the registrant, not enumerated in paragraphs (1) and (2), in respect of matters which the registrant deems matters of fundamental policy;"

(d) Section 13(a)(3) of such Act (15 U.S.C. 80a-13(a)(3)) is amended to read as follows:

Investment
policy deviation,
prohibition.

"(3) deviate from its policy in respect of concentration of investments in any particular industry or group of industries as recited in its registration statement, deviate from any investment policy which is changeable only if authorized by shareholder vote, or deviate from any policy recited in its registration statement pursuant to section 8(b)(3);"

Supra.

Ineligibility.

SEC. 4. (a) That part of section 9(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-9(a)) which precedes paragraph (1) is amended by inserting "employee," before "officer".

(b) Section 9 of such Act (15 U.S.C. 80a-9) is further amended by redesignating subsection (b) as subsection (c) and inserting immediately after subsection (a) a new subsection to read as follows:

Certain persons
serving invest-
ment companies,
SEC administra-
tive action.

"(b) The Commission may, after notice and opportunity for hearing, by order prohibit, conditionally or unconditionally, either permanently or for such period of time as it in its discretion shall deem appropriate in the public interest, any person from serving or acting as an employee, officer, director, member of an advisory board, investment adviser or depositor of, or principal underwriter for, a registered investment company or affiliated person of such investment adviser, depositor, or principal underwriter, if such person—

"(1) has willfully made or caused to be made in any registration statement, application or report filed with the Commission under this title any statement which was at the time and in the light of the circumstances under which it was made false or

misleading with respect to any material fact, or has omitted to state in any such registration statement, application, or report any material fact which was required to be stated therein; or

48 Stat. 74, 881.
15 USC 77a, 78a.
54 Stat. 847.
15 USC 80b-1.

“(2) has willfully violated any provision of the Securities Act of 1933, or of the Securities Exchange Act of 1934, or of title II of this Act, or of this title, or of any rule or regulation under any of such statutes; or

“(3) has willfully aided, abetted, counseled, commanded, induced, or procured the violation by any other person of the Securities Act of 1933, or of the Securities Exchange Act of 1934, or of title II of this Act, or of this title, or of any rule or regulation under any of such statutes.”

Board of directors, restrictions.
54 Stat. 806.

SEC. 5. (a) Section 10(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-10(a)) is amended to read as follows:

“(a) No registered investment company shall have a board of directors more than 60 per centum of the members of which are persons who are interested persons of such registered company.”

(b) Section 10(b) of such Act (15 U.S.C. 80a-10(b)) is amended—

(1) by striking out “After one year from the effective date of this title, no” and inserting in lieu thereof “No”; and

(2) by striking out “affiliated”, each place it appears in paragraph (2) and inserting in lieu thereof “interested”.

(c) Section 10(c) of such Act (15 U.S.C. 80a-10(c)) is amended to read as follows:

“(c) No registered investment company shall have a majority of its board of directors consisting of persons who are officers, directors, or employees of any one bank, except that, if on March 15, 1940, any registered investment company had a majority of its directors consisting of persons who are directors, officers, or employees of any one bank, such company may continue to have the same percentage of its board of directors consisting of persons who are directors, officers, or employees of such bank.”

(d) Section 10(d) of such Act (15 U.S.C. 80a-10(d)) is amended to read as follows:

“(d) Notwithstanding subsections (a) and (b) (2) of this section, a registered investment company may have a board of directors all the members of which, except one, are interested persons of the investment adviser of such company, or are officers or employees of such company, if—

“(1) such investment company is an open-end company;

“(2) such investment adviser is registered under title II of this Act and is engaged principally in the business of rendering investment supervisory services as defined in title II;

“(3) no sales load is charged on securities issued by such investment company;

“(4) any premium over net asset value charged by such company upon the issuance of any such security, plus any discount from net asset value charged on redemption thereof, shall not in the aggregate exceed 2 per centum;

“(5) no sales or promotion expenses are incurred by such registered company; but expenses incurred in complying with laws regulating the issue or sale of securities shall not be deemed sales or promotion expenses;

“(6) such investment adviser is the only investment adviser to such investment company, and such investment adviser does not receive a management fee exceeding 1 per centum per annum of the value of such company's net assets averaged over the year or taken as of a definite date or dates within the year;

Bank collective funds for managing agency accounts, exemptions.
Supra.

“(7) all executive salaries and executive expenses and office rent of such investment company are paid by such investment adviser; and

“(8) such investment company has only one class of securities outstanding, each unit of which has equal voting rights with every other unit.”

SEC. 6. Section 11(b) of the Investment Company Act of 1940 (15 U.S.C. 80a-11(b)) is amended to read as follows:

“(b) The provisions of this section shall not apply to any offer made pursuant to any plan of reorganization, which is submitted to and requires the approval of the holders of at least a majority of the outstanding shares of the class or series to which the security owned by the offeree belongs.”

Reorganization,
exchange of
series shares.
54 Stat. 808.

SEC. 7. Section 12(d) of the Investment Company Act of 1940 (15 U.S.C. 80a-12(d)) is amended to read as follows:

“(d) (1) (A) It shall be unlawful for any registered investment company (the ‘acquiring company’) and any company or companies controlled by such acquiring company to purchase or otherwise acquire any security issued by any other investment company (the ‘acquired company’), and for any investment company (the ‘acquiring company’) and any company or companies controlled by such acquiring company to purchase or otherwise acquire any security issued by any registered investment company (the ‘acquired company’), if the acquiring company and any company or companies controlled by it immediately after such purchase or acquisition own in the aggregate—

Fund holding
companies, limi-
tations.

“(i) more than 3 per centum of the total outstanding voting stock of the acquired company;

“(ii) securities issued by the acquired company having an aggregate value in excess of 5 per centum of the value of the total assets of the acquiring company; or

“(iii) securities issued by the acquired company and all other investment companies (other than Treasury stock of the acquiring company) having an aggregate value in excess of 10 per centum of the value of the total assets of the acquiring company.

“(B) It shall be unlawful for any registered open-end investment company (the ‘acquired company’), any principal underwriter therefor, or any broker or dealer registered under the Securities Exchange Act of 1934, knowingly to sell or otherwise dispose of any security issued by the acquired company to any other investment company (the ‘acquiring company’) or any company or companies controlled by the acquiring company, if immediately after such sale or disposition—

48 Stat. 881.
15 USC 78a.

“(i) more than 3 per centum of the total outstanding voting stock of the acquired company is owned by the acquiring company and any company or companies controlled by it; or

“(ii) more than 10 per centum of the total outstanding voting stock of the acquired company is owned by the acquiring company and other investment companies and companies controlled by them.

“(C) It shall be unlawful for any investment company (the ‘acquiring company’) and any company or companies controlled by the acquiring company to purchase or otherwise acquire any security issued by a registered closed-end investment company, if immediately after such purchase or acquisition the acquiring company, other investment companies having the same investment adviser, and companies controlled by such investment companies, own more than 10 per centum of the total outstanding voting stock of such closed-end company.

Exceptions.

Ante, p. 1417.

“(D) The provisions of this paragraph (1) shall not apply to a security received as a dividend or as a result of an offer of exchange approved pursuant to section 11 or of a plan of reorganization of any company (other than a plan devised for the purpose of evading the foregoing provisions).

“(E) The provisions of this paragraph (1) shall not apply to a security (or securities) purchased or acquired by an investment company if—

48 Stat. 881.
15 USC 78a.

“(i) the depositor of, or principal underwriter for, such investment company is a broker or dealer registered under the Securities Exchange Act of 1934, or a person controlled by such a broker or dealer;

“(ii) such security is the only investment security held by such investment company (or such securities are the only investment securities held by such investment company, if such investment company is a registered unit investment trust that issues two or more classes or series of securities, each of which provides for the accumulation of shares of a different investment company); and

“(iii) in the event such investment company is not a registered investment company, the purchase or acquisition is made pursuant to an arrangement with the issuer of, or principal underwriter for the issuer of, the security whereby such investment company is obligated—

“(aa) either to seek instructions from its security holders with regard to the voting of all proxies with respect to such security and to vote such proxies only in accordance with such instructions, or to vote the shares held by it in the same proportion as the vote of all other holders of such security, and

“(bb) to refrain from substituting such security unless the Commission shall have approved such substitution in the manner provided in section 26 of this Act.

Post, p. 1424.

“(F) The provisions of this paragraph (1) shall not apply to securities purchased or otherwise acquired by a registered investment company if—

“(i) immediately after such purchase or acquisition not more than 3 per centum of the total outstanding stock of such issuer is owned by such registered investment company and all affiliated persons of such registered investment company; and

“(ii) such registered investment company has not offered or sold after January 1, 1971, and is not proposing to offer or sell any security issued by it through a principal underwriter or otherwise at a public offering price which includes a sales load of more than 1½ per centum.

No issuer of any security purchased or acquired by a registered investment company pursuant to this subparagraph shall be obligated to redeem such security in an amount exceeding 1 per centum of such issuer's total outstanding securities during any period of less than thirty days. Such investment company shall exercise voting rights by proxy or otherwise with respect to any security purchased or acquired pursuant to this subparagraph in the manner prescribed by subparagraph (E) of this subsection.

“(G) For the purposes of this paragraph (1), the value of an investment company's total assets shall be computed as of the time of a purchase or acquisition or as closely thereto as it reasonably possible.

“(H) In any action brought to enforce the provisions of this paragraph (1), the Commission may join as a party the issuer of any security purchased or otherwise acquired in violation of this para-

graph (1), and the court may issue any order with respect to such issuer as may be necessary or appropriate for the enforcement of the provisions of this paragraph (1).

“(2) It shall be unlawful for any registered investment company and any company or companies controlled by such registered investment company to purchase or otherwise acquire any security (except a security received as a dividend or as a result of a plan of reorganization of any company, other than a plan devised for the purpose of evading the provisions of this paragraph) issued by any insurance company of which such registered investment company and any company or companies controlled by such registered company do not, at the time of such purchase or acquisition, own in the aggregate at least 25 per centum of the total outstanding voting stock, if such registered company and any company or companies controlled by it own in the aggregate, or as a result of such purchase or acquisition will own in the aggregate, more than 10 per centum of the total outstanding voting stock of such insurance company.

“(3) It shall be unlawful for any registered investment company and any company or companies controlled by such registered investment company to purchase or otherwise acquire any security issued by or any other interest in the business of any person who is a broker, a dealer, is engaged in the business of underwriting, or is either an investment adviser of an investment company or an investment adviser registered under title II of this Act, unless (A) such person is a corporation all the outstanding securities of which (other than short-term paper, securities representing bank loans, and directors' qualifying shares) are, or after such acquisition will be, owned by one or more registered investment companies; and (B) such person is primarily engaged in the business of underwriting and distributing securities issued by other persons, selling securities to customers, or any one or more of such or related activities, and the gross income of such person normally is derived principally from such business or related activities.”

SEC. 8. (a) Section 15(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-15(a)) is amended to read as follows:

54 Stat. 847.
15 USC 80b-1.

Investment
adviser, contract
requirements.
54 Stat. 812.

“(a) It shall be unlawful for any person to serve or act as investment adviser of a registered investment company, except pursuant to a written contract, which contract, whether with such registered company or with an investment adviser of such registered company, has been approved by the vote of a majority of the outstanding voting securities of such registered company, and—

“(1) precisely describes all compensation to be paid thereunder;

“(2) shall continue in effect for a period more than two years from the date of its execution, only so long as such continuance is specifically approved at least annually by the board of directors or by vote of a majority of the outstanding voting securities of such company;

“(3) provides, in substance, that it may be terminated at any time, without the payment of any penalty, by the board of directors of such registered company or by vote of a majority of the outstanding voting securities of such company on not more than sixty days' written notice to the investment adviser; and

“(4) provides, in substance, for its automatic termination in the event of its assignment.”

(b) Section 15(b) of such Act (15 U.S.C. 80a-15(b)) is amended to read as follows:

Principal under-
writer, contract
requirements.

“(b) It shall be unlawful for any principal underwriter for a registered open-end company to offer for sale, sell, or deliver after sale any security of which such company is the issuer, except pursuant to a written contract with such company, which contract—

"(1) shall continue in effect for a period more than two years from the date of its execution, only so long as such continuance is specifically approved at least annually by the board of directors or by vote of a majority of the outstanding voting securities of such company; and

"(2) provides, in substance, for its automatic termination in the event of its assignment."

Advisory and
underwriting con-
tracts, approval.
54 Stat. 813.

(c) Section 15(c) of such Act (15 U.S.C. 80a-15(c)) is amended to read as follows:

"(c) In addition to the requirements of subsections (a) and (b) of this section, it shall be unlawful for any registered investment company having a board of directors to enter into, renew, or perform any contract or agreement, written or oral, whereby a person undertakes regularly to serve or act as investment adviser of or principal underwriter for such company, unless the terms of such contract or agreement and any renewal thereof have been approved by the vote of a majority of directors, who are not parties to such contract or agreement or interested persons of any such party, cast in person at a meeting called for the purpose of voting on such approval. It shall be the duty of the directors of a registered investment company to request and evaluate, and the duty of an investment adviser to such company to furnish, such information as may reasonably be necessary to evaluate the terms of any contract whereby a person undertakes regularly to serve or act as investment adviser of such company."

(d) Section 15 of such Act (15 U.S.C. 80a-15) is amended by striking out subsection (d) and redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

Securities,
custody.

SEC. 9. (a) Section 17(f) of the Investment Company Act of 1940 (15 U.S.C. 80a-17(f)) is amended to read as follows:

"(f) Every registered management company shall place and maintain its securities and similar investments in the custody of (1) a bank or banks having the qualifications prescribed in paragraph (1) of section 26(a) of this title for the trustees of unit investment trusts; or (2) a company which is a member of a national securities exchange as defined in the Securities Exchange Act of 1934, subject to such rules and regulations as the Commission may from time to time prescribe for the protection of investors; or (3) such registered company, but only in accordance with such rules and regulations or orders as the Commission may from time to time prescribe for the protection of investors. Subject to such rules, regulations, and orders as the Commission may adopt as necessary or appropriate for the protection of investors, a registered management company or any such custodian, with the consent of the registered management company for which it acts as custodian, may deposit all or any part of the securities owned by such registered management company in a system for the central handling of securities established by a national securities exchange or national securities association registered with the Commission under the Securities Exchange Act of 1934, or such other person as may be permitted by the Commission, pursuant to which system all securities of any particular class or series of any issuer deposited within the system are treated as fungible and may be transferred or pledged by bookkeeping entry without physical delivery of such securities. Rules, regulations, and orders of the Commission under this subsection, among other things, may make appropriate provision with respect to such matters as the earmarking, segregation, and hypothecation of such securities and investments, and may provide for or require periodic or other inspections by any or all of the following: Independent public accountants, employees and agents of the Commission, and such other persons as the Commission may designate. No such member

54 Stat. 827.
15 USC 80a-26.

48 Stat. 881.
15 USC 78a.

which trades in securities for its own account may act as custodian except in accordance with rules and regulations prescribed by the Commission for the protection of investors. If a registered company maintains its securities and similar investments in the custody of a qualified bank or banks, the cash proceeds from the sale of such securities and similar investments and other cash assets of the company shall likewise be kept in the custody of such a bank or banks, or in accordance with such rules and regulations or orders as the Commission may from time to time prescribe for the protection of investors, except that such a registered company may maintain a checking account in a bank or banks having the qualifications prescribed in paragraph (1) of section 26(a) of this title for the trustees of unit investment trusts with the balance of such account or the aggregate balances of such accounts at no time in excess of the amount of the fidelity bond, maintained pursuant to section 17(g) of this title, covering the officers or employees authorized to draw on such account or accounts."

54 Stat. 827.
15 USC 80a-26.

Infra.

Securities or
funds in custody
of bank, access,
bonding.
54 Stat. 816.

(b) Section 17(g) of such Act (15 U.S.C. 80a-17(g)) is amended to read as follows:

"(g) The Commission is authorized to require by rules and regulations or orders for the protection of investors that any officer or employee of a registered management investment company who may singly, or jointly with others, have access to securities or funds of any registered company, either directly or through authority to draw upon such funds or to direct generally the disposition of such securities (unless the officer or employee has such access solely through his position as an officer or employee of a bank) be bonded by a reputable fidelity insurance company against larceny and embezzlement in such reasonable minimum amounts as the Commission may prescribe."

(c) Section 17 of such Act (15 U.S.C. 80a-17) is further amended by adding at the end thereof a new subsection as follows:

Insider trading,
prohibition.

"(j) It shall be unlawful for any affiliated person of or principal underwriter for a registered investment company or any affiliated person of an investment adviser of or principal underwriter for a registered investment company, to engage in any act, practice, or course of business in connection with the purchase or sale, directly or indirectly, by such person of any security held or to be acquired by such registered investment company in contravention of such rules and regulations as the Commission may adopt to define, and prescribe means reasonably necessary to prevent, such acts, practices, or courses of business as are fraudulent, deceptive or manipulative. Such rules and regulations may include requirements for the adoption of codes of ethics by registered investment companies and investment advisers of, and principal underwriters for, such investment companies establishing such standards as are reasonably necessary to prevent such acts, practices, or courses of business."

SEC. 10. Section 18(f) (2) of the Investment Company Act of 1940 (15 U.S.C. 80a-18(f) (2)) is amended to read as follows:

"(2) 'Senior security' shall not, in the case of a registered open-end company, include a class or classes or a number of series of preferred or special stock each of which is preferred over all other classes or series in respect of assets specifically allocated to that class or series: *Provided*, That (A) such company has outstanding no class or series of stock which is not so preferred over all other classes or series, or (B) the only other outstanding class of the issuer's stock consists of a common stock upon which no dividend (other than a liquidating dividend) is permitted to be paid and which in the aggregate represents not more than one-half of 1 per centum of the issuer's outstanding voting securities. For the purpose of insuring fair and equitable treatment of the holders of the outstanding voting securities of each class or series of

"Senior
security."

stock of such company, the Commission may by rule, regulation, or order direct that any matter required to be submitted to the holders of the outstanding voting securities of such company shall not be deemed to have been effectively acted upon unless approved by the holders of such percentage (not exceeding a majority) of the outstanding voting securities of each class or series of stock affected by such matter as shall be prescribed in such rule, regulation, or order."

Long-term capital gains, distribution, limitation.
54 Stat. 821.

SEC. 11. Section 19 of the Investment Company Act of 1940 (15 U.S.C. 80a-19) is amended by inserting "(a)" after "SEC. 19.", and by adding at the end thereof a new subsection as follows:

"(b) It shall be unlawful in contravention of such rules, regulations, or orders as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors for any registered investment company to distribute long-term capital gains, as defined in the Internal Revenue Code of 1954, more often than once every twelve months."

68A Stat. 3.
26 USC 1.

SEC. 12. (a) Section 22(b) of the Investment Company Act of 1940 (15 U.S.C. 80a-22(b)) is amended to read as follows:

Redeemable securities, excessive sales load, prohibition.
52 Stat. 1070;
78 Stat. 574.
15 USC 78o-3.

"(b) (1) Such a securities association may also, by rules adopted and in effect in accordance with said section 15A, and notwithstanding the provisions of subsection (b) (8) thereof but subject to all other provisions of said section applicable to the rules of such an association, prohibit its members from purchasing, in connection with a primary distribution of redeemable securities of which any registered investment company is the issuer, any such security from the issuer or from any principal underwriter except at a price equal to the price at which such security is then offered to the public less a commission, discount, or spread which is computed in conformity with a method or methods, and within such limitations as to the relation thereof to said public offering price, as such rules may prescribe in order that the price at which such security is offered or sold to the public shall not include an excessive sales load but shall allow for reasonable compensation for sales personnel, broker-dealers, and underwriters, and for reasonable sales loads to investors. The Commission shall on application or otherwise, if it appears that smaller companies are subject to relatively higher operating costs, make due allowance therefor by granting any such company or class of companies appropriate qualified exemptions from the provisions of this section.

Exemption.

Regulations.

Ante, p. 1413.

78 Stat. 573.
15 USC 78o.

Compliance notice.

"(2) At any time after the expiration of eighteen months from the date of enactment of the Investment Company Amendments Act of 1970, or after a securities association has adopted rules as contemplated by this subsection, the Commission may make such rules and regulations pursuant to section 15(b) (10) of the Securities Exchange Act of 1934 as are appropriate to effectuate the purpose of this subsection with respect to sales of shares of a registered investment company by broker-dealers subject to regulation under section 15(b) (8) of that Act: *Provided*, That the underwriter of such shares may file with the Commission at any time a notice of election to comply with the rules prescribed pursuant to this subsection by a national securities association specified in such notice, and thereafter the sales load shall not exceed that prescribed by such rules of such association, and the rules of the Commission as hereinabove authorized shall thereafter be inapplicable to such sales.

Rules changes.

"(3) At any time after the expiration of eighteen months from the date of enactment of the Investment Company Amendments Act of 1970 (or, if earlier, after a securities association has adopted for purposes of paragraph (1) any rule respecting excessive sales loads), the Commission may alter or supplement the rules of any securities association as may be necessary to effectuate the purposes of this subsection

in the manner provided by section 15A(k)(2) of the Securities Exchange Act of 1934.

“(4) If any provision of this subsection is in conflict with any provision of any law of the United States in effect on the date this subsection takes effect, the provisions of this subsection shall prevail.”

(b) Section 22(c) of such Act (15 U.S.C. 80a-22(c)) is amended to read as follows:

“(c) The Commission may make rules and regulations applicable to registered investment companies and to principal underwriters of, and dealers in, the redeemable securities of any registered investment company, whether or not members of any securities association, to the same extent, covering the same subject matter, and for the accomplishment of the same ends as are prescribed in subsection (a) of this section in respect of the rules which may be made by a registered securities association governing its members. Any rules and regulations so made by the Commission, to the extent that they may be inconsistent with the rules of any such association, shall so long as they remain in force supersede the rules of the association and be binding upon its members as well as all other underwriters and dealers to whom they may be applicable.”

(c) Section 22(d) of such Act (15 U.S.C. 80a-22(d)) is amended to read as follows:

“(d) No registered investment company shall sell any redeemable security issued by it to any person except either to or through a principal underwriter for distribution or at a current public offering price described in the prospectus, and, if such class of security is being currently offered to the public by or through an underwriter, no principal underwriter of such security and no dealer shall sell any such security to any person except a dealer, a principal underwriter, or the issuer, except at a current public offering price described in the prospectus. Nothing in this subsection shall prevent a sale made (i) pursuant to an offer of exchange permitted by section 11 including any offer made pursuant to section 11(b); (ii) pursuant to an offer made solely to all registered holders of the securities, or of a particular class or series of securities issued by the company proportionate to their holdings or proportionate to any cash distribution made to them by the company (subject to appropriate qualifications designed solely to avoid issuance of fractional securities); or (iii) in accordance with rules and regulations of the Commission made pursuant to subsection (b) of section 12.”

SEC. 13. (a) Section 24(d) of the Investment Company Act of 1940 (15 U.S.C. 80a-24(d)) is amended to read as follows:

“(d) The exemption provided by paragraph (8) of section 3(a) of the Securities Act of 1933 shall not apply to any security of which an investment company is the issuer. The exemption provided by paragraph (11) of said section 3(a) shall not apply to any security of which a registered investment company is the issuer, except a security sold or disposed of by the issuer or bona fide offered to the public prior to the effective date of this title, and with respect to a security so sold, disposed of, or offered, shall not apply to any new offering thereof on or after the effective date of this title. The exemption provided by section 4(3) of the Securities Act of 1933 shall not apply to any transaction in a security issued by a face-amount certificate company or in a redeemable security issued by an open-end management company or unit investment trust if any other security of the same class is currently being offered or sold by the issuer or by or through an underwriter in a distribution which is not exempted from section 5 of said Act, except to such extent and subject to such terms and conditions as the Commission, having due regard for the public interest and the protection of investors, may prescribe by rules or regulations with respect to any class of persons, securities, or transactions.”

78 Stat. 578.
15 USC 78o-3.

Rules and
regulations, appli-
cability.
54 Stat. 823.

Sales restric-
tions.

54 Stat. 808.
15 USC 80a-11.
Ante, p. 1417.

Registration,
exemption provi-
sions.
54 Stat. 826;
68 Stat. 689.
48 Stat. 76.
15 USC 77c.
48 Stat. 906.

78 Stat. 580.
15 USC 77d.

68 Stat. 684.
15 USC 77e.

Securities, retroactive registration.

54 Stat. 825;
68 Stat. 689.

(b) Section 24 of such Act (15 U.S.C. 80a-24) is further amended by adding at the end thereof a new subsection to read as follows:

“(f) In the case of securities issued by a face-amount certificate company or redeemable securities issued by an open-end management company or unit investment trust, which are sold in an amount in excess of the number of securities included in an effective registration statement of any such company, such company may, in accordance with such rules and regulations as the Commission shall adopt as it deems necessary or appropriate in the public interest or for the protection of investors, elect to have the registration of such securities deemed effective as of the time of their sale, upon payment to the Commission, within six months after any such sale, of a registration fee of three times the amount of the fee which would have otherwise been applicable to such securities. Upon any such election and payment, the registration statement of such company shall be considered to have been in effect with respect to such shares. The Commission may also adopt rules and regulations as it deems necessary or appropriate in the public interest or for the protection of investors to permit the registration of an indefinite number of the securities issued by a face-amount certificate company or redeemable securities issued by an open-end management company or unit investment trust.”

Reorganization plan consummation, enjoinder.

SEC. 14. Section 25(c) of the Investment Company Act of 1940 (15 U.S.C. 80a-25(c)) is amended to read as follows:

“(c) Any district court of the United States in the State of incorporation of a registered investment company, or any such court for the district in which such company maintains its principal place of business, is authorized to enjoin the consummation of any plan of reorganization of such registered investment company upon proceedings instituted by the Commission (which is authorized so to proceed upon behalf of security holders of such registered company, or any class thereof), if such court shall determine that any such plan is not fair and equitable to all security holders.”

Unit investment trust, securities, substitution.

SEC. 15. (a) Section 26 of the Investment Company Act of 1940 (15 U.S.C. 80a-26) is amended by redesignating subsections (b) and (c) thereof as subsections (c) and (d), respectively, and by inserting immediately after subsection (a) a new subsection as follows:

Commission, approval.

“(b) It shall be unlawful for any depositor or trustee of a registered unit investment trust holding the security of a single issuer to substitute another security for such security unless the Commission shall have approved such substitution. The Commission shall issue an order approving such substitution if the evidence establishes that it is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of this title.”

Contract.

(b) Redesignated subsection (c) (formerly subsection (b)) of section 26 of such Act is amended to read as follows:

“(c) In the event that a trust indenture, agreement of custodianship, or other instrument pursuant to which securities of a registered unit investment trust are issued does not comply with the requirements of subsection (a) of this section, such instrument will be deemed to meet such requirements if a written contract or agreement binding on the parties and embodying such requirements has been executed by the depositor on the one part and the trustee or custodian on the other part, and three copies of such contract of agreement have been filed with the Commission.”

Periodic payment plan certificates, regulations.

SEC. 16. Section 27 of the Investment Company Act of 1940 (15 U.S.C. 80a-27) is amended by adding at the end thereof the following new subsections:

“(d) Notwithstanding subsection (a) of this section, it shall be unlawful for any registered investment company issuing periodic

payment plan certificates, or for any depositor of or underwriter for such company, to sell any such certificate unless the certificate provides that the holder thereof may surrender the certificate at any time within the first eighteen months after the issuance of the certificate and receive in payment thereof, in cash, the sum of (1) the value of his account, and (2) an amount, from such underwriter or depositor, equal to that part of the excess paid for sales loading which is over 15 per centum of the gross payments made by the certificate holder. The Commission may make rules and regulations applicable to such underwriters and depositors specifying such reserve requirements as it deems necessary or appropriate in order for such underwriters and depositors to carry out the obligations to refund sales charges required by this subsection.

“(e) With respect to any periodic payment plan certificate sold subject to the provisions of subsection (d) of this section, the registered investment company issuing such periodic payment plan certificate, or any depositor of or underwriter for such company, shall in writing (1) inform each certificate holder who has missed three payments or more, within thirty days following the expiration of fifteen months after the issuance of the certificate, or, if any such holder has missed one payment or more after such period of fifteen months but prior to the expiration of eighteen months after the issuance of the certificate, at any time prior to the expiration of such eighteen-month period, of his right to surrender his certificate as specified in subsection (d) of this section, and (2) inform the certificate holder of (A) the value of the holder's account as of the time the written notice was given to such holder, and (B) the amount to which he is entitled as specified in subsection (d) of this section. The Commission may make rules specifying the method, form, and contents of the notice required by this subsection.

Refund privileges, notice.

“(f) With respect to any periodic payment plan, the custodian bank for such plan shall mail to each certificate holder, within sixty days after the issuance of the certificate, a statement of charges to be deducted from the projected payments on the certificate and a notice of his right of withdrawal as specified in this section. The Commission may make rules specifying the method, form, and contents of the notice required by this subsection. The certificate holder may within forty-five days of the mailing of the notice specified in this subsection surrender his certificate and receive in payment thereof, in cash, the sum of (1) the value of his account, and (2) an amount, from the underwriter or depositor, equal to the difference between the gross payments made and the net amount invested. The Commission may make rules and regulations applicable to underwriters and depositors of companies issuing any such certificates specifying such reserve requirements as it deems necessary or appropriate in order for such underwriters and depositors to carry out the obligations to refund sales charges required by this subsection.

Charges, statement.

“(g) Notwithstanding the provisions of subsections (a) and (d), a registered investment company issuing periodic payment plan certificates may elect, by written notice to the Commission, to be governed by the provisions of subsection (h) rather than the provisions of subsections (a) and (d) of this section.

Governing provisions.
54 Stat. 829.
15 USC 80a-27.

“(h) Upon making the election specified in subsection (g), it shall be unlawful for any such electing registered investment company issuing periodic payment plan certificates, or for any depositor of or underwriter for such company, to sell any such certificate, if—

Restrictions.

“(1) the sales load on such certificate exceeds 9 per centum of the total payments to be made thereon;

“(2) more than 20 per centum of any payment thereon is deducted for sales load, or an average of more than 16 per centum

is deducted for sales load from the first forty-eight monthly payments thereon, or their equivalent;

“(3) the amount of sales load deducted from any one of the first twelve monthly payments, the thirteenth through twenty-fourth monthly payments, the twenty-fifth through thirty-sixth monthly payments, or the thirty-seventh through forty-eighth monthly payments, or their equivalents, respectively, exceeds proportionately the amount deducted from any other such payment, or the amount deducted from any subsequent payment exceeds proportionately the amount deducted from any other subsequent payment;

“(4) the deduction for sales load on the excess of the payment or payments in any month over the minimum monthly payment, or its equivalent, to be made on the certificate exceeds the sales load applicable to payments subsequent to the first forty-eight monthly payments or their equivalent;

“(5) the first payment on such certificate is less than \$20, or any subsequent payment is less than \$10;

“(6) if such registered company is a management company, the proceeds of such certificate or the securities in which such proceeds are invested are subject to management fees (other than fees for administrative services of the character described in clause (C) of paragraph (2) of section 26(a)) exceeding such reasonable amount as the Commission may prescribe, whether such fees are payable to such company or to investment advisers thereof; or

“(7) if such registered company is a unit investment trust the assets of which are securities issued by a management company, the depositor of or principal underwriter for such trust, or any affiliated person of such depositor or underwriter, is to receive from such management company or any affiliated person thereof any fee or payment on account of payments on such certificate exceeding such reasonable amount as the Commission may prescribe.”

54 Stat. 827.
15 USC 80a-26.

Face-amount
certificates, sale.

SEC. 17. Section 28 of the Investment Company Act of 1940 (15 U.S.C. 80a-28) is amended by adding at the end thereof a new subsection as follows:

“(i) The foregoing provisions of this section shall apply to all face-amount certificates issued prior to the effective date of this subsection; to the collection or acceptance of any payment on such certificates; to the issuance of face-amount certificates to the holders of such certificates pursuant to an obligation expressed or implied in such certificates; to the provisions of such certificates; to the minimum certificate reserves and deposits maintained with respect thereto; and to the assets that the issuer of such certificate was and is required to have with respect to such certificates. With respect to all face-amount certificates issued after the effective date of this subsection, the provisions of this section shall apply except as hereinafter provided.

Reserve pay-
ments.

“(1) Notwithstanding subparagraph (A) of paragraph (2) of subsection (a), the reserves for each certificate of the installment type shall be based on assumed annual, semiannual, quarterly, or monthly reserve payments according to the manner in which gross payments for any certificate year are made by the holder, which reserve payments shall be sufficient in amount, as and when accumulated at a rate not to exceed $3\frac{1}{2}$ per centum per annum compounded annually, to provide the minimum maturity or face amount of the certificate when due. Such reserve payments may be graduated according to certificate years so that the reserve payment or payments for the first three certificate years shall amount to at least 80 per centum of the required gross annual payment for such years; the reserve payment or payments for the fourth certificate year shall amount to at least 90 per centum of

such year's required gross annual payment; the reserve payment or payments for the fifth certificate year shall amount to at least 93 per centum of such year's gross annual payment; and for the sixth and each subsequent certificate year the reserve payment or payments shall amount to at least 96 per centum of each such year's required gross annual payment: *Provided*, That such aggregate reserve payments shall amount to at least 93 per centum of the aggregate gross annual payments required to be made by the holder to obtain the maturity of the certificate. The company may at its option take as loading from the gross payment or payments for a certificate year, as and when made by the certificate holder, an amount or amounts equal in the aggregate for such year to not more than the excess, if any, of the gross payment or payments required to be made by the holder for such year, over and above the percentage of the gross annual payment required herein for such year for reserve purposes. Such loading may be taken by the company prior to or after the setting up of the reserve payment or payments for such year and the reserve payment or payments for such year may be graduated and adjusted to correspond with the amount of the gross payment or payments made by the certificate holder for such year less the loading so taken.

"(2) Notwithstanding paragraphs (1) and (2) of subsection (d), (A) in respect of any certificate of the installment type, during the first certificate year, the holder of the certificate, upon surrender thereof, shall be entitled to a value payable in cash not less than 80 per centum of the amount of the gross payments made on the certificate; and (B) in respect of any certificate of the installment type, at any time after the expiration of the first certificate year and prior to maturity, the holder of the certificate, upon surrender thereof, shall be entitled to a value payable in cash not less than the then amount of the reserve for such certificate required by clauses (1) and (2) of subparagraph (D) of paragraph (2) of subsection (a), less a surrender charge that shall not exceed 2 per centum of the face or maturity amount of the certificate, or 15 per centum of the amount of such reserve, whichever is the lesser, but in no event shall such value be less than 80 per centum of the gross payments made on the certificate. The amount of the surrender value for the end of each certificate year shall be set out in the certificate."

SEC. 18. Section 32(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-31(a)) is amended to read as follows:

"(a) It shall be unlawful for any registered management company or registered face-amount certificate company to file with the Commission any financial statement signed or certified by an independent public accountant, unless—

"(1) such accountant shall have been selected at a meeting held within thirty days before or after the beginning of the fiscal year or before the annual meeting of stockholders in that year by the vote, cast in person, of a majority of those members of the board of directors who are not interested persons of such registered company;

"(2) such selection shall have been submitted for ratification or rejection at the next succeeding annual meeting of stockholders if such meeting be held, except that any vacancy occurring between annual meetings, due to the death or resignation of the accountant, may be filled by the vote of a majority of those members of the board of directors who are not interested persons of such registered company, cast in person at a meeting called for the purpose of voting on such action;

"(3) the employment of such accountant shall have been conditioned upon the right of the company by vote of a majority of

Surrender value.

54 Stat. 832.
15 USC 80a-28.

Independent
public account-
ants.

the outstanding voting securities at any meeting called for the purpose to terminate such employment forthwith without any penalty; and

“(4) such certificate or report of such accountant shall be addressed both to the board of directors of such registered company and to the security holders thereof.

Vacancy.

54 Stat. 814.
15 USC 80a-16.

Anfe, p. 1413.

54 Stat. 839.

If the selection of an accountant has been rejected pursuant to paragraph (2) or his employment terminated pursuant to paragraph (3), the vacancy so occurring may be filled by a vote of a majority of the outstanding voting securities, either at the meeting at which the rejection or termination occurred or, if not so filled, at a subsequent meeting which shall be called for the purpose. In the case of a common-law trust of the character described in section 16(b), no ratification of the employment of such accountant shall be required but such employment may be terminated and such accountant removed by action of the holders of record of a majority of the outstanding shares of beneficial interest in such trust in the same manner as is provided in section 16(b) in respect of the removal of a trustee, and all the provisions therein contained as to the calling of a meeting shall be applicable. In the event of such termination and removal, the vacancy so occurring may be filled by action of the holders of record of a majority of the shares of beneficial interest either at the meeting, if any, at which such termination and removal occurs, or by instruments in writing filed with the custodian, or if not so filed within a reasonable time then at a subsequent meeting which shall be called by the trustees for the purpose. The provisions of paragraph (42) of section 2(a) as to a majority shall be applicable to the vote cast at any meeting of the shareholders of such a trust held pursuant to this subsection.”

SEC. 19. Section 33 of the Investment Company Act of 1940 (15 U.S.C. 80a-32) is amended to read as follows:

“FILING OF DOCUMENTS WITH COMMISSION IN CIVIL ACTIONS

“SEC. 33. Every registered investment company which is a party and every affiliated person of such company who is a party defendant to any action or claim by a registered investment company or a security holder thereof in a derivative or representative capacity against an officer, director, investment adviser, trustee, or depositor of such company, shall file with the Commission, unless already so filed, (1) a copy of all pleadings, verdicts, or judgments filed with the court or served in connection with such action or claim, (2) a copy of any proposed settlement, compromise, or discontinuance of such action, and (3) a copy of such motions, transcripts, or other documents filed in or issued by the court or served in connection with such action or claim as may be requested in writing by the Commission. If any document referred to in clause (1) or (2)—

“(A) is delivered to such company or party defendant, such document shall be filed with the Commission not later than ten days after the receipt thereof; or

“(B) is filed in such court or delivered by such company or party defendant, such document shall be filed with the Commission not later than five days after such filing or delivery.”

SEC. 20. Section 36 of the Investment Company Act of 1940 (15 U.S.C. 80a-35) is amended to read as follows:

“BREACH OF FIDUCIARY DUTY

“SEC. 36. (a) The Commission is authorized to bring an action in the proper district court of the United States, or in the United States court of any territory or other place subject to the jurisdiction of the

United States, alleging that a person serving or acting in one or more of the following capacities has engaged within five years of the commencement of the action or is about to engage in any act or practice constituting a breach of fiduciary duty involving personal misconduct in respect of any registered investment company for which such person so serves or acts—

“(1) as officer, director, member of any advisory board, investment adviser, or depositor; or

“(2) as principal underwriter, if such registered company is an open-end company, unit investment trust, or face-amount certificate company.

If such allegations are established, the court may enjoin such persons from acting in any or all such capacities either permanently or temporarily and award such injunctive or other relief against such person as may be reasonable and appropriate in the circumstances, having due regard to the protection of investors and to the effectuation of the policies declared in section 1(b) of this title.

Enjoinment.

“(b) For the purposes of this subsection, the investment adviser of a registered investment company shall be deemed to have a fiduciary duty with respect to the receipt of compensation for services, or of payments of a material nature, paid by such registered investment company, or by the security holders thereof, to such investment adviser or any affiliated person of such investment adviser. An action may be brought under this subsection by the Commission, or by a security holder of such registered investment company on behalf of such company, against such investment adviser, or any affiliated person of such investment adviser, or any other person enumerated in subsection (a) of this section who has a fiduciary duty concerning such compensation or payments, for breach of fiduciary duty in respect of such compensation or payments paid by such registered investment company or by the security holders thereof to such investment adviser or person. With respect to any such action the following provisions shall apply:

“(1) It shall not be necessary to allege or prove that any defendant engaged in personal misconduct, and the plaintiff shall have the burden of proving a breach of fiduciary duty.

Burden of proof.

“(2) In any such action approval by the board of directors of such investment company of such compensation or payments, or of contracts or other arrangements providing for such compensation or payments, and ratification or approval of such compensation or payments, or of contracts or other arrangements providing for such compensation or payments, by the shareholders of such investment company, shall be given such consideration by the court as is deemed appropriate under all the circumstances.

“(3) No such action shall be brought or maintained against any person other than the recipient of such compensation or payments, and no damages or other relief shall be granted against any person other than the recipient of such compensation or payments. No award of damages shall be recoverable for any period prior to one year before the action was instituted. Any award of damages against such recipient shall be limited to the actual damages resulting from the breach of fiduciary duty and shall in no event exceed the amount of compensation or payments received from such investment company, or the security holders thereof, by such recipient.

“(4) This subsection shall not apply to compensation or payments made in connection with transactions subject to section 17 of this title, or rules, regulations, or orders thereunder, or to sales loans for the acquisition of any security issued by a registered investment company.

Ante, p. 1420.

“(5) Any action pursuant to this subsection may be brought only in an appropriate district court of the United States.

54 Stat. 805,
846; *Ante*, p. 1415.
15 USC 80a-48.
52 Stat. 1075;
78 Stat. 570.
15 USC 78o.
Infra.

"(6) No finding by a court with respect to a breach of fiduciary duty under this subsection shall be made a basis (A) for a finding of a violation of this title for the purposes of sections 9 and 49 of this title, section 15 of the Securities Exchange Act of 1934, or section 203 of title II of this Act, or (B) for an injunction to prohibit any person from serving in any of the capacities enumerated in subsection (a) of this section."

54 Stat. 844.

SEC. 21. The last sentence of section 43(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-42(a)) is amended by striking out "sections 239 and 240 of the Judicial Code, as amended" and inserting in lieu thereof "section 1254 of title 28, United States Code".

62 Stat. 928.

SEC. 22. Section 44 of the Investment Company Act of 1940 (15 U.S.C. 80a-43) is amended—

(1) by striking out the next to the last sentence and inserting in lieu thereof "Judgments and decrees so rendered shall be subject to review as provided in sections 1254, 1291, 1292, and 1294 of title 28, United States Code."; and

(2) by adding at the end thereof a new sentence as follows: "The Commission may intervene as a party in any action or suit to enforce any liability or duty created by, or to enjoin any non-compliance with, section 36(b) of this title at any stage of such action or suit prior to final judgment therein."

Ante, p. 1429.

54 Stat. 847;
74 Stat. 885.

SEC. 23. Section 202(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)) is amended as follows.

(1) Paragraph (2) is amended by striking out "under section 11(k) of the Federal Reserve Act, as amended" and inserting in lieu thereof "under the authority of the Comptroller of the Currency".

(2) Paragraphs (17) through (20) are redesignated as paragraphs (18) through (21), respectively, and a new paragraph is inserted immediately after paragraph (16) to read as follows:

"Person associated with an investment adviser."

"(17) The term 'person associated with an investment adviser' means any partner, officer, or director of such investment adviser (or any person performing similar functions), or any person directly or indirectly controlling or controlled by such investment adviser, including any employee of such investment adviser, except that for the purposes of section 203 of this title (other than subsection (f) thereof), persons associated with an investment adviser whose functions are clerical or ministerial shall not be included in the meaning of such term. The Commission may by rules and regulations classify, for the purposes of any portion or portions of this title, persons, including employees controlled by an investment adviser."

Infra.

Registration requirements, exemptions.

SEC. 24. (a) Section 203(b) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-3(b)) is amended to read as follows:

"(b) The provisions of subsection (a) shall not apply to—

"(1) any investment adviser all of whose clients are residents of the State within which such investment adviser maintains his or its principal office and place of business, and who does not furnish advice or issue analyses or reports with respect to securities listed or admitted to unlisted trading privileges on any national securities exchange;

"(2) any investment adviser whose only clients are insurance companies; or

"(3) any investment adviser who during the course of the preceding twelve months has had fewer than fifteen clients and who neither holds himself out generally to the public as an investment adviser nor acts as an investment adviser to any investment company registered under title I of this Act."

74 Stat. 885.

(b) Section 203(c) of such Act (15 U.S.C. 80b-3(c)) is amended by striking out subparagraph (F) and inserting in lieu thereof the following:

"(F) whether such investment adviser, or any person associated with such investment adviser, is subject to any disqualification which would be a basis for denial, suspension, or revocation of registration of such investment adviser under the provisions of subsection (e), and".

(c) Section 203 of such Act (15 U.S.C. 80b-3) is further amended by redesignating subsection (d) as subsection (e), redesignating subsection (e) as subsection (g), and inserting after subsection (c) a new subsection as follows:

"(d) Any provision of this title (other than subsection (a) of this section) which prohibits any act, practice, or course of business if the mails or any means or instrumentality of interstate commerce are used in connection therewith shall also prohibit any such act, practice, or course of business by any investment adviser registered pursuant to this section or any person acting on behalf of such an investment adviser, irrespective of any use of the mails or any means or instrumentality of interstate commerce in connection therewith."

(d) Redesignated subsection (e) (formerly subsection (d) of section 203 of such Act) (15 U.S.C. 80b-3(d)) is amended to read as follows:

"(e) The Commission shall, after appropriate notice and opportunity for hearing, by order censure, deny registration to, or suspend for a period not exceeding twelve months, or revoke the registration of, an investment adviser, if it finds that such censure, denial, suspension, or revocation is in the public interest and that such investment adviser or any person associated with such investment adviser, whether prior to or subsequent to becoming such—

"(1) has willfully made or caused to be made in any application for registration or report filed with the Commission under this title, or in any proceeding before the Commission with respect to registration, any statement which was at the time and in the light of the circumstances under which it was made false or misleading with respect to any material fact, or who has omitted to state in any such application or report any material fact which is required to be stated therein; or

"(2) has been convicted within ten years preceding the filing of the application or at any time thereafter of any felony or misdemeanor which the Commission finds (A) involves the purchase or sale of any security, (B) arises out of the conduct of the business of a broker, dealer, or investment adviser, (C) involves embezzlement, fraudulent conversion, or misappropriation of funds or securities, or (D) involves the violation of section 1341, 1342, or 1343 of title 18, United States Code; or

"(3) is permanently or temporarily enjoined by order, judgment or decree of any court of competent jurisdiction from acting as an investment adviser, underwriter, broker, or dealer, or an affiliated person or employee of any investment company, bank, or insurance company, or from engaging in or continuing any conduct or practice in connection with any such activity, or in connection with the purchase or sale of any security; or

"(4) has willfully violated any provision of the Securities Act of 1933, or of the Securities Exchange Act of 1934, or of title I of this Act, or of this title, or of any rule or regulation under any of such statutes; or

"(5) has aided, abetted, counseled, commanded, induced, or procured the violation by any other person of the Securities Act of 1933, or the Securities Exchange Act of 1934, or of title I of this Act, or of this title, or of any rule or regulation under any of such statutes or has failed reasonably to supervise, with a view to pre-

Infra.

54 Stat. 850;
74 Stat. 885.

Registration,
denial or suspension.

Notice.
Hearing opportunity.

62 Stat. 763.

48 Stat. 74, 881.
15 USC 77a,
78a.
54 Stat. 789.
15 USC 80a-1,
80b-1.

venting violations of such statutes, rules, and regulations, another person who commits such a violation, if such other person is subject to his supervision: *Provided*, That, for the purposes of this paragraph (5), no person shall be deemed to have failed reasonably to supervise any person, if—

“(A) there have been established procedures, and a system for applying such procedures, which would reasonably be expected to prevent and detect, insofar as practicable, any such violation by such other person; and

“(B) such person has reasonably discharged the duties and obligations incumbent upon him by reason of such procedures and system without reasonable cause to believe that such procedures and system were not being complied with; or

Infra.

“(6) is subject to an order of the Commission entered pursuant to subsection (f) of this section barring or suspending the right of such person to be associated with an investment adviser, which order is in effect with respect to such person.”

54 Stat. 850;
74 Stat. 885.

(e) Section 203 of such Act (15 U.S.C. 80b-3) is further amended by redesignating subsections (f) and (g) as subsections (h) and (i), respectively, and inserting after redesignated subsection (e) a new subsection as follows:

Certain persons,
censure.

“(f) The Commission may, after appropriate notice and opportunity for hearing, by order censure any person or bar or suspend for a period not exceeding twelve months any person from being associated with an investment adviser, if the Commission finds that such censure, barring, or suspension is in the public interest and that such person has committed or omitted any act or omission enumerated in paragraph (1), (4), or (5) of subsection (e) of this section, or has been convicted of any offense specified in paragraph (2) of subsection (e) within ten years of the commencement of the proceedings under this subsection, or is enjoined from any action, conduct, or practice specified in paragraph (3) of subsection (e). It shall be unlawful for any person as to whom such an order barring or suspending him from being associated with an investment adviser is in effect, willfully to become, or to be, associated with an investment adviser, without the consent of the Commission, and it shall be unlawful for any investment adviser to permit such a person to become, or remain, a person associated with such investment adviser without the consent of the Commission, if such investment adviser knew, or in the exercise of reasonable care should have known of such order.”

SEC. 25. Section 205 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-5) is amended to read as follows:

“INVESTMENT ADVISORY CONTRACTS

Ante, p. 1430.

“SEC. 205. No investment adviser, unless exempt from registration pursuant to section 203(b), shall make use of the mails or any means or instrumentality of interstate commerce, directly or indirectly, to enter into, extend, or renew any investment advisory contract, or in any way to perform any investment advisory contract entered into, extended, or renewed on or after the effective date of this title, if such contract—

“(1) provides for compensation to the investment adviser on the basis of a share of capital gains upon or capital appreciation of the funds or any portion of the funds of the client;

“(2) fails to provide, in substance, that no assignment of such contract shall be made by the investment adviser without the consent of the other party to the contract; or

“(3) fails to provide, in substance, that the investment adviser, if a partnership, will notify the other party to the contract of any change in the membership of such partnership within a reasonable time after such change.

Paragraph (1) of this section shall not (A) be construed to prohibit an investment advisory contract which provides for compensation based upon the total value of a fund averaged over a definite period, or as of definite dates, or taken as of a definite date, or (B) apply to an investment advisory contract with—

“(i) an investment company registered under title I of this Act, or

“(ii) any other person (except a trust, collective trust fund or separate account referred to in section 3(c) (11) of title I of this Act), provided that the contract relates to the investment of assets in excess of \$1 million,

Ante, p. 1415.

which contract provides for compensation based on the asset value of the company or fund under management averaged over a specified period and increasing and decreasing proportionately with the investment performance of the company or fund over a specified period in relation to the investment record of an appropriate index of securities prices or such other measure of investment performance as the Commission by rule, regulation, or order may specify. For purposes of clause (B) of the preceding sentence, the point from which increases and decreases in compensation are measured shall be the fee which is paid or earned when the investment performance of such company or fund is equivalent to that of the index or other measure of performance, and an index of securities prices shall be deemed appropriate unless the Commission by order shall determine otherwise. As used in paragraphs (2) and (3) of this section, ‘investment advisory contract’ means any contract or agreement whereby a person agrees to act as investment adviser or to manage any investment or trading account of another person other than an investment company registered under title I of this Act.”

“Investment
advisory
contract.”

SEC. 26. The Investment Advisers Act of 1940 (15 U.S.C. 80b-1-21) is further amended by inserting immediately after section 206 a new section as follows:

54 Stat. 847;
74 Stat. 887,
15 USC 80b-6.

“EXEMPTIONS

“SEC. 206A. The Commission, by rules and regulations, upon its own motion, or by order upon application, may conditionally or unconditionally exempt any person or transaction, or any class or classes of persons, or transactions, from any provision or provisions of this title or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of this title.”

SEC. 27. (a) Section 2 of the Securities Act of 1933 (15 U.S.C. 77b) is amended by adding at the end thereof two new paragraphs as follows:

48 Stat. 74, 905;
68 Stat. 683.

“(13) The term ‘insurance company’ means a company which is organized as an insurance company, whose primary and predominant business activity is the writing of insurance or the reinsuring of risks underwritten by insurance companies, and which is subject to supervision by the insurance commissioner, or a similar official or agency, of a State or territory or the District of Columbia; or any receiver or similar official or any liquidating agent for such company, in his capacity as such.

“Insurance
company.”

"Separate account."

Federal, State, etc., exempted securities.

48 Stat. 906;
Ante, p. 718;
Post, p. 1498.

68A Stat. 134;
76 Stat. 809,
1141; 80 Stat.
1577.
26 USC 401.
26 USC 404.

68 Stat. 684.
15 USC 77e.

"Bank."

Savings and loan associations, exempted securities.

48 Stat. 75.

"(14) The term 'separate account' means an account established and maintained by an insurance company pursuant to the laws of any State or territory of the United States, the District of Columbia, or of Canada or any province thereof, under which income, gains and losses, whether or not realized, from assets allocated to such account, are, in accordance with the applicable contract, credited to or charged against such account without regard to other income, gains, or losses of the insurance company."

(b) Section 3(a) (2) of such Act (15 U.S.C. 77c(a) (2)) is amended to read as follows:

"(2) Any security issued or guaranteed by the United States or any territory thereof, or by the District of Columbia, or by any State of the United States, or by any political subdivision of a State or territory or by any public instrumentality of one or more States or territories, or by any person controlled or supervised by and acting as an instrumentality of the Government of the United States pursuant to authority granted by the Congress of the United States; or any certificate of deposit for any of the foregoing; or any security issued or guaranteed by any bank; or any security issued by or representing an interest in or a direct obligation of a Federal Reserve bank; or any interest or participation in any common trust fund or similar fund maintained by a bank exclusively for the collective investment and reinvestment of assets contributed thereto by such bank in its capacity as trustee, executor, administrator, or guardian; or any interest or participation in a single or collective trust fund maintained by a bank or in a separate account maintained by an insurance company which interest or participation is issued in connection with (A) a stock bonus, pension, or profit-sharing plan which meets the requirements for qualification under section 401 of the Internal Revenue Code of 1954, or (B) an annuity plan which meets the requirements for the deduction of the employer's contribution under section 404(a) (2) of such Code, other than any plan described in clause (A) or (B) of this paragraph (i) under which an amount in excess of the employer's contribution for any period is allocated to the purchase of securities issued by the employer or any company directly or indirectly controlling, controlled by or under common control with the employer or (ii) which covers employees some or all of whom are employees within the meaning of section 401(c) (1) of such Code. The Commission, by rules and regulations or order, shall exempt from the provisions of section 5 of this title any interest or participation issued in connection with a stock bonus, pension, profit-sharing, or annuity plan which covers employees some or all of whom are employees within the meaning of section 401(c) (1) of the Internal Revenue Code of 1954, if and to the extent that the Commission determines this to be necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of this title. For the purposes of this paragraph, a security issued or guaranteed by a bank shall not include any interest or participation in any collective trust fund maintained by a bank; and the term 'bank' means any national bank, or any banking institution organized under the laws of any State, territory, or the District of Columbia, the business of which is substantially confined to banking and is supervised by the State or territorial banking commission or similar official; except that in the case of a common trust fund or similar fund, or a collective trust fund, the term 'bank' has the same meaning as in the Investment Company Act of 1940."

(c) Sections 3(a) (5) of such Act (15 U.S.C. 77c(a) (5)) is amended to read as follows:

"(5) Any security issued (A) by a savings and loan association, building and loan association, cooperative bank, homestead associa-

tion, or similar institution, which is supervised and examined by State or Federal authority having supervision over any such institution, except that the foregoing exemption shall not apply with respect to any such security where the issuer takes from the total amount paid or deposited by the purchaser, by way of any fee, cash value or other device whatsoever, either upon termination of the investment at maturity or before maturity, an aggregate amount in excess of 3 per centum of the face value of such security; or (B) by (i) a farmer's cooperative organization exempt from tax under section 521 of the Internal Revenue Code of 1954, (ii) a corporation described in section 501(c)(16) of such Code and exempt from tax under section 501(a) of such Code, or (iii) a corporation described in section 501(c)(2) of such Code which is exempt from tax under section 501(a) of such Code and is organized for the exclusive purpose of holding title to property, collecting income therefrom, and turning over the entire amount thereof, less expenses, to an organization or corporation described in clause (i) or (ii):".

68A Stat. 176.
26 USC 521.
26 USC 501.

SEC. 28. (a) Section 3(a)(12) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(12)) is amended to read as follows:

"(12) The term 'exempted security' or 'exempted securities' includes securities which are direct obligations of or obligations guaranteed as to principal or interest by the United States; such securities issued or guaranteed by corporations in which the United States has a direct or indirect interest as shall be designated for exemption by the Secretary of the Treasury as necessary or appropriate in the public interest or for the protection of investors; securities which are direct obligations of or obligations guaranteed as to principal or interest by a State or any political subdivision thereof, or by any agency or instrumentality of a State or any political subdivision thereof, or by any municipal corporate instrumentality of one or more States; any interest or participation in any common trust fund or similar fund maintained by a bank exclusively for the collective investment and reinvestment of assets contributed thereto by such bank in its capacity as trustee, executor, administrator, or guardian; any interest or participation in a collective trust fund maintained by a bank or in a separate account maintained by an insurance company which interest or participation is issued in connection with (A) a stock-bonus, pension, or profit-sharing plan which meets the requirements for qualification under section 401 of the Internal Revenue Code of 1954, or (B) an annuity plan which meets the requirements for the deduction of the employer's contribution under section 404(a)(2) of such Code, other than any plan described in clause (A) or (B) of this paragraph which covers employees some or all of whom are employees within the meaning of section 401(c)(1) of such Code; and such other securities (which may include, among others, unregistered securities the market in which is predominantly intrastate) as the Commission may, by such rules and regulations as it deems necessary or appropriate in the public interest or for the protection of investors, either unconditionally or upon specified terms and conditions or for stated periods, exempt from the operation of any one or more provisions of this title which by their terms do not apply to an 'exempted security' or to 'exempted securities'."

48 Stat. 884;
Ante, p. 718;
Post, p. 1499.
"Exempted
security."

68A Stat. 134;
76 Stat. 809, 1141;
80 Stat. 1577.
26 USC 401.
26 USC 404.

(b) Section 3(a)(19) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(19)) is amended to read as follows:

"(19) the terms 'investment company', 'affiliated person', 'insurance company', and 'separate account' have the same meanings as in the Investment Company Act of 1940."

(c) Section 12(g)(2) of such Act (15 U.S.C. 78l(g)(2)) is amended by adding at the end thereof a new subparagraph as follows:

"(H) any interest or participation in any collective trust funds

Definitions.
78 Stat. 565.

54 Stat. 789.
15 USC 80a-51.
Exemptions.
78 Stat. 566.

68A Stat. 134;
 76 Stat. 809, 1141;
 80 Stat. 1577.
 26 USC 401.
 26 USC 404.
 Nonapplica-
 bility.
 48 Stat. 74.
 15 USC 77a.
 54 Stat. 789.
 15 USC 80a-51.

maintained by a bank or in a separate account maintained by an insurance company which interest or participation is issued in connection with (i) a stock-bonus, pension, or profit-sharing plan which meets the requirements for qualification under section 401 of the Internal Revenue Code of 1954, or (ii) an annuity plan which meets the requirements for deduction of the employer's contribution under section 404(a)(2) of such Code."

SEC. 29. The provisions of the Securities Act of 1933 and the Investment Company Act of 1940 shall not apply, except for purposes of definition of terms used in this section, to any interest or participation (including any separate account or other fund providing for the sharing of income or gains and losses, and any interest or participation in such account or fund) in any contract, certificate, or policy providing for life insurance benefits which was issued prior to March 23, 1959, by an insurance company, if (1) the form of such contract, certificate, or policy was approved by the insurance commissioner, or similar official or agency, of a State, territory or the District of Columbia, and (2) under such contract, certificate, or policy not to exceed 49 per centum of the gross premiums or other consideration paid was to be allocated to a separate account or other fund providing for the sharing of income or gains and losses. Nothing herein contained shall be taken to imply that any such interest or participation constitutes a "security" under any other laws of the United States.

Effective dates.

SEC. 30. This Act shall take effect on the date of its enactment, except that—

(1) sections 5 (a), (b), and (c); 8; 9(a); 11; 18; 24(a); and 25 (amending sections 10 (a), (b), and (c); 15; 17(f); 19; and 32(a) of the Investment Company Act of 1940; and sections 203 (b) and 205 of the Investment Advisers Act of 1940, respectively) shall take effect upon the expiration of one year after the date of enactment of this Act;

(2) that part of section 5(d) which substitutes "interested persons" for "affiliated persons" in section 10(d) of the Investment Company Act of 1940 shall take effect upon the expiration of one year after the date of enactment of this Act;

(3) sections 16 and 17 (amending section 27 and 28 of the Investment Company Act of 1940) shall take effect upon the expiration of six months after the date of enactment of this Act; and

(4) that part of section 20 which adds a subsection (b) to section 36 of the Investment Company Act of 1940 shall take effect upon the expiration of eighteen months after the date of enactment of this Act.

Approved December 14, 1970.

Public Law 91-548

AN ACT

December 14, 1970
 [H. R. 13934]

To amend the Act of September 21, 1959 (73 Stat. 590), to authorize the Secretary of the Interior to revise the boundaries of Minute Man National Historical Park, and for other purposes.

Minute Man
 National Historical
 Park.
 Boundary revision.
 16 USC 410s.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act of September 21, 1959 (73 Stat. 590) is amended by inserting "(a)" after the word "that" in the first sentence and adding two subsections, as follows:

“(b) Notwithstanding the description set forth in subsection (a) of this section, if the Secretary should determine that the relocation of Highway 2 by the Commonwealth of Massachusetts makes it desirable to establish new boundaries in common with, contiguous or adjacent to the proposed right-of-way for that highway, he is authorized to relocate such boundaries accordingly, and shall give notice thereof by publication of a map or other suitable description in the Federal Register: *Provided*, That any net acreage increase by reason of the boundary revision and land exchanges with the Commonwealth shall not be included in calculations of acreage in regard to the limitation set forth in subsection (a) of this section, but shall be in addition thereto.

Publication in
Federal Register.

“(c) Any lands added to the Minute Man National Historical Park, pursuant to subsection (b) may be acquired only if such acquisition can be accomplished without cost for land acquisition and, when so acquired, shall be subject to all laws, rules, and regulations applicable thereto.”

SEC. 2. Section 6 of the Act of September 21, 1951 (73 Stat. 590), is amended by (1) deleting “\$8,000,000” and inserting “\$13,900,000” and (2) deleting “\$5,000,000” and inserting “\$10,900,000”.

Appropriation.
16 USC 410x.

Approved December 14, 1970.

Public Law 91-549

AN ACT

To amend authority of the Secretary of the Interior under the Act of July 19, 1940 (54 Stat. 773), to encourage through the National Park Service travel in the United States, and for other purposes.

December 14, 1970
[H. R. 14714]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Act entitled “An Act to encourage travel in the United States, and for other purposes”, approved July 19, 1940 (54 Stat. 773), is amended to read as follows:

Travel in U.S.,
encouragement.
Appropriation.
16 USC 18d.

“SEC. 5. For the purpose of carrying out the provisions of this Act, there is authorized to be appropriated not to exceed \$250,000 for the fiscal year 1971 and not to exceed \$750,000 for the fiscal year 1972.”

Approved December 14, 1970.

Public Law 91-550

AN ACT

To amend section 4 of the Act of May 31, 1933 (48 Stat. 108).

December 15, 1970
[H. R. 471]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the Act of May 31, 1933 (48 Stat. 108), providing for the protection of the watershed within the Carson National Forest for the Pueblo de Taos Indians in New Mexico, be and hereby is amended to read as follows:

Indians.
Pueblo de Taos
Tribe, N. Mex.
Lands in trust.

“SEC. 4. (a) That, for the purpose of safeguarding the interests and welfare of the tribe of Indians known as the Pueblo de Taos of New Mexico, the following described lands and improvements thereon, upon which said Indians depend and have depended since time immemorial for water supply, forage for their domestic livestock, wood and timber for their personal use, and as the scene of certain religious ceremonies, are hereby declared to be held by the United States in trust for the Pueblo de Taos:

"Beginning at the southeast corner of the Tenorio tract on the north boundary of the Taos Pueblo grant in section 22, township 26 north, range 13 east;

"thence northwesterly and northeasterly along the east boundary of the Tenorio tract to the point where it intersects the boundary of the Lucero de Godoi or Antonio Martinez Grant;

"thence following the boundary of the Lucero de Godoi Grant northeasterly, southeasterly and northerly to station 76 on the east boundary of the survey of the Lucero de Godoi Grant according to the March 1894 survey by United States Deputy Surveyor John H. Walker as approved by the United States Surveyor's Office, Santa Fe, New Mexico, on November 23, 1894;

"thence east 0.85 mile along the south boundary of the Wheeler Peak Wilderness, according to the description dated July 1, 1965, and reported to Congress pursuant to section 3(a) (1) of the Wilderness Act (Public Law 88-577);

"thence northeast approximately 0.25 mile to the top of an unnamed peak (which is approximately 0.38 mile southeasterly from Lew Wallace Peak);

"thence northwesterly 1.63 miles along the ridgetop through Lew Wallace Peak to Old Mike Peak;

"thence easterly and northeasterly along the ridgetop of the divide between the Red River and the Rio Pueblo de Taos to station numbered 109 of said 1894 survey, at the juncture of the divide with the west boundary of the Beaubien and Miranda Grant, New Mexico (commonly known as the Maxwell Grant), according to the official resurvey of said grant executed during July and August 1923 by United States Surveyor Glen Haste and approved by the General Land Office, Washington, District of Columbia, on April 28, 1926;

"thence southeasterly, southwesterly, and southerly along the west boundary of the Maxwell grant to the north line of unsurveyed section 33, township 26 north, range 15 east;

"thence southerly to the north boundary of fractional township 25 north, range 15 east;

"thence southerly and southwesterly through sections 4, 9, 8, and 7, township 25 north, range 15 east to the southwest corner of said section 7;

"thence westerly along the divide between the Rio Pueblo de Taos and Rio Fernando de Taos to the east boundary of the Taos Pueblo grant;

"thence north to the northeast corner of the Taos Pueblo grant;

"thence west to the point of beginning; containing approximately 48,000 acres, more or less.

"(b) The lands held in trust pursuant to this section shall be a part of the Pueblo de Taos Reservation, and shall be administered under the laws and regulations applicable to other trust Indian lands: *Provided*, That the Pueblo de Taos Indians shall use the lands for traditional purposes only, such as religious ceremonials, hunting and fishing, a source of water, forage for their domestic livestock, and wood, timber, and other natural resources for their personal use, all subject to such regulations for conservation purposes as the Secretary of the Interior may prescribe. Except for such uses, the lands shall remain forever wild and shall be maintained as a wilderness as defined in section 2(c) of the Act of September 3, 1964 (78 Stat. 890). With the consent of the tribe, but not otherwise, nonmembers of the tribe

78 Stat. 891.
16 USC 1132.

Land usage,
limitation.

Wilderness.

16 USC 1131.

may be permitted to enter the lands for purposes compatible with their preservation as a wilderness. The Secretary of the Interior shall be responsible for the establishment and maintenance of conservation measures for these lands, including, without limitation, protection of forests from fire, disease, insects or trespass; prevention or elimination of erosion, damaging land use, or stream pollution; and maintenance of streamflow and sanitary conditions; and the Secretary is authorized to contract with the Secretary of Agriculture for any services or materials deemed necessary to institute or carry out any of such measures.

Interior Secretary, conservation responsibility.

“(c) Lessees or permittees of lands described in subsection (a) which are not included in the lands described in the Act of May 31, 1933, shall be given the opportunity to renew their leases or permits under rules and regulations of the Secretary of the Interior to the same extent and in the same manner that such leases or permits could have been renewed if this Act had not been enacted; but the Pueblo de Taos may obtain the relinquishment of any or all of such leases or permits from the lessees or permittees under such terms and conditions as may be mutually agreeable. The Secretary of the Interior is authorized to disburse, from the tribal funds in the Treasury of the United States to the credit of said tribe, so much thereof as may be necessary to pay for such relinquishments and for the purchase of any rights or improvements on said lands owned by non-Indians. The authority to pay for the relinquishment of a permit pursuant to this subsection shall not be regarded as a recognition of any property right of the permittee in the land or its resources.

Leases or permits, renewal, relinquishment.
48 Stat. 108.

“(d) The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1049, 1050), the extent to which the value of the interest in land conveyed by this Act should be credited to the United States or should be set off against any claim of the Taos Indians against the United States.

25 USC 70a.

“(e) Nothing in this section shall impair any vested water right.”
Approved December 15, 1970.

Water rights.

Public Law 91-551

AN ACT

To amend sections 5580, 5581, and 5582 of the Revised Statutes to provide for additional members of the Board of Regents of the Smithsonian Institution and to increase the number of members constituting a quorum.

December 15, 1970
[H. R. 14213]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 5580 of the Revised Statutes (20 U.S.C. 42) is amended to read as follows:

“SEC. 5580. The business of the Institution shall be conducted at the city of Washington by a Board of Regents, named the Regents of the Smithsonian Institution, to be composed of the Vice President, the Chief Justice of the United States, three Members of the Senate, three Members of the House of Representatives, and nine other persons, other than Members of Congress, two of whom shall be resident in the city of Washington, and seven of whom shall be inhabitants of some State, but no two of them of the same State.”.

Smithsonian Institution.
Board of Regents, additional members.

Appointment.

(b) The first sentence of section 5581 of the Revised Statutes (20 U.S.C. 43) is amended to read as follows: "The regents to be selected shall be appointed as follows: The Members of the Senate by the President thereof; the Members of the House by the Speaker thereof; and the nine other persons by joint resolution of the Congress."

Term of office.

(c) The fifth sentence of section 5581 of the Revised Statutes (20 U.S.C. 43) is amended to read as follows: "The regular term of service for the other nine members shall be six years; and new elections thereof shall be made by joint resolutions of Congress."

Meetings.

(d) The second sentence of section 5582 of the Revised Statutes (20 U.S.C. 44) is amended to read as follows: "The board shall also elect three of their own body as an executive committee, and shall fix the time for the regular meetings of the board; and, on application of any three of the regents to the secretary of the institution, it shall be his duty to appoint a special meeting of the Board of Regents, of which he shall give notice, by letter, to each of the members; and, at any meeting of the board, eight shall constitute a quorum to do business."

Quorum.

Approved December 15, 1970.

Public Law 91-552

December 16, 1970
[H. J. Res. 1411]

JOINT RESOLUTION.

Correcting certain printing and clerical errors in the Legislative Reorganization Act of 1970.

Ante, p. 1140.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following amendments are made to correct certain printing and clerical errors in the Legislative Reorganization Act of 1970 (Public Law 91-510):

(1) The item relating to section 472 in the table of contents of the Legislative Reorganization Act of 1970 (84 Stat. 1142) is amended by striking out "Clerk" and inserting in lieu thereof "clerk".

(2) The last sentence of section 133(a) of the Legislative Reorganization Act of 1946, as amended by section 102(a) of the Legislative Reorganization Act of 1970 (84 Stat. 1144), is amended by striking out "prescribe" and inserting in lieu thereof "preside".

(3) Section 128 of the Legislative Reorganization Act of 1970 (84 Stat. 1160) is amended by striking out "rule" and inserting in lieu thereof "Rule".

(4) The third sentence of subparagraph (2) of paragraph (a) of clause 29 of Rule XI of the Rules of the House of Representatives, as amended by section 302(b) of the Legislative Reorganization Act of 1970 (84 Stat. 1177), is amended by striking out "majoriy" and inserting in lieu thereof "majority".

(5) Section 302(e) of the Legislative Reorganization Act of 1970 (84 Stat. 1179) is amended by striking out "(a)" and inserting in lieu thereof "(b)".

(6) The last sentence of section 134(c) of the Legislative Reorganization Act of 1946, as amended by section 117(a) of the Legislative Reorganization Act of 1970, is amended by striking out "paragraph 5" and inserting in lieu thereof "paragraph 7".

Approved December 16, 1970.

Public Law 91-553

JOINT RESOLUTION

To amend the joint resolution authorizing appropriations for the payment by the United States of its share of the expenses of the Pan American Railways Congress Association.

December 16, 1970
[H. J. Res. 1077]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 80-794, Eightieth Congress, approved June 28, 1948, is amended by striking out "\$5,000" and inserting in lieu thereof "\$15,000" in section 2(a).

62 Stat. 1060.
22 USC 280k.

Approved December 16, 1970.

Public Law 91-554

AN ACT

To amend the Act of April 22, 1960, providing for the establishment of the Wilson's Creek Battlefield National Park.

December 16, 1970
[H. R. 1160]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide for the establishment of the Wilson's Creek Battlefield National Park, in the State of Missouri", approved April 22, 1960 (74 Stat. 76), is amended as follows:

(a) Strike out "Wilson's Creek Battlefield National Park" in the title and in section 2(a), and substitute "Wilson's Creek National Battlefield".

Wilson's Creek
Battlefield
National Park.
Name change.
16 USC 430kk.

(b) Amend section 3 to read as follows:

"SEC. 3. For development of the Wilson's Creek National Battlefield, there are authorized to be appropriated not more than \$2,285,000 (March 1969 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein."

Appropriation.
16 USC 430mm.

Approved December 16, 1970.

Public Law 91-555

JOINT RESOLUTION

Extending the duration of copyright protection in certain cases.

December 17, 1970
[S. J. Res. 230]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in any case in which the renewal term of copyright subsisting in any work on the date of approval of this resolution, or the term thereof as extended by Public Law 87-668, by Public Law 89-442, by Public Law 90-141, by Public Law 90-416, or by Public Law 91-147 (or by all or certain of said laws), would expire prior to December 31, 1971, such term is hereby continued until December 31, 1971.

Copyright term.
Extension.

83 Stat. 360.
17 USC 24
notes.

Approved December 17, 1970.

Public Law 91-556

AN ACT

December 17, 1970
[H. R. 19830]

Making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1971, and for other purposes.

Independent
Offices and
Department of
Housing and
Urban Develop-
ment Appropri-
ation Act, 1971.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1971, and for other purposes, namely:

TITLE I—INDEPENDENT OFFICES APPALACHIAN REGIONAL COMMISSION

SALARIES AND EXPENSES

80 Stat. 416.

For necessary expenses of the Federal Cochairman and his alternate on the Appalachian Regional Commission and for payment of the Federal share of the administrative expenses of the commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, \$958,000.

CIVIL SERVICE COMMISSION

SALARIES AND EXPENSES

80 Stat. 403.
5 USC 1501.

For necessary expenses, including services as authorized by 5 U.S.C. 3109; not to exceed \$10,000 for medical examinations performed for veterans by private physicians on a fee basis; payment in advance for library membership in societies whose publications are available to members only or to members at a price lower than to the general public; rental of conference rooms in the District of Columbia; not to exceed \$300,000 for performing the duties imposed upon the Commission by chapter 15 of title 5, United States Code; hire of passenger motor vehicles; and not to exceed \$1,000 for official reception and representation expenses; \$47,577,000, including funding of Interagency Boards of Examiners, together with not to exceed \$8,173,000 for necessary expenses incurred during the current fiscal year in the administration of the retirement and insurance programs, to be transferred from the trust funds "Civil Service retirement and disability fund", "Employees life insurance fund", "Employees health benefits fund", and "Retired employees health benefits fund", in such amounts as may be determined by the Civil Service Commission, without regard to the provisions of any other Act, but this provision shall not affect the authority of 5 U.S.C. 8348(a) and section 1(b) of Public Law 89-205 (79 Stat. 840), providing for additional administrative expenses to effect annuity adjustments under 5 U.S.C. 8340, section 1(c) of Public Law 89-205 (79 Stat. 840) and section 1 of Public Law 89-314 (79 Stat. 1162): *Provided*, That \$600,000 of this appropriation shall be available to carry out the provisions of Executive Order 10422 of January 9, 1953, as amended, prescribing procedures for making available to the Secretary General of the United Nations, and the executive heads of other international organizations, certain information concerning United States citizens employed, or being considered for employment by such organizations, including advances or reimbursements to the applicable appropriations or funds of the

83 Stat. 137.

81 Stat. 215.

22 USC 287
note.

Civil Service Commission and the Federal Bureau of Investigation for expenses incurred by such agencies under said Executive Order: *Provided further*, That members of the International Organizations Employees Loyalty Board may be paid actual transportation expenses, and per diem in lieu of subsistence under 5 U.S.C. 5702, while traveling on official business away from their homes or regular places of business, including periods while en route to and from and at the place where their services are to be performed.

80 Stat. 498;
83 Stat. 190.

No part of the appropriation herein made to the Civil Service Commission shall be available for the salaries and expenses of the Legal Examining Unit in the Examining and Personnel Utilization Division of the Commission, established pursuant to Executive Order 9358 of July 1, 1943.

ANNUITIES UNDER SPECIAL ACTS

3 CFR 1943-
1948 Comp.,
p. 256.

For payment of annuities authorized by the Act of May 29, 1944, as amended (48 U.S.C. 1373a), and the Act of August 19, 1950, as amended (33 U.S.C. 771-775), \$1,180,000.

58 Stat. 257;
70 Stat. 607.
64 Stat. 465;
81 Stat. 518, 520.

GOVERNMENT PAYMENTS FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, \$46,523,000, to remain available until expended.

Ante, p. 869.

FEDERAL LABOR RELATIONS COUNCIL, SALARIES AND EXPENSES

For expenses necessary to carry out functions of the Civil Service Commission under Executive Order No. 11491 of October 29, 1969, \$700,000: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation at the rate of not to exceed the per diem rate equivalent to the rate for grade GS-18.

3 CFR 1969
Comp., p. 191.

80 Stat. 499;
83 Stat. 190.

Ante, p. 198-1.

COMMISSION ON GOVERNMENT PROCUREMENT

SALARIES AND EXPENSES

For necessary expenses of the Commission on Government Procurement, \$1,500,000, to remain available until June 30, 1972.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission, as authorized by law, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); not to exceed \$35,000 for land and structures; not to exceed \$10,000 for improvement and care of grounds and repairs to buildings; not to exceed \$500 for official reception and representation expenses; special counsel fees; and services as authorized by 5 U.S.C. 3109; \$24,900,000: *Provided*, That not to exceed \$500,000 of the foregoing amount shall remain available until June 30, 1972, for research and policy studies.

80 Stat. 508;
81 Stat. 206.

80 Stat. 416.

FEDERAL POWER COMMISSION

SALARIES AND EXPENSES

80 Stat. 416.

For expenses necessary for the work of the Commission, as authorized by law, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, and not to exceed \$500 for official reception and representation expenses, \$18,210,000.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

80 Stat. 508;
81 Stat. 206.

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902), and services as authorized by 5 U.S.C. 3109, \$20,500,000: *Provided*, That no part of the foregoing appropriation shall be expended upon any investigation hereafter provided by concurrent resolution of the Congress until funds are appropriated subsequently to the enactment of such resolution to finance the cost of such investigation.

GENERAL SERVICES ADMINISTRATION

OPERATING EXPENSES, PUBLIC BUILDINGS SERVICE

65 Stat. 122;
82 Stat. 1198.

For necessary expenses, not otherwise provided for, of real property management and related activities as provided by law; rental of buildings in the District of Columbia; restoration of leased premises; moving Government agencies (including space adjustments) in connection with the assignment, allocation, and transfer of building space; acquisition by purchase or otherwise of real estate and interests therein; and contractual services incident to cleaning or servicing buildings and moving; \$340,350,000: *Provided*, That this appropriation shall be available to provide such fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to title 18, U.S.C. 3056.

REPAIR AND IMPROVEMENT OF PUBLIC BUILDINGS

73 Stat. 479.

68 Stat. 518.
74 Stat. 590.

For expenses, not otherwise provided for, necessary to alter public buildings and to acquire additions to sites pursuant to the Public Buildings Act of 1959, as amended (40 U.S.C. 601-615), and to alter other federally owned buildings and to acquire additions to sites thereof, including grounds, approaches and appurtenances, wharves and piers, together with the necessary dredging adjacent thereto; and care and safeguarding of sites; preliminary planning of projects by contract or otherwise; maintenance, preservation, demolition, and equipment; \$83,280,000, to remain available until expended: *Provided*, That for the purposes of this appropriation, buildings constructed pursuant to the Public Buildings Purchase Contract Act of 1954 (40 U.S.C. 356) and the Post Office Department Property Act of 1954 (39 U.S.C. 2104 et seq.), and buildings under the control of another department or agency where alteration of such buildings is required in connection with the moving of such other department or agency from buildings then, or thereafter to be, under the control of General Services Administration shall be considered to be public buildings.

CONSTRUCTION, PUBLIC BUILDINGS PROJECTS

For an additional amount for expenses, not otherwise provided for, necessary to construct and acquire public buildings projects and alter public buildings by extension or conversion where the estimated cost for a project is in excess of \$200,000, pursuant to the Public Buildings Act of 1959, as amended (40 U.S.C. 601-615), including fallout shelters and equipment for such buildings, \$133,560,300, and not to exceed \$500,000 of this amount shall be available to the Administrator for construction or alteration of small public buildings outside the District of Columbia as the Administrator approves and deems necessary, including \$6,000,000 to replace funds previously used in accordance with the Supplemental Appropriation Act, 1969, all to remain available until expended: *Provided*, That a total amount of \$59,974,800 heretofore appropriated for projects located at Honolulu, Hawaii, Indianapolis, Indiana, Albany, New York, and Bronx, New York, under this heading in the Independent Offices Appropriation Act, 1967, and the Independent Offices and Department of Housing and Urban Development Appropriations Acts of 1968 and 1970, respectively, are hereby made available for the purposes of this appropriation: *Provided further*, That the foregoing amounts shall be available for public buildings projects at locations and at maximum construction improvement costs (excluding funds for sites and expenses), as follows:

73 Stat. 479.

82 Stat. 1190.

80 Stat. 670.

81 Stat. 345.

83 Stat. 225.

Post office and Federal office building, Petersburg, Alaska, in addition to the sum heretofore appropriated, \$488,000;

Federal office building, Los Angeles County, California, in addition to the sum heretofore appropriated, \$1,098,000;

Border station, San Diego, California, formerly Border station, San Ysidro, California, \$5,430,000;

Post Office and Federal office building, Fort Collins, Colorado, in addition to the sum heretofore appropriated, \$864,000;

Courthouse, customhouse, and Federal office building, Wilmington, Delaware, \$9,127,000;

Post office and courthouse, West Palm Beach, Florida, \$6,089,000;

Post office and Federal office building, Augusta, Georgia, in addition to the sum heretofore appropriated, \$2,694,000;

Courthouse and Federal office building, Alton, Illinois, \$1,500,000;

Federal office building (superstructure), Chicago, Illinois, in addition to the sum heretofore appropriated, \$9,195,000;

Courthouse and Federal office building, Frankfort, Kentucky, in addition to the sum heretofore appropriated, \$850,000;

Post office and Federal office building, Houma, Louisiana, in addition to the sum heretofore appropriated, \$2,064,000;

Post office and courthouse (construction and alteration), New Orleans, Louisiana, in addition to the sum heretofore appropriated, \$181,500;

Courthouse and Federal office building, Grand Rapids, Michigan, \$9,411,000;

Post office and Federal office building, Keene, New Hampshire, in addition to the sum heretofore appropriated, \$477,000;

Federal office building, Gallup, New Mexico, in addition to the sum heretofore appropriated, \$193,000;

Courthouse and Federal office building (superstructure), Philadelphia, Pennsylvania, \$61,800,000;

Post office and Federal office building, Barrington, Rhode Island, in addition to the sum heretofore appropriated, \$96,000;

Post office and Federal office building, Providence, Rhode Island, in addition to the sum heretofore appropriated, \$1,355,600;

Post office, courthouse and Federal office building (construction and alteration), Brattleboro, Vermont, in addition to the sum heretofore appropriated, \$530,000;

Post office and Federal office building, Morgantown, West Virginia, \$3,792,000; and

Federal Bureau of Investigation building (superstructure), District of Columbia, \$69,800,000: *Provided further*, That the foregoing limits of costs may be exceeded to the extent that savings are effected in other projects, but by not to exceed 10 per centum.

SITES AND EXPENSES, PUBLIC BUILDINGS PROJECTS

For an additional amount for expenses necessary in connection with the construction of public buildings projects not otherwise provided for, including preliminary planning by contract or otherwise, \$14,000,000, to remain available until expended.

PAYMENTS, PUBLIC BUILDINGS PURCHASE CONTRACTS

58 Stat. 518.

For payments of principal, interest, taxes, and any other obligations under contracts entered into pursuant to the Public Buildings Purchase Contract Act of 1954 (40 U.S.C. 356), \$2,400,000.

EXPENSES, UNITED STATES COURT FACILITIES

For necessary expenses, not otherwise provided for, to provide directly or indirectly, additional space for the United States Courts incident to expansion of facilities (including rental of buildings in the District of Columbia and elsewhere and moving and space adjustments), and furniture and furnishings, \$1,000,000.

OPERATING EXPENSES, FEDERAL SUPPLY SERVICE

For expenses, not otherwise provided, necessary for supply distribution, procurement, inspection, operation of the stores depot system (including contractual services incident to receiving, handling, and shipping warehouse items), and other supply management and related activities, as authorized by law, \$83,346,000.

OPERATING EXPENSES, NATIONAL ARCHIVES AND RECORDS SERVICE

For necessary expenses in connection with Federal records management and related activities, as provided by law, including reimbursement for security guard services, and contractual services incident to movement or disposal of records, \$24,485,000.

NATIONAL HISTORICAL PUBLICATIONS GRANTS

For allocation to Federal agencies, and for grants to State and local agencies and nonprofit organizations and institutions, for the collecting, describing, preserving and compiling, and publishing of documentary sources significant to the history of the United States, \$350,000, to remain available until expended.

OPERATING EXPENSES, TRANSPORTATION AND COMMUNICATIONS SERVICE

80 Stat. 416.

For necessary expenses of transportation, communications, and other public utilities management and related activities, as provided by law, including services as authorized by 5 U.S.C. 3109, \$6,478,000.

OPERATING EXPENSES, PROPERTY MANAGEMENT AND DISPOSAL SERVICE

For expenses, not otherwise provided for, necessary for carrying out the functions of the Administrator with respect to the utilization of excess property; the disposal of surplus property; the rehabilitation of personal property; the appraisal of real and personal property; the national stockpile established by the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h); the supplemental stockpile established by section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456, as amended by 73 Stat. 607); the national industrial reserve established by the National Industrial Reserve Act of 1948 (50 U.S.C. 451–462); including services as authorized by 5 U.S.C. 3109, and reimbursement for security guard services, \$31,000,000, to be derived from proceeds from transfers of excess property, disposal of surplus property, and sales of stockpile materials: *Provided*, That during the current fiscal year the General Services Administration is authorized to acquire leasehold interests in property, for periods not in excess of twenty years, for the storage, security, and maintenance of strategic, critical, and other materials in the national and supplemental stockpiles provided said leasehold interests are at nominal cost to the Government: *Provided further*, That during the current fiscal year there shall be no limitation on the value of surplus strategic and critical materials which, in accordance with section 6 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e), may be transferred without reimbursement to the national stockpile: *Provided further*, That during the current fiscal year materials in the inventory maintained under the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061–2166), and excess materials in the national stockpile and the supplemental stockpile, the disposition of which is authorized by law, shall be available, without reimbursement, for transfer at fair market value to contractors as payment for expenses (including transportation and other accessorial expenses) of acquisition of materials, or of refining, processing, or otherwise beneficiating materials, or of rotating materials, pursuant to section 3 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b), and of processing and refining materials pursuant to section 303(d) of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2093(d)).

60 Stat. 596.

80 Stat. 1528.
27 USC 1704.
62 Stat. 1225.
80 Stat. 416.

64 Stat. 798.

65 Stat. 134.

SALARIES AND EXPENSES, OFFICE OF ADMINISTRATOR

For expenses of executive direction for activities under the control of the General Services Administration, \$1,215,000: *Provided*, That not to exceed \$500 shall be available for reception and representation expenses.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), \$303,000: *Provided*, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of sections (a) and (e) of such Act.

72 Stat. 838;
81 Stat. 642.

ADMINISTRATIVE OPERATIONS FUND

Funds available to General Services Administration for administrative operations, in support of program activities, shall be expended and accounted for, as a whole, through a single fund: *Provided*, That costs and obligations for such administrative operations for the re-

spective program activities shall be accounted for in accordance with systems approved by the General Accounting Office: *Provided further*, That the total amount deposited into said account for the current fiscal year from funds made available to General Services Administration from any source shall not exceed \$28,500,000: *Provided further*, That amounts deposited into said account for administrative operations for each program shall not exceed the amounts included in the respective program appropriations for such purposes.

GENERAL PROVISIONS

The appropriate appropriation or fund available to the General Services Administration shall be credited with (1) cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129); (2) reimbursements for services performed in respect to bonds and other obligations under the jurisdiction of the General Services Administration, issued by public authorities, States, or other public bodies, and such services in respect to such bonds or obligations as the Administrator deems necessary and in the public interest may, upon the request and at the expense of the issuing agencies, be provided from the appropriate foregoing appropriation; and (3) appropriations or funds available to other agencies, and transferred to the General Services Administration, in connection with property transferred to the General Services Administration pursuant to the Act of July 2, 1948 (50 U.S.C. 451ff), and such appropriations or funds may be so transferred, with the approval of the Bureau of the Budget.

Appropriations to the General Services Administration under the heading "Construction, Public Buildings Projects" shall be available, subject to the provisions of the Public Buildings Act of 1959 for (1) acquisition of buildings and sites thereof by purchase, condemnation, or otherwise, including prepayment of purchase contracts, (2) extension or conversion of Government-owned buildings, and (3) construction of new buildings, in addition to those set forth under that appropriation: *Provided*, That nothing herein shall authorize an expenditure of funds for acquisition, extension or conversion, or construction without the approval of the Committees on Appropriations of the Senate and House of Representatives.

Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

No part of any money appropriated by this or any other Act for any agency of the executive branch of the Government shall be used during the current fiscal year for the purchase within the continental limits of the United States of any typewriting machines except in accordance with regulations issued pursuant to the provisions of the Federal Property and Administrative Services Act of 1949, as amended.

Not to exceed 2 per centum of any appropriation made available to the General Services Administration for the current fiscal year by this Act may be transferred to any other such appropriation, but no such appropriation shall be increased thereby more than 2 per centum: *Provided*, That such transfers shall apply only to operating expenses, and shall not exceed in the aggregate the amount of \$2,000,000.

Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for (a) reimbursement to the General Services Administration for those expenses of renovation and alteration of buildings and facilities which constitute public

61 Stat. 584.

62 Stat. 1225.
50 USC 451
note.

73 Stat. 479.
40 USC 601
note.

63 Stat. 377.
40 USC 471
note.
Funds, transfer.

improvements, performed in accordance with the Public Buildings Act of 1959 (73 Stat. 479) or other applicable law, and (b) transfer or reimbursement to applicable appropriations to said Administration for rents and related expenses, not otherwise provided for, of providing subject to Executive Order 11035, dated July 9, 1962, directly or indirectly, suitable general purpose space for any such department or agency, in the District of Columbia or elsewhere.

40 USC 601
note.

40 USC 490
note.

No part of any appropriation contained in this Act shall be used for the payment of rental on lease agreements for the accommodation of Federal agencies in buildings and improvements which are to be erected by the lessor for such agencies at an estimated cost of construction in excess of \$200,000 or for the payment of the salary of any person who executes such a lease agreement: *Provided*, That the foregoing proviso shall not be applicable to projects for which a prospectus for the lease construction of space has been submitted to the Congress and approval made in the same manner as for the public buildings construction projects pursuant to the Public Buildings Act of 1959.

NATIONAL AERONAUTICS AND SPACE

ADMINISTRATION

RESEARCH AND DEVELOPMENT

For necessary expenses, not otherwise provided for, including research, development, operations, services, minor construction, maintenance, repair, and alteration of real and personal property; and purchase, hire, maintenance, and operation of other than administrative aircraft necessary for the conduct and support of aeronautical and space research and development activities of the National Aeronautics and Space Administration, \$2,565,000,000, to remain available until expended.

CONSTRUCTION OF FACILITIES

For advance planning, design, and construction of facilities for the National Aeronautics and Space Administration, and for the acquisition or condemnation of real property, as authorized by law, \$24,950,000, to remain available until expended.

RESEARCH AND PROGRAM MANAGEMENT

For necessary expenses of research in Government laboratories, management of programs and other activities of the National Aeronautics and Space Administration, not otherwise provided for, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); minor construction; awards; purchase of not to exceed one and hire, maintenance and operation of administrative aircraft; purchase (not to exceed thirty-nine for replacement only) and hire of passenger motor vehicles; and maintenance, repair, and alteration of real and personal property; \$678,725,000, of which \$10,000,000 shall be available only for use at the Mississippi Test Facility/Slidell Computer Complex and at other NASA facilities which can accommodate earth environmental studies to furnish, on a nonreimbursable basis, basic institutional and technical services to Federal agencies, resident at the complexes, in pursuit of space and environmental missions: *Provided*, That contracts may be entered into under this appropriation for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

80 Stat. 508;
81 Stat. 206.

GENERAL PROVISIONS

Funds, transfer.

Not to exceed 5 per centum of any appropriation made available to the National Aeronautics and Space Administration by this Act may be transferred to any other such appropriation.

Not to exceed \$35,000 of the appropriation "Research and Program Management" in this Act for the National Aeronautics and Space Administration shall be available for scientific consultations or extraordinary expenses, to be expended upon the approval or authority of the Administrator and his determination shall be final and conclusive.

NATIONAL COMMISSION ON CONSUMER FINANCE

SALARIES AND EXPENSES

82 Stat. 164,
15 USC 1601
note.

For expenses necessary to carry out the provisions of title IV of the Act of May 29, 1968 (Public Law 90-321), \$500,000, and the unobligated balance under this head for the fiscal year 1970 shall remain available until June 30, 1971.

NATIONAL SCIENCE FOUNDATION

SALARIES AND EXPENSES

64 Stat. 149.

72 Stat. 1601.

80 Stat. 998.

73 Stat. 431.

80 Stat. 416.

80 Stat. 508;
81 Stat. 206.

Campus dis-
rupters, payments,
prohibition.

For expenses necessary to carry out the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), Title IX of the National Defense Education Act of 1958 (42 U.S.C. 1876-1879), the National Sea Grant College and Program Act of 1966, (33 U.S.C. 1121-1124), and the Act to establish a National Medal of Science (42 U.S.C. 1880-1881), including award of graduate fellowships; services as authorized by 5 U.S.C. 3109; maintenance and operation of four aircraft and purchase of flight services for research support; hire of passenger motor vehicles; not to exceed \$2,500 for official reception and representation expenses; not to exceed \$20,500,000 for program development and management; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); rental of conference rooms in the District of Columbia; and reimbursement of the General Services Administration for security guard services; \$511,000,000, to remain available until expended: *Provided*, That of the foregoing amount not less than \$9,500,000 shall be available for first-year graduate traineeships: *Provided further*, That of the foregoing amount not less than \$23,300,000 shall be available for tuition, grants, and allowances in connection with a program of summer institutes for secondary school science and mathematics teachers: *Provided further*, That receipts for scientific support services and materials furnished by the National Research Centers may be credited to this appropriation: *And provided further*, That if an institution of higher education receiving funds hereunder determines after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has, after the date of enactment of this Act, willfully refused to obey a lawful regulation or order of such institution and that such refusal was of a serious nature and contributed to the disruption of the administration of such institution, then the institution shall deny any further payment to, or for the benefit of, such individual.

SCIENTIFIC ACTIVITIES (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United

States, for scientific activities, as authorized by section 104(b)(3) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704(b)(3)), \$2,000,000: *Provided*, That this appropriation shall be available in addition to other appropriations to the National Science Foundation, for payments in the foregoing currencies.

80 Stat. 1529.

RENEGOTIATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Renegotiation Board, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, \$4,235,000.

80 Stat. 416.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902), and services as authorized by 5 U.S.C. 3109, \$21,716,000, including necessary funds to complete the Institutional Investors Study.

80 Stat. 508;
81 Stat. 206.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the operation and maintenance of the Selective Service System, as authorized by title I of the Military Selective Service Act of 1967 (62 Stat. 604), as amended, including services as authorized by 5 U.S.C. 3109; expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by law (5 U.S.C. 2301-2318) for civilian employees; hire of motor vehicles; purchase of thirteen passenger motor vehicles for replacement only; not to exceed \$82,000 for the National Selective Service Appeal Board; and \$75,000 for the National Advisory Committee on the Selection of Physicians, Dentists, and Allied Specialists; \$75,000,000: *Provided*, That during the current fiscal year, the President may exempt this appropriation from the provisions of subsection (c) of section 3679 of the Revised Statutes, as amended, whenever he deems such action to be necessary in the interest of national defense.

81 Stat. 100.
50 USC app.
451.80 Stat. 432.
5 USC 4101-
4118 and notes.

31 USC 665.

VETERANS ADMINISTRATION

COMPENSATION AND PENSIONS

For the payment of compensation, pensions, gratuities, and allowances, including burial awards, burial flags, subsistence allowances for vocational rehabilitation, emergency and other officers' retirement pay, adjusted-service credits and certificates, as authorized by law; and for payment of amounts of compromises or settlements under 28 U.S.C. 2677 of tort claims potentially subject to the offset provisions of 38 U.S.C. 351, \$5,456,600,000, to remain available until expended.

80 Stat. 307.
72 Stat. 1124;
76 Stat. 950;
83 Stat. 33.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 21, 31 (except section 1504), and 33-39), \$1,354,500,000, to remain available until expended.

72 Stat. 1167.
38 USC 801,
1501, 1601, 1901.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, and service-disabled veterans insurance, to remain available until expended, \$12,100,000, of which \$7,000,000 shall be derived from the Veterans Special Life Insurance Fund.

MEDICAL CARE

For expenses necessary for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Veterans Administration including care and treatment in facilities not under the jurisdiction of the Veterans Administration, and furnishing recreational facilities, supplies and equipment; maintenance and operation of farms and burial grounds; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Veterans Administration, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowance therefor as authorized by law (5 U.S.C. 5901-5902); and aid to State homes as authorized by law (38 U.S.C. 641); \$1,857,200,000, plus reimbursements: *Provided*, That allotments and transfers may be made from this appropriation to the Public Health Service of the Department of Health, Education, and Welfare, and the Army, Navy, and Air Force of the Department of Defense, for disbursements by them under the various headings of their applicable appropriations, of such amounts as are necessary for the care and treatment of beneficiaries of the Veterans Administration.

80 Stat. 508;
81 Stat. 206.
83 Stat. 836.

MEDICAL AND PROSTHETIC RESEARCH

For expenses necessary for carrying out programs of medical and prosthetic research and development, as authorized by law, to remain available until expended, \$59,200,000.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For expenses necessary for administration of the medical, hospital, domiciliary, construction and supply, research, employee education and training activities, as authorized by law, and for carrying out the provisions of section 5055, title 38, United States Code, relating to pilot programs and grants for exchange of medical information, \$19,100,000.

80 Stat. 1375.

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Veterans Administration, not otherwise provided for, including uniforms or allowances therefor, as authorized by law; not to exceed \$1,000 for official reception and representation expenses; purchase of one passenger motor vehicle (medium sedan for replacement only) and hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services; \$239,200,000: *Provided*, That no part of this appropriation shall be used to pay in excess of twenty-two persons engaged in public relations work.

CONSTRUCTION OF HOSPITAL AND DOMICILIARY FACILITIES

For hospital and domiciliary facilities, for planning and for major alterations, improvements, and repairs and extending any of the facilities under the jurisdiction of the Veterans Administration or for

any of the purposes set forth in sections 5001, 5002, and 5004, title 38, United States Code, including necessary expenses of administration, \$59,000,000, to remain available until expended.

72 Stat. 1251;
80 Stat. 1372.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist the several States to construct State nursing home facilities and to remodel, modify or alter existing hospital and domiciliary facilities in State homes, for furnishing care to veterans, as authorized by law (38 U.S.C. 644 and 5031-5037), \$7,500,000, to remain available until June 30, 1973.

83 Stat. 836;
78 Stat. 501.

GRANTS TO THE REPUBLIC OF THE PHILIPPINES

For payment to the Republic of the Philippines of grants, as authorized by law (38 U.S.C. 631-634), \$2,000,000.

72 Stat. 1145;
80 Stat. 859.

PAYMENT OF PARTICIPATION SALES INSUFFICIENCIES

For the payment of such insufficiencies as may be required by the Government National Mortgage Association, as trustee, on account of outstanding beneficial interests or participations in Direct loan revolving fund assets or Loan guaranty revolving fund assets, authorized by the Independent Offices and Department of Housing and Urban Development Appropriation Act, 1968, to be issued pursuant to section 302(c) of the Federal National Mortgage Association Charter Act, as amended (12 U.S.C. 1717(c)), \$6,128,000.

81 Stat. 352.

78 Stat. 800;
80 Stat. 164;
82 Stat. 542.

LOAN GUARANTY REVOLVING FUND

During the current fiscal year, the Loan guaranty revolving fund shall be available for expenses, but not to exceed \$350,000,000, for property acquisitions and other loan guaranty and insurance operations under Chapter 37, title 38, United States Code, except administrative expenses, as authorized by section 1824 of such title: *Provided*, That the unobligated balances including retained earnings of the Direct loan revolving fund shall be available, during the current fiscal year, for transfer to the Loan guaranty revolving fund in such amounts as may be necessary to provide for the timely payment of obligations of such fund and the Administrator of Veterans Affairs shall not be required to pay interest on amounts so transferred after the time of such transfer.

72 Stat. 1203;
80 Stat. 26;
82 Stat. 116.
38 USC 1801.
74 Stat. 532.

ADMINISTRATIVE PROVISIONS

Not to exceed 5 per centum of any appropriation for the current fiscal year for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred to any other of the mentioned appropriations, but not to exceed 10 per centum of the appropriations so augmented.

Funds, transfer.

Appropriations available to the Veterans Administration for the current fiscal year for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

80 Stat. 416.

The appropriation available to the Veterans Administration for the current fiscal year for "Medical care" shall be available for funeral, burial, and other expenses incidental thereto (except burial awards authorized by 38 U.S.C. 902), for beneficiaries of the Veterans Administration receiving care under such appropriations.

72 Stat. 1169;
80 Stat. 29.

No part of the appropriations in this Act for the Veterans Administration (except the appropriation for "Construction of hospital and domiciliary facilities") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

No part of the foregoing appropriations shall be available for hospitalization or examination of any persons except beneficiaries entitled under the laws bestowing such benefits to veterans, unless reimbursement of cost is made to the appropriation at such rates as may be fixed by the Administrator of Veterans Affairs.

TITLE II

EXECUTIVE OFFICE OF THE PRESIDENT COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

SALARIES AND EXPENSES

For expenses necessary for the Council on Environmental Quality and the Office of Environmental Quality, in carrying out their functions under the National Environmental Policy Act of 1969 (Public Law 91-190) and the National Environmental Improvement Act of 1970 (Public Law 91-224), including hire of passenger vehicles, and support of the Cabinet Committee on the Environment and the Citizens' Advisory Committee on Environmental Quality established by Executive Order 11472 of May 29, 1969, as amended by Executive Order 11514 of March 5, 1970, \$1,000,000.

83 Stat. 852.
42 USC 4321
note.
Ante, p. 91.

16 USC 17k
note.
42 USC 4321
note.

NATIONAL AERONAUTICS AND SPACE COUNCIL

SALARIES AND EXPENSES

For expenses necessary for the National Aeronautics and Space Council, established by section 201 of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2471), including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, \$500,000.

72 Stat. 427;
75 Stat. 46.
80 Stat. 416.

OFFICE OF EMERGENCY PREPAREDNESS

SALARIES AND EXPENSES

For expenses necessary for the Office of Emergency Preparedness, including services as authorized by 5 U.S.C. 3109, reimbursement of the General Services Administration for security guard services, hire of passenger motor vehicles, and expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency planning, \$5,890,000.

DEFENSE MOBILIZATION FUNCTIONS OF FEDERAL AGENCIES

For expenses necessary to assist other Federal agencies to perform civil defense and defense mobilization functions, including payments by the Department of Labor to State employment security agencies for the full cost of administration of defense manpower mobilization activities, \$3,130,000.

OFFICE OF SCIENCE AND TECHNOLOGY

SALARIES AND EXPENSES

For expenses necessary for the Office of Science and Technology, including services as authorized by 5 U.S.C. 3109, \$2,100,000.

80 Stat. 416.

OFFICE OF TELECOMMUNICATIONS POLICY

SALARIES AND EXPENSES

For expenses necessary for the conduct of telecommunications functions assigned to the Director of Telecommunications Policy, including services as authorized by 5 U.S.C. 3109, \$2,000,000: *Provided*, That not to exceed \$500,000 of the foregoing amount shall remain available for telecommunications studies and research until expended.

FUNDS APPROPRIATED TO THE PRESIDENT

APPALACHIAN REGIONAL DEVELOPMENT PROGRAMS

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, except expenses authorized by section 105 of said Act, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, to remain available until expended, \$293,500,000, of which \$175,000,000 shall be available for the Appalachian Development Highway System, but no part of any appropriation in this Act shall be available for expenses in connection with commitments for contracts or grants for the Appalachian Development Highway System in excess of the total amount herein and heretofore appropriated.

79 Stat. 5;
81 Stat. 257.
40 USC app. 1.

DISASTER RELIEF

For expenses necessary to carry out the purposes of the Act of September 30, 1950, as amended (42 U.S.C. 1855-1855g), the Disaster Relief Act of 1969 (Public Law 91-79) and section 9 of the Disaster Relief Act of 1966 (Public Law 89-769), authorizing assistance to States and local governments in major disasters, \$65,000,000, to remain available until expended: *Provided*, That not to exceed 3 per centum of the foregoing amount shall be available for administrative expenses.

64 Stat. 1109.
83 Stat. 125.
42 USC 1855aaa
note.
80 Stat. 1320.
42 USC 1855ee.

DEPARTMENT OF DEFENSE

CIVIL DEFENSE

OPERATION AND MAINTENANCE

For expenses, not otherwise provided for, necessary for carrying out civil defense activities, including the hire of motor vehicles; and financial contributions to the States for civil defense purposes, as authorized by law, \$50,100,000: *Provided*, That not to exceed \$21,400,000 shall be available for allocation under section 205 of the Federal Civil Defense Act of 1950, as amended.

72 Stat. 533;
82 Stat. 175.
50 USC app.
2286.

RESEARCH, SHELTER SURVEY AND MARKING

For expenses, not otherwise provided for, necessary for studies and research to develop measures and plans for civil defense; continuing shelter surveys, marking, stocking, and equipping surveyed spaces; and financial contributions to the States under section 201(i) of the

64 Stat. 1249;
72 Stat. 532;
75 Stat. 820.
50 USC app.
2281.

Federal Civil Defense Act, which shall be equally matched, for emergency operating centers and civil defense equipment; \$22,000,000, to remain available until expended.

GENERAL PROVISIONS—CIVIL DEFENSE

64 Stat. 1257;
72 Stat. 534.

Appropriations contained in this Act for carrying out civil defense activities shall not be available in excess of the limitations on appropriations contained in section 408 of the Federal Civil Defense Act, as amended (50 U.S.C. App. 2260).

No part of any appropriation in this Act shall be available for the construction of warehouses or for the lease of warehouse space in any building which is to be constructed specifically for civil defense activities.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PUBLIC HEALTH SERVICE

EMERGENCY HEALTH

64 Stat. 1248;
82 Stat. 175.

58 Stat. 691.
42 USC 241,
243.

For expenses necessary for carrying out emergency planning and preparedness functions of the Health Services and Mental Health Administration, and procurement, storage (including underground storage), distribution, and maintenance of emergency civil defense medical supplies and equipment, as authorized by section 201(h) of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2281(h)), and, except as otherwise provided, sections 301 and 311 of the Public Health Service Act with respect to emergency health services, \$3,755,000, to remain available until expended.

TITLE III

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

RENEWAL AND HOUSING ASSISTANCE

GRANTS FOR NEIGHBORHOOD FACILITIES

79 Stat. 491.

For grants authorized by section 703 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3103), \$40,000,000, to remain available until expended.

URBAN RENEWAL PROGRAMS

63 Stat. 414;
82 Stat. 518.
78 Stat. 792;
82 Stat. 603.

For grants for urban renewal, fiscal year 1971, as an additional amount for urban renewal programs, as authorized by title I of the Housing Act of 1949, as amended (42 U.S.C. 1450 et seq.), and section 314 of the Housing Act of 1954, as amended (42 U.S.C. 1452a), \$1,200,000,000, to remain available until expended: *Provided*, That no part of any appropriation in this Act shall be used for administrative expenses in connection with commitments for grants aggregating more than the total of amounts available in the current year from the amounts authorized for making such commitments through June 30, 1967, plus the additional amounts appropriated therefor.

REHABILITATION LOAN FUND

For the revolving fund established pursuant to section 312 of the Housing Act of 1964, as amended (42 U.S.C. 1452b), \$35,000,000, to remain available until expended.

78 Stat. 790;
82 Stat. 523;
83 Stat. 387.

LOW RENT PUBLIC HOUSING

ANNUAL CONTRIBUTIONS

For the payment of annual contributions to public housing agencies in accordance with section 10 of the United States Housing Act of 1937, as amended (42 U.S.C. 1410), \$654,500,000.

50 Stat. 891.

COLLEGE HOUSING

For payments authorized by section 1705 of the Housing and Urban Development Act of 1968, the unobligated balance of funds appropriated for this purpose in fiscal year 1970 shall remain available until June 30, 1971: *Provided*, That the limitation otherwise applicable to the total payments that may be required in any fiscal year by all contracts entered into under such section is increased by \$9,300,000.

82 Stat. 604;
83 Stat. 390.
12 USC 1749.

SALARIES AND EXPENSES, RENEWAL AND HOUSING ASSISTANCE

For necessary administrative expenses of programs of renewal and housing assistance, not otherwise provided for, \$43,500,000.

METROPOLITAN DEVELOPMENT

COMPREHENSIVE PLANNING GRANTS

For "Comprehensive planning grants" as authorized by section 701 of the Housing Act of 1954, as amended (40 U.S.C. 461), \$50,000,000, to remain available until expended.

Post, p. 1804.

COMMUNITY DEVELOPMENT TRAINING AND URBAN FELLOWSHIP PROGRAMS

For matching grants to States for training and related activities, for expenses of providing technical assistance to State and local governmental or public bodies (including studies and publication of information), and for fellowships for city planning and urban studies, as authorized by title VIII of the Housing Act of 1964, as amended (20 U.S.C. 801-805; 811), \$3,500,000.

83 Stat. 392.

NEW COMMUNITY ASSISTANCE

For supplementary grants as authorized by title IV of the Housing and Urban Development Act of 1968 (42 U.S.C. 3911), \$5,000,000, to remain available until expended.

82 Stat. 513;
83 Stat. 391.

OPEN SPACE LAND PROGRAMS

For grants as authorized by title VII of the Housing Act of 1961, as amended (42 U.S.C. 1500-1500e), and the provision of technical assistance to State and local public bodies (including the undertaking of studies and publication of information), \$75,000,000, to remain available until expended: *Provided*, That no part of this appropriation may be used for financing a grant in excess of 50 per centum of the cost of any activity or project.

75 Stat. 183;
79 Stat. 495.

GRANTS FOR BASIC WATER AND SEWER FACILITIES

Ante, p. 886. For grants authorized by section 702 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3102), \$350,000,000, to remain available until expended.

SALARIES AND EXPENSES, METROPOLITAN DEVELOPMENT

For necessary administrative expenses of programs of metropolitan development, not otherwise provided for, \$8,000,000.

MODEL CITIES AND GOVERNMENTAL RELATIONS

MODEL CITIES PROGRAMS

For financial assistance and administrative expenses in connection with planning and carrying out comprehensive city demonstration programs, as authorized by title I of the Demonstration Cities and Metropolitan Development Act of 1966 (80 Stat. 1255-1261), \$575,000,000 for the fiscal year 1971, to remain available until June 30, 1972.

SALARIES AND EXPENSES, MODEL CITIES AND GOVERNMENTAL RELATIONS

For necessary administrative expenses of programs of Model cities and governmental relations, not otherwise provided for, \$600,000, together with not to exceed \$8,300,000 to be derived from the appropriation for "Model cities programs": *Provided*, That no part of this or any other appropriation in this Act may be used to provide metropolitan expeditors, or for the administration or implementation of section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 (Public Law 89-754).

80 Stat. 1262.
42 USC 3334.

URBAN TECHNOLOGY AND RESEARCH

URBAN RESEARCH AND TECHNOLOGY

For grants and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by law (12 U.S.C. 1701d-3; 1701e; 1701f; 42 U.S.C. 3532; 42 U.S.C. 3372-3373), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, \$30,000,000 for the fiscal year 1971, to remain available until June 30, 1972: *Provided*, That not to exceed \$1,700,000 of the foregoing amount shall be available for administrative expenses.

70 Stat. 1113;
63 Stat. 431;
79 Stat. 667;
80 Stat. 1286.
82 Stat. 1369.
49 USC 1608
note.

MORTGAGE CREDIT

HOMEOWNERSHIP AND RENTAL HOUSING ASSISTANCE

For homeownership assistance payments, authorized by section 235, and for interest reduction payments as authorized by section 236 of the National Housing Act, as amended (82 Stat. 477 and 498), \$115,100,000: *Provided*, That the limitation on total payments that may be required in any fiscal year by all contracts entered into under section 235 is increased by \$130,000,000, and the limitation on total payments under those entered into under section 236 is increased by \$135,000,000.

12 USC 1715z,
1715z-1.

RENT SUPPLEMENT PROGRAM

For rent supplement payments authorized by section 101 of the Housing and Urban Development Act of 1965, \$16,600,000: *Provided*, That the limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under such section is increased by \$55,000,000: *Provided further*, That no part of the foregoing appropriation or contract authority shall be used for incurring any obligation in connection with any dwelling unit or project which is not either part of a workable program for community improvement meeting the requirements of section 101(c) of the Housing Act of 1949, as amended (42 U.S.C. 1451(c)), or which is without local official approval for participation in this program.

79 Stat. 451.
12 USC 1701s
and note.

68 Stat. 623.

LOW AND MODERATE INCOME SPONSOR FUND

For the low and moderate income sponsor fund, authorized by section 106 of the Housing and Urban Development Act of 1968 (82 Stat. 490), \$3,000,000.

Post, p. 1808.

HOUSING FOR THE ELDERLY OR HANDICAPPED FUND

For the revolving fund established pursuant to Section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701q et seq.), \$10,000,000, to remain available until expended.

73 Stat. 667;
83 Stat. 390.

SALARIES AND EXPENSES, FEDERAL HOUSING ADMINISTRATION

For necessary administrative expenses of the Federal Housing Administration in carrying out functions delegated by the Secretary under section 101 of the Housing and Urban Development Act of 1965, as amended (12 U.S.C. 1701s), and section 106 and title XIV of the Housing and Urban Development Act of 1968 (82 Stat. 490 and 590), not otherwise provided for, \$3,500,000.

79 Stat. 451.

12 USC 1701x,
15 USC 1701.

FEDERAL INSURANCE ADMINISTRATION

FLOOD INSURANCE

For necessary administrative expenses, not otherwise provided for, in carrying out the National Flood Insurance Act of 1968 (82 Stat. 572), \$5,000,000.

42 USC 4001
note.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING AND EQUAL OPPORTUNITY

For expenses necessary to carry out the functions of the Secretary pursuant to title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601), section 3 of the Housing and Urban Development Act of 1968 (82 Stat. 476), title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), and Executive Orders 11063 (27 Fed. Reg. 11527), 11246, as amended (30 Fed. Reg. 12319, 32 Fed. Reg. 14303), 11458 (34 Fed. Reg. 4937), and 11478 (34 Fed. Reg. 12985), \$8,000,000.

82 Stat. 81.

83 Stat. 395.
12 USC 1701u.
78 Stat. 252.
42 USC 1982
note, 2000e notes.
15 USC 631
note.

DEPARTMENTAL MANAGEMENT

GENERAL ADMINISTRATION

For necessary administrative expenses of the Secretary, not otherwise provided for, in overall program planning and direction in the Department, including not to exceed \$2,500 for official reception and representation expenses, \$9,000,000.

REGIONAL MANAGEMENT AND SERVICES

For necessary administrative expenses, not otherwise provided for, of management and program coordination in the regional offices of the Department, \$14,000,000.

PAYMENT OF PARTICIPATION SALES INSUFFICIENCIES

For the payment of such insufficiencies as may be required by the Government National Mortgage Association, as trustee, on account of outstanding beneficial interests or participations in assets of the Department of Housing and Urban Development (including the Government National Mortgage Association) authorized by the Independent Offices and Department of Housing and Urban Development Appropriation Act, 1968, to be issued pursuant to section 302(c) of the Federal National Mortgage Association Charter Act, as amended, \$58,781,000.

TITLE IV—CORPORATIONS

The following corporations and agencies, respectively, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Budget for the current fiscal year for each such corporation or agency except as hereinafter provided:

FEDERAL HOME LOAN BANK BOARD

LIMITATION ON ADMINISTRATIVE AND NONADMINISTRATIVE EXPENSES,
FEDERAL HOME LOAN BANK BOARD

Not to exceed a total of \$6,625,000 shall be available for administrative expenses of the Federal Home Loan Bank Board, which may procure services as authorized by 5 U.S.C. 3109, and contracts for such services with one organization may be renewed annually, and uniforms or allowances therefor in accordance with law (5 U.S.C. 5901-5902), and said amount shall be derived from funds available to the Federal Home Loan Bank Board, including those in the Federal Home Loan Bank Board revolving fund and receipts of the Board for the current fiscal year and prior fiscal years, and the Board may utilize and may make payment for services and facilities of the Federal home loan banks, the Federal Reserve banks, the Federal Savings and Loan Insurance Corporation, and other agencies of the Government (including payment for office space): *Provided*, That all necessary expenses in connection with the conservatorship or liquidation of institutions insured by the Federal Savings and Loan Insurance Corporation, liquidation or handling of assets of or derived from such insured institutions, payment of insurance, and action for or toward the avoidance, termination, or minimizing of losses in the case of such

81 Stat. 352.

78 Stat. 800;

80 Stat. 164;

82 Stat. 542.

12 USC 1717.

61 Stat. 584.

31 USC 849.

80 Stat. 416.

80 Stat. 508;

81 Stat. 206.

insured institutions, or activities relating to section 5A(f) or 6(i) of the Federal Home Loan Bank Act, section 5(d) of the Home Owners' Loan Act of 1933, or section 406(c), 407, or 408 of the National Housing Act and all necessary expenses (including services performed on a contract or fee basis, but not including other personal services) in connection with the handling, including the purchase, sale, and exchange, of securities on behalf of Federal home loan banks, and the sale, issuance, and retirement of, or payment of interest on, debentures or bonds, under the Federal Home Loan Bank Act, as amended, shall be considered as nonadministrative expenses for the purposes hereof: *Provided further*, That members and alternates of the Federal Savings and Loan Advisory Council shall be entitled to reimbursement from the Board as approved by the Board for transportation expenses incurred in attendance at meetings of or concerned with the work of such Council and may be paid not to exceed \$25 per diem in lieu of subsistence: *Provided further*, That expenses of any functions of supervision (except of Federal home loan banks) vested in or exercisable by the Board shall be considered as nonadministrative expenses: *Provided further*, That not to exceed \$1,000 shall be available for official reception and representation expenses: *Provided further*, That, notwithstanding any other provisions of this Act, except for the limitation in amount hereinbefore specified, the administrative expenses and other obligations of the Board shall be incurred, allowed, and paid in accordance with the provisions of the Federal Home Loan Bank Act of July 22, 1932, as amended (12 U.S.C. 1421-1449): *Provided further*, That the nonadministrative expenses (except those included in the first proviso hereof) for the supervision and examination of Federal and State chartered institutions (other than special examinations determined by the Board to be necessary) shall not exceed \$14,700,000.

82 Stat. 856;
47 Stat. 727.
12 USC 1425a,
1426.
80 Stat. 1028.
12 USC 1464.
48 Stat. 1259;
82 Stat. 295.
80 Stat. 1036.
82 Stat. 5.
12 USC 1729,
1730, 1730a.

47 Stat. 725.

INTEREST ADJUSTMENT PAYMENTS

For payments to Federal home loan banks for the purpose of adjusting the effective interest rates charged by such banks, as authorized by section 101 of the Emergency Home Finance Act of 1970, \$85,000,000.

Anfe, p. 450.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Not to exceed \$408,000 shall be available for administrative expenses, which shall be on an accrual basis and shall be exclusive of interest paid, depreciation, properly capitalized expenditures, expenses in connection with liquidation of insured institutions or activities relating to section 406(c), 407, or 408 of the National Housing Act, liquidation or handling of assets of or derived from insured institutions, payment of insurance, and action for or toward the avoidance, termination, or minimizing of losses in the case of insured institutions, legal fees and expenses and payments for expenses of the Federal Home Loan Bank Board determined by said Board to be properly allocable to said Corporation, and said Corporation may utilize and may make payments for services and facilities of the Federal home loan banks, the Federal Reserve banks, the Federal Home Loan Bank Board, and other agencies of the Government: *Provided*, That, notwithstanding any other provisions of this Act, except for the limitation in amount hereinbefore specified, the administrative expenses and other obligations of said Corporation shall be incurred, allowed, and paid in accordance with title IV of the Act of June 27, 1934, as amended (12 U.S.C. 1724-1730b).

48 Stat. 1255;
78 Stat. 805.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

LIMITATION ON ADMINISTRATIVE EXPENSES, HOUSING FOR THE ELDERLY OR HANDICAPPED

73 Stat. 667;
83 Stat. 390.

Not to exceed \$850,000 of funds in the revolving fund established pursuant to section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701q et seq.), shall be available for administrative expenses.

LIMITATION ON ADMINISTRATIVE EXPENSES, COLLEGE HOUSING LOANS

64 Stat. 77;
77 Stat. 437.

Not to exceed \$1,000,000 of the funds available for making loans for college housing and other facilities shall be available for administrative expenses in connection with such loans (12 U.S.C. 1749–1749d).

LIMITATION ON ADMINISTRATIVE EXPENSES, PUBLIC FACILITY LOANS

69 Stat. 642.
42 USC 1491.

Not to exceed \$1,200,000 of funds in the revolving fund established pursuant to title II of the Housing Amendments of 1955, as amended, shall be available for administrative expenses.

LIMITATION ON ADMINISTRATIVE EXPENSES, REVOLVING FUND (LIQUIDATING PROGRAMS)

During the current fiscal year not to exceed \$125,000 shall be available for administrative expenses, but this amount shall be exclusive of expenses necessary in the case of defaulted obligations to protect the interests of the Government.

LIMITATION ON ADMINISTRATIVE AND NONADMINISTRATIVE EXPENSES, FEDERAL HOUSING ADMINISTRATION

48 Stat. 1246.

63 Stat. 905.
12 USC 1702.

For administrative expenses in carrying out duties imposed by or pursuant to law, not to exceed \$13,500,000 of the various funds of the Federal Housing Administration shall be available, in accordance with the National Housing Act, as amended (12 U.S.C. 1701): *Provided*, That funds shall be available for contract actuarial services (not to exceed \$1,500): *Provided further*, That nonadministrative expenses classified by section 2 of Public Law 387, approved October 25, 1949, shall not exceed \$118,775,000.

LIMITATION ON ADMINISTRATIVE EXPENSES, GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

Not to exceed \$6,600,000 shall be available for administrative expenses, which shall be on accrual basis, and shall be exclusive of interest paid, expenses (including expenses for fiscal agency services performed on a contract or fee basis) in connection with the issuance and servicing of securities, depreciation, properly capitalized expenditures, fees for servicing mortgages, expenses (including services performed on a force account, contract or fee basis, but not including other personal services) in connection with the acquisition, protection, operation, maintenance, improvement, or disposition of real or personal property belonging to said Association or in which it has an interest, cost of salaries, wages, travel, and other expenses of persons employed outside of the continental United States, and all administrative expenses reimbursable from other Government agencies and from

the Federal National Mortgage Association: *Provided*, That the distribution of administrative expenses to the accounts of the Association shall be made in accordance with generally recognized accounting principles and practices.

ADMINISTRATIVE EXPENSES, LOW RENT PUBLIC HOUSING

Administrative expenses of carrying out the provisions of the United States Housing Act of 1937, as amended (42 U.S.C. 1401-1433) shall be provided for from amounts appropriated therefor in this Act, except that necessary expenses of providing representatives at the sites of non-Federal projects in connection with the construction of such projects by public housing agencies with aid under the United States Housing Act of 1937, as amended, shall be compensated by such agencies by the payment of fixed fees which in the aggregate will cover the costs of rendering such services, and expenditures for such purpose shall be considered nonadministrative expenses, and funds received from such payments may be used only for the payment of necessary expenses of providing such representatives.

50 Stat. 888;
63 Stat. 440.

TITLE V—GENERAL PROVISIONS

SEC. 501. Where appropriations in titles I, II and III of this Act are expendable for travel expenses of employees and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefor in the budget estimates submitted for the appropriations: *Provided*, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Veterans' Administration; or to payments to interagency motor pools where separately set forth in the budget schedules.

SEC. 502. No part of any appropriation contained in titles I, II, and III of this Act shall be available to pay the salary of any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service and has within ninety days after his release from such service or from hospitalization continuing after discharge for a period of not more than one year made application for restoration to his former position and has been certified by the Civil Service Commission as still qualified to perform the duties of his former position and has not been restored thereto.

Position restoration after military leave.

SEC. 503. No part of any appropriation made available by the provision of titles I, II, and III of this Act shall be used for the purchase or sale of real estate or for the purpose of establishing new offices outside the District of Columbia: *Provided*, That this limitation shall not apply to programs which have been approved by the Congress and appropriations made therefor.

Real estate, D.C.

SEC. 504. No part of any appropriation contained in this Act, or the funds available for expenditure by any corporation or agency included in this Act, shall be used for publicity or propaganda purposes designed to support or defeat legislation pending before the Congress.

Publicity or propaganda.

SEC. 505. No part of any appropriation contained in this Act, or of the funds available for expenditure by any corporation or agency included in this Act, shall be used to pay the compensation of any employee engaged in personnel work in excess of the number that would be provided by a ratio of one such employee to one hundred and thirty-five, or a part thereof, full-time, part-time, and intermittent

Personnel work, limitation.

employees of the corporation or agency concerned: *Provided*, That for purposes of this section employees shall be considered as engaged in personnel work if they spend half-time or more in personnel administration consisting of direction and administration of the personnel program; employment, placement, and separation; job evaluation and classification; employee relations and services; wage administration; and processing, recording, and reporting.

Uniforms, etc.

80 Stat. 508;
81 Stat. 206.

80 Stat. 416.
Legal and bank-
ing services.

SEC. 506. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development shall be available in the current fiscal year for purchase of uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

SEC. 507. Funds made available for the Department of Housing and Urban Development under title IV of this Act shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of Federal National Mortgage Association or Government National Mortgage Association, Federal Reserve banks or any member thereof, Federal home loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811-1831).

64 Stat. 873.
Research
projects.

SEC. 508. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals for projects not specifically solicited by the Government: *Provided*, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

SEC. 509. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Interdepart-
mental groups,
expenses.

59 Stat. 134.

Payment to
convicted rioters,
prohibition.

SEC. 510. None of the funds in this Act shall be available to finance interdepartmental boards, commissions, councils, committees, or similar groups under section 214 of the Independent Offices Appropriation Act, 1946 (31 U.S.C. 691), which do not have prior and specific Congressional approval of such method of financial support.

SEC. 511. No part of the funds appropriated by this Act shall be used to pay the salary of any Federal employee who is convicted in any Federal, State, or local court of competent jurisdiction, of inciting, promoting, or carrying on a riot, or any group activity resulting in material damage to property or injury to persons, found to be in violation of Federal, State, or local laws designed to protect persons or property in the community concerned.

Hand and
measuring tools,
procurement out-
side U.S., limita-
tion.

SEC. 512. No part of any appropriations contained in this Act shall be available for the procurement of or for the payment of the salary of any person engaged in the procurement of any hand or measuring tool(s) not produced in the United States or its possessions except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of hand or measuring tools produced in the United States or its possessions cannot be procured as and when needed from sources in the United States and its possessions or except in accordance with procedures prescribed by section 6-104.4(b) of Armed Services Procurement Regulation dated January 1, 1969, as such regulation existed on June 15, 1970. This section shall be applicable to all solicitations for bids opened after its enactment.

Short title.

This Act may be cited as the "Independent Offices and Department of Housing and Urban Development Appropriation Act, 1971".

Approved December 17, 1970.

Public Law 91-557

AN ACT

December 17, 1970
[H. R. 3328]

To authorize the Secretary of the Interior to approve an agreement entered into by the Soboba Band of Mission Indians releasing a claim against the Metropolitan Water District of Southern California and Eastern Municipal Water District, California, and to provide for construction of a water distribution system and a water supply for the Soboba Indian Reservation; and to authorize long-term leases of land on the reservation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to approve a release agreement to be negotiated by and between the Soboba Band of Mission Indians, the Metropolitan Water District of Southern California, hereinafter called Metropolitan, and the Eastern Municipal Water District, hereinafter called Eastern, which provides among other things that—

Soboba Indian
Reservation, Calif.
Water distribu-
tion system; claim
release agreement.

(a) Metropolitan shall pay to the Secretary of the Interior for the use and benefit of the Soboba Indians the sum of \$30,000. Payment shall be made when the lands that comprise the Soboba Indian Reservation have been annexed to Metropolitan and to Eastern. The annexation shall be subject to the terms and conditions of the release agreement and the annexation and water service agreement to be executed pursuant to section 2 of this Act.

Payment.

(b) The Soboba Band of Mission Indians releases Metropolitan and Eastern, their successors or assigns, from all claim it may have based on past, present, or future actual or claimed damage to, or interference with, the flow of waters from the springs on the Soboba Indian Reservation lands, or on actual or claimed interference with, or damage to, the water supply to or upon the lands of the Soboba Indian Reservation, which claims arise from construction and operation of a certain tunnel through the San Jacinto mountains constructed in the 1930's.

(c) The release agreement shall be effective upon the completion of the concurrent annexation of the Soboba Indian Reservation lands to Metropolitan and Eastern and upon the execution of an annexation and water service agreement authorized by section 2 of this Act.

Effective date.

SEC. 2. The Secretary of the Interior and the Soboba Band of Indians are authorized to enter into an annexation and water service agreement with Eastern which provides, among other things, that—

Land annexation.

(a) The Soboba Indian Reservation lands may be annexed to Eastern and Metropolitan.

(b) No annexation charge or back taxes regardless of form shall be made for said annexation.

Annexation
charge, etc.,
waiver.

(c) The Secretary and Eastern shall jointly determine the additional new water supply and distribution facilities that shall be constructed and the existing facilities that shall be rehabilitated in order to provide domestic and irrigation water to each consumer within the Soboba Indian Reservation. Subject to the appropriation authorization limitation in section 5, construction or rehabilitation of facilities to provide water service to the Soboba Indian Reservation shall be undertaken by Eastern, shall be financed by the United States, with Eastern providing such funds as the Secretary of the Interior and Eastern jointly determine represent a prorated share of joint-use facilities constructed outside of the Soboba Reservation, and with the \$30,000 paid pursuant to subsection 1(a) being applied to the construction or rehabilitation. Facilities constructed within the Soboba Reservation shall be the property of the United States and facilities constructed outside of the Soboba Reservation shall be the property of Eastern.

Water service
agreement.

Maintenance.

(d) Eastern shall have the exclusive right, without charge, to use the supply and distribution facilities owned by the United States lying within the Soboba Indian Reservation, and Eastern shall assume the responsibility for maintaining and operating such facilities.

New service connections, financing.

(e) Upon assumption of operation and maintenance of the system by Eastern following completion of the initial installation and rehabilitation work, any new service connections applied for by residents or consumers within the Soboba Indian Reservation, and any other additional water main extensions or facilities required for serving new development within the Soboba Indian Reservation, shall be financed by the applicants for such service, in accordance with the standard rules and regulations of Eastern, except as indicated in the next sentence. As long as title to the lands involved is held in trust by the United States, such new service connections or additional water main extensions or facilities may be financed by the United States to the extent agreed upon by the Secretary of the Interior. All such new service connections, additional extensions, or facilities shall be constructed by Eastern. All such new service connections, additional extensions, or facilities financed by parties other than the United States shall be the property of Eastern. All such service connections, additional extensions, or facilities financed by the United States shall be the property of the United States subject to exclusive use by Eastern without charge.

Exception.**Delivery.**

(f) Subject to the limitations of capacity and location of the jointly agreed upon facilities, Eastern shall deliver domestic and irrigation water to each individual consumer within the Soboba Indian Reservation in accordance with the prevailing standard rules and regulations of Eastern and the provisions of the annexation and water service agreement.

Rates.

(g) The retail rates applicable to water service within the Soboba Indian Reservation shall be mutually agreed upon by Eastern and the Secretary of the Interior, and shall be neither less than nor more than the estimated cost of such water service to Eastern, adjusted to reflect differences between estimated costs and actual costs in preceding rate periods. Eastern shall make collections for service in accordance with its prevailing rules and regulations and the Secretary of the Interior shall guarantee payment to Eastern of any delinquent bill for providing water service to lands held in trust within the Soboba Indian Reservation. Water service to a consumer shall be discontinued in accordance with the prevailing rules and regulations of Eastern when a bill for service becomes delinquent, and shall not be resumed as long as the bill is delinquent without prior approval of the Secretary of the Interior. The Secretary shall not approve a resumption of service to an Indian who is able to pay all or a portion of a delinquent bill and fails to do so.

Collection.**Delinquent payment.****Title, transfer.**

(h) When title restrictions are removed from any part or all of the Soboba Indian Reservation land, the responsibility and duties of the United States under the annexation and water service agreement shall cease with respect to such land, except for the installation and rehabilitation obligations undertaken in subsections 2 (c) and (e) unless otherwise provided by Act of Congress. Title to the water distribution facilities serving such lands shall at that time become the property of Eastern and the obligation of Eastern to provide water service to such land at cost to the district shall likewise cease.

Rights-of-way.

SEC. 3. The Secretary is authorized to grant to Eastern without charge and subject to such conditions as he may prescribe (a) rights-of-way over Soboba Reservation lands necessary for the use, maintenance, and operation of supply and distribution facilities owned by the United States; (b) rights-of-way within which new service connections

are installed after initial installation and rehabilitation work has been completed by Eastern; and (c) rights-of-way necessary for additional water main extensions and other waterworks facilities required for serving new development: *Provided*, That where title to the Soboba Reservation lands involved has been conveyed in fee simple by the United States the rights-of-way hereby authorized shall be subject to prior approval of the owner of record. Eastern shall construct, use, maintain, operate, or install the equipment or facilities for which the rights-of-way are granted in a manner that avoids damage to buildings, crops, or trees, or interference with growing of crops. Should such damage or interference occur, Eastern shall compensate the United States as trustee, or the fee owner of record. The rights-of-way granted shall revert to the United States or the owner of record when no longer required for the purpose or purposes for which granted.

SEC. 4. Nothing in this Act shall permit Metropolitan or Eastern, or their successors or assigns, to alienate, encumber, or tax any property belonging to an Indian or Indian band which is held in trust by the United States of America, or which is subject to a restriction against alienation imposed by the United States of America, while such property is exempt therefrom under Federal case law or provisions of other Federal statutes.

Trust lands,
alienation, etc.;
prohibition.

SEC. 5. There are authorized to be appropriated to carry out the provisions of subsection 2(c) not to exceed \$316,658, in addition to the unexpended balance of sums previously appropriated and available for a water supply to the Soboba Reservation and the \$30,000 provided pursuant to subsection 2(c), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved. There are also authorized to be appropriated such sums as may be necessary to make any payments guaranteed pursuant to subsection 2(g). No funds shall be appropriated pursuant to the authorization contained in this section until sixty calendar days (not counting days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three calendar days to a day certain) after the Secretary has submitted to the Congress a plan for the construction and use of the water supply and distribution facilities under subsection 2(c), and for the repayment of costs as provided in section 6, and then only if within said sixty days neither the House nor the Senate Committee on Interior and Insular Affairs disapproves by committee resolution the plan submitted.

Appropriation.

Time limitation;
construction plan,
submittal to Con-
gress.

SEC. 6. Nothing in this Act shall affect the right of the Soboba Indians to pursue their claim against the United States under the Act of August 13, 1946 (60 Stat. 1049), now pending in docket numbered 80A before the Indian Claims Commission, but any expenditures under subsections 2 (c), (e), and (g), and the \$30,000 paid by the Metropolitan and used pursuant to subsection 2(c), may be used by the Commission either in mitigation of damages or as an offset against any award which the Indians may receive. If such amount exceeds the award, the excess, and all expenditures by the United States under subsections 2 (c), (e), and (g) after the date of the award, shall be repaid to the United States, without interest, by deductions from revenues received by the Soboba Band or its members from the sale, lease, or rental of the lands, such deductions to be in amounts that will reimburse the United States within fifty years, or as soon thereafter as possible, according to estimates of the Secretary of the Interior, which estimates may be revised from time to time: *Provided*, That deductions in any one year shall not exceed 50 per centum of the revenues received in that year.

Claims.

25 USC 70.

Deductions.

Limitation.

Land assignment
modification.

SEC. 7. Notwithstanding any other provision of law, any assignment of land on the Soboba Reservation shall be modified, reduced in size, revoked, or otherwise limited by the governing body of the Soboba Band, or by the Secretary of the Interior if in his judgment the governing body fails to act effectively, in order to assure that the benefits from the development of the land with water provided pursuant to this Act, other than for subsistence purposes, will accrue to the Band rather than to the assignee.

Long-term
leases.
Ante, p. 302.

SEC. 8. The second sentence of section 1 of the Act of August 9, 1955 (69 Stat. 539), as amended (25 U.S.C. 415), is hereby amended by inserting after "Gila River Reservation," the words "the Soboba Indian Reservation,".

Approved December 17, 1970.

Public Law 91-558

AN ACT

To amend the Small Business Act.

December 17, 1970
[S. 4536]

Small Business
Act, amendment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—SMALL BUSINESS ADMINISTRATION

Revolving
funds.
80 Stat. 132;
81 Stat. 268.
15 USC 633.

SEC. 101. Paragraph (4) of section 4(c) of the Small Business Act is amended—

(1) by striking out "\$1,900,000,000" and inserting in lieu thereof "\$2,200,000,000";

(2) by striking out "\$300,000,000" and inserting in lieu thereof "\$500,000,000"; and

(3) by striking out "\$200,000,000" and inserting in lieu thereof "\$300,000,000".

TITLE II—AUTHORIZATION FOR PRESIDENT TO STABILIZE PRICES, RENTS, WAGES, AND SALARIES

SEC. 201. Section 206 of the Economic Stabilization Act of 1970 (84 Stat. 799-800; Public Law 91-379) is amended by striking out "February 28, 1971," and inserting in lieu thereof "March 31, 1971,"; and by striking out "March 1, 1971," and inserting in lieu thereof "April 1, 1971,".

Approved December 17, 1970.

Public Law 91-559

AN ACT

December 19, 1970
[H. R. 15770]

To provide for conserving surface waters; to preserve and improve habitat for migratory waterfowl and other wildlife resources; to reduce runoff, soil and wind erosion, and contribute to flood control; and for other purposes.

Water Bank Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Water Bank Act".

Water bank pro-
gram.

SEC. 2. The Congress finds that it is in the public interest to preserve, restore, and improve the wetlands of the Nation, and thereby to

conserve surface waters, to preserve and improve habitat for migratory waterfowl and other wildlife resources, to reduce runoff, soil and wind erosion, and contribute to flood control, to contribute to improved water quality and reduce stream sedimentation, to contribute to improved subsurface moisture, to reduce acres of new land coming into production and to retire lands now in agricultural production, to enhance the natural beauty of the landscape, and to promote comprehensive and total water management planning. The Secretary of Agriculture (hereinafter in this Act referred to as the "Secretary") is authorized and directed to formulate and carry out a continuous program to prevent the serious loss of wetlands, and to preserve, restore, and improve such lands, which program shall begin on July 1, 1971.

SEC. 3. In effectuating the water bank program authorized by this Act, the Secretary shall have authority to enter into agreements with landowners and operators in important migratory waterfowl nesting and breeding areas for the conservation of water on specified farm, ranch, or other wetlands identified in a conservation plan developed in cooperation with the Soil and Water Conservation District in which the lands are located, under such rules and regulations as the Secretary may prescribe. These agreements shall be entered into for a period of ten years, with provision for renewal for additional periods of ten years each. The Secretary shall reexamine the payment rates at the beginning of any such ten-year renewal period in the light of the then current land and crop values and make needed adjustments in rates for any such renewal period. As used in this Act, the term "wetlands" means the inland fresh areas (types 1 through 5) described in Circular 39, Wetlands of the United States, published by the United States Department of the Interior (including artificially developed inland fresh areas which meet the description of inland fresh areas, types 1 through 5, contained in such Circular 39). No agreement shall be entered into under this Act concerning land with respect to which the ownership or control has changed in the two-year period preceding the first year of the agreement period unless the new ownership was acquired by will or succession as a result of the death of the previous owner, or unless the new ownership was acquired prior to July 1, 1971, under other circumstances which the Secretary determines, and specifies by regulation, will give adequate assurance that such land was not acquired for the purpose of placing it in the program, except that this sentence shall not be construed to prohibit the continuation of an agreement by a new owner or operator after an agreement has once been entered into under this Act. A person who has operated the land to be covered by an agreement under this Act for as long as two years preceding the date of the agreement and who controls the land for the agreement period shall not be required to own the land as a condition of eligibility for entering into the agreement. Nothing in this section shall prevent an owner or operator from placing land in the program if the land was acquired by the owner or operator to replace eligible land from which he was displaced because of its acquisition by any Federal, State, or other agency having the right of eminent domain.

Conservation
agreements.

"Wetlands."

Safeguards.

The Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers, including provision for sharing, on a fair and equitable basis, in payments or compensation under this program. No provision of this Act shall prevent an owner or operator who is participating in the program under this Act from participating in other Federal or State programs designed to conserve or protect wetlands.

Agreement provisions.

SEC. 4. In the agreement between the Secretary and an owner or operator, the owner or operator shall agree—

(1) to place in the program for the period of the agreement eligible wetland areas he designates, which areas may include wetlands covered by a Federal or State government easement which permits agricultural use, together with such adjacent areas as determined desirable by the Secretary;

(2) not to drain, burn, fill, or otherwise destroy the wetland character of such areas, nor to use such areas for agricultural purposes, as determined by the Secretary;

(3) to effectuate the wetland conservation and development plan for his land in accordance with the terms of the agreement, unless any requirement thereof is waived or modified by the Secretary pursuant to section 7 of this Act;

(4) to forfeit all rights to further payments or grants under the agreement and refund to the United States all payments or grants received thereunder upon his violation of the agreement at any stage during the time he has control of the land subject to the agreement if the Secretary determines that such violation is of such a nature as to warrant termination of the agreement, or to make refunds or accept such payment adjustments as the Secretary may deem appropriate if he determines that the violation by the owner or operator does not warrant termination of the agreement;

(5) upon transfer of his right and interest in the lands subject to the agreement during the agreement period, to forfeit all rights to further payments or grants under the agreement and refund to the United States all payments or grants received thereunder during the year of the transfer unless the transferee of any such land agrees with the Secretary to assume all obligations of the agreement;

(6) not to adopt any practice specified by the Secretary in the agreement as a practice which would tend to defeat the purposes of the agreement; and

(7) to such additional provisions as the Secretary determines are desirable and includes in the agreement to effectuate the purposes of the program or to facilitate its administration.

Annual payments.

SEC. 5. In return for the agreement of the owner or operator, the Secretary shall (1) make an annual payment to the owner or operator for the period of the agreement at such rate or rates as the Secretary determines to be fair and reasonable in consideration of the obligations undertaken by the owner or operator; and (2) bear such part of the average cost of establishing and maintaining conservation and development practices on the wetlands and adjacent areas for the purposes of this Act as the Secretary determines to be appropriate. In making his determination, the Secretary shall consider, among other things,

the rate of compensation necessary to encourage owners or operators of wetlands to participate in the water bank program. The rate or rates of annual payments as determined hereunder shall be increased, by an amount determined by the Secretary to be appropriate, in relation to the benefit to the general public of the use of the wetland areas, together with designated adjacent areas, if the owner or operator agrees to permit, without other compensation, access to such acreage by the general public, during the agreement period, for hunting, trapping, fishing, and hiking, subject to applicable State and Federal regulations.

SEC. 6. Any agreement may be renewed or extended at the end of the agreement period for an additional period of ten years by mutual agreement of the Secretary and the owner or operator, subject to any rate redetermination by the Secretary. If during the agreement period the owner or operator sells or otherwise divests himself of the ownership or right of occupancy of such land, the new owner or operator may continue such agreement under the same terms or conditions, or enter into a new agreement in accordance with the provisions of this Act, including the provisions for renewal and adjustment of payment rates, or he may choose not to participate in such program.

Agreement
renewal.

SEC. 7. The Secretary may terminate any agreement by mutual agreement with the owner or operator if the Secretary determines that such termination would be in the public interest, and may agree to such modification of agreements as he may determine to be desirable to carry out the purposes of the program or facilitate its administration.

Termination.

SEC. 8. In carrying out the program, the Secretary may utilize the services of local, county, and State committees established under section 8 of the Soil Conservation and Domestic Allotment Act, as amended. The Secretary is authorized to utilize the facilities and services of the Commodity Credit Corporation in discharging his functions and responsibilities under this program.

Services and
facilities, utiliza-
tion.

49 Stat. 1149.
16 USC 590h.

SEC. 9. The Secretary may, without regard to the civil service laws, appoint an Advisory Board to advise and consult on matters relating to his functions under this Act as he deems appropriate. The Board shall consist of persons chosen from members of organizations such as wildlife organizations, land-grant colleges, farm organizations, State game and fish departments, soil and water conservation district associations, water management organizations, and representatives of the general public. Members of such an Advisory Board who are not regular full-time employees of the United States shall be entitled to reimbursement on an actual expense basis for attendance at Advisory Board meetings.

Advisory Board.

SEC. 10. The Secretary shall consult with the Secretary of the Interior and take appropriate measures to insure that the program carried out pursuant to this Act is in harmony with wetlands programs administered by the Secretary of the Interior. He shall also, insofar as practicable, consult with and utilize the technical and related services of appropriate local, State, Federal, and private conservation agencies to assure coordination of the program with programs of such agencies and a solid technical foundation for the program.

Program coordi-
nation.

SEC. 11. There are hereby authorized to be appropriated without fiscal year limitation, such sums as may be necessary to carry out the program authorized by this Act. In carrying out the program, the Secretary shall not enter into agreements with owners and operators which would require payments to owners or operators in any calendar year under such agreements in excess of \$10,000,000.

Appropriation.

SEC. 12. The Secretary shall prescribe such regulations as he determines necessary and desirable to carry out the provisions of this Act.

Regulations.

Approved December 19, 1970.

Public Law 91-560

AN ACT

December 19, 1970
[H. R. 18679]

To amend the Atomic Energy Act of 1954, as amended, to eliminate the requirement for a finding of practical value, and for other purposes.

Atomic Energy
Act of 1954,
amendments.
68 Stat. 927.
42 USC 2051.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (4) of subsection 31 a. of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

“(4) utilization of special nuclear material, atomic energy, and radioactive material and processes entailed in the utilization or production of atomic energy or such material for all other purposes, including industrial or commercial uses, the generation of usable energy, and the demonstration of advances in the commercial or industrial application of atomic energy; and”.

Uranium, guaran-
teed purchase
price.

78 Stat. 605.
42 USC 2076.

SEC. 2. The second sentence of section 56 of the Atomic Energy Act of 1954, as amended, is amended to read as follows: “The Commission shall also establish for such periods of time as it may deem necessary, but not to exceed ten years as to any such period, guaranteed purchase prices for uranium enriched in the isotope 233 produced in a nuclear reactor by a person licensed under section 103 or section 104 and delivered to the Commission within the period of the guarantee.”

Infra.

68 Stat. 936.
42 USC 2132.

SEC. 3. Section 102 of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

“SEC. 102. UTILIZATION AND PRODUCTION FACILITIES FOR INDUSTRIAL OR COMMERCIAL PURPOSES.—

“a. Except as provided in subsections b. and c., or otherwise specifically authorized by law, any license hereafter issued for a utilization or production facility for industrial or commercial purposes shall be issued pursuant to section 103.

Infra.

“b. Any license hereafter issued for a utilization or production facility for industrial or commercial purposes, the construction or operation of which was licensed pursuant to subsection 104 b. prior to enactment into law of this subsection, shall be issued under subsection 104 b.

“c. Any license for a utilization or production facility for industrial or commercial purposes constructed or operated under an arrangement with the Commission entered into under the Cooperative Power Reactor Demonstration Program shall, except as otherwise specifically required by applicable law, be issued under subsection 104 b.”

Commercial
licenses, condi-
tions.
42 USC 2133.

SEC. 4. The first sentence of subsection 103 a. of the Atomic Energy Act of 1954, as amended, is amended to read as follows: “The Commission is authorized to issue licenses to persons applying therefor to transfer or receive in interstate commerce, manufacture, produce, transfer, acquire, possess, use, import, or export under the terms of an agreement for cooperation arranged pursuant to section 123, utilization or production facilities for industrial or commercial purposes.”

42 USC 2153.

42 USC 2134.

SEC. 5. Subsection 104 b. of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

Supra.

“b. As provided for in subsection 102 b. or 102 c., or where specifically authorized by law, the Commission is authorized to issue licenses under this subsection to persons applying therefor for utilization and production facilities for industrial and commercial purposes. In issuing licenses under this subsection, the Commission shall impose the minimum amount of such regulations and terms of license as will permit the Commission to fulfill its obligations under this Act.”

SEC. 6. Subsection 105 c. of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

“c. (1) The Commission shall promptly transmit to the Attorney General a copy of any license application provided for in paragraph (2) of this subsection, and a copy of any written request provided for in paragraph (3) of this subsection; and the Attorney General shall, within a reasonable time, but in no event to exceed 180 days after receiving a copy of such application or written request, render such advice to the Commission as he determines to be appropriate in regard to the finding to be made by the Commission pursuant to paragraph (5) of this subsection. Such advice shall include an explanatory statement as to the reasons or basis therefor.

Licenses, anti-trust provisions.
68 Stat. 938.
42 USC 2135.

“(2) Paragraph (1) of this subsection shall apply to an application for a license to construct or operate a utilization or production facility under section 103: *Provided, however*, That paragraph (1) shall not apply to an application for a license to operate a utilization or production facility for which a construction permit was issued under section 103 unless the Commission determines such review is advisable on the ground that significant changes in the licensee's activities or proposed activities have occurred subsequent to the previous review by the Attorney General and the Commission under this subsection in connection with the construction permit for the facility.

Ante, p. 1472.

“(3) With respect to any Commission permit for the construction of a utilization or production facility issued pursuant to subsection 104 b. prior to the enactment into law of this subsection, any person who intervened or who sought by timely written notice to the Commission to intervene in the construction permit proceeding for the facility to obtain a determination of antitrust considerations or to advance a jurisdictional basis for such determination shall have the right, upon a written request to the Commission, to obtain an antitrust review under this section of the application for an operating license. Such written request shall be made within 25 days after the date of initial Commission publication in the Federal Register of notice of the filing of an application for an operating license for the facility or the date of enactment into law of this subsection, whichever is later.

Construction permit.

Review.

Publication in Federal Register.

“(4) Upon the request of the Attorney General, the Commission shall furnish or cause to be furnished such information as the Attorney General determines to be appropriate for the advice called for in paragraph (1) of this subsection.

“(5) Promptly upon receipt of the Attorney General's advice, the Commission shall publish the advice in the Federal Register. Where the Attorney General advises that there may be adverse antitrust aspects and recommends that there be a hearing, the Attorney General or his designee may participate as a party in the proceedings thereafter held by the Commission on such licensing matter in connection with the subject matter of his advice. The Commission shall give due consideration to the advice received from the Attorney General and to such evidence as may be provided during the proceedings in connection with such subject matter, and shall make a finding as to whether the activities under the license would create or maintain a situation inconsistent with the antitrust laws as specified in subsection 105 a.

Publication in Federal Register.

Hearing.

“(6) In the event the Commission's finding under paragraph (5) is in the affirmative, the Commission shall also consider, in determining whether the license should be issued or continued, such other factors, including the need for power in the affected area, as the Commission in its judgment deems necessary to protect the public interest. On the basis of its findings, the Commission shall have the authority to

78 Stat. 606.

issue or continue a license as applied for, to refuse to issue a license, to rescind a license or amend it, and to issue a license with such conditions as it deems appropriate.

Exemptions.

“(7) The Commission, with the approval of the Attorney General, may except from any of the requirements of this subsection such classes or types of licenses as the Commission may determine would not significantly affect the applicant’s activities under the antitrust laws as specified in subsection 105 a.

“(8) With respect to any application for a construction permit on file at the time of enactment into law of this subsection, which permit would be for issuance under section 103, and with respect to any application for an operating license in connection with which a written request for an antitrust review is made as provided for in paragraph (3), the Commission, after consultation with the Attorney General, may, upon determination that such action is necessary in the public interest to avoid unnecessary delay, establish by rule or order periods for Commission notification and receipt of advice differing from those set forth above and may issue a construction permit or operating license in advance of consideration of and findings with respect to the matters covered in this subsection: *Provided*, That any construction permit or operating license so issued shall contain such conditions as the Commission deems appropriate to assure that any subsequent findings and orders of the Commission with respect to such matters will be given full force and effect.”

AEC, functions, delegation.

68 Stat. 950;
72 Stat. 337.
42 USC 2201.

SEC. 7. Subsection 161 n. of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

“n. delegate to the General Manager or other officers of the Commission any of those functions assigned to it under this Act except those specified in section 51, 57 b., 61, 108, 123, 145 b. (with respect to the determination of those persons to whom the Commission may reveal Restricted Data in the national interest), 145 f., and 161 a.;

Contract authority.

78 Stat. 606.
42 USC 2201.

SEC. 8. The first proviso in subsection 161 v. of the Atomic Energy Act of 1954, as amended, is amended to read as follows: “*Provided*, That (i) prices for services under paragraph (A) of this subsection shall be established on a nondiscriminatory basis; (ii) prices for services under paragraph (B) of this subsection shall be no less than prices under paragraph (A) of this subsection; and (iii) any prices established under this subsection shall be on a basis of recovery of the Government’s costs over a reasonable period of time.”

License, commercial power.

68 Stat. 954;
71 Stat. 579.
42 USC 2232.

SEC. 9. Subsection 182 c. of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

“c. The Commission shall not issue any license under section 103 for a utilization or production facility for the generation of commercial power until it has given notice in writing to such regulatory agency as may have jurisdiction over the rates and services incident to the proposed activity; until it has published notice of the application in such trade or news publications as the Commission deems appropriate to give reasonable notice to municipalities, private utilities, public bodies, and cooperatives which might have a potential interest in such utilization or production facility; and until it has published notice of such application once each week for four consecutive weeks in the Federal Register, and until four weeks after the last notice.”

Notice.

Publication in Federal Register.

Atomic safety and licensing boards.

76 Stat. 409.
42 USC 2241.
80 Stat. 386.
5 USC 556, 557.

SEC. 10. The first sentence of subsection 191 a. of the Atomic Energy Act of 1954, as amended, is amended to read as follows: “Notwithstanding the provisions of 7(a) and 8(a) of the Administrative Procedure Act, the Commission is authorized to establish one or more atomic safety and licensing boards, each comprised of three members, one of whom shall be qualified in the conduct of administrative pro-

ceedings and two of whom shall have such technical or other qualifications as the Commission deems appropriate to the issues to be decided, to conduct such hearings as the Commission may direct and make such intermediate or final decisions as the Commission may authorize with respect to the granting, suspending, revoking or amending of any license or authorization under the provisions of this Act, any other provision of law, or any regulation of the Commission issued thereunder."

Approved December 19, 1970.

Public Law 91-561

AN ACT

For the relief of the State of Hawaii.

December 19, 1970
[H. R. 14684]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Notwithstanding any prior judgment and notwithstanding the limitations of section 5 of the Suits in Admiralty Act (41 Stat. 525, 526; 46 U.S.C. 745) or any other statute of limitations, lapse of time, or bars of laches, jurisdiction is hereby conferred on the United States District Court for the District of Hawaii to hear, determine, and render judgment upon the claim of the State of Hawaii against the United States for damages to the State pier in Kewalo Basin, Honolulu, Hawaii, allegedly caused by the United States Bureau of Commercial Fisheries' vessel, the motor vessel Townsend Cromwell, on or about January 15, 1964.

SEC. 2. The jurisdiction conferred by section 1 shall be withdrawn unless suit on the claim is instituted within one year after the date of enactment of this Act. Except as otherwise provided in this Act, the determination of such claim, and review thereof, and payment of any judgment thereon, shall be in accordance with the provisions of law applicable to cases over which the court has jurisdiction under the Act entitled "An Act for the extension of admiralty jurisdiction", approved June 19, 1948 (62 Stat. 496; 46 U.S.C. 740).

SEC. 3. Nothing in this Act shall be construed as an inference or admission of liability on the part of the United States.

Approved December 19, 1970.

Hawaii.
Relief.

64 Stat. 1112.

Public Law 91-562

AN ACT

To release the conditions in a deed with respect to a certain portion of the land heretofore conveyed by the United States to the Salt Lake City Corporation.

December 19, 1970
[S. 1366]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of the Surplus Property Act of 1944, as amended (50 U.S.C. 1622(h)), the terms and conditions in the instrument of transfer issued by the United States on November 15, 1961, to the Salt Lake City Corporation, providing for a reversion of title to the United States under specified circumstances, are hereby waived, for the limited purpose of permitting the repair and lighting of a large concrete "U" (an emblem of the University of Utah) situated on a tract of approximately 3.73 acres in section 33, township 1 north, range 1 east, Salt Lake meridian, Utah.

Approved December 19, 1970.

Salt Lake City
Corporation.
Title reversion,
waiver.
62 Stat. 350.
50 USC app.
1622.

Public Law 91-563

AN ACT

December 19, 1970
[H. R. 12979]

To amend title 5, United States Code, to revise, clarify, and extend the provisions relating to court leave for employees of the United States and the District of Columbia.

U.S. and D.C.
employees.
Court leave.
80 Stat. 522.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 6322 of title 5, United States Code, is amended to read:

“§ 6322. Leave for jury or witness service; official duty status for certain witness service

80 Stat. 409;
82 Stat. 757.

“(a) An employee as defined by section 2105 of this title (except an individual whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives) or an individual employed by the government of the District of Columbia is entitled to leave, without loss of, or reduction in, pay, leave to which he otherwise is entitled, credit for time or service, or performance of efficiency rating, during a period of absence with respect to which he is summoned, in connection with a judicial proceeding, by a court or authority responsible for the conduct of that proceeding, to serve—

“(1) as a juror; or

“(2) as a witness on behalf of a party other than the United States, the District of Columbia, or a private party;

“Judicial proceeding.”

in the District of Columbia, a State, territory, or possession of the United States including the Commonwealth of Puerto Rico, the Canal Zone, or the Trust Territory of the Pacific Islands. For the purpose of this subsection, ‘judicial proceeding’ means any action, suit, or other judicial proceeding, including any condemnation, preliminary, informational, or other proceeding of a judicial nature, but does not include an administrative proceeding.

“(b) An employee as defined by section 2105 of this title (except an individual whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives) or an individual employed by the government of the District of Columbia is performing official duty during the period with respect to which he is summoned, or assigned by his agency, to—

“(1) testify or produce official records on behalf of the United States or the District of Columbia; or

“(2) testify in his official capacity or produce official records on behalf of a party other than the United States or the District of Columbia.

“(c) The Civil Service Commission may prescribe regulations for the administration of this section.”

(b) Item 6322 in the analysis of chapter 63 of title 5, United States Code, is amended to read:

“6322. Leave for jury or witness service; official duty status for certain witness service.”

80 Stat. 478.

SEC. 2. (a) Section 5515 of title 5, United States Code, is amended to read:

“§ 5515. Crediting amounts received for jury or witness service

“An amount received by an employee as defined by section 2105 of this title (except an individual whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives) or an individual employed by the government of the District of Columbia for service as a juror or witness during a period for which he is entitled to leave under section 6322(a) of this title, or is performing official duty under section 6322(b) of this title, shall be credited against pay

Supra.

payable to him by the United States or the District of Columbia with respect to that period.”

(b) Item 5515 in the analysis of chapter 55 of title 5, United States Code, is amended to read:

“5515. Crediting amounts received for jury or witness service.”

SEC. 3. (a) Section 5537 of title 5, United States Code, is amended to read:

80 Stat. 484.

“§ 5537. Fees for jury and witness service

“(a) An employee as defined by section 2105 of this title (except an individual whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives) or an individual employed by the government of the District of Columbia may not receive fees for service—

80 Stat. 409;
82 Stat. 757.

“(1) as a juror in a court of the United States or the District of Columbia; or

“(2) as a witness on behalf of the United States or the District of Columbia.

“(b) An official of a court of the United States or the District of Columbia may not receive witness fees for attendance before a court, commissioner, or magistrate where he is officiating.

“(c) For the purpose of this section, ‘court of the United States’ has the meaning given it by section 451 of title 28 and includes the United States District Court for the District of the Canal Zone, the District Court of Guam, and the District Court of the Virgin Islands.”

“Court of the
United States.”
62 Stat. 907.

(b) Item 5537 in the analysis of chapter 55 of title 5, United States Code, is amended to read:

“5537. Fees for jury and witness service.”

SEC. 4. (a) Chapter 57 of title 5, United States Code, is amended by inserting at the end thereof the following new subchapter:

80 Stat. 497.
5 USC 5701-
5742.

“SUBCHAPTER IV—MISCELLANEOUS PROVISIONS

“§ 5751. Travel expenses of witnesses

“(a) Under such regulations as the Attorney General may prescribe, an employee as defined by section 2105 of this title (except an individual whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives) summoned, or assigned by his agency, to testify or produce official records on behalf of the United States is entitled to travel expenses under subchapter I of this chapter. If the case involves the activity in connection with which he is employed, the travel expenses are paid from the appropriation otherwise available for travel expenses of the employee under proper certification by a certifying official of the agency concerned. If the case does not involve its activity, the employing agency may advance or pay the travel expenses of the employee, and later obtain reimbursement from the agency properly chargeable with the travel expenses.

“(b) An employee as defined by section 2105 of this title (except an individual whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives) summoned, or assigned by his agency, to testify in his official capacity or produce official records, on behalf of a party other than the United States, is entitled to travel expenses under subchapter I of this chapter, except to the extent that travel expenses are paid to the employee for his appearance by the court, authority, or party which caused him to be summoned.”

(b) The analysis of chapter 57 of title 5, United States Code, is amended by inserting at the end thereof:

"SUBCHAPTER IV—MISCELLANEOUS PROVISIONS

"5751. Travel expenses of witnesses."

Repeal.
62 Stat. 950.

SEC. 5. (a) Section 1823 of title 28, United States Code, is repealed.

(b) The analysis of chapter 119 of title 28, United States Code, is amended by striking out item 1823.

Definitions.

SEC. 6. (a) For purposes of this section—

(1) "employee" means any individual whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives; and

62 Stat. 907.

(2) "court of the United States" has the meaning given it by section 451 of title 28, United States Code, and includes the United States District Court for the District of the Canal Zone, the District Court of Guam, and the District Court of the Virgin Islands.

Pay.

(b) The pay of an employee shall not be reduced during a period of absence with respect to which the employee is summoned (and permitted to respond to such summons by the appropriate authority of the House of the Congress disbursing his pay), in connection with a judicial proceeding by a court or authority responsible for the conduct of that proceeding, to serve—

(1) as a juror; or

(2) as a witness on behalf of a party other than the United States, the District of Columbia, or a private party;

in the District of Columbia, a State, territory, or possession of the United States including the Commonwealth of Puerto Rico, the Canal Zone, or the Trust Territory of the Pacific Islands. For purposes of this subsection, "judicial proceeding" means any action, suit, or other judicial proceeding, including any condemnation, preliminary, informational, or other proceeding of a judicial nature, but does not include an administrative proceeding.

"Judicial proceedings."

Official duty.

(c) An employee is performing official duty during the period with respect to which he is summoned (and is authorized to respond to such summons by the House of the Congress disbursing his pay), or is assigned by such House, to—

(1) testify or produce official records on behalf of the United States or the District of Columbia; or

(2) testify in his official capacity or produce official records on behalf of a party other than the United States or the District of Columbia.

Fees, prohibition.

(d) (1) An employee may not receive fees for service—

(A) as juror in a court of the United States or the District of Columbia; or

(B) as a witness on behalf of the United States or the District of Columbia.

Pay, remittal.

(2) If an employee receives an amount (other than travel expenses) for service as a juror or witness during a period in which his pay may not be reduced under subsection (b) of this section, or for which he is performing official duty under subsection (c) of this section, the employee shall remit such amount to the officer who disburses the pay of the employee, which amount shall be covered into the general fund of the Treasury as miscellaneous receipts.

Travel expenses.

(e) (1) An employee summoned (and authorized to respond to such summons by the House of the Congress disbursing his pay), or assigned by such House, to testify or produce official records on behalf of the United States is entitled to travel expenses. If the case involves an activity in connection with which he is employed, the travel expenses shall be paid from funds otherwise available for the payment of travel

expenses of such House in accordance with travel regulations of that House. If the case does not involve such an activity, the department, agency, or independent establishment of the United States on whose behalf he is so testifying or producing records shall pay to the employee his travel expenses out of appropriations otherwise available, and in accordance with regulation applicable, to that department, agency, or independent establishment for the payment of travel expenses.

(2) An employee summoned (and permitted to respond to such summons by the House of the Congress disbursing his pay), or assigned by such House, to testify in his official capacity or produce official records on behalf of a party other than the United States, is entitled to travel expenses, unless any travel expenses are paid to the employee for his appearance by the court, authority, or party which caused him to be summoned.

(f) The Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives are authorized to prescribe, for employees of their respective Houses, such rules and regulations as may be necessary to carry out the provisions of this section.

Rules, authorization.

(g) No provision of this section shall be construed to confer the consent of either House of the Congress to the production of official records of that House or to testimony by an employee of that House concerning activities related to his employment.

Approved December 19, 1970.

Public Law 91-564

AN ACT

December 19, 1970
[S. 4187]

To authorize the Secretary of the Army to convey certain lands at Fort Ruger Military Reservation, Hawaii, to the State of Hawaii in exchange for certain other lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, the Secretary of the Army, or his designee, is hereby authorized to convey to the State of Hawaii, subject to the terms and conditions hereafter stated, and to such other terms and conditions as the Secretary of the Army, or his designee, shall deem to be in the public interest, all right, title, and interest of the United States in and to certain lands, with the improvements thereon, within the Fort Ruger Military Reservation, Hawaii, as described in section 3 of this Act.

Fort Ruger Military Reservation, Hawaii.
Land exchange.

SEC. 2. In consideration for the conveyance by the United States of the aforesaid property, the State of Hawaii shall convey, or provide for the conveyance, to the United States of certain lands, described in section 3 of this Act, acceptable to the Secretary of the Army, or his designee, as replacement land for use as military family housing sites or other purposes in connection with the Fort Shafter-Tripler Army Hospital area, Oahu, Hawaii, and shall, at its sole expense, perform on this replacement land certain site preparations which will, in the opinion of the Secretary of the Army, or his designee, equal in cost the dollar value difference between the appraised fair market value of the property being conveyed to the State and the appraised fair market value of the land being conveyed to the United States. The site preparation shall be in accordance with plans and specifications to be approved by the Secretary of the Army, or his designee.

Replacement land.

Site preparation.

SEC. 3. The lands authorized to be exchanged and referred to in sections 1 and 2 of this Act are located on the island of Oahu, Hawaii,

Land description.

and are as generally depicted on maps on file in the Office of the Pacific Ocean Division Engineer, Honolulu, Hawaii. The lands to be conveyed by the United States comprise approximately fifty-seven acres with the improvements thereon; the replacement lands to be acquired by the United States comprise a minimum of approximately two hundred and fifty-nine acres situated adjacent to the Tripler Army Hospital Reservation. The exact description and acreages are to be determined by accurate surveys as mutually agreed upon between the State of Hawaii and the Secretary of the Army, or his designee.

SEC. 4. The lands conveyed to the United States, as described in section 3 of this Act, shall become a part of the Tripler Army Hospital Reservation and be administered by the Department of the Army.

Cost.

SEC. 5. Notwithstanding any other provision of law, the cost of the lands to be acquired by the United States, as described in section 3 of this Act, and the cost of the site preparation and installation of utilities borne by the State of Hawaii, as provided herein, shall not be considered in arriving at the average cost of any family housing units or the cost of any single family housing unit to be constructed on the property.

Approved December 19, 1970.

Public Law 91-565

AN ACT

December 19, 1970
[S. 336]

To amend section 3(b) of the Securities Act of 1933 to permit the exemption of security issues, not exceeding \$500,000 in aggregate amount, from the provisions of such Act.

Securities Act of
1933, amendment,
59 Stat. 167.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(b) of the Securities Act of 1933 (15 U.S.C. 77c. (b)) is amended by striking out "\$300,000" and inserting in lieu thereof "\$500,000".

Approved December 19, 1970.

Public Law 91-566

AN ACT

December 22, 1970
[H. R. 17923]

Making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

Department of
Agriculture and
Related Agencies
Appropriation Act,
1971.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1971, and for other purposes; namely:

DEPARTMENT OF AGRICULTURE

TITLE I—GENERAL ACTIVITIES

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For expenses necessary to perform agricultural research relating to

production, utilization, marketing, nutrition and consumer use, to control and eradicate pests and plant and animal diseases, and to perform related inspection, quarantine and regulatory work: *Provided*, That appropriations hereunder shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$75,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed two for replacement only: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250, for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building (except headhouses connecting greenhouses) shall not exceed \$25,000, except for six buildings to be constructed or improved at a cost not to exceed \$55,000 each, and the cost of altering any one building during the fiscal year shall not exceed \$7,500 or 7.5 per centum of the cost of the building, whichever is greater: *Provided further*, That the limitations on alterations contained in this Act shall not apply to a total of \$100,000 for facilities at Beltsville, Maryland: *Provided further*, That the limitations on construction contained in this Act shall not apply to a total of \$350,000 for construction of a post-mortem and incinerator facility for animal disease and parasite research:

58 Stat. 742.

80 Stat. 416.

Research: For research and demonstrations on the production and utilization of agricultural products; agricultural marketing and distribution, not otherwise provided for; home economics or nutrition and consumer use of agricultural and associated products; and related research and services; and for acquisition of land by donation, exchange, or purchase at a nominal cost not to exceed \$100; \$151,633,000, and in addition not to exceed \$15,000,000 from funds available under section 32 of the Act of August 24, 1935, pursuant to Public Law 88-250 shall be transferred to and merged with this appropriation, except that \$200,000 of the foregoing amount shall be available for matching with funds utilized for research on cottonseed proteins under Public Law 89-502, and \$4,580,000 shall remain available until expended for plans, construction, and improvement of facilities without regard to limitations contained herein: *Provided*, That the limitations contained herein shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*, That none of the funds appropriated in this Act shall be used to formulate a budget estimate for fiscal 1972 of more than \$15,000,000 for research to be financed by transfer from funds available under section 32 of the Act of August 24, 1935, and pursuant to Public Law 88-250: *Provided further*, That none of the funds appropriated in this Act shall be used to formulate a budget estimate for fiscal 1972 of less than the amount required to conduct the pesticides research program as authorized pursuant to Public Laws 88-573 and 89-316;

49 Stat. 774.
7 USC 612c.
77 Stat. 820.80 Stat. 279.
7 USC 2101
note.

62 Stat. 198.

49 Stat. 774.
7 USC 612c.
77 Stat. 820.78 Stat. 862.
79 Stat. 1165.

Plant and animal disease and pest control: For operations and

61 Stat. 7;
80 Stat. 330.

31 USC 665.

measures, not otherwise provided for, to control and eradicate pests and plant and animal diseases and for carrying out assigned inspection, quarantine, and regulatory activities, as authorized by law, including expenses pursuant to the Act of February 28, 1947, as amended (21 U.S.C. 114b-c), \$98,619,750, of which \$1,500,000 shall be apportioned for use pursuant to section 3679 of the Revised Statutes, as amended, for the control of outbreaks of insects, plant diseases and animal diseases to the extent necessary to meet emergency conditions: *Provided*, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by any State of at least 40 per centum: *Provided further*, That, in addition, in emergencies which threaten the livestock or poultry industries of the country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as he may deem necessary, to be available only in such emergencies for the arrest and eradication of foot-and-mouth disease, rinderpest, contagious pleuropneumonia, or other contagious or infectious diseases of animals, or European fowl pest and similar diseases in poultry, and for expenses in accordance with the Act of February 28, 1947, as amended, and any unexpended balances of funds transferred under this head in the next preceding fiscal year shall be merged with such transferred amounts:

Special fund: To provide for additional labor, subprofessional and junior scientific help to be employed under contracts and cooperative agreements to strengthen the work at research installations in the field, not more than \$2,000,000 of the amount appropriated under this head for the previous fiscal year may be used by the Administrator of the Agricultural Research Service in departmental research programs in the current fiscal year, the amount so used to be transferred to and merged with the appropriation otherwise available under "Salaries and expenses, Research".

SALARIES AND EXPENSES (SPECIAL FOREIGN CURRENCY PROGRAM)

80 Stat. 1529.

For payments, in foreign currencies owed to or owned by the United States for market development research authorized by section 104(b)(1) and for agricultural and forestry research and other functions related thereto authorized by section 104(b)(3) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704(b)(1), (3)), \$5,000,000, to remain available until expended: *Provided*, That this appropriation shall be available, in addition to other appropriations for these purposes, for payments in the foregoing currencies: *Provided further*, That funds appropriated herein shall be used for payments in such foreign currencies as the Department determines are needed and can be used most effectively to carry out the purposes of this paragraph: *Provided further*, That not to exceed \$25,000 of this appropriation shall be available for payments in foreign currencies for expenses of employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), as amended by 5 U.S.C. 3109.

58 Stat. 742.
80 Stat. 416.

COOPERATIVE STATE RESEARCH SERVICE

PAYMENTS AND EXPENSES

For payments to agricultural experiment stations, for grants for cooperative forestry and other research, for facilities, and for other expenses, including \$61,390,000 to carry into effect the provisions of the Hatch Act, approved March 2, 1887, as amended by the Act approved August 11, 1955 (7 U.S.C. 361a-361i), including administration by the United States Department of Agriculture; \$4,412,000 for grants for cooperative forestry research under the Act approved October 10, 1962 (16 U.S.C. 582a-582a-7), \$2,000,000, in addition to funds otherwise available for contracts and grants for scientific research under the Act of August 4, 1965 (7 U.S.C. 450i), of which \$1,000,000 shall be for the special cotton research program and \$400,000 for soybean research; \$160,000 for penalty mail costs of agricultural experiment stations under section 6 of the Hatch Act of 1887, as amended; and \$514,000 for necessary expenses of the Cooperative State Research Service, including administration of payments to State agricultural experiment stations, funds for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$50,000 for employment under 5 U.S.C. 3109; in all, \$68,476,000.

69 Stat. 671.

76 Stat. 806.

79 Stat. 431.

69 Stat. 673.
7 USC 361f.

EXTENSION SERVICE

COOPERATIVE EXTENSION WORK, PAYMENTS AND EXPENSES

Payments to States and Puerto Rico: For payments for cooperative agricultural extension work under the Smith-Lever Act, as amended by the Act of June 26, 1953, the Act of August 11, 1955, and the Act of October 5, 1962 (7 U.S.C. 341-349), to be distributed under sections 3(b) and 3(c) of the Act, \$89,321,000; payments for the nutrition education program for low-income areas under section 3(d) of the Act, \$48,560,000; payments and contracts for such work under section 204(b)-205 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623-1624), \$1,450,000; and payments for extension work under section 109 of the District of Columbia Public Education Act, as amended by the Act of June 20, 1968 (7 U.S.C. 329), \$700,000; in all, \$140,031,000: *Provided*, That funds hereby appropriated pursuant to section 3(c) of the Act of June 26, 1953, shall not be paid to any State or Puerto Rico prior to availability of an equal sum from non-Federal sources for expenditure during the current fiscal year.

67 Stat. 83.
69 Stat. 683.
76 Stat. 745.

60 Stat. 1089.

82 Stat. 241.
D.C. Code 31-
1609.

Retirement and employees' compensation costs for extension agents: For cost of employer's share of Federal retirement and for reimbursement for benefits paid from the Employees' Compensation Fund for cooperative extension employees, \$12,932,600.

Penalty mail: For costs of penalty mail for cooperative extension agents and State extension directors, \$3,617,000.

Federal Extension Service: For administration of the Smith-Lever Act, as amended by the Act of June 26, 1953, the Act of August 11, 1955, and the Act of October 5, 1962 (7 U.S.C. 341-349), and extension

60 Stat. 1087.
82 Stat. 241.
D.C. Code 31-
1609.

aspects of the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627), and of the District of Columbia Public Education Act, as amended by the Act of June 20, 1968 (7 U.S.C. 329), and to coordinate and provide program leadership for the extension work of the Department and the several States and insular possessions, \$4,188,000.

FARMER COOPERATIVE SERVICE

SALARIES AND EXPENSES

44 Stat. 802.

For necessary expenses to carry out the Act of July 2, 1926 (7 U.S.C. 451-457), and for conducting research relating to the economic and marketing aspects of farmer cooperatives, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627), \$1,684,000.

SOIL CONSERVATION SERVICE

CONSERVATION OPERATIONS

49 Stat. 163.

69 Stat. 54.
33 USC 701f-3.

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-590f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; purchase and erection or alteration of permanent buildings; and operation and maintenance of aircraft, \$128,507,000, with which shall be merged the unexpended balance of funds appropriated for the previous fiscal year under this head: *Provided*, That Public Law 40, Eighty-fourth Congress, making appropriations for the Department of Agriculture and Farm Credit Administration for the fiscal year ending June 30, 1956, and for other purposes, is hereby amended by striking out the period following the last proviso in the section entitled "Flood Prevention", substituting a comma and adding the following: "and where the Army does have jurisdiction and responsibility, may enter into agreements with the Army to carry out jointly the measures heretofore set out and in areas where the Secretary is authorized to purchase land rights for structural measures, the Secretary in lieu of such acquisition, may reimburse local organizations for such proportionate share of the cost of land rights furnished by local organizations as the Secretary deems equitable in consideration of the national interest.": *Provided further*, That the cost of any permanent building purchased, erected, or as improved, exclusive of the cost of constructing a water supply or sanitary system and connecting the same to any such building and with the exception of buildings acquired in conjunction with land being purchased for other purposes, shall not exceed \$2,500, except for one building to be constructed at a cost not to exceed \$25,000 and eight buildings to be constructed or improved at a cost not to exceed \$15,000 per building and except that alterations or improvements to other existing permanent buildings costing \$2,500 or more may be made in any fiscal year in an amount not to exceed \$500 per building: *Provided further*, That no part of this appropriation shall be available for the construction of any such building on land not owned by the Government: *Provided further*, That no part of this appropriation may be expended for soil and water conservation operations under the Act of April 27, 1935 (16

U.S.C. 590a–590f) in demonstration projects: *Provided further*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$5,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the service.

49 Stat. 163.

58 Stat. 742.

80 Stat. 416.

RIVER BASIN SURVEYS AND INVESTIGATIONS

For necessary expenses to conduct research, investigations and surveys of the watersheds of rivers and other waterways, in accordance with section 6 of the Watershed Protection and Flood Prevention Act, approved August 4, 1954, as amended (16 U.S.C. 1006), to remain available until expended; \$9,043,000, with which shall be merged the unexpended balances of funds heretofore appropriated to the Department for river basin survey purposes: *Provided*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$60,000 shall be available for employment under 5 U.S.C. 3109.

68 Stat. 668.

WATERSHED PLANNING

For necessary expenses for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1001–1008), to remain available until expended, \$6,066,000, with which shall be merged the unexpended balances of funds heretofore appropriated under this head: *Provided*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$50,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED WORKS OF IMPROVEMENT

For necessary expenses to carry out preventive measures, including, but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act, approved August 4, 1954, as amended (16 U.S.C. 1001–1005, 1007–1008), and the provisions of the Act of April 27, 1935 (16 U.S.C. 590 a–f), to remain available until expended; \$76,000,000, with which shall be merged the unexpended balances of funds heretofore appropriated or transferred to the Department for watershed protection purposes: *Provided*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$100,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That \$5,000,000 of the funds in the direct loan account of the Farmers Home Administration shall be available until expended for loans.

FLOOD PREVENTION

For necessary expenses, in accordance with the Flood Control Act, approved June 22, 1936 (33 U.S.C. 701–709, 16 U.S.C. 1006a), as amended and supplemented, and in accordance with the provisions of laws relating to the activities of the Department, to perform works of improvement, including funds for field employment pursuant to

49 Stat. 1570.
70 Stat. 1090;
74 Stat. 131.

58 Stat. 742.
80 Stat. 416.

the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$100,000 for employment under 5 U.S.C. 3109, to remain available until expended; \$21,037,000, with which shall be merged the unexpended balances of funds heretofore appropriated or transferred to the Department for flood prevention purposes: *Provided*, That \$400,000 of funds in the direct loan account of the Farmers Home Administration shall be available until expended for loans.

GREAT PLAINS CONSERVATION PROGRAM

70 Stat. 1115;
83 Stat. 194.

For necessary expenses to carry into effect a program of conservation in the Great Plains area, pursuant to section 16(b) of the Soil Conservation and Domestic Allotment Act, as added by the Act of August 7, 1956 (16 U.S.C. 590p), \$15,855,000, to remain available until expended.

RESOURCE CONSERVATION AND DEVELOPMENT

Ante, p. 439.
49 Stat. 163.

75 Stat. 307;
82 Stat. 770.

For necessary expenses in planning and carrying out projects for resource conservation and development, and for sound land use, pursuant to the provisions of section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1011; 76 Stat. 607), and the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), \$14,276,000, to remain available until expended: *Provided*, That \$3,300,000 of the funds available in the direct loan account of the Farmers Home Administration shall be available for loans under subtitle A of the Consolidated Farmers Home Administration Act of 1961, as amended (7 U.S.C. 1922-1929), and section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1011(e)), to remain available until expended: *Provided further*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$50,000 shall be available for employment under 5 U.S.C. 3109.

ECONOMIC RESEARCH SERVICE

SALARIES AND EXPENSES

60 Stat. 1087.

For necessary expenses of the Economic Research Service in conducting economic research and service relating to agricultural production, marketing, and distribution, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627), and other laws, including economics of marketing; analyses relating to farm prices, income and population, and demand for farm products, use of resources in agriculture, adjustments, costs and returns in farming, and farm finance; and for analyses of supply and demand for farm products in foreign countries and their effect on prospects for United States exports, progress in economic development and its relation to sales of farm products, assembly and analysis of agricultural trade statistics and analysis of international financial and monetary programs and policies as they affect the competitive position of United States farm products; \$14,926,000: *Provided*, That not less than \$350,000 of the funds contained in this appropriation shall be available to continue to gather statistics and conduct a special study on the price spread between the farmer and consumer: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C.

2225), and not to exceed \$75,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That not less than \$145,000 of the funds contained in this appropriation shall be available for analysis of statistics and related facts on foreign production and full and complete information on methods used by other countries to move farm commodities in world trade on a competitive basis.

58 Stat. 742.

80 Stat. 416.

STATISTICAL REPORTING SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Statistical Reporting Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, and marketing surveys, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627) and other laws, \$17,796,800: *Provided*, That no part of the funds herein appropriated shall be available for any expense incident to publishing estimates of apple production for other than the commercial crop: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$40,000 shall be available for employment under 5 U.S.C. 3109.

60 Stat. 1087.

CONSUMER AND MARKETING SERVICE

CONSUMER PROTECTIVE, MARKETING, AND REGULATORY PROGRAMS

For expenses necessary to carry on services related to consumer protection, agricultural marketing and distribution, and regulatory programs, other than Packers and Stockyards Act, as authorized by law, and for administration and coordination of payments to States; including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$75,000 for employment under 5 U.S.C. 3109; \$149,247,000: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but, unless otherwise provided, the cost of altering any one building during the fiscal year shall not exceed \$7,500 or 7.5 per centum of the cost of the building, whichever is greater.

42 Stat. 159.
7 USC 181.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), \$1,675,000.

REMOVAL OF SURPLUS AGRICULTURAL COMMODITIES

(SECTION 32)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for (1) transfers to the Department of the Interior as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; (3) not more than \$3,084,000 for formulation and

49 Stat. 774.

70 Stat. 1119.
16 USC 742a
note.

50 Stat. 246.
7 USC 674 note.
75 Stat. 294.
7 USC 1911
note.

administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and the Agricultural Act of 1961; and (4) in addition to other amounts provided in this Act, not more than \$186,058,000 (including not to exceed \$2,000,000 for State administrative expenses) for (a) child feeding programs and nutritional programs authorized by law in the School Lunch Act and the Child Nutrition Act, as amended; and (b) additional direct distribution or other programs, without regard to whether such area is under the food stamp program or a system of direct distribution, to provide, in the immediate vicinity of their place of permanent residence, either directly or through a State or local welfare agency, an adequate diet to other needy children and low-income persons determined by the Secretary of Agriculture to be suffering, through no fault of their own, from general and continued hunger resulting from insufficient food.

FOOD AND NUTRITION SERVICE

SPECIAL MILK PROGRAM

For necessary expenses to carry out the provisions of the Special Milk Program, as authorized by section 3 of the Child Nutrition Act of 1966 (42 U.S.C. 1772), \$104,000,000: *Provided*, That this appropriation shall be available only within the limits of amounts authorized by law for fiscal year 1971.

CHILD NUTRITION PROGRAMS

For necessary expenses to carry out the provisions of the National School Lunch Act, as amended (42 U.S.C. 1751-1761); Public Law 91-248 and the applicable provisions other than section 3 of the Child Nutrition Act of 1966, as amended (42 U.S.C. 1773-1785); Public Law 91-248, \$476,007,000, of which \$174,033,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): *Provided*, That of the foregoing total amount there shall be available \$204,747,000 for special assistance to needy schoolchildren, \$12,000,000 for the school breakfast program, \$15,000,000 for the nonfood assistance program, \$1,500,000 for State administrative expenses, and \$12,000,000 for special food service programs for children: *Provided further*, That funds provided herein shall remain available until expended in accordance with section 3 of the National School Lunch Act, as amended: *Provided further*, That no part of this appropriation shall be used for nonfood assistance under section 5 of the National School Lunch Act, as amended: *Provided further*, That an additional \$64,325,000 shall be transferred to this appropriation from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), for purchase and distribution of agricultural commodities and other foods pursuant to section 6 of the National School Lunch Act, as amended: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$75,000 shall be available for employment under 5 U.S.C. 3109.

FOOD STAMP PROGRAM

For necessary expenses of the food stamp program pursuant to the Food Stamp Act of 1964, as amended, \$1,420,000,000: *Provided*, That

78 Stat. 703;
81 Stat. 228.
7 USC 2011
note.

this appropriation shall be available only within the limits of amounts authorized by law for fiscal year 1971.

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

For necessary expenses for the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761-1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed \$35,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), \$24,273,000: *Provided*, That not less than \$255,000 of the funds contained in this appropriation shall be available to obtain statistics and related facts on foreign production and full and complete information on methods used by other countries to move farm commodities in world trade on a competitive basis: *Provided further*, That, in addition, not to exceed \$3,117,000 of the funds appropriated by section 32 of the Act of August 24, 1935, as amended (7 U.S.C. 612c), shall be merged with this appropriation and shall be available for all expenses of the Foreign Agricultural Service.

68 Stat. 908.

70 Stat. 1034.

49 Stat. 774.

COMMODITY EXCHANGE AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry into effect the provisions of the Commodity Exchange Act, as amended (7 U.S.C. 1-17b), \$2,552,000.

42 Stat. 998;
49 Stat. 1491;
82 Stat. 26.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

EXPENSES, AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

For necessary administrative expenses of the Agricultural Stabilization and Conservation Service, including expenses to formulate and carry out programs authorized by title III of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301-1393); Sugar Act of 1948, as amended (7 U.S.C. 1101-1161); sections 7 to 15, 16(a), 16(d), 16(e), 16(f), 16(i), and 17 of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590g-590q); subtitles B and C of the Soil Bank Act (7 U.S.C. 1831-1837, 1802-1814, and 1816); and laws pertaining to the Commodity Credit Corporation, \$150,000,000: *Provided*, That, in addition, not to exceed \$68,779,000 may be transferred to and merged with this appropriation from the Commodity Credit Corporation fund (including not to exceed \$30,228,000 under the limitation on Commodity Credit Corporation administrative expenses): *Provided further*, That other funds made available to the Agricultural Stabilization and Conservation Service for authorized activities may be advanced to and merged with this appropriation: *Provided further*, That no part of the funds appropriated or made available under this Act shall be used (1) to influence the vote in any referendum; (2) to influence agricultural legislation, except as permitted in 18 U.S.C. 1913; or (3) for salaries or other expenses of members of county and community committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, for engaging in any activities other than

52 Stat. 38.

61 Stat. 922;
79 Stat. 1271.

49 Stat. 1148.

70 Stat. 191;

73 Stat. 552;
79 Stat. 1206.

62 Stat. 792.

52 Stat. 31.
16 USC 590h.

advisory and supervisory duties and delegated program functions prescribed in administrative regulations.

SUGAR ACT PROGRAM

61 Stat. 922;
79 Stat. 1271.

For necessary expenses to carry into effect the provisions of the Sugar Act of 1948 (7 U.S.C. 1011–1161), \$83,600,000, to remain available until June 30 of the next succeeding fiscal year.

AGRICULTURAL CONSERVATION PROGRAM

49 Stat. 1148.

82 Stat. 639.
83 Stat. 244.

49 Stat. 1148.
16 USC 590g–
590q.

For necessary expenses to carry into effect the program authorized in section 7 to 15, 16(a) and 17 of the Soil Conservation and Domestic Allotment Act, approved February 29, 1936, as amended (16 U.S.C. 590g–590o, 590p(a), and 590q), including not to exceed \$15,000 for the preparation and display of exhibits, including such displays at State, interstate, and international fairs within the United States, \$185,000,000, to remain available until December 31 of the next succeeding fiscal year for compliance with the programs of soil-building and soil- and water-conserving practices authorized under this head in the Department of Agriculture and related Agencies Appropriation Acts, 1969 and 1970, carried out during the period July 1, 1968, to December 31, 1970, inclusive: *Provided*, That none of the funds herein appropriated shall be used to pay the salaries or expenses of any regional information employees or any State information employees, but this shall not preclude the answering of inquiries or supplying of information at the county level to individual farmers: *Provided further*, That no portion of the funds for the current year's program may be utilized to provide financial or technical assistance for drainage on wetlands now designated as Wetland Types 3(III), 4(IV), and 5(V) in United States Department of the Interior, Fish and Wildlife Circular 39, Wetlands of the United States, 1956: *Provided further*, That necessary amounts shall be available for administrative expenses in connection with the formulation and administration of the 1971 program of soil-building and soil- and water-conserving practices, including related wildlife conserving practices and pollution abatement practices, under the Act of February 29, 1936, as amended (amounting to \$195,500,000, excluding administration, except that no participant shall receive more than \$2,500, except where the participants from two or more farms or ranches join to carry out approved practices designed to conserve or improve the agricultural resources of the community): *Provided further*, That not to exceed 5 per centum of the allocation for the current year's agricultural conservation program for any county may, on the recommendation of such county committee and approval of the State committee, be withheld and allotted to the Soil Conservation Service for services of its technicians in formulating and carrying out the agricultural conservation program in the participating counties, and shall not be utilized by the Soil Conservation Service for any purpose other than technical and other assistance in such counties, and in addition, on the recommendation of such county committee and approval of the State committee, not to exceed 1 per centum may be made available to any other Federal, State, or local public agency for the same purpose and under the same conditions: *Provided further*, That for the current year's program, \$2,500,000 shall be available for technical assistance in formulating and carrying out agricultural conservation practices: *Provided further*, That such amounts shall be available for the purchase of seeds, fertilizers, lime, trees, or any other farming material, or any soil-

terracing services, and making grants thereof to agricultural producers to aid them in carrying out farming practices approved by the Secretary under programs provided for herein: *Provided further*, That no part of any funds available to the Department, or any bureau, office, corporation, or other agency constituting a part of such Department, shall be used in the current fiscal year for the payment of salary or travel expenses of any person who has been convicted of violating the Act entitled "An Act to prevent pernicious political activities", approved August 2, 1939, as amended, or who has been found in accordance with the provisions of title 18, United States Code, section 1913, to have violated or attempted to violate such section which prohibits the use of Federal appropriations for the payment of personal services or other expenses designed to influence in any manner a Member of Congress to favor or oppose any legislation or appropriation by Congress except upon request of any Member or through the proper official channels.

53 Stat. 1147;
54 Stat. 767.
5 USC 1501-
1508 notes, 7324-
7327 notes.
62 Stat. 792.

CROPLAND ADJUSTMENT PROGRAM

For necessary expenses to carry into effect a cropland adjustment program as authorized by the Food and Agriculture Act of 1965 (7 U.S.C. 1838), \$77,800,000.

79 Stat. 1206;
82 Stat. 996.

EMERGENCY CONSERVATION MEASURES

For emergency conservation measures, to be used for the same purposes and subject to the same conditions as funds appropriated under this head in the Third Supplemental Appropriation Act, 1957, to remain available until expended, \$5,000,000, with which shall be merged the unexpended balances of funds heretofore appropriated for emergency conservation measures.

71 Stat. 176.

INDEMNITY PAYMENTS TO DAIRY FARMERS

For necessary expenses involved in making payments to dairy farmers who have been directed to remove their milk from commercial markets because it contained residues of chemicals registered and approved for use by the Federal Government, \$250,000: *Provided*, That none of the funds contained in this Act shall be used to make indemnity payments to any farmer whose milk was removed from commercial markets as a result of his willful failure to follow procedures prescribed by the Federal Government.

OFFICE OF THE INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of the Inspector General, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$10,000 for employment under 5 U.S.C. 3109, \$12,412,000, and in addition, \$3,434,000 shall be derived by transfer from appropriation, "Food Stamp Program" and merged with this appropriation.

58 Stat. 742.
80 Stat. 416.

PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for administration of the Packers and Stockyards Act, as authorized by law, including field employment

42 Stat. 159.
7 USC 181.

58 Stat. 742.
80 Stat. 416.

pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$5,000 for employment under 5 U.S.C. 3109, \$3,588,650.

OFFICE OF THE GENERAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses, including payment of fees or dues for the use of law libraries by attorneys in the field service, \$5,657,000.

OFFICE OF INFORMATION

SALARIES AND EXPENSES

34 Stat. 690.

82 Stat. 1265.
44 USC 1301.

For necessary expenses of the Office of Information for the dissemination of agricultural information and the coordination of informational work and programs authorized by Congress in the Department, \$2,256,000, of which total appropriation not to exceed \$612,000 may be used for farmers' bulletins, which shall be adapted to the interests of the people of the different sections of the country, an equal proportion of four-fifths of which shall be available to be delivered to or sent out under the addressed franks furnished by the Senators, Representatives, and Delegates in Congress, as they shall direct (7 U.S.C. 417), and not less than two hundred and thirty-two thousand two hundred and fifty copies for the use of the Senate and House of Representatives of part 2 of the annual report of the Secretary (known as the Yearbook of Agriculture) as authorized by section 73 of the Act of January 12, 1895 (44 U.S.C. 241): *Provided*, That in the preparation of motion pictures or exhibits by the Department, this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$10,000 shall be available for employment under 5 U.S.C. 3109.

NATIONAL AGRICULTURAL LIBRARY

SALARIES AND EXPENSES

For necessary expenses of the National Agricultural Library, \$3,764,750: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$35,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That not to exceed \$100,000 shall be available pursuant to 7 U.S.C. 2250 for the alteration and repair of buildings and improvements.

OFFICE OF MANAGEMENT SERVICES

SALARIES AND EXPENSES

For necessary expenses to enable the Office of Management Services to provide management support services to selected agencies and offices of the Department of Agriculture, \$3,459,000.

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary of Agriculture and for general administration of the Department of Agriculture,

repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department of Agriculture, and not to exceed \$5,000 for employment under 5 U.S.C. 3109, \$6,058,000: *Provided*, That this appropriation shall be reimbursed from applicable appropriations for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551-558: *Provided further*, That not to exceed \$2,500 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

80 Stat. 416.

80 Stat. 381;
81 Stat. 54.

TITLE II—CREDIT AGENCIES

RURAL ELECTRIFICATION ADMINISTRATION

To carry into effect the provisions of the Rural Electrification Act of 1936, as amended (7 U.S.C. 901-924), as follows:

49 Stat. 1363;
63 Stat. 948.

LOAN AUTHORIZATION

For loans in accordance with said Act, and for carrying out the provisions of section 7 thereof, to be borrowed from the Secretary of the Treasury in accordance with the provisions of section 3(a) of said Act, and to remain available without fiscal year limitation in accordance with section 3(e) of said Act, as follows: rural electrification program, \$337,000,000, and rural telephone program, \$128,800,000.

7 USC 907.

61 Stat. 546;
69 Stat. 131.
7 USC 903.

SALARIES AND EXPENSES

For administrative expenses, including not to exceed \$500 for financial and credit reports, funds for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$150,000 for employment under 5 U.S.C. 3109, \$14,613,000.

58 Stat. 742.

FARMERS HOME ADMINISTRATION

DIRECT LOAN ACCOUNT

Direct loans and advances under subtitles A and B, and advances under section 335(a) for which funds are not otherwise available, of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1921), as amended, may be made from funds available in the Farmers Home Administration direct loan account as follows: real estate loans, \$103,000,000, and operating loans, \$275,000,000.

75 Stat. 307,
315.

RURAL HOUSING INSURANCE FUND

For direct loans and related advances pursuant to section 517(m) of the Housing Act of 1949, as amended, \$19,000,000 shall be available from funds in the rural housing insurance fund. Hereafter, farmer applicants for direct or insured rural housing loans shall be required to provide only such collateral security as is required of owners of nonfarm tracts.

83 Stat. 399.
42 USC 1487.

For an additional amount for the rural housing insurance fund, as authorized by section 521(c) of the Housing Act of 1949 (42 U.S.C. 1490a(c)), \$334,000.

82 Stat. 551.

RURAL WATER AND WASTE DISPOSAL GRANTS

For grants pursuant to sections 306(a)(2) and 306(a)(6) of the Consolidated Farmers Home Administration Act of 1961, as amended (7 U.S.C. 1926), \$100,000,000.

79 Stat. 931;
82 Stat. 770.

RURAL HOUSING FOR DOMESTIC FARM LABOR

For financial assistance to public nonprofit organizations for housing for domestic farm labor, pursuant to section 516 of the Housing Act of 1949, as amended (42 U.S.C. 1486), \$2,500,000, to remain available until expended.

78 Stat. 797.

MUTUAL AND SELF-HELP HOUSING

For grants pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), \$775,000, to remain available until expended.

82 Stat. 553.

SELF-HELP HOUSING LAND DEVELOPMENT FUND

For direct loans pursuant to section 523(b)(1)(B) of the Housing Act of 1949 (42 U.S.C. 1490c) and related advances, \$400,000, to remain available until expended.

SALARIES AND EXPENSES

For necessary expenses of the Farmers Home Administration, not otherwise provided for, in administering the programs authorized by the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1921-1991), as amended, title V of the Housing Act of 1949, as amended (42 U.S.C. 1471-1490c, 83 Stat. 399), the Rural Rehabilitation Corporation Trust Liquidation Act, approved May 3, 1950 (40 U.S.C. 440-444), and for carrying out the responsibilities of the Secretary of Agriculture under sections 235 and 236 of the National Housing Act, as amended (12 U.S.C. 1715z-1715z-1), and section 701 of the Housing Act of 1954, as amended (40 U.S.C. 461), \$86,000,000, together with not more than \$2,250,000 of the charges collected in connection with the insurance of loans as authorized by section 309(e) of the Consolidated Farmers Home Administration Act of 1961, as amended, and sections 514(b)(3) and 517(i) of the Housing Act of 1949, as amended, of which not more than \$250,000 shall be available for the administration of Public Law 91-229: *Provided*, That, in addition, not to exceed \$500,000 of the funds available for the various programs administered by this agency may be transferred to this appropriation for temporary field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225) to meet unusual or heavy workload increases: *Provided further*, That no part of any funds in this paragraph may be used to administer a program which makes rural housing grants pursuant to section 504 of the Housing Act of 1949, as amended.

75 Stat. 307.
63 Stat. 432.
64 Stat. 98.
82 Stat. 477,
498; 83 Stat. 379.
82 Stat. 526.

75 Stat. 309;
79 Stat. 932.
7 USC 1929.
75 Stat. 187.
42 USC 1484.
79 Stat. 499.
42 USC 1487.
Ante, p. 120.
58 Stat. 742.

63 Stat. 434.
42 USC 1474.

TITLE III—CORPORATIONS

The following corporations and agencies are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government

Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided:

61 Stat. 584.
31 USC 849.

FEDERAL CROP INSURANCE CORPORATION

ADMINISTRATIVE AND OPERATING EXPENSES

For administrative and operating expenses, \$12,000,000.

FEDERAL CROP INSURANCE CORPORATION FUND

Not to exceed \$2,335,000 of administrative and operating expenses may be paid from premium income.

COMMODITY CREDIT CORPORATION

REIMBURSEMENT FOR NET REALIZED LOSSES

To reimburse the Commodity Credit Corporation for net realized losses sustained in prior years but not previously reimbursed, pursuant to the Act of August 17, 1961 (15 U.S.C. 713a-11, 713a-12), in the following amounts: fiscal year 1968, \$249,998,669; fiscal year 1969, \$3,113,156,331; in total, \$3,363,155,000: *Provided*, That no funds appropriated by this Act shall be used to formulate or administer programs for the sale of agricultural commodities pursuant to title I of Public Law 480, 83d Congress, as amended to any nation which sells or furnishes or which permits ships or aircraft under its registry to transport to North Vietnam any equipment, materials or commodities, so long as North Vietnam is governed by a Communist regime.

75 Stat. 391.

North Vietnam,
assistance, prohi-
bition.

80 Stat. 1526.
7 USC 1701.

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$36,500,000 shall be available for administrative expenses of the Commodity Credit Corporation: *Provided*, That \$945,000 of this authorization shall be available only to expand and strengthen the sales program of the Corporation pursuant to authority contained in the Corporation's charter: *Provided further*, That not less than 7 per centum of this authorization shall be placed in reserve to be apportioned pursuant to section 3679 of the Revised Statutes, as amended, for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided further*, That all necessary expenses (including legal and special services performed on a contract or fee basis, but not including other personal services) in connection with the acquisition, operation, maintenance, improvement, or disposition of any real or personal property belonging to the Corporation or in which it has an interest, including expenses of collections of pledged collateral, shall be considered as nonadministrative expenses for the purposes hereof.

31 USC 665.

PUBLIC LAW 480

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1701-1710, 1721-1725, 1731-1736d), to remain available until expended, as follows: (1) sale of agricultural commodities for foreign currencies and for dollars on credit terms pursuant to title I of said Act, \$411,100,000; and (2) commodities

80 Stat. 1526;
82 Stat. 450.

80 Stat. 1534.
7 USC 1721.

supplied in connection with dispositions abroad, pursuant to title II of said Act, \$291,400,000.

BARTERED MATERIALS FOR SUPPLEMENTAL STOCKPILE

70 Stat. 200;
76 Stat. 78.

For unrecovered prior years' costs related to strategic and other materials acquired as a result of barter or exchange of agricultural commodities or products and transferred to the supplemental stockpile pursuant to the Act of May 28, 1956, as amended (7 U.S.C. 1856), \$25,000, to remain available until expended.

TITLE IV—RELATED AGENCIES

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$4,204,000 (from assessments collected from farm credit agencies) shall be obligated during the current fiscal year for administrative expenses, including the hire of one passenger motor vehicle.

TITLE V—GENERAL PROVISIONS

Passenger motor
vehicles.

SEC. 501. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed six hundred and sixty-two (662) passenger motor vehicles, of which four hundred and fifty-six (456) shall be for replacement only, and for the hire of such vehicles.

Aliens, employ-
ment.

SEC. 502. Provisions of law prohibiting or restricting the employment of aliens shall not apply to employment under the appropriation for the Foreign Agricultural Service.

Uniform allow-
ances.

SEC. 503. Funds available to the Department of Agriculture shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902).

80 Stat. 508;
81 Stat. 206.
Cotton prices,
prediction.

SEC. 504. No part of the funds appropriated by this Act shall be used for the payment of any officer or employee of the Department who, as such officer or employee, or on behalf of the Department or any division, commission, or bureau thereof, issues, or causes to be issued, any prediction, oral or written, or forecast, except as to damage threatened or caused by insects and pests, with respect to future prices of cotton or the trend of same.

Twine.

SEC. 505. Except to provide materials required in or incident to research or experimental work where no suitable domestic product is available, no part of the funds appropriated by this Act shall be expended in the purchase of twine manufactured from commodities or materials produced outside of the United States.

Contracting
funds.

SEC. 506. Not less than \$1,500,000 of the appropriations of the Department for research and service work authorized by the Acts of August 14, 1946, July 28, 1954, and September 6, 1958 (7 U.S.C. 427, 1621-1629; 42 U.S.C. 1891-1893), shall be available for contracting in accordance with said Acts.

60 Stat. 1082;
68 Stat. 574.
72 Stat. 1793.

SEC. 507. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Short title.

This Act may be cited as the "Department of Agriculture and Related Agencies Appropriation Act, 1971".

Approved December 22, 1970.

Public Law 91-567

AN ACT

To amend sections 13(d), 13(e), 14(d), and 14(e) of the Securities Exchange Act of 1934 in order to provide additional protection for investors.

December 22, 1970
[S. 3431]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the part of paragraph (1) of subsection (d) of section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m(d)(1)) which precedes clause (A) is amended—

Securities Exchange Act of 1934, amendment.
Investor protection.

(1) by inserting after “section 12 of this title” the following: “, or any equity security of an insurance company which would have been required to be so registered except for the exemption contained in section 12(g)(2)(G) of this title,”; and

82 Stat. 454.
48 Stat. 892;
78 Stat. 565.
15 USC 78l.

(2) by striking out “10 per centum” and inserting in lieu thereof “5 per centum”.

(b) Paragraph (5) of subsection (d) of section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m(d)(5)) is redesignated as paragraph (6) and the following new paragraph is inserted immediately after paragraph (4).

“(5) The Commission, by rule or regulation or by order, may permit any person to file in lieu of the statement required by paragraph (1) of this subsection or the rules and regulations thereunder, a notice stating the name of such person, the number of shares of any equity securities subject to paragraph (1) which are owned by him, the date of their acquisition and such other information as the Commission may specify, if it appears to the Commission that such securities were acquired by such person in the ordinary course of his business and were not acquired for the purpose of and do not have the effect of changing or influencing the control of the issuer nor in connection with or as a participant in any transaction having such purpose or effect.”

Notice in lieu of required statement.

SEC. 2. Paragraph (2) of subsection (e) of section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e)(2)) is amended by adding at the end thereof the following: “The Commission shall have power to make rules and regulations implementing this paragraph in the public interest and for the protection of investors, including exemptive rules and regulations covering situations in which the Commission deems it unnecessary or inappropriate that a purchase of the type described in this paragraph shall be deemed to be a purchase by the issuer for purposes of some or all of the provisions of paragraph (1) of this subsection.”

Rulemaking powers.

SEC. 3. The first sentence of paragraph (1) of subsection (d) of section 14 of the Securities Exchange Act of 1934 (15 U.S.C. 78n(d)(1)) is amended—

(1) by inserting after “section 12 of this title,” the following: “or any equity security of an insurance company which would have been required to be so registered except for the exemption contained in section 12(g)(2)(G) of this title,”; and

78 Stat. 567.

(2) by striking out “10 per centum” and inserting in lieu thereof “5 per centum”.

SEC. 4. Paragraph 8 of subsection (d) of section 14 of the Securities Exchange Act of 1934 (15 U.S.C. 78n(d)(8)) is amended by striking out clause (A) and redesignating clauses (B), (C), and (D) as clauses (A), (B), and (C), respectively.

SEC. 5. Subsection (e) of section 14 of the Securities Exchange Act 15 U.S.C. 78n(e)) is amended by adding the following sentence at the end thereof: “The Commission shall, for the purposes of this subsection, by rules and regulations define, and prescribe means reason-

ably designed to prevent, such acts and practices as are fraudulent, deceptive, or manipulative."

Exempted
Securities.
Ante, pp. 718,
1434.

SEC. 6. (a) Section 3(a)(2) of the Securities Act of 1933 (15 U.S.C. 77c(a)(2)) is amended to read as follows:

68A Stat. 29;
82 Stat. 266, 1349.
26 USC 103.

"(2) Any security issued or guaranteed by the United States or any territory thereof, or by the District of Columbia, or by any State of the United States, or by any political subdivision of a State or territory, or by any public instrumentality of one or more States or territories, or by any person controlled or supervised by and acting as an instrumentality of the Government of the United States pursuant to authority granted by the Congress of the United States; or any certificate of deposit for any of the foregoing; or any security issued or guaranteed by any bank; or any security issued by or representing an interest in or a direct obligation of a Federal Reserve bank; or any interest or participation in any common trust fund or similar fund maintained by a bank exclusively for the collective investment and reinvestment of assets contributed thereto by such bank in its capacity as trustee, executor, administrator, or guardian; or any security which is an industrial development bond (as defined in section 103(c)(2) of the Internal Revenue Code of 1954) the interest on which is excludable from gross income under section 103(a)(1) of such Code if, by reason of the application of paragraph (4) or (6) of section 103(c) of such Code (determined as if paragraphs (4)(A), (5), and (7) were not included in such section 103(c)), paragraph (1) of such section 103(c) does not apply to such security; or any interest or participation in a single or collective trust fund maintained by a bank or in a separate account maintained by an insurance company which interest or participation is issued in connection with (A) a stock bonus, pension, or profit-sharing plan which meets the requirements for qualification under section 401 of the Internal Revenue Code of 1954, or (B) an annuity plan which meets the requirements for the deduction of the employer's contribution under section 404(a)(2) of such Code, other than any plan described in clause (A) or (B) of this paragraph (i) the contributions under which are held in a single trust fund maintained by a bank or in a separate account maintained by an insurance company for a single employer and under which an amount in excess of the employer's contribution is allocated to the purchase of securities (other than interests or participations in the trust or separate account itself) issued by the employer or by any company directly or indirectly controlling, controlled by or under common control with the employer or (ii) which covers employees some or all of whom are employees within the meaning of section 401(c)(1) of such Code. The Commission, by rules and regulations or order, shall exempt from the provisions of section 5 of this title any interest or participation issued in connection with a stock bonus, pension, profit-sharing, or annuity plan which covers employees some or all of whom are employees within the meaning of section 401(c)(1) of the Internal Revenue Code of 1954, if and to the extent that the Commission determines this to be necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of this title. For purposes of this paragraph, a security issued or guaranteed by a bank shall not include any interest or participation in any collective trust fund maintained by a bank; and the term 'bank' means any national bank, or any banking institution organized under the laws of any State, territory, or the District of Columbia, the business of which is substantially confined to banking and is supervised by the State or territorial banking commission or similar official; except that in the case of a common trust fund or similar fund, or a collective

68A Stat. 134.
26 USC 401.
76 Stat. 1141.

76 Stat. 811.
48 Stat. 77;
68 Stat. 684.
15 USC 77e.

"Bank."

trust fund, the term 'bank' has the same meaning as in the Investment Company Act of 1940."

(b) Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c) (relating to exempted securities) is amended by inserting after "any municipal corporate instrumentality of one or more States;" in paragraph (12) the following: "or any security which is an industrial development bond (as defined in section 103(c)(2) of the Internal Revenue Code of 1954) the interest on which is excludable from gross income under section 103(a)(1) of such Code if, by reason of the application of paragraph (4) or (6) of section 103(c) of such Code (determined as if paragraphs (4)(A), (5), and (7) were not included in such section 103(c)), paragraph (1) of such section 103(c) does not apply to such security;"

(c) Section 304(a) of the Trust Indenture Act of 1939 (15 U.S.C. 77ddd) (relating to exempted securities) is amended by reclassifying the present text of paragraph (4) thereof as paragraph (4)(A), and by adding a new subparagraph (B) at the end of such paragraph (4), to read as follows:

"(B) any security exempted from the provisions of the Securities Act of 1933, as amended, by paragraph (2) of subsection 3(a) thereof, as amended by section 401 of the Employment Security Amendments of 1970."

(d) The amendments made by this section shall apply with respect to securities sold after January 1, 1970.

Approved December 22, 1970.

54 Stat. 791.
15 USC 80a-2.

Ante, pp. 718,
1435.

82 Stat. 266,
1349,
26 USC 163,

53 Stat. 1153.

Ante, p. 1498.

Ante, p. 718.
Effective date.

Public Law 91-568

AN ACT

To amend the peanut marketing quota provisions to make permanent certain provisions thereunder.

December 22, 1970
[H. R. 17582]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 358a of the Agricultural Adjustment Act of 1938, as amended, is further amended as follows:

(1) Subsection (a) thereof is amended by deleting "1969, and 1970" and inserting in lieu thereof "and succeeding".

Approved December 22, 1970.

Peanut acreage
allotments.
81 Stat. 658;
83 Stat. 213.
7 USC 1358a.

Public Law 91-569

AN ACT

To amend the Interstate Commerce Act and the Federal Aviation Act of 1958 in order to exempt certain compensation of employees from withholding for income tax purposes under the laws of States or subdivisions thereof other than the State or subdivision of residence or the State or subdivision wherein more than 50 per centum of compensation is earned, and for other purposes.

December 23, 1970
[H. R. 10634]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part I of the Interstate Commerce Act is amended by redesignating section 26 as section 27 and by inserting before such section a new section as follows:

Interstate trans-
portation employ-
ees.
State income tax
withholding, cer-
tain wage exemp-
tions.
54 Stat. 919.
49 USC 27.

“EXEMPTION OF CERTAIN COMPENSATION OF EMPLOYEES FROM WITHHOLDING FOR INCOME TAX PURPOSES FOR OTHER THAN STATE OR SUBDIVISION OF RESIDENCE OR STATE OR SUBDIVISION WHEREIN MORE THAN FIFTY PER CENTUM OF COMPENSATION IS EARNED

“SEC. 26. (a) No part of the compensation paid by any railroad, express company, or sleeping car company, subject to the provisions of this part, to an employee (1) who performs his regularly assigned duties as such an employee on a locomotive, car, or other track-borne vehicle in more than one State, or (2) who is engaged principally in maintaining roadways, signals, communications, and structures or in operating motortrucks out of railroad terminals in more than one State, shall be withheld for income tax purposes pursuant to the laws of any State or subdivision thereof other than the State or subdivision wherein more than 50 per centum of the compensation paid by the carrier to such employee is earned: *Provided, however,* That if the employee did not earn more than 50 per centum of his compensation from said carrier in any one State or any subdivision thereof during the preceding calendar year, then withholding shall be required only for the State or subdivision of the employee's residence, as shown on the employment records of any such carrier; nor shall any such carrier file any information return or other report for income tax purposes with respect to such compensation with any State or subdivision thereof other than such State or subdivision of residence and the State or subdivision for which the withholding of such tax has been required under this subsection.

“(b) (1) For the purposes of subsection (a) (1), an employee shall be deemed to have earned more than 50 per centum of his compensation in any State or subdivision thereof in which the mileage traveled by him in such State or subdivision is more than 50 per centum of the total mileage traveled by him in the calendar year while so employed.

“(2) For the purposes of subsection (a) (2), an employee shall be deemed to have earned more than 50 per centum of his compensation in any State or subdivision thereof in which the time worked by him in such State or subdivision is more than 50 per centum of the total time worked by him in the calendar year while so employed.

“State.”

“Compensation.”

“(c) For the purposes of this section the term ‘State’ also means the District of Columbia; and the term ‘compensation’ shall mean all moneys received for services rendered by an employee, as defined in subsection (a) in the performance of his duties and shall include wages and salary.”

SEC. 2. (a) Section 202(b) of the Interstate Commerce Act is amended by inserting after “Nothing in this part” a comma and the following: “except as provided in section 226A.”

(b) Part II of the Interstate Commerce Act is amended by inserting after section 226 a new section as follows:

“EXEMPTION OF CERTAIN COMPENSATION OF EMPLOYEES FROM WITHHOLDING FOR INCOME TAX PURPOSES FOR OTHER THAN STATE OR SUBDIVISION OF RESIDENCE OR STATE OR SUBDIVISION WHEREIN MORE THAN FIFTY PER CENTUM OF COMPENSATION IS EARNED

“SEC. 226A. (a) No part of the compensation paid by any motor carrier subject to the provisions of this part, or by any private carrier of property by motor vehicle, to any employee who performs his regularly assigned duties as such an employee on a motor vehicle in more than one State, shall be withheld for income tax purposes pursuant to the laws

49 Stat. 543;

54 Stat. 920;

79 Stat. 648.

49 USC 302.

Infra.

49 USC 301.

of any State or subdivision thereof other than the State or subdivision wherein more than 50 per centum of the compensation paid by the carrier to such employee is earned: *Provided, however*, That if the employee did not earn more than 50 per centum of his compensation from said carrier in any one State or any subdivision thereof during the preceding calendar year, then withholding shall be required only for the State or subdivision of the employee's residence, as shown on the employment records of any such carrier; nor shall such carrier file any information return or other report for income tax purposes with respect to such compensation with any State or subdivision thereof other than such State or subdivision of residence, and the State or subdivision for which the withholding of such tax has been required under this subsection.

“(b) For the purposes of subsection (a), an employee shall be deemed to have earned more than 50 per centum of his compensation in any State or subdivision in which the mileage traveled by him in such State or subdivision is more than 50 per centum of the total mileage traveled by him in the calendar year while so employed.

“(c) For the purpose of this section the term ‘State’ also means any possession of the United States or the Commonwealth of Puerto Rico; and the term ‘compensation’ shall mean all moneys received for services rendered by an employee, as defined in subsection (a) in the performance of his duties and shall include wages and salary.”

SEC. 3. (a) Part III of the Interstate Commerce Act is amended by redesignating section 324 as section 325 and by inserting before such section a new section as follows:

“EXEMPTION OF CERTAIN COMPENSATION OF EMPLOYEES FROM REPORTING FOR INCOME TAX PURPOSES FOR OTHER THAN STATE OR SUBDIVISION OF RESIDENCE OR STATE OR SUBDIVISION WHEREIN MORE THAN FIFTY PER CENTUM OF COMPENSATION IS EARNED

“SEC. 324. (a) No water carrier subject to the provisions of this part nor any water carrier or class of water carriers operating on inland or coastal waters under an exemption provided therein shall file any information return or other report for income tax purposes with respect to the compensation paid to any employee who performs his regularly assigned duties as an employee of such carrier in more than one State with any State or subdivision thereof other than the State or subdivision of such employee's residence, as shown on the employment records of such carrier, and the State or subdivision in which such employee earned more than 50 per centum of the compensation paid him by such carrier during the preceding calendar year. The provisions of this section shall also apply with respect to the compensation paid to any master, officer, or seaman who is a member of the crew on a vessel engaged in foreign, coastwise, intercoastal or non-contiguous trade or in the fisheries of the United States.

“(b) For the purposes of subsection (a), an employee shall be deemed to have earned more than 50 per centum of his compensation in any State or subdivision in which the time worked by him in such State or subdivision is more than 50 per centum of the total time worked by him in the calendar year while so employed.

“(c) For the purpose of this section the term ‘compensation’ shall mean all moneys received for services rendered by an employee, as defined in subsection (a) in the performance of his duties and shall include wages and salary.”

(b) The table of contents contained in section 301 of the Interstate Commerce Act is amended by striking out

“‘State.’”

“‘Compensation.’”

54 Stat. 929;
82 Stat. 1149.
49 USC 901.

“‘Compensation.’”

“Sec. 324. Separability of provisions.”

and inserting in lieu thereof:

“Sec. 324. Exemption of certain compensation of employees from reporting for income tax purposes for other than State or subdivision of residence and State or subdivision wherein more than 50 per centum of compensation is earned.

“Sec. 325. Separability of provisions.”

72 Stat. 797;
75 Stat. 467.
49 USC 1501.

SEC. 4. (a) Title XI of the Federal Aviation Act of 1958 is amended by inserting after section 1111 the following new section:

“EXEMPTION OF CERTAIN COMPENSATION OF EMPLOYEES FROM WITHHOLDING FOR INCOME TAX PURPOSES FOR OTHER THAN STATE OR SUBDIVISION OF RESIDENCE OR STATE OR SUBDIVISION WHEREIN MORE THAN FIFTY PER CENTUM OF COMPENSATION IS EARNED

“SEC. 1112.(a) No part of the compensation paid by any air carrier to an employee who performs his regularly assigned duties as such an employee on an aircraft in more than one State shall be withheld for income tax purposes pursuant to the laws of any State or subdivision thereof other than the State or subdivision wherein more than 50 per centum of the compensation paid by the carrier to such employee is earned: *Provided, however,* That if the employee did not earn more than 50 per centum of his compensation from said carrier in any one State or subdivision thereof during the preceding calendar year, then withholding shall be required only for the State or subdivision of the employee's residence, as shown on the employment records of any such carrier; nor shall such carrier file any information return or other report for income tax purposes with respect to such compensation with any State or subdivision thereof other than such State or subdivision of residence and the State or subdivision for which the withholding of such tax has been required under this subsection.

“(b) For the purposes of subsection (a), an employee shall be deemed to have earned 50 per centum of his compensation in any State or subdivision in which his scheduled flight time in such State or subdivision is more than 50 per centum of his total scheduled flight time in the calendar year while so employed.

“State.”

“Compensation.”

“(c) For the purposes of this section the term ‘State’ also means the District of Columbia and any of the possessions of the United States; and the term ‘compensation’ shall mean all moneys received for services rendered by an employee, as defined in subsection (a) in the performance of his duties and shall include wages and salary.”

(b) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the heading “Title XI—Miscellaneous” is amended by adding at the end thereof the following:

“Sec. 1112. Exemption of certain compensation of employees from withholding for income tax purposes for other than State or subdivision of residence and State or subdivision wherein more than 50 per centum of compensation is earned.”

Effective date.

SEC. 5. The amendments made by this Act shall become effective on the first day of the first calendar year beginning after the date of enactment of this Act.

Separability.

SEC. 6. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act and the application of the provision to other persons or other circumstances shall not be affected thereby.

Approved December 23, 1970.

Public Law 91-570

AN ACT

To amend the Tariff Schedules of the United States so as to prevent the payment of multiple customs duties in the case of horses temporarily exported for the purpose of racing.

December 23, 1970
[H. R. 4239]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part 1 of schedule 8 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting after item 802.30 the following new item:

Horses.
Duty suspension.
77A Stat. 406.

" | 802.40 | In the case of horses, use for racing..... | Free | The column 2 rate applicable in the absence of this item. | „

Approved December 23, 1970.

Public Law 91-571

AN ACT

To amend section 213(a) of the War Claims Act of 1948 with respect to claims of certain nonprofit organizations and certain claims of individuals.

December 24, 1970
[H. R. 2669]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 213 (a) of the War Claims Act of 1948 (50 App. U.S.C. 20171(a)) is amended as follows:

War Claims Act
of 1948, amend-
ment.
76 Stat. 1111.

(1) Paragraph (1) is amended to read as follows:

"(1) Payment in full of awards made pursuant to section 202(d) (1) and (2), and thereafter of any award made pursuant to section 202(a) to any claimant (A) certified to the Commission by the Small Business Administration as having been, on the date of loss, damage, or destruction, a small business concern within the meaning now set forth in the Small Business Act, as amended, or (B) determined by the Commission to have been, on the date of loss, damage, or destruction, a nonprofit organization operated exclusively for the promotion of social welfare, religious, charitable, or educational purposes."

72 Stat. 384.
15 USC 631 note.

(2) Redesignate paragraph (3) as paragraph (4) and, immediately after paragraph (2), insert the following new paragraph:

"(3) Thereafter, payments from time to time on account of the other awards made to individuals and corporations pursuant to section 202 and not compensated in full under paragraph (1) or (2) of this subsection in an amount which shall be the same for each award or in the amount of the award, whichever is less. The total payment pursuant to this paragraph on account of any award shall not exceed \$35,000."

(b) The Foreign Claims Settlement Commission is authorized to recertify to the Secretary of the Treasury each award which has been certified before the date of enactment of this Act pursuant to title II of the War Claims Act of 1948, as added by the Act of October 22, 1962 (76 Stat. 1107), but which as of the date of enactment of this Act has not been paid in full, in such manner as it may determine to be required to give effect to the amendments made by this Act to the same extent and with the same effect as if such amendments had taken effect on October 22, 1962.

50 USC app.
2017.

Approved December 24, 1970.

Public Law 91-572

December 24, 1970
[S. 2108]

AN ACT

To promote public health and welfare by expanding, improving, and better coordinating the family planning services and population research activities of the Federal Government, and for other purposes.

Family Planning
Services and Pop-
ulation Research
Act of 1970.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Family Planning Services and Population Research Act of 1970".

DECLARATION OF PURPOSE

SEC. 2. It is the purpose of this Act—

(1) to assist in making comprehensive voluntary family planning services readily available to all persons desiring such services;

(2) to coordinate domestic population and family planning research with the present and future needs of family planning programs;

(3) to improve administrative and operational supervision of domestic family planning services and of population research programs related to such services;

(4) to enable public and nonprofit private entities to plan and develop comprehensive programs of family planning services;

(5) to develop and make readily available information (including educational materials) on family planning and population growth to all persons desiring such information;

(6) to evaluate and improve the effectiveness of family planning service programs and of population research;

(7) to assist in providing trained manpower needed to effectively carry out programs of population research and family planning services; and

(8) to establish an Office of Population Affairs in the Department of Health, Education, and Welfare as a primary focus within the Federal Government on matters pertaining to population research and family planning, through which the Secretary of Health, Education, and Welfare (hereafter in this Act referred to as the "Secretary") shall carry out the purposes of this Act.

OFFICE OF POPULATION AFFAIRS

Establishment;
Deputy Assistant
Secretary for Pop-
ulation Affairs,
appointment.

SEC. 3. (a) There is established within the Department of Health, Education, and Welfare an Office of Population Affairs to be directed by a Deputy Assistant Secretary for Population Affairs under the direct supervision of the Assistant Secretary for Health and Scientific Affairs. The Deputy Assistant Secretary for Population Affairs shall be appointed by the Secretary.

Staff and con-
sultants.

(b) The Secretary is authorized to provide the Office of Population Affairs with such full-time professional and clerical staff and with the services of such consultants as may be necessary for it to carry out its duties and functions.

FUNCTIONS OF THE DEPUTY ASSISTANT SECRETARY FOR
POPULATION AFFAIRS

SEC. 4. The Secretary shall utilize the Deputy Assistant Secretary for Population Affairs—

(1) to administer all Federal laws for which the Secretary has administrative responsibility and which provide for or authorize the making of grants or contracts related to population research and family planning programs;

(2) to administer and be responsible for all population and family planning research carried on directly by the Department of Health, Education, and Welfare or supported by the Department through grants to, or contracts with, entities and individuals;

(3) to act as a clearinghouse for information pertaining to domestic and international population research and family planning programs for use by all interested persons and public and private entities;

(4) to provide a liaison with the activities carried on by other agencies and instrumentalities of the Federal Government relating to population research and family planning;

(5) to provide or support training for necessary manpower for domestic programs of population research and family planning programs of service and research; and

(6) to coordinate and be responsible for the evaluation of the other Department of Health, Education, and Welfare programs related to population research and family planning and to make periodic recommendations to the Secretary.

PLANS AND REPORTS

SEC. 5. (a) Not later than six months after the date of enactment of this Act the Secretary shall make a report to the Congress setting forth a plan, to be carried out over a period of five years, for extension of family planning services to all persons desiring such services, for family planning and population research programs, for training of necessary manpower for the programs authorized by title X of the Public Health Service Act and other Federal laws for which the Secretary has responsibility, and for carrying out the other purposes set forth in this Act and in such title X.

Report to Congress.

Post, p. 1506.

(b) Such a plan shall, at a minimum, indicate on a phased basis—

(1) the number of individuals to be served by family planning programs under title X of the Public Health Service Act and other Federal laws for which the Secretary has responsibility, the types of family planning and population growth information and educational materials to be developed under such laws and how they will be made available, the research goals to be reached under such laws, and the manpower to be trained under such laws;

(2) an estimate of the costs and personnel requirements needed to meet these objectives; and

(3) the steps to be taken to establish a systematic reporting system capable of yielding comprehensive data on which service figures and program evaluations for the Department of Health, Education, and Welfare shall be based.

(c) On or before January 1, 1972, and on or before each January 1 thereafter for a period of five years, the Secretary shall submit to the Congress a report which shall—

Reports to Congress.

(1) compare results achieved during the preceding fiscal year with the objectives established for such year under the plan;

(2) indicate steps being taken to achieve the objective during the remaining fiscal years of the plan and any revisions necessary to meet these objectives; and

(3) make recommendations with respect to any additional legislative or administrative action necessary or desirable in carrying out the plan.

AMENDMENTS TO PUBLIC HEALTH SERVICE ACT

79 Stat. 930,
42 USC 201
note.

SEC. 6. (a) Section 1 of the Public Health Service Act is amended by striking out "Titles I to IX" and inserting in lieu thereof "Titles I to X".

(b) The Act of July 1, 1944 (58 Stat. 682), as amended, is further amended by renumbering title X (as in effect prior to the enactment of this Act) as title XI, and by renumbering sections 1001 through 1014 (as in effect prior to the enactment of this Act), and references thereto, as sections 1101 through 1114, respectively.

(c) The Public Health Service Act (42 U.S.C., ch. 6A) is further amended by adding after title IX the following new title:

"TITLE X—POPULATION RESEARCH AND VOLUNTARY FAMILY PLANNING PROGRAMS

"PROJECT GRANTS AND CONTRACTS FOR FAMILY PLANNING SERVICES

"SEC. 1001. (a) The Secretary is authorized to make grants to and enter into contracts with public or nonprofit private entities to assist in the establishment and operation of voluntary family planning projects.

"(b) In making grants and contracts under this section the Secretary shall take into account the number of patients to be served, the extent to which family planning services are needed locally, the relative need of the applicant, and its capacity to make rapid and effective use of such assistance.

Appropriation.

"(c) For the purpose of making grants and contracts under this section, there are authorized to be appropriated \$30,000,000 for the fiscal year ending June 30, 1971; \$60,000,000 for the fiscal year ending June 30, 1972; and \$90,000,000 for the fiscal year ending June 30, 1973.

"FORMULA GRANTS TO STATES FOR FAMILY PLANNING SERVICES

"SEC. 1002. (a) The Secretary is authorized to make grants, from allotments made under subsection (b), to State health authorities to assist in planning, establishing, maintaining, coordinating, and evaluating family planning services. No grant may be made to a State health authority under this section unless such authority has submitted, and had approved by the Secretary, a State plan for a coordinated and comprehensive program of family planning services.

"(b) The sums appropriated to carry out the provisions of this section shall be allotted to the States by the Secretary on the basis of the population and the financial need of the respective States.

"State."

"(c) For the purposes of this section, the term 'State' includes the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the District of Columbia, and the Trust Territory of the Pacific Islands.

Appropriation.

"(d) For the purpose of making grants under this section, there are authorized to be appropriated \$10,000,000 for the fiscal year ending

June 30, 1971; \$15,000,000 for the fiscal year ending June 30, 1972; and \$20,000,000 for the fiscal year ending June 30, 1973.

“TRAINING GRANTS AND CONTRACTS

“SEC. 1003. (a) The Secretary is authorized to make grants to public or nonprofit private entities and to enter into contracts with public or private entities and individuals to provide the training for personnel to carry out family planning service programs described in section 1001 or 1002.

“(b) For the purpose of making payments pursuant to grants and contracts under this section, there are authorized to be appropriated \$2,000,000 for the fiscal year ending June 30, 1971; \$3,000,000 for the fiscal year ending June 30, 1972; and \$4,000,000 for the fiscal year ending June 30, 1973.

Appropriation.

“RESEARCH GRANTS AND CONTRACTS

“SEC. 1004. (a) In order to promote research in the biomedical, contraceptive development, behavioral, and program implementation fields related to family planning and population, the Secretary is authorized to make grants to public or nonprofit private entities and to enter into contracts with public or private entities and individuals for projects for research and research training in such fields.

“(b) For the purpose of making payments pursuant to grants and contracts under this section, there are authorized to be appropriated \$30,000,000 for the fiscal year ending June 30, 1971; \$50,000,000 for the fiscal year ending June 30, 1972; and \$65,000,000 for the fiscal year ending June 30, 1973.

Appropriation.

“INFORMATIONAL AND EDUCATIONAL MATERIALS

“SEC. 1005. (a) The Secretary is authorized to make grants to public or nonprofit private entities and to enter into contracts with public or private entities and individuals to assist in developing and making available family planning and population growth information (including educational materials) to all persons desiring such information (or materials).

“(b) For the purpose of making payments pursuant to grants and contracts under this section, there are authorized to be appropriated \$750,000 for the fiscal year ending June 30, 1971; \$1,000,000 for the fiscal year ending June 30, 1972; and \$1,250,000 for the fiscal year ending June 30, 1973.

Appropriation.

“REGULATIONS AND PAYMENTS

“SEC. 1006. (a) Grants and contracts made under this title shall be made in accordance with such regulations as the Secretary may promulgate.

“(b) Grants under this title shall be payable in such installments and subject to such conditions as the Secretary may determine to be appropriate to assure that such grants will be effectively utilized for the purposes for which made.

“(c) A grant may be made or contract entered into under section 1001 or 1002 for a family planning service project or program only upon assurances satisfactory to the Secretary that—

“(1) priority will be given in such project or program to the furnishing of such services to persons from low-income families; and

“(2) no charge will be made in such project or program for services provided to any person from a low-income family except to the extent that payment will be made by a third party (including a government agency) which is authorized or is under legal obligation to pay such charge.

“Low-income family.”

For purposes of this subsection, the term ‘low-income family’ shall be defined by the Secretary in accordance with such criteria as he may prescribe.

“VOLUNTARY PARTICIPATION

“SEC. 1007. The acceptance by any individual of family planning services or family planning or population growth information (including educational materials) provided through financial assistance under this title (whether by grant or contract) shall be voluntary and shall not be a prerequisite to eligibility for or receipt of any other service or assistance from, or to participation in, any other program of the entity or individual that provided such service or information.

“PROHIBITION OF ABORTION

“SEC. 1008. None of the funds appropriated under this title shall be used in programs where abortion is a method of family planning.”

Approved December 24, 1970.

Public Law 91-573

December 24, 1970
[S. 1499]

AN ACT

To name the authorized lock and dam numbered 17 on the Verdigris River in Oklahoma for the Chouteau family.

Chouteau lock
and dam, Okla.
Designation.

60 Stat. 634,
635.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That lock and dam numbered 17 on the Verdigris River, Oklahoma, a feature of the Arkansas River and tributaries navigation project, authorized to be constructed by the River and Harbor Act of July 24, 1946 (60 Stat. 641, 647), as amended, shall be known and designated hereafter as the Chouteau lock and dam. Any law, regulation, map, document, record, or other paper of the United States in which such lock and dam is referred to shall be held to refer to such lock and dam as the Chouteau lock and dam.

Approved December 24, 1970.

Public Law 91-574

December 24, 1970
[S. 3192]

AN ACT

To designate the navigation lock on the Sacramento deepwater ship channel in the State of California as the William G. Stone navigation lock.

William G. Stone
navigation lock,
Calif.
Designation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the navigation lock on the Sacramento deepwater ship channel in the State of California which connects the Sacramento River with the Sacramento-Yolo deepwater port shall hereafter be known as the William G. Stone navigation lock, and any law, regulation, document, or record of the United States in which such lock is designated or referred to shall be held to refer to such lock under and by the name of the William G. Stone navigation lock.

Approved December 24, 1970.

Public Law 91-575

AN ACT

Consenting to the Susquehanna River Basin compact, enacting the same into law thereby making the United States a signatory party: making certain reservations on behalf of the United States, and for related purposes.

December 24, 1970
[S. 1079]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SUSQUEHANNA RIVER BASIN COMPACT

Susquehanna
River Basin Com-
pact.
Consent of Con-
gress.

SECTION 1. The consent of Congress is hereby given to the Susquehanna River Basin compact in the form substantially as follows, and the compact is hereby enacted into law thereby making the United States a signatory party thereto:

“SUSQUEHANNA RIVER BASIN COMPACT

“PREAMBLE

“Whereas the signatory parties hereto recognize the water resources of the Susquehanna River Basin as regional assets vested with local, state, and national interest for which they have a joint responsibility; and declare as follows:

“1. The conservation, utilization, development, management, and control of the water resources of the Susquehanna River Basin under comprehensive multiple purpose planning will bring the greatest benefits and produce the most efficient service in the public interest; and

“2. This comprehensive planning administered by a basin-wide agency will provide flood damage reduction, conservation and development of surface and ground water supply for municipal, industrial, and agricultural uses, development of recreational facilities in relation to reservoirs, lakes and streams, propagation of fish and game, promotion of forest land management, soil conservation, and watershed projects, protection and aid to fisheries, development of hydroelectric power potentialities, improved navigation, control of the movement of salt water, abatement and control of water pollution, and regulation of stream flows toward the attainment of these goals; and

“3. The water resources of the basin are presently subject to the duplicating, overlapping, and uncoordinated administration of a large number of governmental agencies which exercise a multiplicity of powers resulting in a splintering of authority and responsibility; and

“4. The Interstate Advisory Committee on the Susquehanna River Basin, created by action of the states of New York, Pennsylvania, and Maryland, on the basis of its studies and deliberation has concluded that regional development of the Susquehanna River Basin is feasible, advisable, and urgently needed, and has recommended that an inter-governmental compact with Federal participation be consummated to this end; and

“5. The Congress of the United States and the executive branch of the Federal government have recognized a national interest in the Susquehanna River Basin by authorizing and directing the Corps of Engineers of the Department of the Army, the Department of Agriculture, the Department of Health, Education and Welfare, the Department of Interior, and other Federal agencies to cooperate in making comprehensive surveys and reports concerning the water resources of the Susquehanna River Basin in which individually or severally the technical aid and assistance of many Federal and state agencies have been enlisted, and which are being or have been coordinated through a Susquehanna River Basin Study Coordinating

Committee on which the Corps of Engineers of the Department of the Army, the Department of Agriculture, the Department of Commerce, the Department of Health, Education and Welfare, the Department of Interior, the Department of Housing and Urban Development and its predecessor Housing and Home Finance Agency, the Federal Power Commission, and the States of New York, Pennsylvania, and Maryland are or were represented; and

"6. Some three million people live and work in the Susquehanna River Basin and its environs, and the government, employment, industry, and economic development of the entire region and the health, safety, and general well being of its population are and will continue to be affected vitally by the conservation, utilization, development, management, and control of the water resources of the basin; and

"7. Demands upon the water resources of the basin are expected to mount because of anticipated increases in population and by reason of industrial and economic growth of the basin and its service area; and

"8. Water resources planning and development are technical, complex, and expensive, often requiring fifteen to twenty years from the conception to the completion of large or extensive projects; and

"9. The public interest requires that facilities must be ready and operative when and where needed, to avoid the damages of unexpected floods or prolonged drought, and for other purposes; and

"10. The Interstate Advisory Committee on the Susquehanna River Basin has prepared a draft of an intergovernmental compact for the creation of a basin agency, and the signatory parties desire to effectuate the purposes thereof; Now therefore

"The States of New York and Maryland and the Commonwealth of Pennsylvania, and the United States of America hereby solemnly covenant and agree with each other, upon the enactment of concurrent legislation by the Congress of the United States and by the respective State legislatures, to the Susquehanna River Basin Compact which consists of this Preamble and the Articles that follow.

"ARTICLE 1

"SHORT TITLE, DEFINITIONS, PURPOSES, AND LIMITATIONS

"SECTION 1.1—SHORT TITLE. This compact shall be known and may be cited as the Susquehanna River Basin Compact.

"1.2—DEFINITIONS. For the purpose of this compact, and of any supplemental or concurring legislation enacted pursuant to it:

"1. 'Basin' shall mean the area of drainage of the Susquehanna River and its tributaries into Chesapeake Bay to the southern edge of the Pennsylvania Railroad bridge between Havre de Grace and Perryville, Maryland.

"2. 'Commission' shall mean the Susquehanna River Basin Commission hereby created, and the term 'Commissioner' shall mean a member of the commission.

"3. 'Cost' shall mean direct and indirect expenditures, commitment, and net induced adverse effects, whether or not compensated for, used or incurred in connection with the establishment, acquisition, construction, maintenance, and operation of a project.

"4. 'Diversion' shall mean the transfer of water into or from the basin.

"5. 'Facility' shall mean any real or personal property, within or without the basin, and improvements thereof or thereon, and any and

all rights of way, water, water rights, plants, structures, machinery, and equipment acquired, constructed, operated, or maintained for the beneficial use of water resources or related land uses or otherwise including, without limiting the generality of the foregoing, any and all things and appurtenances necessary, useful, or convenient for the control, collection, storage, withdrawal, diversion, release, treatment, transmission, sale, or exchange of water; or for navigation thereon, or the development and use of hydroelectric energy and power, and public recreational facilities; or the propagation of fish and wildlife; or to conserve and protect the water resources of the basin or any existing or future water supply source, or to facilitate any other uses of any of them.

"6. 'Federal government' shall mean the government of the United States of America, and any appropriate branch, department, bureau, or division thereof, as the case may be.

"7. 'Project' shall mean any work, service, or activity which is separately planned, financed, or identified by the commission, or any separate facility undertaken or to be undertaken by the commission or otherwise within a specified area, for the conservation, utilization, control, development, or management of water resources which can be established and utilized independently or as an addition to an existing facility and can be considered as a separate entity for purposes of evaluation.

"8. 'Signatory party' shall mean a state or commonwealth party to this compact, or the Federal government.

"9. 'Water' shall mean both surface and underground waters which are contained within the drainage area of the Susquehanna River in the states of New York, Pennsylvania, and Maryland.

"10. 'Water resources' shall include all waters and related natural resources within the basin.

"11. 'Withdrawal' shall mean a taking or removal of water from any source within the basin for use within the basin.

"12. 'Person' shall mean an individual, corporation, partnership, unincorporated association, and the like and shall have no gender, and the singular shall include the plural.

"1.3—PURPOSE AND FINDINGS. That legislative bodies of the respective signatory parties hereby find and declare:

"1. The water resources of the Susquehanna River Basin are affected with a local, state, regional, and national interest, and the planning, conservation, utilization, development, management, and control of these resources, under appropriate arrangements for intergovernmental cooperation, are public purposes of the respective signatory parties.

"2. The water resources of the basin are subject to the sovereign rights and responsibilities of the signatory parties, and it is the purpose of this compact to provide for a joint exercise of these powers of sovereignty in the common interest of the people of the region.

"3. The water resources of the basin are functionally interrelated, and the uses of these resources are interdependent. A single administrative agency is therefore essential for effective and economical direction, supervision, and coordination of water resources efforts and programs of federal, state, and local governments and of private enterprise.

"4. Present and future demands require increasing economies and efficiencies in the use and reuse of water resources, and these can be brought about only by comprehensive planning, programming, and management under the direction of a single administrative agency.

"5. In general, the purposes of this compact are to promote interstate comity; to remove causes of possible controversy; to make secure and protect developments within the states; to encourage and provide for the planning, conservation, utilization, development, management, and control of the water resources of the basin; to provide for cooperative and coordinated planning and action by the signatory parties with respect to water resources; and to apply the principle of equal and uniform treatment to all users of water and of water related facilities without regard to political boundaries.

"6. It is the express intent of the signatory parties that the commission shall engage in the construction, operation, and maintenance of a project only when the project is necessary to the execution of the comprehensive plan and no other competent agency is in a position to act, or such agency fails to act.

"1.4—POWERS OF CONGRESS; WITHDRAWAL. Nothing in this compact shall be construed to relinquish the functions, powers, or duties of the Congress of the United States with respect to the control of any navigable waters within the basin, nor shall any provisions hereof be construed in derogation of any of the constitutional powers of the Congress to regulate commerce among the states and with foreign nations. The power and right of the Congress to withdraw the Federal government as a party to this compact or to revise or modify the terms, conditions, and provisions under which it may remain a party by amendment, repeal, or modification of any Federal statute applicable hereto is recognized by the signatory parties.

"1.5—DURATION OF COMPACT.

"(a) The duration of this compact shall be for an initial period of 100 years from its effective date, and it shall be continued for additional periods of 100 years if not less than 20 years nor more than 25 years prior to the termination of the initial period or any succeeding period none of the signatory states, by authority of an act of its legislature, notifies the commission of intention to terminate the compact at the end of the then current 100-year period.

"(b) In the event this compact should be terminated by operation of paragraph (a) above, the commission shall be dissolved, its assets and liabilities transferred in accordance with the equities of the signatory parties therein, and its corporate affairs wound up in accordance with agreement of the signatory parties or, failing agreement, by act of the Congress.

"ARTICLE 2

"ORGANIZATION AND AREA

"SECTION 2.1—COMMISSION CREATED. The Susquehanna River Basin Commission is hereby created as a body politic and corporate, with succession for the duration of this compact, as an agency and instrumentality of the governments of the respective signatory parties.

"2.2—COMMISSION MEMBERSHIP. The members of the commission shall be the governor or the designee of the governor of each signatory state, to act for him, and one member to be appointed by the President of the United States to serve at the pleasure of the President.

"2.3—ALTERNATES. An alternate from each signatory party shall be appointed by its member of the commission unless otherwise provided by the laws of the signatory party. The alternate, in the absence of the member, shall represent the member and act for him. In the event of a vacancy in the office of alternate, it shall be filled in the same manner as the original appointment.

"2.4—COMPENSATION. Members of the commission and alternates shall serve without compensation from the commission but may be reimbursed for necessary expenses incurred in and incident to the performance of their duties.

"2.5—VOTING POWER. Each member is entitled to one vote. No action of the commission may be taken unless three of the four members vote in favor thereof.

"2.6—ORGANIZATION AND PROCEDURE. The commission shall provide for its own organization and procedure, and shall adopt the rules and regulations governing its meetings and transactions. It shall organize annually by the election of a chairman and vice-chairman from among its members. It shall provide by its rules for the appointment by each member in his discretion of an advisor to serve without compensation from the commission, who may attend all meetings of the commission and its committees.

"2.7—JURISDICTION OF THE COMMISSION. The commission shall have, exercise, and discharge its functions, powers, and duties within the limits of the basin. Outside the basin, the commission shall act at its discretion, but only to the extent necessary to implement its responsibilities within the basin, and where necessary subject to the consent of the state wherein it proposes to act.

"ARTICLE 3

"POWERS AND DUTIES OF THE COMMISSION

"SECTION 3.1—GENERAL. The Commission shall develop and effectuate plans, policies, and projects relating to the water resources of the basin. It shall adopt and promote uniform and coordinated policies for water resources conservation and management in the basin. It shall encourage and direct the planning, development, operation, and subject to applicable laws the financing of water resources projects according to such plans and policies.

"3.2—POLICY. It is the policy of the signatory parties to preserve and utilize the functions, powers, and duties of the existing offices and agencies of government to the extent consistent with this compact, and the commission is directed to utilize those offices and agencies for the purposes of this compact.

"3.3—COMPREHENSIVE PLAN, PROGRAM AND BUDGETS. The commission in accordance with Article 14 of this compact, shall formulate and adopt:

"1. A comprehensive plan, after consultation with appropriate water users and interested public bodies for the immediate and long range development and use of the water resources of the basin;

"2. A water resources program, based upon the comprehensive plan, which shall include a systematic presentation of the quantity and quality of water resources needs of the area to be served for such reasonably foreseeable period as the commission may determine, balanced by existing and proposed projects required to satisfy such needs, including all public and private projects affecting the basin, together with a separate statement of the projects proposed to be undertaken by the commission during such period; and

"3. An annual current expense budget and an annual capital budget consistent with the commission's program, projects, and facilities for the budget period.

"3.4—POWERS OF COMMISSION. The commission may:

"1. Plan, design, acquire, construct, reconstruct, complete, own, improve, extend, develop, operate, and maintain any and all projects,

facilities, properties, activities, and services which are determined by the commission to be necessary, convenient, or useful for the purposes of this compact.

"2. Establish standards of planning, design, and operation of all projects and facilities in the basin to the extent they affect water resources, including without limitation thereto water, sewage and other waste treatment plants and facilities, pipelines, transmission lines, stream and lake recreational facilities, trunk mains for water distribution, local flood protection works, watershed management programs, and ground water recharging operations.

"3. Conduct and sponsor research on water resources and their planning, use, conservation, management, development, control, and protection, and the capacity, adaptability, and best utility of each facility thereof, and collect, compile, correlate, analyze, report, and interpret data on water resources and uses in the basin, including without limitation thereto the relation of water to other resources, industrial water technology, ground water movement, relation between water price and water demand and other economic factors, and general hydrological conditions.

"4. Collect, compile, coordinate, and interpret systematic surface and ground water data, and publicize such information when and as needed for water uses, flood warning, quality maintenance, or other purposes.

"5. Conduct ground and surface water investigations, tests, and operations, and compile data relating thereto, as may be required to formulate and administer the comprehensive plan.

"6. Prepare, publish, and disseminate information and reports concerning the water problems of the basin and for the presentation of the needs and resources of the basin and policies of the commission to executive and legislative branches of the signatory parties.

"7. Negotiate loans, grants, gifts, services, or other aids as may be lawfully available from public or private sources to finance or assist in effectuating any of the purposes of this compact, and receive and accept them upon terms and conditions, and subject to provisions, as may be required by Federal or state law or as the commission may deem necessary or desirable.

"8. Exercise such other and different powers as may be delegated to it by this compact or otherwise pursuant to law, and have and exercise all powers necessary or convenient to carry out its express powers and other powers which reasonably may be implied therefrom.

"9. Adopt, amend, and repeal rules and regulations to implement this compact.

"3.5—DUTIES OF THE COMMISSION. The commission shall:

"1. Develop and effectuate plans, policies, and projects relating to water resources, adopt, promote, and coordinate policies and standards for water resources conservation, control, utilization, and management, and promote and implement the planning, development, and financing of water resources projects.

"2. Undertake investigations, studies, and surveys, and acquire, construct, operate, and maintain projects and facilities in regard to the water resources of the basin, whenever it is deemed necessary to do so to activate or effectuate any of the provisions of this compact.

"3. Administer, manage, and control water resources in all matters determined by the commission to be interstate in nature or to have a major effect on the water resources and water resources management.

"4. Assume jurisdiction in any matter affecting water resources whenever it determines after investigation and public hearing upon due notice given, that the effectuation of the comprehensive plan or

the implementation of this compact so requires. If the commission finds upon subsequent hearing requested by an affected signatory party that the party will take the necessary action, the commission may relinquish jurisdiction.

"5. Investigate and determine if the requirements of the compact or the rules and regulations of the commission are complied with, and if satisfactory progress has not been made, institute an action or actions in its own name in any state or federal court of competent jurisdiction to compel compliance with any and all of the provisions of this compact or any of the rules and regulations of the commission adopted pursuant thereto. An action shall be instituted in the name of the commission and shall be conducted by its own counsel.

"3.6—COOPERATIVE LEGISLATION AND FURTHER JURISDICTION.

"(a) Each of the signatory parties agrees that it will seek enactment of such additional legislation as will be required to enable its officers, departments, commissions, boards, and agents to accomplish effectively the obligations and duties assumed under the terms of this compact.

"(b) Nothing in the compact shall be construed to repeal, modify or qualify the authority of any signatory party to enact any legislation or enforce any additional conditions and restrictions within its jurisdiction.

"3.7—COORDINATION AND COOPERATION. The commission shall promote and aid the coordination of the activities and programs of Federal, state, municipal, and private agencies concerned with water resources administration in the basin. To this end, but without limitation thereto, the commission may:

"1. Advise, consult, contract, financially assist, or otherwise cooperate with any and all such agencies;

"2. Employ any other agency or instrumentality of any of the signatory parties or of any political subdivision thereof, in the design, construction, operation, and maintenance of structures, and the installation and management of river control systems, or for any other purpose;

"3. Develop and adopt plans and specifications for particular water resources projects and facilities which so far as consistent with the comprehensive plan incorporate any separate plans of other public and private organizations operating in the basin, and permit the decentralized administration thereof;

"4. Qualify as a sponsoring agency under any Federal legislation heretofore or hereafter enacted to provide financial or other assistance for the planning, conservation, utilization, development, management, or control of water resources.

"3.8—ALLOCATIONS, DIVERSIONS, AND RELEASES.

"(a) The commission shall have power from time to time as the need appears, to allocate the waters of the basin to and among the states signatory to this compact and impose related conditions, obligations, and release requirements.

"(b) The commission shall have power from time to time as the need appears to enter into agreements with other river basin commissions or other states with respect to in-basin and out-of-basin allocations, withdrawals, and diversions.

"(c) No allocation of waters made pursuant to this section shall constitute a prior appropriation of the waters of the basin or confer any superiority of right in respect to the use of those waters, nor shall

any such action be deemed to constitute an apportionment of the waters of the basin among the parties hereto. This subsection shall not be deemed to limit or restrict the power of the commission to enter into covenants with respect to water supply, with a duration not exceeding the life of this compact, as it may deem necessary for the benefit or development of the water resources of the basin.

“3.9—RATES AND CHARGES. The commission, from time to time after public hearing upon due notice given may fix, alter, and revise rates, rentals, charges, and tolls, and classifications thereof, without regulation or control by any department, office, or agency of any signatory party, for the use of facilities owned or operated by it, and any services or products which it provides.

“3.10—REFERRAL AND REVIEW. No projects affecting the water resources of the basin, except those not requiring review and approval by the commission under paragraph 3 following, shall be undertaken by any person, governmental authority or other entity prior to submission to and approval by the commission or appropriate agencies of the signatory parties for review.

“1. All water resources projects for which a permit or other form of permission to proceed with construction or implementation is required by legislative action of a signatory party or by rule or regulation of an office or agency of a signatory party having functions, powers, and duties in the planning, conservation, development, management, or control of water resources shall be submitted as heretofore to the appropriate office or agency of the signatory party for review and approval. To assure that the commission is apprised of all projects within the basin, monthly reports and listings of all permits granted, or similar actions taken, by offices or agencies of the signatory parties shall be submitted to the commission in a manner prescribed by it.

“Those projects which also require commission approval pursuant to the provisions of paragraphs 2(ii) and 2(iii) following shall be submitted to the commission through appropriate offices or agencies of a signatory party, except that, if no agency of a signatory party has jurisdiction, such projects shall be submitted directly to the commission in such manner as the commission shall prescribe.

“2. Approval of the commission shall be required for, but not limited to, the following:

“(i) All projects on or crossing the boundary between any two signatory states;

“(ii) Any project involving the diversion of water;

“(iii) Any project within the boundaries of any signatory state found and determined by the commission or by any agency of a signatory party having functions, powers, and duties in the planning, conservation, development, management, or control of water resources to have a significant effect on water resources within another signatory state; and

“(iv) Any project which has been included by the commission after hearing, as provided in Article 14, Section 14.1, as a part of the commission's comprehensive plan for the development of the water resources of the basin, or which would have a significant effect upon the plan.

“3. Review and approval by the commission shall not be required for:

“(i) Projects which fall into an exempt classification or designation established by legislative action of a signatory party or by rule or regulation of an office or agency of a signatory party having functions,

powers, and duties in the planning, conservation, development, management, or control of water resources. The sponsors of those projects are not required to obtain a permit or other form of permission to proceed with construction or implementation, unless it is determined by the commission or by the agency of a signatory party that such project or projects may cause an adverse, adverse cumulative, or an interstate effect on water resources of the basin, and the project sponsor has been notified in writing by the commission or by the agency of a signatory party that commission approval is required.

“(ii) Projects which are classified by the commission as not requiring its review and approval, for so long as they are so classified.

“4. The commission shall approve a project if it determines that the project is not detrimental to the proper conservation, development, management, or control of the water resources of the basin and may modify and approve as modified, or may disapprove the project, if it determines that the project is not in the best interest of the conservation, development, management, or control of the basin's water resources, or is in conflict with the comprehensive plan.

“5. The commission, after consultation with the appropriate offices or agencies of the signatory parties shall establish the procedure of submission, review, and consideration of projects. And procedure for review and approval of diversions of water shall include public hearing on due notice given, with opportunity for interested persons, agencies, governmental units, and signatory parties to be heard and to present evidence. A complete transcript of the proceedings at the hearing shall be made and preserved, and it shall be made available under rules for that purpose adopted by the commission.

“6. Any determination of the commission pursuant to this article or any article of the compact providing for judicial review shall be subject to such judicial review in any court of competent jurisdiction, provided that an action or proceeding for such review is commenced within 90 days from the effective date of the determination sought to be reviewed; but a determination of the commission concerning a diversion, under Section 3.10-2(ii) with the claimed effect of reducing below a proper minimum the flow of water in that portion of the basin within the area of a signatory party, shall be subject to judicial review under the particular provisions of paragraph 7 below.

“7. Any signatory party deeming itself aggrieved by an action of the commission concerning a diversion under Section 3.10-2(ii) with the claimed effect of reducing below a proper minimum the flow of water in that portion of the basin which lies within the area of that signatory party, and notwithstanding the powers provided to the commission by this compact, may have review of commission action approving the diversion in the Supreme Court of the United States; provided that a proceeding for such review is commenced within one year from the date of action sought to be reviewed. Any such review shall be on the record made before the commission. The action of the commission shall be affirmed, unless the court finds that it is not supported by substantial evidence.

“3.11—ADVISORY COMMITTEES. The commission may constitute and empower advisory committees.

“ARTICLE 4

“WATER SUPPLY

“SECTION 4.1—GENERALLY. The commission shall have power to develop, implement, and effectuate plans and projects for the use of

the water of the basin for domestic, municipal, agricultural, and industrial water supply. To this end, without limitation thereto, it may provide for, construct, acquire, operate, and maintain dams, reservoirs, and other facilities for utilization of surface and ground water resources, and all related structures, appurtenances, and equipment on the river and its tributaries and at such off-river sites as it may find appropriate, and may regulate and control the use thereof.

"4.2—STORAGE AND RELEASE OF WATERS.

"(a) The commission shall have power to acquire, construct, operate, and control projects and facilities for the storage and release of waters, for the regulation of flows and supplies of surface and ground waters of the basin, for the protection of public health, stream quality control, economic development, improvement of fisheries, recreation, dilution and abatement of pollution, the prevention of undue salinity, and other purposes.

"(b) No signatory party shall permit any augmentation of flow to be diminished by the diversion of any water of the basin during any period in which waters are being released from storage under the direction of the commission for the purpose of augmenting such flow, except in cases where the diversion is authorized by this compact, or by the commission pursuant thereto, or by the judgment, order, or decree of a court of competent jurisdiction.

"4.3—ASSESSABLE IMPROVEMENTS. The commission may provide water management and regulation in the main stream or any tributary in the basin and, in accordance with the procedures of applicable state laws, may assess on an annual basis or otherwise the cost thereof upon water users or any classification of them specially benefited thereby to a measurable extent, provided that no such assessment shall exceed the actual benefit to any water user. Any such assessment shall follow the procedure prescribed by law for local improvement assessments and shall be subject to review in any court of competent jurisdiction.

"4.4—COORDINATION. Prior to entering upon the execution of any project authorized by this article, the commission shall review and consider all existing rights, plans, and programs of the signatory parties, their political subdivisions, private parties, and water users which are pertinent to such project, and shall hold a public hearing on each proposed project.

"4.5—ADDITIONAL POWERS. In connection with any project authorized by this article, the commission shall have power to provide storage, treatment, pumping, and transmission facilities, but nothing herein shall be construed to authorize the commission to engage in the business of distributing water.

"ARTICLE 5

"WATER QUALITY MANAGEMENT AND CONTROL

"SECTION 5.1—GENERAL POWERS.

"(a) The commission may undertake or contract for investigations, studies, and surveys pertaining to existing water quality, effects of varied actual or projected operations on water quality, new compounds and materials and probable future water quality in the basin. The commission may receive, expend, and administer funds, Federal, state, local, or private as may be available to carry out these functions relating to water quality investigations.

"(b) The commission may acquire, construct, operate, and maintain projects and facilities for the management and control of water quality in the basin whenever the commission deems necessary to activate or effectuate any of the provisions of this compact.

“5.2—POLICY AND STANDARDS.

“(a) In order to conserve, protect, and utilize the water quality of the basin in accordance with the best interests of the people of the basin and the states, it shall be the policy of the commission to encourage and coordinate the efforts of the signatory parties to prevent, reduce, control and eliminate water pollution and to maintain water quality as required by the comprehensive plan.

“(b) The legislative intent in enacting this article is to give specific emphasis to the primary role of the states in water quality management and control.

“(c) The commission shall recommend to the signatory parties the establishment, modification, or amendment of standards of quality for any waters of the basin in relation to their reasonable and necessary use as the commission shall deem to be in the public interest.

“(d) The commission shall encourage cooperation and uniform enforcement programs and policies by the water quality control agencies of the signatory parties in meeting the water quality standards established in the comprehensive plan.

“(e) The commission may assume jurisdiction whenever it determines after investigation and public hearing upon due notice given that the effectuation of the comprehensive plan so requires. After such investigation, notice, and hearing, the commission may adopt such rules, regulations, and water quality standards as may be required to preserve, protect, improve, and develop the quality of the waters of the basin in accordance with the comprehensive plan.

“5.3—COOPERATIVE ADMINISTRATION AND ENFORCEMENT.

“(a) Each of the signatory parties agrees to prohibit and control pollution of the waters of the basin according to the requirements of this compact and to cooperate faithfully in the control of future pollution in and abatement of existing pollution from the waters of the basin.

“(b) The commission shall have the authority to investigate and determine if the requirements of the compact or the rules, regulations, and water quality standards of the commission are complied with and if satisfactory progress has not been made, may institute an action or actions in its own name in the proper court or courts of competent jurisdiction to compel compliance with any and all of the provisions of this compact or any of the rules, regulations, and water quality standards of the commission adopted pursuant thereto.

“5.4—FURTHER JURISDICTION. Nothing in this compact shall be construed to repeal, modify, or qualify the authority of any signatory party to enact any legislation or enforce any additional conditions and restrictions to lessen or prevent the pollution of waters within its jurisdiction.

“ARTICLE 6

“FLOOD PROTECTION

“SECTION 6.1—FLOOD CONTROL AUTHORITY. The commission may plan, design, construct and operate and maintain projects and facilities it deems necessary or desirable for flood plain development and flood damage reduction. It shall have power to operate such facilities and to store and release waters of the Susquehanna River and its tributaries and elsewhere within the basin, in such manner, at such times, and under such regulations as the commission may deem appropriate to meet flood conditions as they may arise.

"6.2—REGULATION.

"(a) The commission may study and determine the nature and extent of the flood plains of the Susquehanna River and its tributaries. Upon the basis of the studies, it may delineate areas subject to flooding, including but not limited to a classification of lands with reference to relative risk of flooding and the establishment of standards for flood plain use which will promote economic development and safeguard the public health, welfare, safety, and property. Prior to the adoption of any standards delineating the area or defining the use, the commission shall hold public hearings with respect to the substance of the standards in the manner provided by Article 15. The proposed standards shall be available from the commission at the time notice is given, and interested persons shall be given an opportunity to be heard thereon at the hearings.

"(b) The commission shall have power to promulgate, adopt, amend, and repeal from time to time as necessary, standards relating to the nature and extent of the uses of land in areas subject to flooding.

"(c) In taking action pursuant to subsection (b) of this section and as a prerequisite thereto, the commission shall consider the effect of particular uses of the flood plain in question on the health and safety of persons and property in the basin, the economic and technical feasibility of measures available for the development and protection of the flood plain, and the responsibilities, if any, of local, state, and federal governments connected with the use or proposed use of the flood plain in question. The commission shall regulate the use of particular flood plains in the manner and degree it finds necessary for the factors enumerated in this subsection, but only with the consent of the affected signatory state, and shall suspend such regulation when and so long as the signatory party or parties, or political subdivision possessing jurisdiction have in force applicable laws which the commission finds give adequate protection for the purpose of this section.

"(d) In order to conserve, protect, and utilize the Susquehanna River and its tributaries in accordance with the best interests of the people of the basin and the signatory parties, it shall be the policy of the commission to encourage and coordinate the efforts of the signatory parties to control modification of the river and its tributaries by encroachment.

"6.3—FLOOD LANDS ACQUISITION. The commission shall have power to acquire the fee or any lesser interest in lands and improvements thereon within the area of a flood plain for the purpose of regulating the use or types of construction of such property to minimize the flood hazard, convert the property to uses or types of construction appropriate to flood plain conditions, or prevent constrictions or obstructions that reduce the ability of the river channel and flood plain to carry flood water.

"6.4—EXISTING STRUCTURES. No rule or regulation issued by the commission pursuant to this compact shall be construed to require the demolition, removal, or alteration of any structure in place or under construction prior to the issuance thereof, without the payment of just compensation therefor. However, new construction or any addition to or alteration in any existing structure made or commenced subsequent to the issuance of such rule or regulation, or amendment, shall conform thereto.

"6.5—POLICE POWERS. The regulation of use of flood plain lands is within the police powers of the signatory states for the protection of

public health and the safety of the people and their property and shall not be deemed a taking of land or lands for which compensation shall be paid to the owners thereof.

“6.6—COOPERATION. Each of the signatory parties agrees to control flood plain use along and encroachment upon the Susquehanna River and its tributaries and to cooperate faithfully in these respects.

“6.7—OTHER AUTHORITY. Nothing in this article shall be construed to prevent or in any way to limit the power of any signatory party, or any agency or subdivision thereof, to issue or adopt and enforce any requirement or requirements with respect to flood plain use or construction thereon more stringent than the rules, regulations, or encroachment lines in force pursuant to this article. The commission may appear in any court of competent jurisdiction to bring actions or proceedings in law or equity to enforce the provisions of this article.

“6.8—DEBRIS. The signatory states agree that dumping or littering upon or in the waters of the Susquehanna River or its tributaries or upon the frozen surfaces thereof of any rubbish, trash, litter, debris, abandoned properties, waste material, or offensive matter, is prohibited and that the law enforcement officials of each state shall enforce this prohibition.

“ARTICLE 7

“WATERSHED MANAGEMENT

“SECTION 7.1—WATERSHEDS GENERALLY. The commission shall promote sound practices of watershed management in the basin, including projects and facilities to retard runoff and waterflow and prevent soil erosion.

“7.2—SOIL CONSERVATION AND LAND AND FOREST MANAGEMENT. The commission, subject to the limitations in Section 7.4(b) may acquire, sponsor, or operate facilities and projects to encourage soil conservation, prevent and control erosion, and promote land reclamation and sound land and forest management.

“7.3—FISH AND WILDLIFE. The commission, subject to the limitations in Section 7.4(b) may acquire, sponsor, or operate projects and facilities for the maintenance and improvement of fish and wildlife habitat related to the water resources of the basin.

“7.4—COOPERATIVE PLANNING AND OPERATION.

“(a) The commission shall cooperate with the appropriate agencies of the signatory parties and with other public and private agencies in the planning and effectuation of a coordinated program of facilities and projects authorized by this article.

“(b) The commission shall not acquire or operate any such project or facility unless it has first found and determined that no other suitable unit or agency of government is in a position to acquire or operate the same upon reasonable conditions, or such unit or agency fails to do so.

“ARTICLE 8

“RECREATION

“SECTION 8.1—DEVELOPMENT. The commission may provide for the development of water related public sports and recreational facilities. The commission on its own account or in cooperation with a signatory

party, political subdivision or any agency thereof, may provide for the construction, maintenance, and administration of such facilities, subject to the provisions of Section 8.2 hereof.

"8.2—COOPERATIVE PLANNING AND OPERATION.

"(a) The commission shall cooperate with the appropriate agencies of the signatory parties and with other public and private agencies in the planning and effectuation of a coordinated program of facilities and projects authorized by this article.

"(b) The commission shall not operate any such project or facility unless it has first found and determined that no other suitable unit or agency of government is available to operate the same upon reasonable conditions.

"8.3—OPERATION AND MAINTENANCE. The commission, within limits prescribed by this article, shall:

"1. Encourage activities of other public agencies having water related recreational interests and assist in the coordination thereof;

"2. Recommend standards for the development and administration of water related recreational facilities;

"3. Provide for the administration, operation, and maintenance of recreation facilities owned or controlled by the commission and for the letting and supervision of private concessions in accordance with this article.

"8.4—CONCESSIONS. The commission, after public hearing upon due notice given shall provide by regulation a procedure for the award of contracts for private concessions in connection with its recreational facilities, including any renewal or extension thereof, under terms and conditions determined by the commission.

"ARTICLE 9

"OTHER PUBLIC VALUES

"SECTION 9.1—INHERENT VALUES. The signatory parties agree that it is a purpose of this compact in effectuating the conservation and management of water resources to preserve and promote the economic and other values inherent in the historic and the scenic and other natural amenities of the Susquehanna River Basin for the enjoyment and enrichment of future generations, for the promotion and protection of tourist attractions in the basin, and for the maintenance of the economic health of allied enterprises and occupations so as to effect orderly balanced, and considered development in the basin.

"9.2—PROJECT COMPATIBILITY. To this end, the signatory parties agree that in the consideration, authorization, construction, maintenance, and operation of all water resources projects in the Susquehanna basin, their agencies and subdivisions, and the Susquehanna River Basin Commission will consider the compatibility of such projects with these other public values.

"9.3—REGULATION STANDARDS. The commission may recommend to governmental units with jurisdiction within areas considered for scenic or historic designation minimum standards of regulation of land and water use and such other protective measures as the commission may deem desirable.

"9.4—LOCAL AREA PROTECTION. The commission may draft and recommend for adoption ordinances and regulations which would assist promote, develop, and protect those areas and the character of their communities. Local governments may consider parts of their are

which have been designated scenic or historic areas under the provisions of this article separately from the municipality as a whole, and pursuant to the laws of the state governing the adoption of those regulations generally may enact regulations limited to the designated area. In making recommendations to a local government which is partly in and partly out of such a scenic or historic area the commission may make recommendations for the entire municipality.

“ARTICLE 10

“HYDROELECTRIC POWER

“SECTION 10.1—DEVELOPMENT. The waters of the Susquehanna River and its tributaries may be impounded and used by or under authority of the commission for the generation of hydroelectric power and hydroelectric energy in accordance with the comprehensive plan.

“10.2—POWER GENERATION. The commission may develop and operate, or authorize to be developed and operated, dams and related facilities and appurtenances for the purpose of generating hydroelectric power and hydroelectric energy.

“10.3—TRANSMISSION. The commission may provide facilities for the transmission of hydroelectric power and hydroelectric energy produced by it where such facilities are not otherwise available upon reasonable terms, for the purpose of wholesale marketing of power and nothing herein shall be construed to authorize the commission to engage in the business of direct sale to consumers.

“10.4—DEVELOPMENT CONTRACTS. The commission, after public hearing upon due notice given, may enter into contracts on reasonable terms, consideration, and duration under which public utilities or public agencies may develop hydroelectric power and hydroelectric energy through the use of dams, related facilities, and appurtenances.

“10.5—RATES AND CHARGES. Rates and charges fixed by the commission for power which is produced by its facilities shall be reasonable, nondiscriminatory, and just.

“ARTICLE 11

“REGULATION OF WITHDRAWAL AND DIVERSIONS; PROTECTED AREAS AND EMERGENCIES

“SECTION 11.1—POWER OF REGULATION. The commission may regulate and control withdrawals and diversions from surface waters and ground waters of the basin, as provided by this article. The commission may enter into agreements with the signatory parties relating to the exercise of such power or regulation or control and may delegate to any of them such powers of the commission as it may deem necessary or desirable.

“11.2—DETERMINATION OF PROTECTED AREA. The commission, from time to time after public hearing upon due notice given, may determine and delineate such areas within the basin wherein the demands upon supply made by water users have developed or threaten to develop to such a degree as to create a water shortage or impair or conflict with the requirements or effectuation of the comprehensive plan, and any such area may be designated as a protected area, with the consent of the member or members from the affected state or states. The commission, whenever it determines that such shortage no longer exists, shall terminate the protected status of such area and shall give public notice of such determination.

"11.3—DIVERSION AND WITHDRAWAL PERMITS. In any protected areas so determined and delineated, no person shall divert or withdraw water for domestic, municipal, agricultural, or industrial uses in excess of such quantities as the commission may prescribe by general regulations, except (1) pursuant to a permit granted under this article, or (2) pursuant to a permit or approval heretofore granted under the laws of any of the signatory states.

"11.4—EMERGENCY.

"(a) In the event of a drought which may cause an actual and immediate shortage of available water supply within the basin, or within any part thereof, the commission after public hearing upon due notice given, may determine and delineate the area of the shortage and by unanimous vote declare a drought emergency therein. For the the duration of the drought emergency as determined by the commission, it thereupon may direct increases or decreases in any allocations, diversions, or releases previously granted or required, for a limited time to meet the emergency condition.

"(b) In the event of a disaster or catastrophe other than drought, natural or manmade, which causes or may cause an actual and immediate shortage of available and usable water, the commission by unanimous consent may impose direct controls on the use of water and shall take such action as is necessary to coordinate the effort of federal, state, and local agencies and other persons and entities affected.

"11.5—STANDARDS. Permits shall be granted, modified, or denied, as the case may be, to avoid such depletion of the natural stream flows and ground waters in the protected area or in any emergency area as will adversely affect the comprehensive plan or the just and equitable interests and rights of other lawful users of the same source, giving due regard to the need to balance and reconcile alternative and conflicting uses in the event of an actual or threatened shortage of water of the quality required.

"11.6—JUDICIAL REVIEW. The determinations and delineations of the commission pursuant to Section 11.2 and the granting, modification or denial of permits pursuant to Sections 11.3, 11.4, and 11.5 shall be subject to judicial review in any court of competent jurisdiction.

"11.7—MAINTENANCE OF RECORDS. Each signatory party shall provide for the maintenance and preservation of such records of authorized diversions and withdrawals and the annual volume thereof as the commission shall prescribe. Such records and supplementary reports shall be furnished to the commission at its request.

"11.8—EXISTING STATE SYSTEMS. Whenever the commission finds it necessary or desirable to exercise the powers conferred with respect to emergencies by this article, any diversion or withdrawal permits authorized or issued under the laws of any of the signatory states shall be superseded to the extent of any conflict with the control and regulation exercised by the commission.

"ARTICLE 12

"INTERGOVERNMENTAL RELATIONS

"SECTION 12.1—FEDERAL AGENCIES AND PROJECTS. For the purposes of avoiding conflicts of jurisdiction and of giving full effect to the commission as a regional agency of the signatory parties, the following rules shall govern Federal projects affecting the water resources of the

basin, subject in each case to the provisions of Section 1.4 of this compact:

"1. The planning of all projects related to powers delegated to the commission by this compact shall be undertaken in consultation with the commission.

"2. No expenditure or commitment shall be made for or on account of the construction, acquisition, or operation of any project or facility nor shall it be deemed authorized, unless it shall have first been included by the commission in the comprehensive plan.

"3. Each Federal agency otherwise authorized by law to plan, design, construct, operate or maintain any project or facility in or for the basin shall continue to have, exercise, and discharge such authority except as specifically provided by this section.

"12.2—STATE AND LOCAL AGENCIES AND PROJECTS. For the purposes of avoiding conflicts of jurisdiction and of giving full effect to the commission as a regional agency of the signatory parties, the following rules shall govern projects of the signatory states, their political subdivisions and public corporations affecting water resources of the basin:

"1. The planning of all projects related to powers delegated to the commission by this compact shall be undertaken in consultation with the commission;

"2. No expenditure or commitment shall be made for or on account of the construction, acquisition, or operation of any project or facility unless it first has been included by the commission in the comprehensive plan;

"3. Each state and local agency otherwise authorized by law to plan, design, construct, operate, or maintain any project or facility in or for the basin shall continue to have, exercise and discharge such authority, except as specifically provided by this section.

"12.3—RESERVED TAXING POWERS OF STATES. Each of the signatory parties reserves the right to levy, assess, and collect fees, charges, and taxes on or measured by the withdrawal or diversion of waters of the basin for use within the jurisdiction of the respective signatory parties.

"12.4—PROJECT COSTS AND EVALUATION STANDARDS. The commission shall establish uniform standards and procedures for the evaluation, determination of benefits, and cost allocations of projects affecting the basin, and for the determination of project priorities, pursuant to the requirements of the comprehensive plan and its water resources program. The commission shall develop equitable cost sharing and reimbursement formulas for the signatory parties including:

"1. Uniform and consistent procedures for the allocation of project costs among purposes included in multiple-purpose programs;

"2. Contracts and arrangements for sharing financial responsibility among and with signatory parties, public bodies, groups, and private enterprise, and for the supervision of their performance;

"3. Establishment and supervision of a system of accounts for reimbursement purposes and directing the payments and charges to be made from such accounts;

"4. Determining the basis and apportioning amounts (i) of reimbursable revenues to be paid signatory parties or their political subdivisions, and (ii) of payments in lieu of taxes to any of them.

"12.5—COOPERATIVE SERVICES. The commission shall furnish technical services, advice, and consultation to authorized agencies of the signatory parties with respect to the water resources of the basin, and each of the signatory parties pledges itself to provide technical and administrative service to the commission upon request, within the

limits of available appropriations, and to cooperate generally with the commission for the purposes of this compact, and the cost of such service may be reimbursable whenever the parties deem appropriate.

“ARTICLE 13

“CAPITAL FINANCING

“SECTION 13.1—BORROWING POWER. The commission may borrow money for any of the purposes of this compact and may issue its negotiable bonds and other evidences of indebtedness in respect thereto.

“All such bonds and evidences of indebtedness shall be payable solely out of the properties and revenues of the commission without recourse to taxation. The bonds and other obligations of the commission, except as may be otherwise provided in the indenture under which they were issued, shall be direct and general obligations of the commission, and the full faith and credit of the commission are hereby pledged for the prompt payment of the debt service thereon and for the fulfillment of all other undertakings of the commission assumed by it to or for the benefit of the holders thereof.

“13.2—FUNDS AND EXPENSES. The purposes of this compact shall include without limitation thereto all costs of any project or facility or any part thereof, including interest during a period of construction and a reasonable time thereafter and any incidental expenses (legal, engineering, fiscal, financial consultant, and other expenses) connected with issuing and disposing of the bonds; all amounts required for the creation of an operating fund, construction fund, reserve fund, sinking fund, or other special fund; all other expenses connected with the planning, design, acquisition, construction, completion, improvement, or reconstruction of any facility or any part thereof; and reimbursement of advances by the commission or by others for such purposes and for working capital.

“13.3—CREDIT EXCLUDED; OFFICERS, STATE AND MUNICIPAL. The commission shall have no power to pledge the credit of any signatory party or of any county or municipality, or to impose any obligation for payment of the bonds upon any signatory party or any county or municipality. Neither the commissioners nor any person executing the bonds shall be liable personally on the bonds of the commission or be subject to any personal liability or accountability by reason of the issuance thereof.

“13.4—FUNDING AND REFUNDING. Whenever the commission deems it expedient, it may fund and refund its bonds and other obligations, whether or not such bonds and obligations have matured. It may provide for the issuance, sale, or exchange of refunding bonds for the purpose of redeeming or retiring any bonds (including payment of any premium, duplicate interest, or cash adjustment required in connection therewith) issued by the commission or issued by any other issuing body, the proceeds of the sale of which have been applied to any facility acquired by the commission or which are payable out of the revenues of any facility acquired by the commission. Bonds may be issued partly to refund bonds and other obligations then outstanding, and partly for any other purpose of the commission. All provisions of this compact applicable to the issuance of bonds are applicable to refunding bonds and to the issuance, sale, or exchange thereof.

“13.5—BONDS: AUTHORIZATION GENERALLY. Bonds and other indebtedness of the commission shall be authorized by resolution of the commission. The validity of the authorization and issuance of any bonds by the commission shall not be dependent upon or affected in any way

by: (1) the disposition of bond proceeds by the commission or by contract, commitment or action taken with respect to such proceeds; or (2) the failure to complete any part of the project for which bonds are authorized to be issued. The commission may issue bonds in one or more series and may provide for one or more consolidated bond issues, in such principal amounts and with such terms and provisions as the commission may deem necessary. The bonds may be secured by a pledge of all or any part of the property, revenues, and franchises under its control. Bonds may be issued by the commission in such amount, with such maturities and in such denominations and form or forms, whether coupon or registered, as to both principal and interest, as may be determined by the commission. The commission may provide for redemption of bonds prior to maturity on such notice and at such time or times and with such redemption provisions, including premiums, as the commission may determine.

"13.6—BONDS, RESOLUTIONS AND INDENTURES GENERALLY. The commission may determine and enter into indentures providing for the principal amount, date or dates, maturities, interest rate, denominations, form, registration, transfer, interchange, and other provisions of the bonds and coupons and the terms and conditions upon which the same shall be executed, issued, secured, sold, paid, redeemed, funded, and refunded. The resolution of the commission, authorizing any bond or any indenture so authorized under which the bonds are issued may include all such covenants and other provisions other than any restriction on the regulatory powers vested in the commission by this compact as the commission may deem necessary or desirable for the issue, payment, security, protection, or marketing of the bonds, including without limitation covenants and other provisions as to the rates or amounts of fees, rents, and other charges to be charged or made for use of the facilities; the use, pledge, custody, securing, application, and disposition of such revenues, of the proceeds of the bonds, and of any other moneys of the commission; the operation, maintenance, repair, and reconstruction of the facilities and the amounts which may be expended therefor; the sale, lease, or other disposition of the facilities; the insuring of the facilities and of the revenues derived therefrom; the construction or other acquisition of other facilities, the issuance of additional bonds or other indebtedness; the rights of the bondholders and of any trustee for the bondholders upon default by the commission or otherwise; and the modification of the provisions of the indenture and of the bonds. Reference on the face of the bonds to such resolution or indenture by its date of adoption or the apparent date on the face thereof is sufficient to incorporate all of the provisions thereof and of this compact into the body of the bonds and their appurtenant coupons. Each taker and subsequent holder of the bonds or coupons, whether the coupons are attached to or detached from the bonds, has recourse to all of the provisions of the indenture and of this compact and is bound thereby.

"13.7—MAXIMUM MATURITY. No bond or its terms shall mature in more than fifty years from its own date, or on any date subsequent to the duration of this compact, and in the event any authorized issue is divided into two or more series or divisions, the maximum maturity date herein authorized shall be calculated from the date on the face of each bond separately, irrespective of the fact that different dates may be prescribed for the bonds of each separate series or division of any authorized issue.

"13.8—TAX EXEMPTION. All bonds issued by the commission under the provisions of this compact and the interest thereon shall at all times

be free and exempt from all taxation by or under authority of any of the signatory parties, except for transfer, inheritance and estate taxes.

“13.9—INTEREST. Bonds shall bear interest at a rate of not to exceed six percent per annum, payable annually or semi-annually.

“13.10—PLACE OF PAYMENT. The commission may provide for the payment of the principal and interest of bonds at any place or places within or without the signatory states, and in any specified lawful coin or currency of the United States of America.

“13.11—EXECUTION. The commission may provide for the execution and authentication of bonds by the manual, lithographed, or printed facsimile signature of officers of the commission, and by additional authentication by a trustee or fiscal agent appointed by the commission. If any of the officers whose signatures or countersignatures appear upon the bonds or coupons ceases to be an officer before the delivery of the bonds or coupons, his signature or countersignature is nevertheless valid and of the same force and effect as if the officer had remained in office until the delivery of the bonds and coupons.

“13.12—HOLDING OWN BONDS. The commission shall have power out of any funds available therefor to purchase its bonds and may hold, cancel, or resell such bonds.

“13.13—SALE. The commission may fix terms and conditions for the sale or other disposition of any authorized issue of bonds. The commission may sell at less than their par or face value, but no issue of bonds may be sold at an aggregate price below the par or face value thereof if such sale would result in a net interest cost to the commission calculated upon the entire issue so sold of more than six percent per annum payable semi-annually, according to standard tables of bond values. All bonds issued and sold for cash pursuant to this compact shall be sold on sealed proposals to the highest bidder. Prior to such sale, the commission shall advertise for bids by publication of a notice of sale not less than ten days prior to the date of sale, at least once in a newspaper of general circulation printed and published in New York City carrying municipal bonds notices and devoted primarily to financial news. The commission may reject any and all bids submitted and may thereafter sell the bonds so advertised for sale at private sale to any financially responsible bidder under such terms and conditions as it deems most advantageous to the public interest, but the bond shall not be sold at a net interest cost calculated upon the entire issue so advertised, greater than the lowest bid which was rejected. In the event the commission desires to issue its bonds in exchange for an existing facility or portion thereof, or in exchange for bonds secured by the revenues of an existing facility, it may exchange such bonds for the existing facility or portion thereof or for the bonds so secured, plus an additional amount of cash, without advertising such bonds for sale.

“13.14—NEGOTIABILITY. All bonds issued under the provisions of this compact are negotiable instruments, except when registered in the name of a registered owner.

“13.15—LEGAL INVESTMENTS. Bonds of the commission shall be legal investments for savings banks, fiduciaries and public funds in each of the signatory states.

“13.16—VALIDATION PROCEEDINGS. Prior to the issuance of any bonds, the commission may institute a special proceeding to determine the legality of proceedings to issue the bonds and their validity under the laws of any of the signatory parties. Such proceedings shall be instituted and prosecuted in rem, and the judgment rendered therein shall be conclusive against all persons whomsoever and against each of the signatory parties.

"13.17—RECORDING. No indenture need be recorded or filed in any public office, other than the office of the commission. The pledge of revenues provided in any indenture shall take effect forthwith as provided therein and irrespective of the date of receipts of such revenues by the commission or the indenture trustee. Such pledge shall be effective as provided in the indenture without physical delivery of the revenues to the commission or the indenture trustee.

"13.18—PLEGGED REVENUES. Bond redemption and interest payments, to the extent provided in the resolution or indenture, shall constitute a first, direct and exclusive charge and lien on all such rates, rents, tolls, fees, and charges and other revenues and interest thereon received from the use and operation of the facility, and on any sinking or other funds created therefrom. All such rates, rents, tolls, fees, charges and other revenues, together with interest thereon, shall constitute a trust fund for the security and payment of such bonds, and except as and to the extent provided in the indenture with respect to the payment therefrom of expenses for other purposes including administration, operation, maintenance, improvements, or extensions of the facilities or other purposes shall not be used or pledged for any other purpose so long as such bonds, or any of them, are outstanding, and unpaid.

"13.19—REMEDIES. The holder of any bond may for the equal benefit and protection of all holders of bonds similarly situated; (1) by mandamus or other appropriate proceedings require and compel the performance of any of the duties imposed upon the commission or assumed by it, its officers, agents, or employees under the provisions of any indenture, in connection with the acquisition, construction, operation, maintenance, repair, reconstruction, or insurance of the facilities, or in connection with the collection, deposit, investment, application, and disbursement of the rates, rents, tolls, fees, charges, and other revenues derived from the operation and use of the facilities, or in connection with the deposit, investment, and disbursement of the proceeds received from the sale of bonds; or (2) by action or suit in a court of competent jurisdiction of any signatory party require the commission to account as if it were the trustee of an express trust, or enjoin any acts or things which may be unlawful or in violation of the rights of the holders of the bonds. The enumeration of such rights and remedies, however, does not exclude the exercise or prosecution of any other rights or remedies available to the holders of bonds.

"13.20—CAPITAL FINANCING BY SIGNATORY PARTIES: GUARANTEES.

"(a) The signatory parties shall provide such capital funds required for projects of the commission as may be authorized by their respective statutes in accordance with a cost sharing plan prepared pursuant to Article 12 of this compact; but nothing in this section shall be deemed to impose any mandatory obligation on any of the signatory parties other than such obligations as may be assumed by a signatory party in connection with a specific project or facility.

"(b) Bonds of the commission, notwithstanding any other provision of this compact, may be executed and delivered to any duly authorized agency of any of the signatory parties without public offering and may be sold and resold with or without the guaranty of such signatory party, subject to and in accordance with the constitutions of the respective signatory parties.

"(c) The commission may receive and accept, and the signatory parties may make, loans, grants, appropriations, advances, and payments of reimbursable or nonreimbursable funds or property in any form for the capital or operating purposes of the commission.

"ARTICLE 14

"PLAN, PROGRAM AND BUDGETS

"SECTION 14.1—COMPREHENSIVE PLAN. The commission shall develop and adopt, and may from time to time review and revise, a comprehensive plan for the immediate and long range development and use of the water resources of the basin. The plan shall include all public and private projects and facilities which are required, in the judgment of the commission, for the optimum planning, development, conservation, utilization, management, and control of the water resources of the basin to meet present and future needs. The commission may adopt a comprehensive plan or any revision thereof in such part or parts as it may deem appropriate, provided that before the adoption of the plan or any part or revision thereof the commission shall consult with water users and interested public bodies and public utilities and shall consider and give due regard to the findings and recommendations of the various agencies of the signatory parties, their political subdivisions, and interested groups. The commission shall conduct public hearings upon due notice given with respect to the comprehensive plan prior to the adoption of the plan or any part of the revision thereof, except that public and private projects and facilities which, in the judgment of the commission, are not required for the optimum planning, development, conservation, utilization, management, and control of the water resources of the basin and which, in the judgment of the commission, will not significantly affect the water resources of the basin, may be added directly to the comprehensive plan at any time at the discretion of the commission without public hearing thereon. The comprehensive plan shall take into consideration the effect of the plan or any part thereof upon the receiving waters of Chesapeake Bay.

"14.2—WATER RESOURCES PROGRAM. The commission shall annually adopt a water resources program, based upon the comprehensive plan, consisting of the projects and facilities which the commission proposes to be undertaken by the commission and by other authorized governmental and private agencies, organizations, and persons during the ensuing six years or such other reasonably foreseeable period as the commission may determine. The water resources program shall include a systematic presentation of:

"1. The quantity and quality of water resources needs for such period;

"2. The existing and proposed projects and facilities required to satisfy such needs, including all public and private projects to be anticipated; and

"3. A separate statement of the projects proposed to be undertaken by the commission during such period.

"14.3—ANNUAL CURRENT EXPENSE AND CAPITAL BUDGETS.

"(a) The commission shall annually adopt a capital budget including all capital projects it proposes to undertake or continue during the budget period containing a statement of the estimated cost of each project and the method of financing thereof.

"(b) The commission shall annually adopt a current expense budget for each fiscal year. Such budget shall include the commission's estimated expenses for administration, operation, maintenance, and repairs, including a separate statement thereof for each project, together with its cost allocation. The total of such expenses shall be balanced by the commission's estimated revenues from all sources, including the cost allocations undertaken by any of the signatory par-

ties in connection with any project. Following the adoption of the annual current expense budget by the commission, the executive director of the commission shall:

"1. Certify to the respective signatory parties the amounts due in accordance with existing cost sharing established for each project; and

"2. Transmit certified copies of such budget to the principal budget officer of the respective signatory parties at such time and in such manner as may be required under their respective budgetary procedures. The amount required to balance the current expense budget in addition to the aggregate amount of item 1 above and all other revenues available to the commission shall be apportioned equitably among the signatory parties by unanimous vote of the commission, and the amount of such apportionment to each signatory party shall be certified together with the budget.

"(c) The respective signatory parties covenant and agree to include the amounts so apportioned for the support of the current expense budget in their respective budgets next to be adopted, subject to such review and approval as may be required by their respective budgetary processes. Such amounts shall be due and payable to the commission in quarterly installments during its fiscal year, provided that the commission may draw upon its working capital to finance its current expense budget pending remittance by the signatory parties.

"ARTICLE 15

"GENERAL PROVISIONS

"SECTION 15.1—AUXILIARY POWERS OF COMMISSION; FUNCTIONS OF COMMISSIONERS.

"(a) The commission, for the purposes of this compact, may:

"1. Adopt and use a corporate seal, enter into contracts, and sue and be sued in any court of competent jurisdiction;

"2. Receive and accept such payments, appropriations, grants, gifts, loans, advances, and other funds, properties, and services as may be transferred or made available to it by any signatory party or by any other public or private corporation or individual, and enter into agreements to make reimbursement for all or part thereof;

"3. Provide for, acquire, and adopt detailed engineering, administrative, financial, and operating plans and specifications to effectuate, maintain, or develop any facility or project;

"4. Control and regulate the use of facilities owned or operated by the commission;

"5. Acquire, own, operate, maintain, control, sell and convey real and personal property and any interest therein by contract, purchase, lease, license, mortgage, or otherwise as it may deem necessary for any project or facility, including any and all appurtenances thereto necessary, useful, or convenient for such ownership, operation, control, maintenance, or conveyance;

"6. Have and exercise all corporate powers essential to the declared objects and purposes of the commission.

"(b) The commissioners, subject to the provisions of this compact, shall:

"1. Serve as the governing body of the commission, and exercise and discharge its powers and duties, except as otherwise provided by or pursuant to this compact;

"2. Determine the character of and the necessity for its obligations and expenditures and the manner in which they shall be incurred,

allowed, and paid subject to any provisions of law specifically applicable to agencies or instrumentalities created by this compact;

"3. Provide for the internal organization and administration of the commission;

"4. Appoint the principal officers of the commission and delegate to and allocate among them administrative functions, powers and duties;

"5. Create and abolish offices, employments, and positions as it deems necessary for the purposes of the commission, and subject to the provisions of this article, fix and provide for the qualifications, appointments, removal, term, tenure, compensation, pension, and retirement rights of its officers and employees;

"6. Let and execute contracts to carry out the powers of the commission.

"15.2—REGULATIONS; ENFORCEMENT. The commission may:

"1. Make and enforce rules and regulations for the effectuation, application, and enforcement of this compact; and it may adopt and enforce practices and schedules for or in connection with the use, maintenance, and administration of projects and facilities it may own or operate and any product or service rendered thereby; provided that any rule or regulation, other than one which deals solely with the internal management of the commission, shall not be effective unless and until filed in accordance with the law of the respective signatory parties applicable to administrative rules and regulations generally; and

"2. Designate any officer, agent, or employee of the commission to be an investigator or watchman and such person shall be vested with the powers of a peace officer of the state in which he is duly assigned to perform his duties.

"15.3—TAX EXEMPTIONS. The commission, its property, functions, and activities shall be exempt from taxation by or under the authority of any of the signatory parties or any political subdivision thereof; provided that in lieu of property taxes the commission, as to its specific projects, shall make payments to local taxing districts in annual amounts which shall equal the taxes lawfully assessed upon property for the tax year next prior to its acquisition by the commission for a period of ten years. The nature and amount of such payment shall be reviewed by the commission at the end of ten years, and from time to time thereafter, upon reasonable notice and opportunity to be heard to the affected taxing district, and the payments may be thereupon terminated or continued in such reasonable amount as may be necessary or desirable to take into account hardships incurred and benefits received by the taxing jurisdiction which are attributable to the project.

"15.4—MEETINGS; PUBLIC HEARING; RECORDS, MINUTES.

"(a) All meetings of the commission shall be open to the public.

"(b) The commission shall conduct at least one public hearing in each state prior to the adoption of the initial comprehensive plan. In all other cases wherein this compact requires a public hearing, such hearing shall be held upon not less than twenty days' public notice given by posting at the offices of the commission, and published at least once in a newspaper or newspapers of general circulation in the area or areas affected. The commission shall also provide forthwith for distribution of such notice to the press and by the mailing of a copy thereof to any person who shall request such notices.

"(c) The minutes of the commission shall be a public record open to inspection at its offices during regular business hours.

“15.5—OFFICERS GENERALLY.

“(a) The officers of the commission shall consist of an executive director and such additional officers, deputies, and assistants as the commission may determine. The executive director shall be appointed and may be removed by the affirmative vote of a majority of the full membership of the commission. All other officers and employees shall be appointed or dismissed by the executive director under such rules of procedure as the commission may establish.

“(b) In the appointment and promotion of officers and employees for the commission, no political, racial, religious, or residence test or qualification shall be permitted or given consideration, but all such appointments and promotions shall be solely on the basis of merit and fitness. Any officer or employee of the commission who is found by the commission to be guilty of a violation of this section shall be immediately dismissed.

“15.6—OATH OF OFFICE. An oath of office in such form as the commission shall prescribe shall be taken, subscribed, and filed with the commission by the executive director and by each officer appointed by him not later than fifteen days after the appointment.

“15.7—BOND. Each officer shall give such bond and in such form and amount as the commission may require, for which the commission shall pay the premium.

“15.8—PROHIBITED ACTIVITIES.

“(a) No commissioner, officer or employee shall:

“1. Be financially interested, either directly or indirectly, in any contract, sale, purchase, lease, or transfer of real or personal property to which the commission is a party;

“2. Solicit or accept money or any other thing of value in addition to the compensation or expense paid him by the commission for services performed within the scope of his official duties;

“3. Offer money or any thing of value for or in consideration of obtaining an appointment, promotion, or privilege in his employment with the commission.

“(b) Any officer or employee who willfully violates any of the provisions of this section shall forfeit his office or employment.

“(c) Any contract or agreement knowingly made in contravention of this section is void.

“(d) Officers and employees of the commission shall be subject, in addition to the provisions of this section, to such criminal and civil sanctions for misconduct in office as may be imposed by Federal law and the law of the signatory state in which such misconduct occurs.

“15.9—PURCHASING. Contracts for the construction, reconstruction or improvement of any facility when the expenditure required exceeds ten thousand dollars, and contracts for the purchase of services, supplies, equipment, and materials when the expenditure required exceeds five thousand dollars shall be advertised and let upon sealed bids to the lowest responsible bidder. Notice requesting such bids shall be published in a manner reasonably likely to attract prospective bidders, which publication shall be made at least thirty days before bids are received and in at least two newspapers of general circulation in the basin. The commission may reject any and all bids and readvertise in its discretion. If after rejecting bids the commission determines and resolves that in its opinion the supplies, equipment, and materials may be purchased at a lower price in the open market, the commission may give each responsible bidder an opportunity to negotiate a price and may proceed to purchase the supplies, equipment, and materials in

the open market at a negotiated price which is lower than the lowest rejected bid of a responsible bidder, without further observance of the provisions requiring bids or notice. The commission shall adopt rules and regulations to provide for purchasing from the lowest responsible bidder when sealed bids, notice, and publication are not required by this section. The commission may suspend and waive the provisions of this section requiring competitive bids whenever:

"1. The purchase is to be made from or the contract to be made with the Federal or any state government or agency or political subdivision thereof or pursuant to any open and bulk purchase contract of any of them;

"2. The public exigency requires the immediate delivery of the articles or performance of the service;

"3. Only one source of supply is available;

"4. The equipment to be purchased is of a technical nature and the procurement thereof without advertising is necessary in order to assure standardization of equipment and interchangeability of parts in the public interest; or

"5. Services are to be provided of a specialized or professional nature.

"15.10—INSURANCE. The commission may self-insure or purchase insurance and pay the premium therefor against loss or damage to any of its properties; against liability for injury to persons or property; and against loss of revenue from any cause whatsoever. Such insurance coverage shall be in such form and amount as the commission may determine, subject to the requirements of any agreement arising out of the issuance of bonds by the commission.

"15.11—ANNUAL INDEPENDENT AUDIT.

"(a) As soon as practical after the closing of the fiscal year an audit shall be made of the financial accounts of the commission. The audit shall be made by qualified certified public accountants selected by the commission, who have no personal interest direct or indirect in the financial affairs of the commission or any of its officers or employees. The report of audit shall be prepared in accordance with accepted accounting practices and shall be filed with the chairman and such other officers as the commission may direct. Copies of the report shall be distributed to each commissioner and shall be made available for public distribution.

"(b) Each signatory party by its duly authorized officers shall be entitled to examine and audit at any time all of the books, documents, records, files, and accounts and all other papers, things, or property of the commission. The representatives of the signatory parties shall have access to all books, documents, records, accounts, reports, files, and all other papers, things, or property belonging to or in use by the commission and necessary to facilitate the audit and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositaries, fiscal agents, and custodians.

"(c) The financial transactions of the commission shall be subject to audit by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States. The audit shall be conducted at the place or places where the accounts of the commission are kept.

"(d) Any officer or employee who shall refuse to give all required assistance and information to the accountants selected by the commission or to the authorized officers of any signatory party or who shall

refuse to submit to them for examination such books, documents, records, files, accounts, papers, things, or property as may be requested shall forfeit his office.

“15.12—REPORTS. The commission shall make and publish an annual report to the legislative bodies of the signatory parties and to the public reporting on its programs, operations, and finances. It may also prepare, publish, and distribute such other public reports and informational material as it may deem necessary or desirable.

“15.13—GRANTS, LOANS, OR PAYMENTS BY STATES OR POLITICAL SUBDIVISIONS.

“(a) Any or all of the signatory parties or any political subdivisions thereof may:

“1. Appropriate to the commission such funds as may be necessary to pay preliminary expenses such as the expenses incurred in the making of borings, and other studies of subsurface conditions, in the preparation of contracts for the sale of water and in the preparation of detailed plans and estimates required for the financing of a project;

“2. Advance to the commission, either as grants or loans, such funds as may be necessary or convenient to finance the operation and management of or construction by the commission of any facility or project;

“3. Make payments to the commission for benefits received or to be received from the operation of any of the projects or facilities of the commission.

“(b) Any funds which may be loaned to the commission either by a signatory party or a political subdivision thereof shall be repaid by the commission through the issuance of bonds or out of other income of the commission, such repayment to be made within such period and upon such terms as may be agreed upon between the commission and the signatory party or political subdivision making the loan.

“15.14—CONDEMNATION PROCEEDINGS.

“(a) The commission shall have the power to acquire by condemnation the fee or any lesser interest in lands, lands lying under water, development rights in land, riparian rights, water rights, waters and other real or personal property within the basin for any project or facility authorized pursuant to this compact. This grant of power of eminent domain includes but is not limited to the power to condemn for the purposes of this compact any property already devoted to a public use, by whomsoever owned or held, other than property of a signatory party. Any condemnation of any property or franchises owned or used by a municipal or privately owned public utility, unless the affected public utility facility is to be relocated or replaced, shall be subject to the authority of such state board, commission, or other body as may have regulatory jurisdiction over such public utility.

“(b) The power of condemnation referred to in subsection (a) shall be exercised in accordance with the provisions of the state condemnation law in force in the signatory state in which the property is located. If there is no applicable state condemnation law, the power of condemnation shall be exercised in accordance with the provisions of Federal condemnation law.

“(c) Any award or compensation for the taking of property pursuant to this article shall be paid by the commission, and none of the signatory parties nor any other agency, instrumentality or political subdivision thereof shall be liable for such award or compensation.

"15.15—CONVEYANCE OF LANDS AND RELOCATION OF PUBLIC FACILITIES.

"(a) The respective officers, agencies, departments, commissions, or bodies having jurisdiction and control over real and personal property owned by the signatory parties are authorized and empowered to transfer and convey in accordance with the laws of the respective parties to the commission any such property as may be necessary or convenient to the effectuation of the authorized purposes of the commission.

"(b) Each political subdivision of each of the signatory parties, notwithstanding any contrary provisions of law, is authorized and empowered to grant and convey to the commission, upon the commission's request, any real property or any interest therein owned by such political subdivision including lands lying under water and lands already devoted to public use which may be necessary or convenient to the effectuation of the authorized purposes of the commission.

"(c) Any highway, public utility, or other public facility which will be dislocated by reason of a project deemed necessary by the commission to effectuate the authorized purposes of this compact shall be relocated and the cost thereof shall be paid in accordance with the law of the state in which the facility is located; provided that the cost of such relocation payable by the commission shall not in any event exceed the expenditure required to serve the public convenience and necessity.

"15.16—**RIGHTS OF WAY.** Permission is hereby granted to the commission to locate, construct, and maintain any aqueducts, lines, pipes, conduits, and auxiliary facilities authorized to be acquired, constructed, owned, operated, or maintained by the commission in, over, under, or across any streets and highways now or hereafter owned, opened, or dedicated to or for public use, subject to such reasonable conditions as the highway department of the signatory party may require.

"15.17—**PENALTY.** Any person, association, or corporation who violates or attempts or conspires to violate any provisions of this compact or any rule, regulation, or order of the commission duly made, promulgated, or issued pursuant to the compact in addition to any other remedy, penalty, or consequence provided by law shall be punishable as may be provided by statute of any of the signatory parties within which the violation is committed; provided that in the absence of such provision any such person, association, or corporation shall be liable to a penalty of not less than \$50 nor more than \$1,000 for each such violation to be fixed by the court which the commission may recover in its own name in any court of competent jurisdiction, and in a summary proceeding where available under the practice and procedure of such court. For the purposes of this section in the event of a continuing offense each day of such violation, attempt, or conspiracy shall constitute a separate offense.

"15.18—**TORT LIABILITY.** The commission shall be responsible for claims arising out of the negligent acts or omissions of its officers, agents, and employees only to the extent and subject to the procedures prescribed by law generally with respect to officers, agents, and employees of the government of the United States.

"15.19—**EFFECT ON RIPARIAN RIGHTS.** Nothing contained in this compact shall be construed as affecting or intending to affect or in any way to interfere with the law of the respective signatory parties relating to riparian rights.

"15.20—**AMENDMENTS AND SUPPLEMENTS.** Amendments and supplements to this compact to implement the purposes thereof may be adopted by legislative action of any of the signatory parties concurred in by all of the others.

"15.21—CONSTRUCTION AND SEVERABILITY. The provisions of this compact and of agreements thereunder shall be severable and if any phrase, clause, sentence, or provision of the Susquehanna River Basin Compact or such agreement is declared to be unconstitutional or the applicability thereof to any signatory party, agency, or person is held invalid, the constitutionality of the remainder of such compact or such agreement and the applicability thereof to any other signatory party, agency, person, or circumstance shall not be affected thereby. It is the legislative intent that the provisions of such compact, be reasonably and liberally construed.

"15.22—EFFECTIVE DATE; EXECUTION. This compact shall become binding and effective thirty days after the enactment of concurring legislation by the Federal government, the states of Maryland and New York, and the Commonwealth of Pennsylvania. The compact shall be signed and sealed in five identical original copies by the respective chief executive of the signatory parties. One such copy shall be filed with the Secretary of State of each of the signatory parties or in accordance with the laws of the state in which the filing is made, and one copy shall be filed and retained in the archives of the commission upon its organization."

RESERVATIONS

SEC. 2. In the exercise of the powers reserved to the Congress, pursuant to section 1.4 of the compact, the consent to and participation in the compact by the United States is subject to the following conditions and reservations:

Ante, p. 1512.

(a) Notwithstanding any provision of the Susquehanna River Basin compact the Susquehanna River Basin Commission shall not undertake any project (as defined in such compact), other than a project for which State supplied funds only will be used, beyond the planning stage until—

Project plans, submittal to Congress.

(1) such commission has submitted to the Congress such complete plans and estimates for such project as may be necessary to make an engineering evaluation of such project including—

(A) where the project will serve more than one purpose, an allocation of costs among the purposes served and an estimate of the ratio of benefits to costs for each such purpose.

(B) an apportionment of costs among the beneficiaries of the project, including the portion of the costs to be borne by the Federal Government and by State and local governments, and

(C) a proposal for financing the project, including the terms of any proposed bonds or other evidences of indebtedness to be used for such purpose, and

(2) such project has been authorized by Act of Congress:

Provided, That when a project has been authorized by Congress, such additional or changed uses of storage therein as the commission may desire shall require project reauthorization, with reallocation of project costs to all project purposes served.

(b) No provision of section 3.9 of the compact shall be deemed to authorize the commission to impose any charge for water withdrawals or diversions from the basin if such withdrawals or diversions could lawfully have been made without charge on the effective date of the compact or to impose any charges with respect to commercial navigation within the basin, jurisdiction over which is reserved to the Federal Government: *Provided*, That this paragraph shall be applicable to the extent not inconsistent with section 1.4 of this compact.

Water withdrawal or diversion charges, prohibition.
Ante, p. 1516.

(c) Nothing contained in the compact shall be deemed to restrict the Executive powers of the President in the event of a national emergency.

(d) Nothing contained in the compact shall be construed as impairing or in any manner affecting the applicability to all Federal funds budgeted and appropriated for use by the commission of such authority over budgetary and appropriation matters as the President and Congress may have with respect to agencies in the executive branch of the Federal Government.

Bonds, taxation.

(e) Except to the same extent that State bonds are or may continue to be free or exempt from Federal taxation under the internal revenue laws of the United States, nothing contained in the compact shall be construed as freeing or exempting from internal revenue taxation in any manner whatsoever any bonds issued by the commission, their transfer, or the income therefrom (including any profits made on the sale thereof).

(f) Nothing contained in the compact shall be construed to obligate the United States legally or morally to pay the principal or interest on any bonds issued by the Susquehanna River Basin Commission.

Wages.

49 Stat. 1011.

(g) All laborers and mechanics employed by contractors or subcontractors in the construction, alteration or repair, including painting and decorating of projects, buildings and works which are undertaken by the commission or are financially assisted by it, shall be paid wages at rates not less than those prevailing on similar construction in the locality so determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5), and every such employee shall receive compensation at a rate not less than one and one half times his basic rate of pay for all hours worked in any workweek in excess of eight hours in any workday or forty hours in any workweek, as the case may be. A provision stating the minimum wages thus determined and the requirement that overtime be paid as above provided shall be set out in each project advertisement for bids and in each bid proposal form and shall be made a part of the contract covering the project. The Secretary of Labor shall have, with respect to the administration and enforcement of labor standards specified in this provision, the supervisory, investigatory and other authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176, 64 Stat. 1267), and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948, as amended, 50 U.S.C. 276(c)).

63 Stat. 108.
40 USC 276c.
Discrimination,
prohibition.

(h) The commission shall insure that there is no discrimination on the ground of race, color, religion, sex, or national origin in (1) the programs and activities of the commission, (2) the employment practices of the commission, and (3) the employment practices of parties entering into contracts with the commission, including construction contracts and contracts for private concessions in connection with recreational facilities.

Contracts.

49 Stat. 2036.

Water pollution.

(i) Contracts for the manufacture or furnishing of materials, supplies, articles and equipment with the commission which are in excess of \$10,000 shall be subject to the provisions of the Walsh-Healey Public Contracts Act (41 U.S.C. 35 et seq.).

(j) Nothing contained in this Act or in the compact shall be construed as superseding or limiting the functions, under any other law, of the Secretary of the Interior or of any other officer or agency of the United States, relating to water pollution: *Provided*, That the exercise of such functions shall not limit the authority of the commission to control, prevent or abate water pollution.

(k) The provisions of section 8.4 of article 8 of the compact shall not be construed to apply to facilities operated pursuant to any other Federal law.

Ante, p. 1522.

(l) For the purposes of the Federal Tort Claims Act, of June 25, 1948 (62 Stat. 982), as amended (28 U.S.C. ch. 171 and sections 1346(b) and 2401(b)) and the Tucker Act of March 3, 1887 (24 Stat. 505), as amended (28 U.S.C. 1346(a)(2), 1402, 1491, 1496, 1501, 1503, 2411, 2412, 2501), and the Administrative Procedure Act of June 11, 1946 (60 Stat. 237), as amended (5 U.S.C. 551-558, 701-706), and the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended (16 U.S.C. 791-823), the commission shall not be considered a Federal agency.

62 Stat. 933.

(m) The officers and employees of the commission (other than the United States member, alternate United States member, and advisers, and personnel employed by the United States member under direct Federal appropriation) shall not be deemed to be, for any purpose, officers or employees of the United States or to become entitled at any time by reason of employment by the commission to any compensation or benefit payable or made available by the United States solely and directly to its officers or employees.

(n) Neither the compact nor this Act shall be deemed to enlarge the authority of any Federal agency other than the commission to participate in or to provide funds for projects or activities in the Susquehanna River Basin.

(o) Notwithstanding paragraph 7 of section 3.10 of the compact, the United States district courts shall have original jurisdiction of all cases or controversies arising under the compact and this Act, and any case or controversy so arising initiated in a State court shall be removable to the appropriate United States district court in the manner provided by section 1446 of title 28, United States Code. Nothing contained in the compact or elsewhere in this Act shall be construed as a waiver by the United States of its immunity from suit.

Jurisdiction.
Ante, p. 1517.

62 Stat. 939;
79 Stat. 887.

(p) The right to alter, amend, or repeal this Act is hereby expressly reserved. The right is hereby reserved to the Congress or any of its standing committees to require the disclosure and furnishing of such information and data by the Susquehanna River Basin Commission as is deemed appropriate by the Congress or any such committee.

(q) The provisions of sections 2.4 and 2.6 of article 2 of the compact notwithstanding, the member and alternate member appointed by the President and adviser there referred to may be paid compensation by the United States, such compensation to be fixed by the President at the rates which he shall deem to prevail in respect to comparable officers in the executive branch.

Ante, p. 1513.

(r) 1. Nothing contained in this compact or in this Act shall impair, affect, or extend the constitutional authority of the United States.

2. Nothing contained in this compact or in this Act and no action of the commission shall supersede, impair, affect, compel, or prevent the exercise of any of the powers, rights, functions, or jurisdiction of the United States under other existing or future legislation in or over the area or waters which are the subject of the compact, including projects of the commission: *Provided*, That—

(i) The commission shall serve as the principal agency for the coordination of Federal, State, interstate, local, and nongovernmental plans for water and related land resources in the Susquehanna River Basin.

(ii) Except as provided in reservation (j), whenever a comprehensive plan, or any part or revision thereof, has been adopted with the concurrence of the member appointed by the President, the exercise of any powers conferred by law on any officer, agency, or instrumentality

Ante, pp. 1516,
1524.

Federal project
proposals, com-
mission review.

Report to Con-
gress.

Comprehensive
plan, adoption.

Withdrawal,
notice.

Ante, p. 1512.

Technical serv-
ices.

of the United States with regard to water and related land resources in the Susquehanna River Basin shall not substantially conflict with any such portion of such comprehensive plan and the provisions of section 3.10 and article 12 of the compact shall be applicable to the extent necessary to avoid such substantial conflict: *Provided further*, That whenever the President shall find and determine that the national interest so requires, he may suspend, modify, or delete any provision of the comprehensive plan to the extent necessary to permit action by the affected agency or officer in accord with the national interest. Such action shall be taken by executive order in which such finding and determination shall be set forth.

(iii) To insure consideration by Congress or any committee thereof of the commission's views, proposals for Federal projects which come within one or more of the classes requiring commission review under section 3.10 of the compact shall be submitted to the commission for review and recommendation for a period of ninety days or such longer time as may be requested by the commission with the concurring vote of the member appointed by the President; and the recommendations and views of the commission thereon, if any, shall be included in any report submitted by the sponsoring Federal agency to the Congress or to any committee thereof in connection with any request for authorization or appropriations therefor.

3. For the purposes of paragraph 2(ii) hereof, concurrence by the member appointed by the President shall be presumed unless within sixty days after notice to him of adoption of the comprehensive plan, or any part or revision thereof, he shall file with the commission notice of (i) no objection, or (ii) nonconcurrence. Each concurrence of the member appointed by the President in the adoption of the comprehensive plan or any part or revision thereof may be withdrawn by notice filed with the commission at any time between the first and sixtieth day of the sixth year after the initial adoption of the comprehensive plan and of every sixth year thereafter.

(s) In the event that any phrase, clause, sentence or provision of section 1.4 of article 1 of the compact, is declared to be unconstitutional under the constitution of any of the signatory parties, or the applicability thereof to any signatory party, agency or person is held invalid by a court of last resort of competent jurisdiction, the United States shall cease to be a party to the compact: *Provided*, That the President may continue United States participation in the activities of the commission to the extent that he deems necessary and proper to protect the national interest.

(t)(1) All Acts or parts of Acts inconsistent with the provisions of this Act are hereby amended for the purpose of this Act to the extent necessary to carry out the provisions of this Act.

(2) No action of the commission shall have the effect of repealing, modifying, or amending any Federal law.

(u) Notwithstanding the provisions of section 2.2 and 2.3 of the compact, the Federal member of the commission and his alternate shall be appointed by the President of the United States and shall serve at the pleasure of the President.

(v) Notwithstanding the provisions of section 12.5 or any other provision of the compact, the furnishing of technical services to the commission by agencies of the executive branch of the Government of the United States is pledged only to the extent that the respective agencies shall from time to time agree thereto or to the extent that the President may from time to time direct such agencies to perform such services for the commission. Nothing in the compact shall be deemed

to require the United States to furnish administrative services or facilities for carrying out functions of the commission except to the extent that the President may direct.

(w) Nothing contained in this Act or in the compact shall supersede, impair, affect, compel, or prevent the exercise of any of the powers, rights, functions, or jurisdiction of the Federal Power Commission, Federal Communications Commission, Atomic Energy Commission, Interstate Commerce Commission, or other such Federal independent regulatory agency under existing or future legislation. Accordingly, no action of the Susquehanna River Basin Commission shall conflict with any of the terms or conditions of any license or permit granted or issued by the aforementioned Federal agencies. This reservation shall not be construed as a basis for noncompliance with the requirements of the compact or this Act; nor shall it be construed to permit use of waters of the Susquehanna River Basin or to endanger their quality without approval pursuant to the compact.

EFFECTUATION

SEC. 3. (a) The President is authorized to take such action as may be necessary and proper, in his discretion, to effectuate the compact and the initial organization and operation of the commission thereunder.

(b) Executive departments and other agencies of the executive branch of the Federal Government shall cooperate with and furnish appropriate assistance to the United States member. Such assistance shall include the furnishing of services and facilities and may include the detailing of personnel to the United States member. Appropriations are hereby authorized as necessary for the support of the United States member and his office, including appropriations for the employment of personnel by the United States member.

Appropriation.

Approved December 24, 1970.

Public Law 91-576

AN ACT

To designate the comprehensive Missouri River Basin development program as the Pick-Sloan Missouri Basin program.

December 24, 1970
[S. 1100]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the comprehensive program of flood control, navigation improvement, and development for the Missouri River Basin, which arose out of the coordination of the multiple-purpose plans recommended in the report of the Corps of Engineers, United States Army, contained in House Document Numbered 475, Seventy-eighth Congress, and in the report of the Bureau of Reclamation, Department of the Interior, contained in Senate Document Numbered 191, Seventy-eighth Congress, shall hereafter be known as the Pick-Sloan Missouri Basin program. Any law, regulation, document, or record of the United States in which such program is designated or referred to under the name of the Missouri River Basin development program, or under any other name, shall be held and considered to refer to such program under and by the name of the Pick-Sloan Missouri Basin program.

Pick-Sloan
Missouri Basin
program.
Designation.

Approved December 24, 1970.

Public Law 91-577

December 24, 1970
[S.3070]

AN ACT

To encourage the development of novel varieties of sexually reproduced plants and to make them available to the public, providing protection available to those who breed, develop, or discover them, and thereby promoting progress in agriculture in the public interest.

Plant Variety
Protection Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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Chapter 1.—ORGANIZATION AND PUBLICATIONS

Section 1. Establishment.

There is hereby established in the Department of Agriculture a bureau to be known as the Plant Variety Protection Office, which shall have the functions set forth in this Act.

Sec. 2. Seal.

The Plant Variety Protection Office shall have a seal with which documents and certificates evidencing plant variety protection shall be authenticated.

Sec. 3. Organization.

The organization of the Plant Variety Protection Office shall, except as provided herein, be determined by the Secretary of Agriculture (hereinafter called the Secretary). The office shall devote itself substantially exclusively to the administration of this Act.

Sec. 4. Restrictions on Employees as to Interest in Plant Variety Protection.

Employees of the Plant Variety Protection Office shall be ineligible during the periods of their employment, to apply for plant variety protection and to acquire directly or indirectly, except by inheritance or bequest, any right or interest in any matters before that office. This section shall not apply to members of the Plant Variety Protection Board who are not otherwise employees of the Plant Variety Protection Office.

Sec. 5. Bond of Employees.

Such employees as the Secretary designates, before entering upon their duties, shall severally give bond, with sureties, in sums prescribed by the Secretary, conditioned for the faithful discharge of their respective duties and that they shall render to the proper officers of the Treasury a true account of all money received by virtue of their offices.

Sec. 6. Regulations.

The Secretary may establish regulations, not inconsistent with law, for the conduct of proceedings in the Plant Variety Protection Office after consultations with the Plant Variety Protection Board.

Sec. 7. Plant Variety Protection Board.

(a) **APPOINTMENT.**—The Secretary shall appoint a Plant Variety Protection Board. The Board shall consist of individuals who are experts in various areas of varietal development covered by this Act. Membership of the Board shall include farmer representation and shall be drawn approximately equally from the private or seed industry sector and from the sector of government or the public. The Secretary or his designee shall act as chairman of the Board without voting rights except in the case of ties.

(b) **FUNCTIONS OF BOARD.**—The functions of the Plant Variety Protection Board shall include:

(1) Advising the Secretary concerning the adoption of Rules and Regulations to facilitate the proper administration of this Act;

(2) Making advisory decisions on all appeals from the examiner. The Board shall determine whether to act as a full Board or by panels it selects; and whether to review advisory decisions made by a panel. For service on such appeals, the Board may select, as temporary members, experts in the area to which the particular appeal relates; and

(3) Advising the Secretary on all questions under section 44.

(c) **COMPENSATION OF BOARD.**—The members of the Plant Variety Protection Board shall serve without compensation except for standard government reimbursable expenses.

Sec. 8. Library.

The Secretary shall maintain a library of scientific and other works and periodicals, both foreign and domestic, in the Plant Variety Protection Office to aid the officers in the discharge of their duties.

Sec. 9. Register of Protected Plant Varieties.

The Secretary shall maintain a register of published specifications of United States protected plant varieties and a file of such other scientific and technical information as may be necessary or practicable.

Sec. 10. Publications.

(a) The Secretary may publish, or cause to be published, in such format as he shall determine to be suitable, the following:

(1) The specifications for plant variety protection including drawings and photographs.

(2) The Official Journal of the Plant Variety Protection Office, including annual indices.

(3) Pamphlet copies of the plant variety protection laws and rules of practice and circulars or other publications relating to the business of the Office.

(b) The Plant Variety Protection Office may print the heading of the drawings or photographs for protected plant varieties for the purpose of photolithography and may provide suitable copy for any lithography to appear on the same page.

(c) The Secretary may (1) establish public facilities for the searching of plant variety protection records and materials, and (2) from time to time, as through an information service, disseminate to the public those portions of the technological and other public information available to or within the Plant Variety Protection Office to encourage innovation and promote the progress of the useful arts.

(d) The Secretary may exchange any of the publications specified for publications desirable for the use of the Plant Variety Protection Office. The Secretary may exchange copies of specifications, drawings, and photographs of United States protected plant varieties for copies

of specifications, drawings, and photographs of applications and protected plant varieties of foreign countries.

Sec. 11. Copies for Public Libraries.

The Secretary may supply printed copies of specifications, drawings, and photographs of protected plant varieties to public libraries in the United States which shall maintain such copies for the use of the public.

Chapter 2.—LEGAL PROVISIONS AS TO THE PLANT VARIETY PROTECTION OFFICE

Sec. 21. Day for Taking Action Falling on Saturday, Sunday, or Holiday.

When the day, or the last day, for taking any action or paying any fee in the United States Plant Variety Protection Office falls on Saturday, Sunday, a holiday within the District of Columbia, or on any other day the Plant Variety Protection Office is closed for the receipt of papers, the action may be taken or the fee paid, on the next succeeding business day.

Sec. 22. Form of Papers Filed.

The Secretary may by regulations prescribe the form of papers to be filed in the Plant Variety Protection Office.

Sec. 23. Testimony in Plant Variety Protection Office Cases.

The Secretary may establish regulations for taking affidavits, depositions, and other evidence required in cases before the Plant Variety Protection Office. Any officer authorized by law to take depositions to be used in the courts of the United States, or of the State where he resides, may take such affidavits and depositions, and swear the witnesses. If any person acts as a hearing officer by authority of the Secretary, he shall have like power.

Sec. 24. Subpoenas, Witnesses.

(a) The clerk of any United States court for the district wherein testimony is to be taken in accordance with regulations established by the Secretary for use in any contested case in the Plant Variety Protection Office shall, upon the application of any party thereof, issue a subpoena for any witness residing or being within such district or within one hundred miles of the stated place in such district, commanding him to appear and testify before an officer in such district authorized to take depositions and affidavits, at the time and place stated in the subpoena. The provisions of the Federal Rules of Civil Procedure relating to the attendance of witnesses and the production of documents and things shall apply to contested cases in the Plant Variety Protection Office insofar as consistent with such regulations.

(b) Every witness subpoenaed or testifying shall be allowed the fees and traveling expenses allowed to witnesses attending the United States district courts.

(c) A judge of a court whose clerk issued a subpoena may enforce obedience to the process or punish disobedience as in other like cases, on proof that a witness, served with such subpoena, neglected or refused to appear or to testify. No witness shall be deemed guilty of contempt for disobeying such subpoena unless his fees and traveling expenses in going to, and returning from, one day's attendance at the place of examination, are paid or tendered him at the time of the service of the subpoena; nor for refusing to disclose any secret matter except upon appropriate order of the court which issued the subpoena or of the Secretary.

Sec. 25. Effect of Defective Execution.

Any document to be filed in the Plant Variety Protection Office and which is required by any law or regulation to be executed in a specified manner may be provisionally accepted by the Secretary despite a defective execution, provided a properly executed document is submitted within such time as may be prescribed.

Sec. 26. Regulations for Practice Before the Office.

The Secretary shall prescribe regulations governing the admission to practice and conduct of persons representing applicants or other parties before the Plant Variety Protection Office. The Secretary may, after notice and opportunity for a hearing, suspend or exclude, either generally or in any particular case, from further practice before the Office of Plant Variety Protection any person shown to be incompetent or disreputable or guilty of gross misconduct.

Sec. 27. Unauthorized Practice.

Anyone who in the United States engages in direct or indirect practice before the Office of Plant Variety Protection while suspended or excluded under section 26, or without being admitted to practice before the Office, shall be liable in a civil action for the return of all money received, and for compensation for damage done by such person and also may be enjoined from such practice. However, there shall be no liability for damage if such person establishes that the work was done competently and without negligence. This section does not apply to anyone who, without a claim of self-sufficiency, works under the supervision of another who stands admitted and is the responsible party; nor to anyone who establishes that he acted only on behalf of any employer by whom he was regularly employed.

Chapter 3.—PLANT VARIETY PROTECTION FEES**Sec. 31. Plant Variety Protection Fees; Appropriations.**

The Secretary shall, under such regulations as he may prescribe, charge and collect reasonable fees for services performed under this Act. The fees authorized shall be recovered to the Treasury of the United States of America, and expenses needed for the administration of this Act shall come through the Nation's regular budgetary, authorization, and appropriations process. The initial capital of the fund shall consist of appropriations, which are hereby authorized to be made. Until such time as the Secretary prescribes fees as provided by this section, a fee of \$50 shall be charged for filing each application, subject to such adjustment as may be appropriate after fees are prescribed by the Secretary hereunder.

Sec. 32. Payment of Plant Variety Protection Fees; Return of Excess Amounts.

All fees shall be paid to the Secretary, and the Secretary may refund any sum paid by mistake or in excess of the fee required.

TITLE II—PROTECTABILITY OF PLANT VARIETIES AND CERTIFICATES OF PROTECTION

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Chapter 4.—PROTECTABILITY OF PLANT VARIETIES

Sec. 41. Definitions and Rules of Construction.

The definitions and rules of construction set forth in this section apply for the purposes of this Act.

(a) The term “novel variety” may be represented by, without limitation, seed, transplants, and plants, and is satisfied if there is:

(1) Distinctness in the sense that the variety clearly differs by one or more identifiable morphological, physiological or other characteristics (which may include those evidenced by processing or product characteristics, for example, milling and baking characteristics in the case of wheat) as to which a difference in genealogy may contribute evidence, from all prior varieties of public knowledge at the date of determination within the provisions of section 42; and

(2) Uniformity in the sense that any variations are describable, predictable and commercially acceptable; and

(3) Stability in the sense that the variety, when sexually reproduced or reconstituted, will remain unchanged with regard to its essential and distinctive characteristics with a reasonable degree of reliability commensurate with that of varieties of the same category in which the same breeding method is employed.

(b) The terms “United States” and “this country” means the United States of America, its territories and possessions, and the Commonwealth of Puerto Rico.

(c) The term “kind” means one or more related species or subspecies singly or collectively known by one common name, for example, soybean, flax, or radish.

(d) The term “date of determination” means the date when there has been at least tentative determination that the variety has been sexually reproduced with recognized characteristics, whether or not the novelty of those characteristics has been determined.

(e) The term “breeder” shall mean the person who—

(1) directs the final breeding creating the novel variety, or

(2) discovers the novel variety, and

makes the tentative determination described in subsection (d). Where such actions are conducted by an agent on behalf of his principal, the principal, rather than the agent, shall be considered the breeder. The terms “breed”, “develop”, “originate”, and “discover”, and derivatives thereof shall each include the other.

(f) The term “sexually reproduced” shall include any production of a variety by seed.

(g) The term “basic seed” means the seed planted to produce certified or commercial seed.

(h) The term “testing” means testing or experimental use of a variety before any sale thereof. Sale for other than seed purposes of seed or other plant material produced as the result of testing shall not constitute a sale for the purpose of the preceding sentence or for the purpose of the following subsection.

(i) The term “public variety” means a variety sold or used in this country, or existing in and publicly known in this country; but use for the purpose of testing, or sale or use as individual plants not known to be sexually reproducible, shall not make the variety a public variety.

(j) A variety described in a publication as specified in section 42(a) (1)(B) is “effectively available to workers in this country” if a source from which it can be purchased is indicated in such publication or readily determinable or if such publication teaches how to produce

the variety from source-material effectively available to workers in this country.

Sec. 42. Right to Plant Variety Protection; Plant Varieties Protectable.

(a) The breeder of any novel variety of sexually reproduced plant (other than fungi, bacteria, or first generation hybrids) who has so reproduced the variety, or his successor in interest, shall be entitled to plant variety protection therefor, subject to the conditions and requirements of this title unless one of the following bars exists:

(1) Before the date of determination thereof by the breeder, or more than one year before the effective filing date of the application therefor, the variety was (A) a public variety in this country, or (B) effectively available to workers in this country and adequately described by a publication reasonably deemed a part of the public technical knowledge in this country which description must include a disclosure of the principal characteristics by which the variety is distinguished.

(2) An application for protection of the variety based on the same breeder's acts, was filed in a foreign country by the owner or his privies more than one year before the effective filing date of the application filed in the United States.

(3) Another is entitled to an earlier date of determination for the same variety and such other (A) has a certificate of plant variety protection hereunder or (B) has been engaged in a continuing program of development and testing to commercialization, or (C) has within six months after such earlier date of determination adequately described the variety by a publication reasonably deemed a part of the public technical knowledge in this country which description must include a disclosure of the principal characteristics by which the variety is distinguished.

(b) The Secretary may, by regulation, extend for a reasonable period of time the one year time period provided in subsection (a) for filing applications, and may in that event provide for at least commensurate reduction of the term of protection.

Sec. 43. Reciprocity Limits.

Protection under the Act may, by regulation, be limited to nationals of the United States, except where this limitation would violate a treaty and except that nationals of a foreign state in which they are domiciled shall be entitled to so much of the protection here afforded as is afforded by said foreign state to nationals of the United States for the same genus and species.

Sec. 44. Public Interest In Wide Usage.

The Secretary may declare a protected variety open to use on a basis of equitable remuneration to the owner, not less than a reasonable royalty, when he determines that such declaration is necessary in order to insure an adequate supply of fiber, food, or feed in this country and that the owner is unwilling or unable to supply the public needs for the variety at a price which may reasonably be deemed fair. Such declaration may be, with or without limitation, with or without designation of what the remuneration is to be; and shall be subject to review as under section 71 or 72 (any finding that the price is not reasonable being reviewable), and shall remain in effect not more than two years. In the event litigation is required to collect such remuneration, a higher rate may be allowed by the court.

Chapter 5.—APPLICATIONS; FORM, WHO MAY FILE, RELATING BACK, CONFIDENTIALITY

Sec. 51. Application for Recognition of Plant Variety Rights.

(a) An application for a certificate of Plant Variety Protection may be filed by the owner of the variety sought to be protected. The application shall be made in writing to the Secretary, shall be signed by or on behalf of the applicant, and shall be accompanied by the prescribed fee.

(b) An error as to the naming of the breeder, without deceptive intent, may be corrected at any time, in accordance with regulations established by the Secretary.

Sec. 52. Content of Application.

An application for a certificate recognizing plant variety rights shall contain:

(1) The name of the variety except that a temporary designation will suffice until the certificate is to be issued.

(2) A description of the variety setting forth its novelty and a description of the genealogy and breeding procedure, when known. The Secretary may require amplification, including the submission of adequate photographs or drawings or plant specimens, if the description is not adequate or as complete as is reasonably possible, and submission of records or proof of ownership or of allegations made in the application. An applicant may add to or correct the description at any time, before the certificate is issued, upon a showing acceptable to the Secretary that the revised description is retroactively accurate. Courts shall protect others from any injustice which would result. The Secretary may accept records of the breeder and of any official seed certifying agency in this country as evidence of stability where applicable.

(3) A declaration that a viable sample of basic seed necessary for propagation of the variety will be deposited and replenished periodically in a public repository in accordance with regulations to be established hereunder. This declaration may be added by amendment.

(4) A statement of the basis of applicant's ownership.

Sec. 53. Joint Breeders.

(a) When two or more persons are the breeders, one (or his successor) may apply, naming the others.

(b) The Secretary, after such notice as he may prescribe, may issue a certificate of plant variety protection to the applicant and such of the other breeders (or their successors in interest) as may have subsequently joined in the application.

Sec. 54. Death or Incapacity of Breeder.

Legal representatives of deceased breeders and of those under legal incapacity may make application for plant variety protection upon compliance with the requirements and on the same terms and conditions applicable to the breeder or his successor in interest.

Sec. 55. Benefit of Earlier Filing Date.

(a) An application for a certificate of plant variety protection filed in this country based on the same variety, and on rights derived from the same breeder, on which there has previously been filed an application for plant variety protection in a foreign country which affords similar privileges in the case of applications filed in the United States

by nationals of the United States, shall have the same effect as the same application would have if filed in the United States on the date on which the application for plant variety protection for the same variety was first filed in such foreign country, if the application in this country is filed within twelve months from the earliest date on which such foreign application was filed. No application shall be entitled to a right of priority under this section, unless the applicant designates the foreign application in his application or by amendment thereto and, if required by the Secretary, furnishes such copy, translation or both, as the Secretary may specify.

(b) An application for a certificate of plant variety protection for the same variety as was the subject of an application previously filed in the United States by or on behalf of the same person, or by his predecessor in title, shall have the same effect as to such variety as though filed on the date of the prior application if filed before the issuance of the certificate or other termination of proceedings on the first application or on an application similarly entitled to the benefit of the filing date of the first application and if it contains or is amended to contain a specific reference to the earlier filed application.

(c) A later application shall not by itself establish that a characteristic newly described was in the variety at the time of the earlier application.

Sec. 56. Confidential Status of Application.

Applications for plant variety protection and their contents shall be kept in confidence by the Plant Variety Protection Office, by the Board, and by the offices in the Department of Agriculture to which access may be given under regulations. No information concerning the same shall be given without the authority of the owner, unless necessary under special circumstances as may be determined by the Secretary, except that the Secretary may publish the variety names designated in applications, stating the kind to which each applies.

Sec. 57. Publication.

The Secretary may establish regulations for the publication of any pending application when publication is requested by the owner.

Chapter 6.—EXAMINATION, RESPONSE TIME, INITIAL APPEALS

Sec. 61. Examination of Application.

The Secretary shall cause an examination to be made of the application and if on such examination it is determined that the applicant is entitled to plant variety protection under the law, the Secretary shall issue a notice of allowance of plant variety protection therefor as hereinafter provided.

Sec. 62. Notice of Refusal; Reconsideration.

(a) Whenever an application is refused, or any objection or requirement made by the examiner, the Secretary shall notify the applicant thereof, stating the reasons therefor, together with such information and references as may be useful in judging the propriety of continuing the prosecution of the application; and if after receiving such notice the applicant requests reconsideration, with or without amendment, the application shall be reconsidered.

(b) For taking appropriate action after the mailing to him of an action other than allowance, an applicant shall be allowed six months, or such other time as the Secretary in exceptional circumstances shall set in the refusal, or such time as he may allow as an extension. Without such extension, action may be taken up to three months late by paying an additional fee to be prescribed by the Secretary.

Sec. 63. Initial Appeal.

When an application for plant variety protection has been refused by the Plant Variety Protection Office, the applicant may appeal to the Secretary. The Secretary shall seek the advice of the Plant Variety Protection Board on all appeals, before deciding the appeal.

Chapter 7.—APPEALS TO COURTS AND OTHER REVIEW**Sec. 71. Appeals.**

From the decisions made under sections 44, 63, 91, 92, and 128 appeal may, within sixty days or such further times as the Secretary allows, be taken under the Federal Rules of Appellate Procedure. The Court of Customs and Patent Appeals and United States Courts of Appeals shall have jurisdiction, with venue in the case of the latter as stated in 28 U.S.C. 2343.

28 USC app.

80 Stat. 622.

Sec. 72. Civil Action Against Secretary.

An applicant dissatisfied with a decision under section 63 or 91 of this title, may, as an alternative to appeal, have remedy by civil action against the Secretary in the United States District Court for the District of Columbia. Such action shall be commenced within sixty days after such decision or within such further time as the Secretary allows. The court may, in the case of review of a decision by the Secretary refusing plant variety protection, adjudge that such applicant is entitled to receive a certificate of plant variety protection for his variety as specified in his application as the facts of the case may appear, on compliance with the requirements of this Act.

Sec. 73. Appeal or Civil Action in Contested Cases.

(a) A party to a proceeding under section 92 of this title, dissatisfied with the decision, may take an appeal under section 71 or may have remedy by civil action if commenced within sixty days after such decision or within such further time as the Secretary allows. A party contemplating appeal as provided herein shall notify all adverse parties of his intention and any such adverse party, not the Secretary, shall have the right, by notice served within ten days of the notice to him, to elect that any review shall be by civil action. In such suits the record in the Plant Variety Protection Office shall be admitted on motion of any party upon the terms and conditions as to costs, expenses, and the further cross-examination of witnesses, as the court imposes, without prejudice to the right of the parties to take further testimony. The testimony and exhibits of the record in the Plant Variety Protection Office when admitted shall have the same effect as if originally taken and produced in the suit.

(b) Such suit may be instituted against the party in interest as shown by the record of the Plant Variety Protection Office at the time of the decision complained of, but any party in interest may become a party to the action. If there be adverse parties residing in a plurality of districts not embraced within the same State, or an adverse party residing in a foreign country, the United States District Court for the District of Columbia, or any United States district court to which it may transfer the case, shall have jurisdiction and may issue summons against the adverse parties directed to the marshal of any district in which any adverse party resides. Summons against adverse parties residing in foreign countries may be served by publication or otherwise as the court directs. The Secretary shall not be made a party but he shall have the right to intervene. Judgment of the court in favor of the right of an applicant to plant variety protection shall authorize the Secretary to issue a certificate of plant variety protection on the filing in the Plant Variety Protection Office of a

certified copy of the judgment and on compliance with the requirements of this Act.

Chapter 8.—CERTIFICATES OF PLANT VARIETY PROTECTION

Sec. 81. Plant Variety Protection.

(a) If it appears that a certificate of plant variety protection should be issued on an application, a written notice of allowance shall be given or mailed to the owner. The notice shall specify the sum, constituting the issue fee, which shall be paid within one month thereafter.

(b) Upon timely payment of this sum, and provided that deposit of seed has been made in accordance with section 52(3), the certificate of plant variety protection shall issue.

(c) If any payment required by this section is not timely made, but is submitted with an additional fee prescribed by the Secretary within nine months after the due date or within such further time as the Secretary may allow, it shall be accepted.

Sec. 82. How Issued.

A certificate of plant variety protection shall be issued in the name of the United States of America under the seal of the Plant Variety Protection Office, and shall be signed by the Secretary or have his signature placed thereon, and shall be recorded in the Plant Variety Protection Office.

Sec. 83. Contents and Term of Plant Variety Protection.

(a) Every certificate of plant variety protection shall certify that the breeder (or his successor in interest) his heirs or assignees, has the right, during the term of the plant variety protection, to exclude others from selling the variety, or offering it for sale, or reproducing it, or importing it, or exporting it, or using it in producing (as distinguished from developing) a hybrid or different variety therefrom, to the extent provided by this Act. If the owner so elects, the certificate shall also specify that in the United States, seed of the variety shall be sold by variety name only as a class of certified seed and, if specified, shall also conform to the number of generations designated by the owner. Any rights, or all rights except those elected under the preceding sentence, may be waived; and the certificate shall conform to such waiver. The Secretary may at his discretion permit such election or waiver to be made after certifying and amend the certificate accordingly, without retroactive effect.

(b) The term of plant variety protection shall expire seventeen years from the date of issue of the certificate in the United States. If the certificate is not issued within three years from the effective filing date, the Secretary may shorten the term by the amount of delay in the prosecution of the application attributed by the Secretary to the applicant.

Expiration date.

(c) The term of plant variety protection shall also expire if the owner fails to comply with regulations, in force at the time of certifying, relating to replenishing seed in a public repository: *Provided*,

however, That this expiration shall not occur unless notice is mailed to the last owner recorded as provided in section 101(d) and he fails, within the time allowed thereafter, not less than three months, to comply with said regulations, paying an additional fee to be prescribed by the Secretary.

Sec. 84. Certificate of Correction of Plant Variety Protection Office Mistake.

Whenever a mistake in a certificate of plant variety protection, incurred through the fault of the Plant Variety Protection Office, is clearly disclosed by the records of the Office, the Secretary may issue a certificate of correction stating the fact and nature of such mistake, under seal, without charge, to be recorded in the records of plant variety protection. A copy thereof shall be attached to each copy of the published specifications or certificate of plant variety protection and such certificate of correction shall be considered as part of the original certificate of plant variety protection. Every such certificate of plant variety protection shall have the same effect as if the same had been originally issued in such corrected form. The Secretary may issue a corrected certificate of plant variety protection without charge in lieu of and with like effect as a certificate of correction.

Sec. 85. Certificate of Correction of Applicant's Mistake.

Whenever a mistake of a clerical or typographical nature, or of minor character, or in the description of the variety, which was not the fault of the Plant Variety Protection Office, appears in a certificate of plant variety protection and a showing has been made that such mistake occurred in good faith, the Secretary may, upon payment of the required fee, issue a certificate of correction in the manner and with attachment of copies as in section 84, if the correction unquestionably could have been made before the certificate issued. Such certificate of plant variety protection shall have the same effect and operation in law on the trial of actions for causes thereafter arising as if the same had been originally issued in such corrected form.

Sec. 86. Correction of Named Breeder.

An error as to the naming of a breeder in the application, without deceptive intent, shall not affect validity of plant variety protection and may be corrected at any time by the Secretary in accordance with regulations established by him or upon order of a federal court before which the matter is called in question. Upon such correction the Secretary shall issue a certificate accordingly. Such correction shall not deprive any person of any rights he otherwise would have had.

Chapter 9.—REEXAMINATION AFTER ISSUE, AND CONTESTED PROCEEDINGS

Sec. 91. Reexamination After Issue.

(a) Any person may, within five years after the issuance of a certificate of plant variety protection, notify the Secretary in writing of facts which may have a bearing on the protectability of the variety, and the Secretary may cause such plant variety protection to be reexamined in the light thereof.

(b) Reexamination of plant variety protection under this section and appeals shall be pursuant to the same procedures and with the same rights as for original examinations. Abandonment of the procedure while subject to a ruling against the retention of the certificate shall result in cancellation of the plant variety certificate thereon and notice

thereof shall be endorsed on copies of the specification of the protected plant variety thereafter distributed by the Plant Variety Protection Office.

(c) If a person acting under subsection (a) makes a prima facie showing of facts needing proof, the Secretary may direct that the reexamination include such interparty proceedings as he shall establish.

Sec. 92. Priority Contest.

(a) If the Secretary determines that two applications of different applicants may be based on the same variety, he may:

- (1) Initiate a priority contest on his own motion whether or not one of the applications may have been certificated; or
- (2) Issue a certificate on the application having the earliest effective filing date, with notice to all; or
- (3) Issue a certificate naming alternative owners, under a single variety name acceptable to both.

(b) On request of any person when a certificate has been issued naming another as an owner or alternative owner, both having applied for protection on the same variety, the Secretary shall institute a priority contest, except that any person shall have forfeited his right to assert priority for the purpose of obtaining plant variety protection when an adverse certificate has issued if he fails to make the request within one year of the mailing of notice specified in part (2) above or if he fails to make the request within the period for taking action after refusal of his application on the basis of the adverse certificate.

Sec. 93. Effect of Adverse Final Judgment or of Non Action.

(a) A final judgment under section 92 adverse to an application from which no appeal or other review had been or can be taken or had shall constitute cancellation of any certificating on that application, and notice thereof shall be endorsed on copies of the specifications of the protected plant variety thereafter distributed by the Plant Variety Protection Office.

(b) Any person who has not proceeded in accordance with the provision of this chapter shall not be foreclosed or in any way prejudiced with respect to the defense of an infringement suit or affirmative relief under declaratory judgment proceedings.

(c) No person subject to an adverse decision in a proceeding under this chapter shall be foreclosed with respect to asserting comparable grounds in defense of an infringement suit or as a basis for affirmative relief under declaratory judgment proceedings.

Sec. 94. Interfering Plant Variety Protection.

The owner of a certificate of plant variety protection may have relief against another owner of a certificate of the same variety by civil action, and the court may adjudge the question of validity of the respective certificates, or the ownership of the certificate. The provisions of section 73(b) of this title shall apply to actions brought under this section.

TITLE III—PLANT VARIETY PROTECTION AND RIGHTS

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Chapter 10.—OWNERSHIP AND ASSIGNMENT

Sec. 101. Ownership and Assignment.

(a) Subject to the provisions of this title, plant variety protection shall have the attributes of personal property.

(b) Applications for certificates of plant variety protection, or any interest in a variety, shall be assignable by an instrument in writing. The owner may in like manner license or grant and convey an exclusive right to use of the variety in the whole or any specified part of the United States.

(c) A certificate of acknowledgment under the hand and official seal of a person authorized to administer oaths within the United States, or in a foreign country, of a diplomatic or consular officer of the United States or an officer authorized to administer oaths whose authority is proved by a certificate of a diplomatic or consular officer of the United States, shall be prima facie evidence of the execution of an assignment, grant, license, or conveyance of plant variety protection or application for plant variety protection.

(d) An assignment, grant, conveyance or license shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice, unless it, or an acknowledgment thereof by the person giving such encumbrance that there is such encumbrance, is filed for recording in the Plant Variety Protection Office within one month from its date or at least one month prior to the date of such subsequent purchase or mortgage.

Sec. 102. Ownership During Testing.

An owner who, with notice that release is for testing only, releases possession of seed or other sexually reproducible plant material for testing retains ownership with respect thereto; and any diversion from authorized testing, or any unauthorized retention, of such material by anyone who has knowledge that it is under such notice, or who is chargeable with notice, is prohibited, and violates the property rights of the owner. Anyone receiving the material tagged or labeled with the notice is chargeable with the notice. The owner is entitled to remedy and redress in a civil action hereunder. No remedy available by State or local law is hereby excluded. No such notice shall be used, or if used be effective, when the owner has made identical sexually reproducible plant material available to the public, as by sale thereof.

Chapter 11.—INFRINGEMENT OF PLANT VARIETY PROTECTION

Sec. 111. Infringement of Plant Variety Protection.

Except as otherwise provided in this title, it shall be an infringement of the rights of the owner of a novel variety to perform without authority, any of the following acts in the United States, or in commerce which can be regulated by Congress or affecting such commerce, prior to expiration of the right to plant variety protection but after either the issue of the certificate or the distribution of a novel plant variety with the notice under section 127:

(1) sell the novel variety, or offer it or expose it for sale, deliver it, ship it, consign it, exchange it, or solicit an offer to buy it, or any other transfer of title or possession of it;

(2) import the novel variety into, or export it from, the United States;

- (3) sexually multiply the novel variety as a step in marketing (for growing purposes) the variety; or
- (4) use the novel variety in producing (as distinguished from developing) a hybrid or different variety therefrom; or
- (5) use seed which had been marked "propagation prohibited" or progeny thereof to propagate the novel variety; or
- (6) dispense the novel variety to another, in a form which can be propagated, without notice as to being a protected variety under which it was received; or
- (7) perform any of the foregoing acts even in instances in which the novel variety is multiplied other than sexually, except in pursuance of a valid United States plant patent; or
- (8) instigate or actively induce performance of any of the foregoing acts.

Sec. 112. Grandfather Clause.

Nothing in this Act shall abridge the right of any person, or his successor in interest, to reproduce or sell a variety developed and produced by such person more than one year prior to the effective filing date of an adverse application for a certificate of plant variety protection.

Sec. 113. Right To Save Seed; Crop Exemption.

Except to the extent that such action may constitute an infringement under subsections (3) and (4) of section 111, it shall not infringe any right hereunder for a person to save seed produced by him from seed obtained, or descended from seed obtained, by authority of the owner of the variety for seeding purposes and use such saved seed in the production of a crop for use on his farm, or for sale as provided in this section: *Provided*, That without regard to the provisions of section 111(3) it shall not infringe any right hereunder for a person, whose primary farming occupation is the growing of crops for sale for other than reproductive purposes, to sell such saved seed to other persons so engaged, for reproductive purposes, provided such sale is in compliance with such State laws governing the sale of seed as may be applicable. A bona fide sale for other than reproductive purposes, made in channels usual for such other purposes, of seed produced on a farm either from seed obtained by authority of the owner for seeding purposes or from seed produced by descent on such farm from seed obtained by authority of the owner for seeding purposes shall not constitute an infringement. A purchaser who diverts seed from such channels to seeding purposes shall be deemed to have notice under section 127 that his actions constitute an infringement.

Sec. 114. Research Exemption.

The use and reproduction of a protected variety for plant breeding or other bona fide research shall not constitute an infringement of the protection provided under this Act.

Sec. 115. Intermediary Exemption.

Transportation or delivery by a carrier in the ordinary course of its business as a carrier, or advertising by a person in the advertising business in the ordinary course of that business, shall not constitute an infringement of the protection provided under this Act.

Chapter 12.—REMEDIES FOR INFRINGEMENT OF PLANT VARIETY PROTECTION, AND OTHER ACTIONS

Sec. 121. Remedy for Infringement of Plant Variety Protection.

An owner shall have remedy by civil action for infringement of his plant variety protection under section 111. If a variety is sold under the name of a variety shown in a certificate, there is a prima facie presumption that it is the same variety.

Sec. 122. Presumption of Validity; Defenses.

(a) Certificates of plant variety protection shall be presumed valid. The burden of establishing invalidity of a plant variety protection shall rest on the party asserting invalidity.

(b) The following shall be defenses in any action charging infringement and shall be pleaded: (1) noninfringement, absence of liability for infringement, or unenforceability; (2) invalidity of the plant variety protection in suit on any ground specified in section 42 of this title as a condition for protectability; (3) invalidity of the plant variety protection in suit for failure to comply with any requirement of section 52; (4) that the asserted infringement was performed under an existing certificate adverse to that asserted and prior to notice of the infringement; and (5) any other fact or act made a defense by this Act.

Sec. 123. Injunction.

The several courts having jurisdiction of cases under this title may grant injunctions in accordance with the principles of equity to prevent the violation of any right hereunder on such terms as the court deems reasonable.

Sec. 124. Damages.

(a) Upon finding an infringement the court shall award damages adequate to compensate for the infringement but in no event less than a reasonable royalty for the use made of the variety by the infringer, together with interest and costs as fixed by the court.

(b) When the damages are not determined by the jury, the court shall determine them. In either event the court may increase the damages up to three times the amount determined.

(c) The court may receive expert testimony as an aid to the determination of damages or of what royalty would be reasonable under the circumstances.

(d) As to infringement prior to, or resulting from a planting prior to, issuance of a certificate for the infringed variety, a court finding the infringer to have established innocent intentions, shall have discretion as to awarding damages.

Sec. 125. Attorney Fees.

The court in exceptional cases may award reasonable attorney fees to the prevailing party.

Sec. 126. Time Limitation on Damages.

(a) No recovery shall be had for that part of any infringement committed more than six years (or known to the owner more than one year) prior to the filing of the complaint or counterclaim for infringement in the action.

(b) In the case of claims against the United States Government for unauthorized use of a protected variety, the period between the date of receipt of written claim for compensation by the department or agency of the Government having authority to settle such claim, and the date of mailing by the Government of a notice to the claimant that his claim has been denied shall not be counted as part of the period referred to in the preceding paragraph.

Sec. 127. Limitation of Damages; Marking and Notice.

Owners may give notice to the public by physically associating with or affixing to the container of seed of a novel variety or by fixing to the novel variety, a label containing the words "Propagation Prohibited" and after the certificate issues, such additional words as "U.S. Protected Variety". In the event the novel variety is distributed by authorization of the owner and is received by the infringer without such marking, no damages shall be recovered against such infringer by the owner in any action for infringement, unless the infringer has actual notice or knowledge that propagation is prohibited or that the variety is a protected variety, in which event damages may be recovered only for infringement occurring after such notice. As to both damages and injunction, a court shall have discretion to be lenient as to disposal of materials acquired in good faith by acts prior to such notice.

Sec. 128. False Marking; Cease and Desist Orders.

(a) Each of the following acts, if performed in connection with the sale, offering for sale, or advertising of sexually reproducible plant material, is prohibited, and the Secretary may, if he determines after an opportunity for hearing that the act is being so performed, issue an order to cease and desist, said order being binding unless appealed under section 71:

(1) Use of the words "U.S. Protected Variety" or any word or number importing that the material is a variety protected under certificate, when it is not.

(2) Use of any wording importing that the material is a variety for which an application for plant variety protection is pending, when it is not.

(3) Use of the phrase "propagation prohibited" or similar phrase without reasonable basis, a statement of this basis being promptly filed with the Secretary if the phrase is used beyond testing and no application has been filed. Any reasonable basis expires one year after the first sale of the variety except as justified thereafter by a pending application or a certificate still in force.

(b) Anyone convicted of violating a binding cease and desist order, or of performing any act prohibited in subsection (a) of this section for the purpose of deceiving the public, shall be fined not more than \$10,000 and not less than \$500.

(c) Anyone whose business is damaged or is likely to be damaged by an act prohibited in subsection (a) of this section, or is subjected to competition in connection with which such act is performed, may have remedy by civil action.

Sec. 129. Nonresident Proprietors; Service and Notice.

Every owner not residing in the United States may file in the Plant Variety Protection Office a written designation stating the name and address of a person residing within the United States on whom may be served process or notice of proceedings affecting the plant variety protection or rights thereunder. If the person designated cannot be found at the address given in the last designation, or if no person has been designated, the United States District Court for the District of Columbia shall have jurisdiction and summons shall be served by publication or otherwise as the court directs. The court shall have the same jurisdiction to take any action respecting the plant variety protection, or rights thereunder that it would have if the owner were personally within the jurisdiction of the court.

Chapter 13.—INTENT AND SEVERABILITY

Sec. 131. Intent.

It is the intent of Congress to provide the indicated protection for new varieties by exercise of any constitutional power needed for that end, so as to afford adequate encouragement for research, and for marketing when appropriate, to yield for the public the benefits of new varieties. Constitutional clauses 3 and 8 of article I, section 8 are both relied upon.

USC prec. title 1.

Sec. 132. Severability.

If this Act is held unconstitutional as to some provisions or circumstances, it shall remain in force as to the remaining provisions and other circumstances.

Chapter 14.—TEMPORARY PROVISION AND RELATED ENACTMENTS; EXEMPTED PLANTS; MISCELLANEOUS

Sec. 141. Effective Date.

This Act shall take effect upon enactment. Applications may be filed with the Secretary and held by him until the Office of Plant Variety Protection is organized and in operation.

Sec. 142. Amendment of Federal Seed Act.

7 USC 1551.

The Federal Seed Act (53 Stat. 1275) is amended as follows:

(a) By adding at the end thereof:

“TITLE V—SALE OF UNCERTIFIED SEED OF PROTECTED VARIETY

“Section 501.

“(a) It shall be unlawful in the United States or in interstate or foreign commerce to sell by variety name seed not certified by an official seed certifying agency when it is a variety for which a certificate of plant variety protection under the Plant Variety Protection Act specifies sale only as a class of certified seed: *Provided*, That seed from a certified lot may be labeled as to variety name when used in a mixture by, or with the approval of, the owner of the variety.”

Protected variety, seed certification, limitation.
83 Stat. 134.
7 USC 1562.

(b) By adding at the end of section 102 the following wording: “Seed of a variety for which a certificate of plant variety protection under the Plant Variety Protection Act specifies sale only as a class of certified seed shall be certified only when

“(1) the basic seed from which the variety was produced was furnished by authority of the owner of the variety if the certification is made during the term of protection, and

“(2) it conforms to the number of generations designated by the certificate, if the certificate contains such a designation.”

Sec. 143. Amendment of Judicial Code.

62 Stat. 869.

Title 28 of the United States Code, entitled Judicial Code and Judiciary, is amended as follows:

80 Stat. 901.

(a) After section 1544 add:

“Sec. 1545. Decision of the Plant Variety Protection Office.

“The Court of Customs and Patent Appeals shall have nonexclusive jurisdiction of appeals under section 71 of the Plant Variety Protection Act.”

(b) In section 1338 after "Patents" in the heading, after "patents" and after "patent" (both occurrences) insert ", plant variety protection".

62 Stat. 931.

(c) After section 2351 add:

80 Stat. 624.

"2353. The Court of appeals has nonexclusive jurisdiction to hear appeals under section 71 of the Plant Variety Protection Act."

(d) In section 1498 add the following new subsection:

"(d) Hereafter, whenever a plant variety protected by a certificate of plant variety protection under the laws of the United States shall be infringed by the United States, by a corporation owned or controlled by the United States, or by a contractor, subcontractor, or any person, firm, or corporation acting for the Government and with the authorization and consent of the Government, the exclusive remedy of the owner of such certificate shall be by action against the United States in the Court of Claims for the recovery of his reasonable and entire compensation as damages for such infringement: *Provided*, That a Government employee shall have a right of action against the Government under this subsection except where he was in a position to order, influence, or induce use of the protected plant variety by the Government: *Provided, however*, That this subsection shall not confer a right of action on any certificate owner or any assignee of such owner with respect to any protected plant variety made by a person while in the employment or service of the United States, where such variety was prepared as a part of the official functions of the employee, or in the preparation of which Government time, material, or facilities were used: *And provided further*, That before such action against the United States has been instituted, the appropriate corporation owned or controlled by the United States or the head of the appropriate agency of the Government, as the case may be, is authorized to enter into an agreement with the certificate owner in full settlement and compromise, for the damages accrued to him by reason of such infringement and to settle the claim administratively out of available appropriations."

Actions against
U.S.; Court of
Claims.

62 Stat. 941;
74 Stat. 855.

Sec. 144. Exempted Plants.

The provisions of this Act shall not apply to the seeds, plants, or transplants of okra, celery, peppers, tomatoes, carrots, and cucumbers.

Sec. 145. Short Title.

This Act may be cited as the "Plant Variety Protection Act".

Approved December 24, 1970.

Public Law 91-578

AN ACT

To amend section 2 of the Act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands.

December 24, 1970
[S. 3479]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act of June 30, 1954 (68 Stat. 330), as amended, is amended by deleting "for fiscal year 1969, \$5,000,000 in addition to the sums heretofore appropriated, for fiscal year 1970, \$50,000,000 and for the fiscal year 1971, \$50,000,000" and inserting in lieu thereof the following: "for each of the fiscal years 1971, 1972, and 1973, \$60,000,000".

Approved December 24, 1970.

Pacific Trust
Territory, civil
government.
Appropriation.
82 Stat. 1213.
48 USC 1681
note.

Public Law 91-579

AN ACT

December 24, 1970
[H. R. 19846]

To amend the Act of August 24, 1966, relating to the care of certain animals used for purposes of research, experimentation, exhibition, or held for sale as pets.

Animal Welfare
Act of 1970.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Animal Welfare Act of 1970".

7 USC 2131.

SEC. 2. The first section of the Act of August 24, 1966 (Public Law 89-544; 80 Stat. 350), as amended, is amended to read as follows: "That, in order to protect the owners of animals, from the theft of their animals, to prevent the sale or use of animals which have been stolen, and to insure that certain animals intended for use in research facilities or for exhibition purposes or for use as pets are provided humane care and treatment, it is essential to regulate the transportation, purchase, sale, housing, care, handling, and treatment of such animals by persons or organizations engaged in using them for research or experimental purposes or for exhibition purposes or holding them for sale as pets or in transporting, buying, or selling them for any such purpose or use."

7 USC 2132.

SEC. 3. Section 2 of such Act is amended—

(1) in subsection (b) by striking the semicolon after the word "Agriculture" and inserting the following: "of the United States or his representative who shall be an employee of the United States Department of Agriculture;";

(2) in subsection (c) by striking the words "commerce between any State," and inserting in lieu thereof the words "trade, traffic, commerce, transportation among the several States, or between any State;";

(3) by striking subsections (d), (e), (f), (g), and (h) and inserting in lieu thereof the following:

"Affecting
commerce."

"(d) The term 'affecting commerce' means in commerce or burdening or obstructing or substantially affecting commerce or the free flow of commerce, or having led or tending to lead to the inhumane care of animals used or intended for use for purposes of research, experimentation, exhibition, or held for sale as pets, by burdening or obstructing or substantially affecting commerce or the free flow of commerce;

"Research
facility."

"(e) The term 'research facility' means any school (except an elementary or secondary school), institution, organization, or person that uses or intends to use live animals in research, tests, or experiments, and that (1) purchases or transports live animals affecting commerce, or (2) receives funds under a grant, award, loan, or contract from a department, agency, or instrumentality of the United States for the purpose of carrying out research, tests, or experiments: *Provided*, That the Secretary may exempt, by regulation, any such school, institution, organization, or person that does not use or intend to use live dogs or cats, except those schools, institutions, organizations, or persons, which use substantial numbers (as determined by the Secretary) of live animals the principal function of which schools, institutions, organizations, or persons, is biomedical research or testing, when in the judgment of the Secretary, any such exemption does not vitiate the purpose of this Act;

"Dealer."

"(f) The term 'dealer' means any person who for compensation or profit delivers for transportation, or transports, except as a common carrier, buys, or sells any animals whether alive or dead, affecting commerce, for research or teaching purposes or for exhibition purposes or for use as pets, but such term excludes any retail pet store except such

store which sells any animals to a research facility, an exhibitor, or a dealer;

“(g) The term ‘animal’ means any live or dead dog, cat, monkey (nonhuman primate mammal), guinea pig, hamster, rabbit, or such other warm-blooded animal, as the Secretary may determine is being used, or is intended for use, for research, testing, experimentation, or exhibition purposes, or as a pet; but such term excludes horses not used for research purposes and other farm animals, such as, but not limited to livestock or poultry, used or intended for use as food or fiber, or livestock or poultry used or intended for use for improving animal nutrition, breeding, management, or production efficiency, or for improving the quality of food or fiber; and

“(h) The term ‘exhibitor’ means any person (public or private) exhibiting any animals, which were purchased in commerce or the intended distribution of which affects commerce, or will affect commerce, to the public for compensation, as determined by the Secretary, and such term includes carnivals, circuses, and zoos exhibiting such animals whether operated for profit or not; but such term excludes retail pet stores, organizations sponsoring and all persons participating in State and country fairs, livestock shows, rodeos, purebred dog and cat shows, and any other fairs or exhibitions intended to advance agricultural arts and sciences, as may be determined by the Secretary.”

SEC. 4. Section 3 of such Act is amended—

(1) in the first sentence thereof after the words “licenses to dealers” by inserting the words “and exhibitors”;

(2) in the first proviso thereof after the words “until the dealer” by inserting the words “or exhibitor”;

(3) in the second proviso thereof after the words “That any” by inserting the words “retail pet store or other”;

(4) in the second proviso thereof after the words “as a dealer” insert the words “or exhibitor”; and

(5) in the last sentence thereof after the words “as dealers” each time such words appear, insert the words “or exhibitors”.

SEC. 5. Section 4 of such Act is amended to read as follows:

“SEC. 4. No dealer or exhibitor shall sell or offer to sell or transport or offer for transportation, affecting commerce, to any research facility or for exhibition or for use as a pet any animal, or buy, sell, offer to buy or sell, transport or offer for transportation, affecting commerce, to or from another dealer or exhibitor under this Act any animal, unless and until such dealer or exhibitor shall have obtained a license from the Secretary and such license shall not have been suspended or revoked.”

SEC. 6. Section 5 of such Act is amended—

(1) by inserting after the words “No dealer” the words “or exhibitor”; and

(2) by inserting before the period at the end thereof the proviso “: *Provided*, That operators of auction sales subject to section 12 of this Act shall not be required to comply with the provisions of this section”.

SEC. 7. Section 6 of such Act is amended by inserting after the words “research facility” the words “and every exhibitor not licensed under section 3 of this Act”.

SEC. 8. Section 7 of such Act is amended—

(1) by inserting between the words “except” and “a person” the words “an operator of an auction sale subject to section 12 of this Act or”; and

“Animal.”

“Exhibitor.”

Licenses,
dealers and ex-
hibitors.
80 Stat. 351.
7 USC 2133.

7 USC 2134.

7 USC 2135.

Post, p. 1562.

Registration.
7 USC 2136.

Supra.
Purchase re-
strictions.
7 USC 2137.

(2) by inserting between the words “as a dealer” and “issued” the words “or exhibitor”.

U.S. agencies,
transactions.
80 Stat. 351.
7 USC 2138.

SEC. 9. Section 8 of such Act is amended—

(1) by inserting after the words “or experimentation” the words “or exhibition”;

Infra.

(2) by inserting between the words “except” and “a person” the words “an operator of an auction sale subject to section 12 of this Act or”; and

(3) by inserting between the words “as a dealer” and “issued” the words “or exhibitor”.

Enforcement.
7 USC 2139.

SEC. 10. Section 9 of such Act is amended to read as follows:

“SEC. 9. When construing or enforcing the provisions of this Act, the act, omission, or failure of any person acting for or employed by a research facility, a dealer, or an exhibitor or a person licensed as a dealer or an exhibitor pursuant to the second sentence of section 3, or an operator of an auction sale subject to section 12 of this Act, within the scope of his employment or office, shall be deemed the act, omission, or failure of such research facility, dealer, exhibitor, licensee, or an operator of an auction sale as well as of such person.”

Ante, p. 1561.

Recordkeeping.
7 USC 2140.

SEC. 11. Section 10 of such Act is amended to read as follows:

“SEC. 10. Dealers and exhibitors shall make and retain for such reasonable period of time as the Secretary may prescribe, such records with respect to the purchase, sale, transportation, identification, and previous ownership of animals as the Secretary may prescribe, upon forms supplied by the Secretary. Research facilities shall make and retain such records only with respect to the purchase, sale, transportation, identification, and previous ownership of live dogs and cats. Such records shall be made available at all reasonable times for inspection and copying by the Secretary.”

Identification.
7 USC 2141.

SEC. 12. Section 11 of such Act is amended—

(1) by striking the words “dogs and cats” and inserting in lieu thereof the word “animals”;

(2) by striking the words “in commerce by any dealer” and inserting in lieu thereof the words “, affecting commerce, by a dealer or exhibitor”; and

(3) by striking the period at the end thereof and inserting the following: “: *Provided*. That only live dogs and cats need be so marked or identified by a research facility.”

Humane stand-
ards, auction
sales.

7 USC 2142.

SEC. 13. Section 12 of such Act is amended to read as follows:

“SEC. 12. The Secretary is authorized to promulgate humane standards and recordkeeping requirements governing the purchase, handling, or sale of animals, affecting commerce, by dealers, research facilities, and exhibitors at auction sales and by the operators of such auction sales. The Secretary is also authorized to require the licensing of operators of auction sales where any dogs or cats are sold, affecting commerce, under such conditions as he may prescribe, and upon payment of such fee as prescribed by the Secretary under section 23 of this Act.”

7 USC 2153.

Humane stand-
ards, promulgation.
7 USC 2143.

SEC. 14. Section 13 of such Act is amended to read as follows:

“SEC. 13. The Secretary shall promulgate standards to govern the humane handling, care, treatment, and transportation of animals by dealers, research facilities, and exhibitors. Such standards shall include minimum requirements with respect to handling, housing, feeding, watering, sanitation, ventilation, shelter from extremes of weather and temperatures, adequate veterinary care, including the appropriate use of anesthetic, analgesic or tranquilizing drugs, when such use would be proper in the opinion of the attending veterinarian

of such research facilities, and separation by species when the Secretary finds such separation necessary for the humane handling, care, or treatment of animals. In promulgating and enforcing standards established pursuant to this section, the Secretary is authorized and directed to consult experts, including outside consultants where indicated. Nothing in this Act shall be construed as authorizing the Secretary to promulgate rules, regulations, or orders with regard to design, outlines, guidelines, or performance of actual research or experimentation by a research facility as determined by such research facility: *Provided*, That the Secretary shall require, at least annually, every research facility to show that professionally acceptable standards governing the care, treatment, and use of animals, including appropriate use of anesthetic, analgesic, and tranquilizing drugs, during experimentation are being followed by the research facility during actual research or experimentation."

Experts and consultants.

Annual report.

SEC. 15. Section 14 of such Act is amended by adding at the end thereof the following new sentence: "Any department, agency, or instrumentality of the United States exhibiting animals shall comply with the standards promulgated by the Secretary under section 13."

80 Stat. 352.
7 USC 2144.

Ante, p. 1562.
7 USC 2145.

SEC. 16. Section 15 of such Act is amended—

(1) in subsection (a) by striking the words "or experimentation" and inserting in lieu thereof the words ", experimentation or exhibition"; and

(2) in subsection (b) by striking the word "effectuating" and inserting in lieu thereof the words "carrying out".

Inspections.
7 USC 2146.

SEC. 17. Section 16 of such Act is amended to read as follows:

"SEC. 16. (a) The Secretary shall make such investigations or inspections as he deems necessary to determine whether any dealer, exhibitor, research facility, or operator of an auction sale subject to section 12 of this Act, has violated or is violating any provision of this Act or any regulation or standard issued thereunder, and for such purposes, the Secretary shall, at all reasonable times, have access to the places of business and the facilities, animals, and those records required to be kept pursuant to section 10 of any such dealer, exhibitor, research facility, or operator of an auction sale. The Secretary shall promulgate such rules and regulations as he deems necessary to permit inspectors to confiscate or destroy in a humane manner any animal found to be suffering as a result of a failure to comply with any provision of this Act or any regulation or standard issued thereunder if (1) such animal is held by a dealer, (2) such animal is held by an exhibitor, (3) such animal is held by a research facility and is no longer required by such research facility to carry out the research, test, or experiment for which such animal has been utilized, or (4) such animal is held by an operator of an auction sale.

Regulations.

"(b) Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of his official duties under this Act shall be fined not more than \$5,000, or imprisoned not more than three years, or both. Whoever, in the commission of such acts, uses a deadly or dangerous weapon shall be fined not more than \$10,000, or imprisoned not more than ten years, or both. Whoever kills any person while engaged in or on account of the performance of his official duties under this Act shall be punished as provided under sections 1111 and 1114 of title 18, United States Code.

Penalties.

"(c) For the efficient administration and enforcement of this Act, the provisions (including penalties) of sections 6, 8, 9, and 10 of the Act entitled "An Act to create a Federal Trade Commission, to define

62 Stat. 756.
65 Stat. 721;
76 Stat. 132.

its powers and duties, and for other purposes," approved September 26, 1914 (38 Stat. 721-723, as amended; 15 U.S.C. 46, 48, 49, and 50) (except paragraph (c) through (h) of section 6 and the last paragraph of section 9), and the provisions of Title II of the "Organized Crime Control Act of 1970" (62 Stat. 856; 18 U.S.C. 6001 et seq.), are made applicable to the jurisdiction, powers, and duties of the Secretary in administering and enforcing the provisions of this Act and to any person, firm, or corporation with respect to whom such authority is exercised. The Secretary may prosecute any inquiry necessary to his duties under this Act in any part of the United States, including any territory, or possession thereof, the District of Columbia, or the Commonwealth of Puerto Rico. The powers conferred by said sections 9 and 10 of the Act of September 26, 1914, as amended, on the district courts of the United States may be exercised for the purposes of this Act by any district court of the United States. The United States district courts, the District Court of Guam, the District Court of the Virgin Islands, the highest court of American Samoa, and the United States courts of the other territories, are vested with jurisdiction specifically to enforce, and to prevent and restrain violations of this Act, and shall have jurisdiction in all other kinds of cases arising under this Act, except as provided in sections 19(b) and 20(b) of this Act."

Ante, p. 929.
Ante, p. 926.

Jurisdiction.

Infra,
Post, p. 1565.
80 Stat. 352.
7 USC 2147.

Ante, p. 1562.
Repeal.

Dealer license
suspension.
7 USC 2149.

SEC. 18. Section 17 of such Act is amended by striking the phrase "issue rules and regulations requiring licensed dealers and research facilities" and inserting in lieu thereof the phrase "promulgate rules and regulations requiring dealers, exhibitors, research facilities, and operators of auction sales subject to section 12 of this Act".

SEC. 19. Section 18 of such Act is repealed.

SEC. 20. Section 19 of such Act is amended to read as follows:

"SEC. 19. (a) If the Secretary has reason to believe that any dealer, exhibitor, or operator of an auction sale subject to section 12 of this Act, has violated or is violating any provisions of this Act, or any of the rules or regulations or standards promulgated by the Secretary hereunder, he may make an order that such person shall cease and desist from continuing such violation, and if such person is licensed under this Act, the Secretary may also suspend such person's license temporarily, but not to exceed twenty-one days, and after notice and opportunity for hearing, may suspend for such additional period as he may specify, or revoke such license, if such violation is determined to have occurred. Any dealer, exhibitor, or operator of an auction sale subject to section 12 of this Act, who knowingly fails to obey a cease and desist order made by the Secretary under this section, shall be subject to a civil penalty of \$500 for each offense, and each day during which such failure continues, shall be deemed a separate offense.

Judicial review.

"(b) Any dealer, exhibitor, or operator of an auction sale aggrieved by a final order of the Secretary issued pursuant to subsection (a) of this section may, within sixty days after entry of such an order, seek review of such order in the United States court of appeals for the circuit in which such person has his principal place of business, or in the United States Court of Appeals for the District of Columbia Circuit, in accordance with the provisions of sections 701-706 of title 5, United States Code. Judicial review of any such order shall be upon the record upon which the final determination and order of the Secretary were based.

80 Stat. 392.

Penalty.

"(c) Any dealer, exhibitor, or operator of an auction sale subject to section 12 of this Act, who violates any provision of this Act shall, on

conviction thereof, be subject to imprisonment for not more than one year, or a fine of not more than \$1,000, or both."

SEC. 21. Section 20 of such Act is amended—

(1) in subsection (a) by striking the words "rules or regulations" and inserting in lieu thereof the words "rules, regulations, or standards"; and

(2) by amending subsection (b) to read as follows:

"(b) Any research facility aggrieved by a final order of the Secretary, issued pursuant to subsection (a) of this Act, may within sixty days after entry of such order, seek review of such order in the United States court of appeals for the circuit in which such research facility has its principal place of business, or in the United States Court of Appeals for the District of Columbia Circuit, in accordance with the provisions of sections 701-706 of title 5, United States Code. Judicial review of any such order shall be upon the record upon which the final determination and order of the Secretary were based."

SEC. 22. Such Act is further amended by adding at the end thereof the following new section:

"SEC. 25. Not later than March of each year following the enactment of the "Animal Welfare Act of 1970", the Secretary shall submit to the President of the Senate and the Speaker of the House of Representatives a comprehensive and detailed written report with respect to—

"(1) the identification of all research facilities, exhibitors, and other persons and establishments licensed by the Secretary under section 3 and section 12 of this Act;

"(2) the nature and place of all investigations and inspections conducted by the Secretary under section 16 of this Act, and all reports received by the Secretary under section 13 of this Act; and

"(3) recommendations for legislation to improve the administration of this Act or any provisions thereof.

This report as well as any supporting documents, data, or findings shall not be released to any other persons, non-Federal agencies, or organizations unless and until it has been made public by an appropriate committee of the Senate or the House of Representatives."

SEC. 23. The amendments made by this Act shall take effect one year after the date of enactment of this Act, except for the amendments to sections 16, 17, 19, and 20 of the Act of August 24, 1966, which shall become effective thirty days after the date of enactment of this Act.

Approved December 24, 1970.

Research facilities, violations.
80 Stat. 353.
7 USC 2150.

Judicial review.

80 Stat. 392.

Report to President of the Senate and Speaker of the House.

Ante, pp. 1561, 1562.

Effective dates.

Ante, pp. 1563, 1564.

Public Law 91-580

AN ACT

December 24, 1970
[S. 4557]

To amend Public Law 91-273 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101 (b) of Public Law 91-273 is hereby amended by adding at the end thereof:

"(9) Project 71-9, fire, safety, and adequacy of operating conditions projects, various locations, \$25,500,000."

SEC. 2. Section 102 (a) of Public Law 91-273 is amended by striking "and" after "(3)," and by inserting "and (9)" after "(4)".

Approved December 24, 1970.

Atomic Energy Commission.
Ante, p. 299.

Public Law 91-581

AN ACT

December 24, 1970

[S. 368]

To authorize the Secretary of the Interior to make disposition of geothermal steam and associated geothermal resources, and for other purposes.

Geothermal
Steam Act of 1970.

Definitions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Geothermal Steam Act of 1970".

SEC. 2. As used in this Act, the term—

(a) "Secretary" means the Secretary of the Interior;

(b) "geothermal lease" means a lease issued under authority of this Act;

(c) "geothermal steam and associated geothermal resources" means (i) all products of geothermal processes, embracing indigenous steam, hot water and hot brines; (ii) steam and other gases, hot water and hot brines resulting from water, gas, or other fluids artificially introduced into geothermal formations; (iii) heat or other associated energy found in geothermal formations; and (iv) any byproduct derived from them;

(d) "byproduct" means any mineral or minerals (exclusive of oil, hydrocarbon gas, and helium) which are found in solution or in association with geothermal steam and which have a value of less than 75 per centum of the value of the geothermal steam or are not, because of quantity, quality, or technical difficulties in extraction and production, of sufficient value to warrant extraction and production by themselves;

(e) "known geothermal resources area" means an area in which the geology, nearby discoveries, competitive interests, or other indicia would, in the opinion of the Secretary, engender a belief in men who are experienced in the subject matter that the prospects for extraction of geothermal steam or associated geothermal resources are good enough to warrant expenditures of money for that purpose.

Leases.

SEC. 3. To the provisions of section 15 of this Act, the Secretary of the Interior may issue leases for the development and utilization of geothermal steam and associated geothermal resources (1) in lands administered by him, including public, withdrawn, and acquired lands, (2) in any national forest or other lands administered by the Department of Agriculture through the Forest Service, including public, withdrawn, and acquired lands, and (3) in lands which have been conveyed by the United States subject to a reservation to the United States of the geothermal steam and associated geothermal resources therein.

Bids.

SEC. 4. If lands to be leased under this Act are within any known geothermal resources area, they shall be leased to the highest responsible qualified bidder by competitive bidding under regulations formulated by the Secretary. If the lands to be leased are not within any known geothermal resources area, the qualified person first making application for the lease shall be entitled to a lease of such lands without competitive bidding. Notwithstanding the foregoing, at any time within one hundred and eighty days following the effective date of this Act:

Conversion.

(a) with respect to all lands which were on September 7, 1965, subject to valid leases or permits issued under the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 181 et seq.), or under the Mineral Leasing Act of Acquired Lands, as amended (30 U.S.C. 351, 358), or to existing mining claims located on or prior to September 7, 1965, the lessees or permittees or claimants or their successors in interest who are qualified to hold geothermal

41 Stat. 437.

61 Stat. 913.

leases shall have the right to convert such leases or permits or claims to geothermal leases covering the same lands;

(b) where there are conflicting claims, leases, or permits therefor embracing the same land, the person who first was issued a lease or permit, or who first recorded the mining claim shall be entitled to first consideration;

(c) with respect to all lands which were on September 7, 1965, the subject of applications for leases or permits under the above Acts, the applicants may convert their applications to applications for geothermal leases having priorities dating from the time of filing of such applications under such Acts;

(d) no person shall be permitted to convert mineral leases, permits, applications therefor, or mining claims for more than 10,240 acres; and

Acreage limitation.

(e) the conversion of leases, permits, and mining claims and applications for leases and permits shall be accomplished in accordance with regulations prescribed by the Secretary. No right to conversion to a geothermal lease shall accrue to any person under this section unless such person shows to the reasonable satisfaction of the Secretary that substantial expenditures for the exploration, development, or production of geothermal steam have been made by the applicant who is seeking conversion, on the lands for which a lease is sought or on adjoining, adjacent, or nearby Federal or non-Federal lands.

(f) with respect to lands within any known geothermal resources area and which are subject to a right to conversion to a geothermal lease, such lands shall be leased by competitive bidding: *Provided*, That, the competitive geothermal lease shall be issued to the person owning the right to conversion to a geothermal lease if he makes payment of an amount equal to the highest bona fide bid for the competitive geothermal lease, plus the rental for the first year, within thirty days after he receives written notice from the Secretary of the amount of the highest bid.

SEC. 5. Geothermal leases shall provide for—

(a) a royalty of not less than 10 per centum or more than 15 per centum of the amount or value of steam, or any other form of heat or energy derived from production under the lease and sold or utilized by the lessee or reasonably susceptible to sale or utilization by the lessee;

Lease provisions.
Royalties.

(b) a royalty of not more than 5 per centum of the value of any byproduct derived from production under the lease and sold or utilized or reasonably susceptible of sale or utilization by the lessee, except that as to any byproduct which is a mineral named in section 1 of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 181), the rate of royalty for such mineral shall be the same as that provided in that Act and the maximum rate of royalty for such mineral shall not exceed the maximum royalty applicable under that Act;

41 Stat. 437.

(c) payment in advance of an annual rental of not less than \$1 per acre or fraction thereof for each year of the lease. If there is no well on the leased lands capable of producing geothermal resources in commercial quantities, the failure to pay rental on or before the anniversary date shall terminate the lease by operation of law: *Provided, however*, That whenever the Secretary discovers that the rental payment due under a lease is paid timely but the amount of the payment is deficient because of an error or other reason and the deficiency is nominal, as determined by the Secretary pursuant to regulations prescribed by him, he shall notify the lessee of the deficiency and such lease shall not automatically terminate unless

Rent.

the lessee fails to pay the deficiency within the period prescribed in the notice: *Provided further*, That, where any lease has been terminated automatically by operation of law under this section for failure to pay rental timely and it is shown to the satisfaction of the Secretary of the Interior that the failure to pay timely the lease rental was justifiable or not due to a lack of reasonable diligence, he in his judgment may reinstate the lease if—

(1) a petition for reinstatement, together with the required rental, is filed with the Secretary of the Interior; and

(2) no valid lease has been issued affecting any of the lands in the terminated lease prior to the filing of the petition for reinstatement; and

(d) a minimum royalty of \$2 per acre or fraction thereof in lieu of rental payable at the expiration of each lease year for each producing lease, commencing with the lease year beginning on or after the commencement of production in commercial quantities. For the purpose of determining royalties hereunder the value of any geothermal steam and byproduct used by the lessee and not sold and reasonably susceptible of sale shall be determined by the Secretary, who shall take into consideration the cost of exploration and production and the economic value of the resource in terms of its ultimate utilization.

Term.

SEC. 6. (a) Geothermal leases shall be for a primary term of ten years. If geothermal steam is produced or utilized in commercial quantities within this term, such lease shall continue for so long thereafter as geothermal steam is produced or utilized in commercial quantities, but such continuation shall not exceed an additional forty years.

Limitation.
Renewal.

(b) If, at the end of such forty years, steam is produced or utilized in commercial quantities and the lands are not needed for other purposes, the lessee shall have a preferential right to a renewal of such lease for a second forty-year term in accordance with such terms and conditions as the Secretary deems appropriate.

Extension.

(c) Any lease for land on which, or for which under an approved cooperative or unit plan of development or operation, actual drilling operations were commenced prior to the end of its primary term and are being diligently prosecuted at that time shall be extended for five years and so long thereafter, but not more than thirty-five years, as geothermal steam is produced or utilized in commercial quantities. If, at the end of such extended term, steam is being produced or utilized in commercial quantities and the lands are not needed for other purposes, the lessee shall have a preferential right to a renewal of such lease for a second term in accordance with such terms and conditions as the Secretary deems appropriate.

(d) For purposes of subsection (a) of this section, production or utilization of geothermal steam in commercial quantities shall be deemed to include the completion of one or more wells producing or capable of producing geothermal steam in commercial quantities and a bona fide sale of such geothermal steam for delivery to or utilization by a facility or facilities not yet installed but scheduled for installation not later than fifteen years from the date of commencement of the primary term of the lease.

(e) Leases which have extended by reasons of production, or which have produced geothermal steam, and have been determined by the Secretary to be incapable of further commercial production and utilization of geothermal steam may be further extended for a period of not more than five years from the date of such determination but only for so long as one or more valuable byproducts are produced in commercial quantities. If such byproducts are leasable under the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 181, et seq.), or under the Mineral Leasing Act for Acquired Lands (30 U.S.C.

351-358), and the leasehold is primarily valuable for the production thereof, the lessee shall be entitled to convert his geothermal lease to a mineral lease under, and subject to all the terms and conditions of, such appropriate Act upon application at any time before expiration of the lease extension by reason of byproduct production. The lessee shall be entitled to locate under the mining laws all minerals which are not leasable and which would constitute a byproduct if commercial production or utilization of geothermal steam continued. The lessee in order to acquire the rights herein granted him shall complete the location of mineral claims within ninety days after the termination of the lease for geothermal steam. Any such converted lease or the surface of any mining claim located for geothermal byproducts mineral affecting lands withdrawn or acquired in aid of a function of a Federal department or agency, including the Department of the Interior, shall be subject to such additional terms and conditions as may be prescribed by such department or agency with respect to the additional operations or effects resulting from such conversion upon adequate utilization of the lands for the purpose for which they are administered.

(f) Minerals locatable under the mining laws of the United States in lands subject to a geothermal lease issued under the provisions of this Act which are not associated with the geothermal steam and associated geothermal resources of such lands as defined in section 2(c) herein shall be locatable under said mining laws in accordance with the principles of the Multiple Mineral Development Act (68 Stat. 708; found in 30 U.S.C. 521 et seq.).

SEC. 7. A geothermal lease shall embrace a reasonably compact area of not more than two thousand five hundred and sixty acres, except where a departure therefrom is occasioned by an irregular subdivision or subdivisions. No person, association, or corporation, except as otherwise provided in this Act, shall take, hold, own, or control at one time, whether acquired directly from the Secretary under this Act or otherwise, any direct or indirect interest in Federal geothermal leases in any one State exceeding twenty thousand four hundred and eighty acres, including leases acquired under the provisions of section 4 of this Act.

At any time after fifteen years from the effective date of this Act the Secretary, after public hearings, may increase this maximum holding in any one State by regulation, not to exceed fifty-one thousand two hundred acres.

SEC. 8. (a) The Secretary may readjust the terms and conditions, except as otherwise provided herein, of any geothermal lease issued under this Act at not less than ten-year intervals beginning ten years after the date the geothermal steam is produced, as determined by the Secretary. Each geothermal lease issued under this Act shall provide for such readjustment. The Secretary shall give notice of any proposed readjustment of terms and conditions, and, unless the lessee files with the Secretary objection to the proposed terms or relinquishes the lease within thirty days after receipt of such notice, the lessee shall conclusively be deemed to have agreed with such terms and conditions. If the lessee files objections, and no agreement can be reached between the Secretary and the lessee within a period of not less than sixty days, the lease may be terminated by either party.

(b) The Secretary may readjust the rentals and royalties of any geothermal lease issued under this Act at not less than twenty-year intervals beginning thirty-five years after the date geothermal steam is produced, as determined by the Secretary. In the event of any such readjustment neither the rental nor royalty may be increased by more than 50 per centum over the rental or royalty paid during the preceding period, and in no event shall the royalty payable exceed 22½ per centum. Each geothermal lease issued under this Act shall provide

61 Stat. 913.

Leases, acre-
age.

Limitation.

Increase.

Readjustment.

Notice.

Notice.

for such readjustment. The Secretary shall give notice of any proposed readjustment of rentals and royalties, and, unless the lessee files with the Secretary objection to the proposed rentals and royalties or relinquishes the lease within thirty days after receipt of such notice, the lessee shall conclusively be deemed to have agreed with such terms and conditions. If the lessee files objections, and no agreement can be reached between the Secretary and the lessee within a period of not less than sixty days, the lease may be terminated by either party.

(c) Any readjustment of the terms and conditions as to use, protection, or restoration of the surface of any lease of lands withdrawn or acquired in aid of a function of a Federal department or agency other than the Department of the Interior may be made only upon notice to, and with the approval of, such department or agency.

Byproducts.

SEC. 9. If the production, use, or conversion of geothermal steam is susceptible of producing a valuable byproduct or byproducts, including commercially demineralized water for beneficial uses in accordance with applicable State water laws, the Secretary shall require substantial beneficial production or use thereof unless, in individual circumstances he modifies or waives this requirement in the interest of conservation of natural resources or for other reasons satisfactory to him. However, the production or use of such byproducts shall be subject to the rights of the holders of preexisting leases, claims, or permits covering the same land or the same minerals, if any.

Relinquishment.

SEC. 10. The holder of any geothermal lease at any time may make and file in the appropriate land office a written relinquishment of all rights under such lease or of any legal subdivision of the area covered by such lease. Such relinquishment shall be effective as of the date of its filing. Thereupon the lessee shall be released of all obligations thereafter accruing under said lease with respect to the lands relinquished, but no such relinquishment shall release such lessee, or his surety or bond, from any liability for breach of any obligation of the lease, other than an obligation to drill, accrued at the date of the relinquishment, or from the continued obligation, in accordance with the applicable lease terms and regulations, (1) to make payment of all accrued rentals and royalties, (2) to place all wells on the relinquished lands in condition for suspension or abandonment, and (3) to protect or restore substantially the surface and surface resources.

Suspension.

SEC. 11. The Secretary, upon application by the lessee, may authorize the lessee to suspend operations and production on a producing lease and he may, on his own motion, in the interest of conservation suspend operations on any lease but in either case he may extend the lease term for the period of any suspension, and he may waive, suspend, or reduce the rental or royalty required in such lease.

Leases, termination.
Notice.

SEC. 12. Leases may be terminated by the Secretary for any violation of the regulations or lease terms after thirty days notice provided that such violation is not corrected within the notice period, or in the event the violation is such that it cannot be corrected within the notice period then provided that lessee has not commenced in good faith within said notice period to correct such violation and thereafter to proceed diligently to correct such violation. Lessee shall be entitled to a hearing on the matter of such claimed violation or proposed termination of lease if request for a hearing is made to the Secretary within the thirty-day period after notice. The period for correction of violation or commencement to correct such violation of regulations or of lease terms, as aforesaid, shall be extended to thirty days after the Secretary's decision after such hearing if the Secretary shall find that a violation exists.

SEC. 13. The Secretary may waive, suspend, or reduce the rental or royalty for any lease or portion thereof in the interests of conservation and to encourage the greatest ultimate recovery of geothermal

resources, if he determines that this is necessary to promote development or that the lease cannot be successfully operated under the lease terms.

SEC. 14. Subject to the other provisions of this Act, a lessee shall be entitled to use so much of the surface of the land covered by his geothermal lease as may be found by the Secretary to be necessary for the production, utilization, and conservation of geothermal resources.

Surface land,
use.

SEC. 15. (a) Geothermal leases for lands withdrawn or acquired in aid of functions of the Department of the Interior may be issued only under such terms and conditions as the Secretary may prescribe to insure adequate utilization of the lands for the purposes for which they were withdrawn or acquired.

(b) Geothermal leases for lands withdrawn or acquired in aid of functions of the Department of Agriculture may be issued only with the consent of, and subject to such terms and conditions as may be prescribed by, the head of that Department to insure adequate utilization of the lands for the purposes for which they were withdrawn or acquired. Geothermal leases for lands to which section 24 of the Federal Power Act, as amended (16 U.S.C. 818), is applicable, may be issued only with the consent of, and subject to, such terms and conditions as the Federal Power Commission may prescribe to insure adequate utilization of such lands for power and related purposes.

41 Stat. 1075;
62 Stat. 275.

(c) Geothermal leases under this Act shall not be issued for lands administered in accordance with (1) the Act of August 25, 1916 (39 Stat. 535), as amended or supplemented, (2) for lands within a national recreation area, (3) for lands in a fish hatchery administered by the Secretary, wildlife refuge, wildlife range, game range, wildlife management area, waterfowl production area, or for lands acquired or reserved for the protection and conservation of fish and wildlife that are threatened with extinction, (4) for tribally or individually owned Indian trust or restricted lands, within or without the boundaries of Indian reservations.

16 USC 1.

SEC. 16. Leases under this Act may be issued only to citizens of the United States, associations of such citizens, corporations organized under the laws of the United States or of any State or the District of Columbia, or governmental units, including, without limitation, municipalities.

Lessees, citi-
zenship require-
ment.

SEC. 17. Administration of this Act shall be under the principles of multiple use of lands and resources, and geothermal leases shall, insofar as feasible, allow for coexistence of other leases of the same lands for deposits of minerals under the laws applicable to them, for the location and production of claims under the mining laws, and for other uses of the areas covered by them. Operations under such other leases or for such other uses, however, shall not unreasonably interfere with or endanger operations under any lease issued pursuant to this Act, nor shall operations under leases so issued unreasonably interfere with or endanger operations under any lease, license, claim, or permit issued pursuant to the provisions of any other Act.

SEC. 18. For the purpose of properly conserving the natural resources of any geothermal pool, field, or like area, or any part thereof, lessees thereof and their representatives may unite with each other, or jointly or separately with others, in collectively adopting and operating under a cooperative or unit plan of development or operation of such pool, field, or like area, or any part thereof, whenever this is determined and certified by the Secretary to be necessary or advisable in the public interest. The Secretary may in his discretion and with the consent of the holders of leases involved, establish, alter, change, revoke, and make such regulations with reference to such leases in connection with the institution and operation of any such cooperative or unit plan as he may deem necessary or proper to secure reasonable protection of the

Cooperative or
unit plan.

public interest. He may include in geothermal leases a provision requiring the lessee to operate under such a reasonable cooperative or unit plan, and he may prescribe such a plan under which such lessee shall operate, which shall adequately protect the rights of all parties in interest, including the United States. Any such plan may, in the discretion of the Secretary, provide for vesting in the Secretary or any other person, committee, or Federal or State agency designated therein, authority to alter or modify from time to time the rate of prospecting and development and the quantity and rate of production under such plan. All leases operated under any such plan approved or prescribed by the Secretary shall be excepted in determining holdings or control for the purposes of section 7 of this Act.

When separate tracts cannot be independently developed and operated in conformity with an established well-spacing or development program, any lease, or a portion thereof, may be pooled with other lands, whether or not owned by the United States, under a communitization or drilling agreement providing for an apportionment of production or royalties among the separate tracts of land comprising the drilling or spacing unit when determined by the Secretary to be in the public interest, and operations or production pursuant to such an agreement shall be deemed to be operations or production as to each lease committed thereto.

The Secretary is hereby authorized, on such conditions as he may prescribe, to approve operating, drilling, or development contracts made by one or more lessees of geothermal leases, with one or more persons, associations, or corporations whenever, in his discretion, the conservation of natural products or the public convenience or necessity may require or the interests of the United States may be best served thereby. All leases operated under such approved operating, drilling, or development contracts, and interests thereunder, shall be excepted in determining holdings or control under section 7 of this Act.

Information,
availability.

SEC. 19. Upon request of the Secretary, other Federal departments and agencies shall furnish him with any relevant data then in their possession or knowledge concerning or having bearing upon fair and adequate charges to be made for geothermal steam produced or to be produced for conversion to electric power or other purposes. Data given to any department or agency as confidential under law shall not be furnished in any fashion which identifies or tends to identify the business entity whose activities are the subject of such data or the person or persons who furnished such information.

Moneys.

SEC. 20. All moneys received under this Act from public lands under the jurisdiction of the Secretary shall be disposed of in the same manner as moneys received from the sale of public lands. Moneys received under this Act from other lands shall be disposed of in the same manner as other receipts from such lands.

Publication in
Federal Register.

SEC. 21. (a) Within one hundred and twenty days after the effective date of this Act, the Secretary shall cause to be published in the Federal Register a determination of all lands which were included within any known geothermal resources area on the effective date of the Act. He shall likewise publish in the Federal Register from time to time his determination of other known geothermal resources areas specifying in each case the date the lands were included in such area; and

(b) Geothermal resources in lands the surface of which has passed from Federal ownership but in which the minerals have been reserved to the United States shall not be developed or produced except under geothermal leases made pursuant to this Act. If the Secretary of the Interior finds that such development is imminent, or that production from a well heretofore drilled on such lands is imminent, he shall so report to the Attorney General, and the Attorney General is authorized

and directed to institute an appropriate proceeding in the United States district court of the district in which such lands are located, to quiet the title of the United States in such resources, and if the court determines that the reservation of minerals to the United States in the lands involved included the geothermal resources, to enjoin their production otherwise than under the terms of this Act: *Provided*, That upon an authoritative judicial determination that Federal mineral reservation does not include geothermal steam and associated geothermal resources the duties of the Secretary of the Interior to report and of the Attorney General to institute proceedings, as hereinbefore set forth, shall cease.

SEC. 22. Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to its exemption from State water laws.

SEC. 23. (a) All leases under this Act shall be subject to the condition that the lessee will, in conducting his exploration, development, and producing operations, use all reasonable precautions to prevent waste of geothermal steam and associated geothermal resources developed in the lands leased. Waste, prevention.

(b) Rights to develop and utilize geothermal steam and associated geothermal resources underlying lands owned by the United States may be acquired solely in accordance with the provisions of this Act.

SEC. 24. The Secretary shall prescribe such rules and regulations as he may deem appropriate to carry out the provisions of this Act. Such regulations may include, without limitation, provisions for (a) the prevention of waste, (b) development and conservation of geothermal and other natural resources, (c) the protection of the public interest, (d) assignment, segregation, extension of terms, relinquishment of leases, development contracts, unitization, pooling, and drilling agreements, (e) compensatory royalty agreements, suspension of operations or production, and suspension or reduction of rentals or royalties, (f) the filing of surety bonds to assure compliance with the terms of the lease and to protect surface use and resources, (g) use of the surface by a lessee of the lands embraced in his lease, (h) the maintenance by the lessee of an active development program, and (i) protection of water quality and other environmental qualities. Rules and regulations.

SEC. 25. As to any land subject to geothermal leasing under section 3 of this Act, all laws which either (a) provide for the disposal of land by patent or other form of conveyance or by grant or by operation of law subject to a reservation of any mineral or (b) prevent or restrict the disposal of such land because of the mineral character of the land, shall hereafter be deemed to embrace geothermal steam and associated geothermal resources as a substance which either must be reserved or must prevent or restrict the disposal of such land, as the case may be. This section shall not be construed to affect grants, patents, or other forms of conveyances made prior to the date of enactment of this Act.

SEC. 26. The first two clauses in section 11 of the Act of August 13, 1954 (68 Stat. 708, 716), are amended to read as follows:

"As used in this Act, 'mineral leasing laws' shall mean the Act of February 25, 1920 (41 Stat. 437); the Act of April 17, 1926 (44 Stat. 301); the Act of February 7, 1927 (44 Stat. 1057); Geothermal Steam Act of 1970, and all Acts heretofore or hereafter enacted which are amendatory of or supplementary to any of the foregoing Acts; 'Leasing Act minerals' shall mean all minerals which, upon the effective date of this Act, are provided in the mineral leasing laws to be disposed of thereunder and all geothermal steam and associated geothermal resources which, upon the effective date of the Geothermal Steam Act of 1970, are provided in that Act to be disposed of thereunder;"

30 USC 530.

30 USC 181.

30 USC 271.

30 USC 281.

Certain mineral
rights, retention
by U.S.

SEC. 27. The United States reserves the ownership of and the right to extract under such rules and regulations as the Secretary may prescribe oil, hydrocarbon gas, and helium from all geothermal steam and associated geothermal resources produced from lands leased under this Act in accordance with presently applicable laws: *Provided*, That whenever the right to extract oil, hydrocarbon gas, and helium from geothermal steam and associated geothermal resources produced from such lands is exercised pursuant to this section, it shall be exercised so as to cause no substantial interference with the production of geothermal steam and associated geothermal resources from such lands.

Approved December 24, 1970.

Public Law 91-582

December 24, 1970
[H. R. 8663]

AN ACT

To amend the Act of September 20, 1968 (Public Law 90-502), to provide relief to certain former officers of the Supply Corps and Civil Engineers Corps of the Navy.

Navy.
Supply Corps
and Civil Engineer
Corps, former of-
ficers.
82 Stat. 852.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 6388 of title 10, United States Code, is amended by adding the following after the last sentence: "The provisions of this subsection are effective as of August 7, 1947."

SEC. 2. Notwithstanding any other provision of law, a former officer of the Navy in the Supply Corps and Civil Engineer Corps who is considered to have twice failed of selection for promotion to either the grade of lieutenant commander or the grade of lieutenant and who was discharged prior to September 20, 1968, is entitled to be credited with his total commissioned service in determining the amount of his severance pay and to submit a claim for payment prior to September 20, 1973, for any diminution thereof through a failure to be credited for prior service as an officer in the line.

Approved December 24, 1970.

Public Law 91-583

December 24, 1970
[S. 528]

AN ACT

To provide that the reservoir formed by the lock and dam referred to as the "Millers Ferry lock and dam" on the Alabama River, Alabama, shall hereafter be known as the William "Bill" Dannelly Reservoir.

William "Bill"
Dannelly Reser-
voir, Ala.
Designation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in honor of late Probate Judge William "Bill" Dannelly of Wilcox County, Alabama, and in recognition of his long and outstanding service to his county, State, and Nation, and his leadership in the modernization of the Alabama-Coosa Waterway, the reservoir formed by the Millers Ferry lock and dam on the Alabama River, Alabama, shall hereafter be known and designated as the William "Bill" Dannelly Reservoir. Any law, regulation, map, or record of the United States in which such reservoir is referred to shall be held and considered to refer to such reservoir by the name of the William "Bill" Dannelly Reservoir.

Approved December 24, 1970.

Public Law 91-584

AN ACT

December 24, 1970
[S. 3785]

To authorize educational assistance to wives and children, and home loan benefits to wives, of members of the Armed Forces who are missing in action, captured by a hostile force, or interned by a foreign government or power; and to further amend certain educational sections of title 38, United States Code.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1701 (a) (1) of title 38, United States Code, is amended by—

(1) striking out the word “or” at the end of subclause (i) of clause (A);

(2) inserting “or” after the comma at the end of subclause (ii) of clause (A);

(3) inserting a new subclause (iii) at the end of clause (A) to read as follows:

“(iii) at the time of application for benefits under this chapter is a member of the Armed Forces serving on active duty listed, pursuant to section 556 of title 37, United States Code, and regulations issued thereunder by the Secretary concerned in one or more of the following categories and has been so listed for a total of more than ninety days: (A) missing in action, (B) captured in line of duty by a hostile force, or (C) forcibly detained or interned in line of duty by a foreign government or power;”;

(4) striking out the word “or” at the end of clause “(B)”;

(5) redesignating clause “(C)” as clause “(D)”;

(6) inserting a new clause “(C)” to read as follows:

“(C) the wife of any member of the Armed Forces serving on active duty who, at the time of application for benefits under this chapter is listed, pursuant to section 556 of title 37, United States Code, and regulations issued thereunder, by the Secretary concerned in one or more of the following categories and has been so listed for a total of more than ninety days: (i) missing in action (ii) captured in line of duty by a hostile force, or (iii) forcibly detained or interned in line of duty by a foreign government or power, or”.

SEC. 2. Section 1711(b) of title 38, United States Code, is amended by—

(1) striking out the word “or” at the end of paragraph (1);

(2) redesignating paragraph “(2)” as paragraph “(3)”;

(3) inserting a new paragraph (2) to read as follows:

“(2) the parent or spouse from whom eligibility is derived based upon the provisions of section 1701(a) (1) (A) (iii) or 1701(a) (1) (C) of this title is no longer listed in one of the categories specified therein, or”; and

(4) striking out “1701(a) (1) (C)” in redesignated paragraph

(3) and inserting in lieu thereof “1701(a) (1) (D)”.

SEC. 3. Section 1712 of title 38, United States Code, is amended by—

(1) striking out “1701(a) (1) (B) or (C)” in subsection (b) and inserting in lieu thereof “1701(a) (1) (B) or (D)”;

(2) adding at the end thereof the following new subsections:

“(f) No person made eligible by section 1701(a) (1) (C) of this title may be afforded educational assistance under this chapter beyond eight years after the date on which her spouse was listed by the Secretary concerned in one of the categories referred to in such section or the date of enactment of this subsection, whichever last occurs.

“(g) Any entitlement used by any eligible person as a result of eligibility under the provisions of section 1701(a) (1) (A) (iii) or 1701

Armed Forces.
Certain depend-
ents, education
and home loan
benefits.
82 Stat. 1332.

80 Stat. 629.

82 Stat. 1332.

Supra.

72 Stat. 1194;
82 Stat. 1333;
Ante, p. 83.

Supra.

Ante, p. 1575.

(a)(1)(C) of this title shall be deducted from any entitlement to which he may subsequently become entitled under the provisions of this chapter."

Educational
counseling.
82 Stat. 1333.

SEC. 4. Section 1720(b) of title 38, United States Code, is amended by striking out "section 1701(a)(1)(B) or (C)" and inserting in lieu of thereof "section 1701(a)(1)(B), (C), or (D)".

72 Stat. 1203.

SEC. 5. (a) Section 1801(a) of title 38, United States Code, is amended by adding a new paragraph as follows:

"Veteran."

80 Stat. 629.

"(3) The term 'veteran' also includes, for purposes of home loans, the wife of any member of the Armed Forces serving on active duty who is listed, pursuant to section 556 of title 37, United States Code, and regulations issued thereunder, by the Secretary concerned in one or more of the following categories and has been so listed for a total of more than ninety days: (A) missing in action, (B) captured in line of duty by a hostile force, or (C) forcibly detained or interned in line of duty by a foreign government or power. The active duty of her husband shall be deemed to have been active duty by such wife for the purposes of this chapter. The loan eligibility of such wife under this paragraph shall be limited to one loan guaranteed or made for the acquisition of a home, and entitlement to such loan shall terminate automatically, if not used, upon receipt by such wife of official notice that her husband is no longer listed in one of the categories specified in the first sentence of this paragraph."

Basic entitle-
ment.
72 Stat. 1203.

(b) Section 1802 of such title is amended by adding at the end thereof a new subsection as follows:

Supra.

Educational
assistance allow-
ance.
80 Stat. 17.

"(g) A veteran's entitlement under this chapter shall not be reduced by any entitlement used by his wife which was based upon the provisions of paragraph (3) of section 1801(a) of this title."

SEC. 6. Section 1681(b)(2) of title 38, United States Code, is amended by inserting immediately after "degree" the following: "(excluding programs of apprenticeship and programs of other on-job training authorized by section 1683 of this title)".

Apprenticeship.
Ante, p. 77.

SEC. 7. Section 1683(b) of title 38, United States Code, is amended by—

(1) striking out "(b)" and inserting in lieu thereof "(b)(1)"; and

(2) adding a new paragraph (2) to read as follows:

"(2) In any month in which an eligible veteran pursuing a program of apprenticeship or a program of other on-job training fails to complete one hundred and twenty hours of training in such month, the monthly training assistance allowance set forth in subsection (b)(1) of this section shall be reduced proportionately in the proportion that the number of hours worked bears to one hundred and twenty hours rounded off to the nearest eight hours."

Course meas-
urement.

SEC. 8. Section 1684(a) of title 38, United States Code, is amended by—

Post, p. 1577.

(1) striking out "and" after the semicolon in clause (3);

(2) striking out the period at the end of clause (4) and inserting in lieu thereof "; and"; and

(3) adding at the end thereof a new clause (5) to read as follows:

"(5) a program of apprenticeship or a program of other on-job training shall be considered a full-time program when the eligible veteran is required to work the number of hours constituting the standard workweek of the training establishment, but a workweek of less than thirty hours shall not be considered to constitute full-time training unless a lesser number of hours has been established

as the standard workweek for the particular establishment through bona fide collective bargaining."

SEC. 9. Paragraph (1) of section 1682(c) of title 38, United States Code, is amended by inserting immediately before the last sentence thereof the following: "The term 'established charge' as used herein means the charge for the course or courses determined on the basis of the lowest extended time payment plan offered by the institution and approved by the appropriate State approving agency or the actual cost to the eligible veteran, whichever is the lesser."

80 Stat. 18.
"Established
charge."

SEC. 10. Section 1652 of title 38, United States Code, is amended by—

Ante, p. 78.

(1) striking out "at least two years" in subsection (a) (2) and inserting in lieu thereof "more than one hundred and eighty days"; and

(2) by adding at the end of subsection (b) a new sentence as follows: "Such term also means any unit course or subject, or combination of courses or subjects, pursued by an eligible veteran at an educational institution, required by the Administrator of the Small Business Administration as a condition to obtaining financial assistance under the provisions of 402(a) of the Economic Opportunity Act of 1964 (42 U.S.C. 2902(a))."

SEC. 11. (a) Clause (4) of section 1684(a) of title 38, United States Code, is amended to read as follows:

78 Stat. 526;
81 Stat. 710.
Course measure-
ment.
Ante, p. 81.

"(4) an institutional undergraduate course offered by a college or university on a quarter- or semester-hour basis shall be considered a full-time course when a minimum of fourteen semester hours or the equivalent thereof, for which credit is granted toward a standard college degree (including those for which no credit is granted but which are required to be taken to correct an educational deficiency), is required, except that where such college or university certifies, upon the request of the Administrator, that (A) full-time tuition is charged to all undergraduate students carrying a minimum of less than fourteen such semester hours or the equivalent thereof, or (B) all undergraduate students carrying a minimum of less than fourteen such semester hours or the equivalent thereof, are considered to be pursuing a full-time course for other administrative purposes, then such an institutional undergraduate course offered by such college or university with such minimum number of such semester hours shall be considered a full-time course, but in the event such minimum number of semester hours is less than twelve semester hours or the equivalent thereof, then twelve semester hours or the equivalent thereof shall be considered a full-time course."

(b) The last sentence of section 1684(a) of such title is repealed.

Repeal.

SEC. 12. Clause (3) of section 1733(a) of title 38, United States Code, is amended to read as follows: "(3) an institutional undergraduate course offered by a college or university on a quarter- or semester-hour basis shall be considered a full-time course when a minimum of fourteen semester hours or the equivalent thereof, for which credit is granted toward a standard college degree (including those for which no credit is granted but which are required to be taken to correct an educational deficiency), is required except that where such college or university certifies, upon the request of the Administrator, that (A) full-time tuition is charged to all undergraduate students carrying a minimum of less than fourteen such semester hours or the equivalent thereof, or (B) all undergraduate students carrying a minimum of less than fourteen such semester hours or the equivalent thereof, are considered to be pursuing a full-time course for other administrative pur-

Ante, p. 82.

poses, then such an institutional undergraduate course offered by such college or university with such minimum number of such semester hours shall be considered a full-time course, but in the event such minimum number of semester hours is less than twelve semester hours or the equivalent thereof, then twelve semester hours or the equivalent thereof shall be considered a full-time course."

Awards, effective date.
Ante, p. 790.

SEC. 13. Section 3010 of title 38, United States Code, is amended by adding at the end thereof a new subsection as follows:

"(n) The effective date of the award of any benefit or any increase therein by reason of marriage or the birth or adoption of a child shall be the date of such event if proof of such event is received by the Veterans' Administration within one year from the date of the marriage, birth, or adoption."

Approved December 24, 1970.

Public Law 91-585

AN ACT

December 24, 1970
[S. 1500]

To name the authorized lock and dam numbered 18 on the Verdigris River in Oklahoma and the lake created thereby for Newt Graham.

Newt Graham
lock and dam.
Newt Graham
Lake.
Designation.

60 Stat. 634, 635.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That lock and dam numbered 18 on the Verdigris River, Oklahoma, a feature of the Arkansas River and tributaries navigation project, authorized to be constructed by the River and Harbor Act of July 24, 1946 (60 Stat. 641, 647), as amended, shall be known and designated hereafter as the Newt Graham lock and dam, and the lake created thereby as the Newt Graham Lake. Any law, regulation, map, document, record, or other paper of the United States in which such lock and dam and lake are referred shall be held to refer to such lock and dam as the Newt Graham lock and dam, and the lake as the Newt Graham Lake.

Approved December 24, 1970.

Public Law 91-586

AN ACT

December 24, 1970
[H. R. 18012]

To amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations.

Foreign Service
Buildings Act,
1926, amendment.
80 Stat. 881;
82 Stat. 461.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4(f) (2) of the Foreign Service Buildings Act, 1926 (22 U.S.C. 295(f) (2)), is amended—

(1) by striking out "and" and inserting in lieu thereof a comma; and

(2) by inserting immediately before the period at the end thereof a comma and the following: "not to exceed \$15,000,000 for the fiscal year 1972, and not to exceed \$15,900,000 for the fiscal year 1973".

Approved December 24, 1970.

Public Law 91-587

AN ACT

To modify and enlarge the authority of Gallaudet College to maintain and operate the Kendall School as a demonstration elementary school for the deaf to serve primarily the National Capital region, and for other purposes.

December 24, 1970
[S. 4083]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of providing day and residential facilities for elementary education for persons who are deaf in order to prepare them for high school and other secondary study, and to provide an exemplary educational program to stimulate the development of similar excellent programs throughout the Nation, the directors of Gallaudet College are authorized to maintain and operate Kendall School as a demonstration elementary school for the deaf, to serve primarily residents of the National Capital region.

Gallaudet
College,
Kendall School,
maintenance and
operation.

SEC. 2. As used in this Act—

Definitions.

(a) The term “elementary school” means a school which provides education for deaf children from the age of onset of deafness to age fifteen, inclusive, but not beyond the eighth grade or its equivalent.

(b) The term “construction” includes construction and initial equipment of new buildings, and expansion, remodeling, and alteration of existing buildings and equipment thereof, including architect’s services, but excluding off-site improvements.

AUTHORIZATION OF APPROPRIATIONS

SEC. 3. (a) There are authorized to be appropriated for each fiscal year such sums as may be necessary for the establishment and operation, including construction and equipment, of the demonstration elementary school provided for in section 1.

(b) Federal funds appropriated for the benefit of the school shall be used only for the purposes for which paid and in accordance with the applicable provisions of this Act.

SEC. 4. In the design and construction of any facilities, maximum attention shall be given to excellence of architecture and design, works of art, and innovative auditory and visual devices and installations appropriate for educational functions of such facilities.

REPEAL OF EXISTING STATUTES

SEC. 5. (a) The second proviso of the first paragraph under the heading “COLUMBIA INSTITUTION FOR THE DEAF AND DUMB” of the first section of the Act of March 2, 1889 (D.C. Code, sec. 31-1010), is repealed.

25 Stat. 962.

(b) The proviso and the last sentence in the paragraph having a side heading “COLUMBIA INSTITUTION FOR THE DEAF AND DUMB” in the first section of the Act of March 1, 1901 (D.C. Code, sec. 31-1008), is repealed.

31 Stat. 844.

(c) The last sentence under the heading “COLUMBIA INSTITUTION FOR THE DEAF AND DUMB” in the first section of the Act of March 3, 1905 (D.C. Code, sec. 31-1011), is repealed.

33 Stat. 901.

(d) The last sentence of the first paragraph under the heading “COLUMBIA INSTITUTION FOR THE DEAF AND DUMB” in the first section of the Act of June 27, 1906 (D.C. Code, sec. 31-1011), is repealed.

34 Stat. 503.

(e) The Act of November 7, 1966 (D.C. Code, sec. 31-1010a), and each subsequent Act making appropriations for Gallaudet College, are amended by striking out the proviso under the heading “Gallaudet College, Salaries and Expenses” in each such Act.

80 Stat. 1399.

Approved December 24, 1970.

Resource
reports.
73 Stat. 433;
78 Stat. 1094.

Annual income
determinations.

SEC. 6. Section 506(a) (2) of title 38, United States Code, is amended by striking out the comma after "child" and inserting in lieu thereof "or a person who has attained seventy-two years of age and has been paid pension thereunder during two consecutive calendar years,".

SEC. 7. Section 503 of title 38, United States Code, is amended—

(1) by inserting before "United" in paragraph (4) thereof "servicemen's group life insurance,";

(2) by striking out the period at the end of paragraph (13) and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following new paragraphs:

"(14) amounts equal to prepayments on an indebtedness secured by a mortgage, or similar type security instrument, on real property (which was prior to death the principal residence of a veteran and spouse) made by the veteran or his widow, after the death of the spouse, during the year of death and the succeeding year, if said indebtedness was in existence at the time of death;

"(15) amounts in joint accounts in banks and similar institutions acquired by reason of death of other joint owner;

"(16) payments received by a retired employee from his former employer as reimbursement for monthly premiums for supplementary medical insurance benefits for the aged provided by part B of title XVIII of the Social Security Act, as amended;

"(17) payments of annuities elected under chapter 73 of title 10."

SEC. 8. (a) Section 415(g) (1) of title 38, United States Code, is amended (1) by inserting "and under the first sentence of section 9(b) of the Veterans' Pension Act of 1959" immediately before the semicolon at the end of subparagraph (C), (2) by striking out the period at the end thereof and inserting in lieu thereof a semicolon, and (3) by adding at the end thereof the following new subparagraph:

"(M) payments of annuities elected under chapter 73 of title 10."

(b) Section 1441 of title 10, United States Code, is amended by striking out "except section 415(g) and chapter 15 of title 38".

SEC. 9. (a) Paragraph (11) of section 101 of title 38, United States Code, is amended by inserting "the Mexican border period," immediately after "Spanish-American War,".

(b) Such section 101 is further amended by adding at the end thereof the following new paragraph:

"(30) The term 'Mexican border period' means the period beginning on May 9, 1916, and ending on April 5, 1917, in the case of a veteran who during such period served for 90 days or more in Mexico, on the borders thereof, or in the waters adjacent thereto."

(c) (1) Subsection (a) of section 521 of title 38, United States Code, is amended by inserting "the Mexican border period," immediately before "World War I".

(2) Paragraphs (1) and (2) of subsection (g) of such section 521 are each amended by inserting "the Mexican border period," immediately before "World War I".

(3) The heading of such section 521 is amended by inserting "**the Mexican border period,**" immediately before "**World War I**".

(d) (1) Subsection (a) of section 541 of such title is amended by inserting "the Mexican border period," immediately before "World War I".

(2) Subsection (e) (1) of such section 541 is amended by inserting "Mexican border period or" immediately before "World War I".

79 Stat. 301.
42 USC 1395j.

75 Stat. 810.
72 Stat. 1130;
80 Stat. 1158.

73 Stat. 436.
38 USC 521
note.

72 Stat. 1266;
73 Stat. 436.

"Period of
war,"
81 Stat. 181.

72 Stat. 1106.

"Mexican bor-
der period."

81 Stat. 182.

(3) The heading of such section 541 and the catchline immediately before such heading are each amended by inserting “**Mexican border period,**” and “**MEXICAN BORDER PERIOD;**”, respectively, immediately before “**World War I**” and “**WORLD WAR I**”.

81 Stat. 182.

(e) (1) Subsection (a) of section 542 of title 38, United States Code, is amended by inserting “the Mexican border period,” immediately before “World War I”.

73 Stat. 435.

(2) The heading of such section 542 is amended by inserting “**Mexican border period,**” immediately before “**World War I**”.

(f) Subsection (h) of section 612 of title 38, United States Code, is amended by inserting “the Mexican border period,” immediately before “World War I,”.

Ante, p. 1583.

(g) Section 901 of title 38, United States Code, is amended—

72 Stat. 1169;
75 Stat. 512.

(1) by striking out “of Mexican border service,” in subsection

(a); and

(2) by amending subsection (c) thereof to read as follows:

“(c) For the purpose of this section, the term ‘Mexican border period’ as defined in paragraph (30) of section 101 of this title includes the period beginning on January 1, 1911, and ending on May 8, 1916.”.

Ante, p. 1584.

(h) The table of sections at the beginning of chapter 15 of title 38, United States Code, is amended

(1) by inserting “the Mexican border period,” immediately after “521. Veterans of”;

(2) by striking out: “World War I, World War II, the Korean conflict, and the Vietnam era

“541. Widows of World War I, World War II, Korean conflict, or Vietnam era veterans.

“542. Children of World War I, World War II, Korean conflict, or Vietnam era veterans.”

and inserting in lieu thereof: “Mexican border period, World War I, World War II, Korean conflict, and the Vietnam era

“541. Widows of Mexican border period, World War I, World War II, Korean conflict, or Vietnam era veterans.

“542. Children of Mexican border period, World War I, World War II, Korean conflict, or Vietnam era veterans.”

SEC. 10. (a) Sections 1, 2 (a), (b), and (c), 3, 4, 5, 6, 7, 8, and 9 shall take effect on January 1, 1971.

Effective dates.

(b) Sections 2(d) and 6 shall take effect on January 1, 1972.

Approved December 24, 1970.

Public Law 91-589

JOINT RESOLUTION

Authorizing the preparation and printing of a revised edition of the Constitution of the United States of America—Analysis and Interpretation, of decennial revised editions thereof, and of biennial cumulative supplements to such revised editions.

December 24, 1970
[S. J. Res. 236]

Whereas the Constitution of the United States of America—Analysis and Interpretation, published in 1964 as Senate Document Numbered 39, Eighty-eighth Congress, serves a very useful purpose by supplying essential information, not only to the Members of Congress but also to the public at large;

Whereas such document contains annotations of cases decided by the Supreme Court of the United States to June 22, 1964;

Whereas many cases bearing significantly upon the analysis and interpretation of the Constitution have been decided by the Supreme Court since June 22, 1964;

Whereas the Congress, in recognition of the usefulness of this type of document, has in the last half century since 1913, ordered the preparation and printing of revised editions of such a document on six occasions at intervals of from ten to fourteen years; and

Whereas the continuing usefulness and importance of such a document will be greatly enhanced by revision at shorter intervals on a regular schedule and thus made more readily available to Members and Committees by means of pocket-part supplements: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Librarian of Congress shall have prepared—

Constitution
Annotated.

Revised edition,
preparation and
publication.

Cumulative
pocket-part
supplements.

Decennial re-
vised edition.

Cumulative
pocket-part
supplements.

Printing as
Senate documents.

Additional
copies.

(1) a hardbound revised edition of the Constitution of the United States of America—Analysis and Interpretation, published as Senate Document Numbered 39, Eighty-eighth Congress (referred to hereinafter as the "Constitution Annotated"), which shall contain annotations of decisions of the Supreme Court of the United States through the end of the October 1971 term of the Supreme Court, construing provisions of the Constitution;

(2) upon the completion of each of the October 1973, October 1975, October 1977, and October 1979 terms of the Supreme Court, a cumulative pocket-part supplement to the hardbound revised edition of the Constitution Annotated prepared pursuant to clause (1), which shall contain cumulative annotations of all such decisions rendered by the Supreme Court after the end of the October 1971 term;

(3) upon the completion of the October 1981 term of the Supreme Court, and upon the completion of each tenth October term of the Supreme Court thereafter, a hardbound decennial revised edition of the Constitution Annotated, which shall contain annotations of all decisions theretofore rendered by the Supreme Court construing provisions of the Constitution; and

(4) upon the completion of the October 1983 term of the Supreme Court, and upon the completion of each subsequent October term of the Supreme Court beginning in an odd-numbered year (the final digit of which is not a 1), a cumulative pocket-part supplement to the most recent hardbound decennial revised edition of the Constitution Annotated, which shall contain cumulative annotations of all such decisions rendered by the Supreme Court which were not included in that hardbound decennial revised edition of the Constitution Annotated.

SEC. 2. All hardbound revised editions and all cumulative pocket-part supplements shall be printed as Senate documents.

SEC. 3. There shall be printed four thousand eight hundred and seventy additional copies of the hardbound revised editions prepared pursuant to clause (1) of the first section and of all cumulative pocket-part supplements thereto, of which two thousand six hundred and thirty-four copies shall be for the use of the House of Representatives, one thousand two hundred and thirty-six copies shall be for the use of the Senate, and one thousand copies shall be for the use of the Joint Committee on Printing. All Members of the Congress, Vice Presidents of the United States, and Delegates and Resident Commissioners, newly elected subsequent to the issuance of the hardbound revised edition prepared pursuant to such clause and prior to the first hardbound decennial revised edition, who did not receive a copy of the edition prepared pursuant to such clause, shall, upon timely request, receive one copy of such edition and the then current cumulative pocket-part supplement and any further supplements thereto. All Members of the Congress, Vice Presidents of the United States, and Delegates and

Resident Commissioners, no longer serving after the issuance of the hardbound revised edition prepared pursuant to such clause and who received such edition, may receive one copy of each cumulative pocket-part supplement thereto upon timely request.

SEC. 4. Additional copies of each hardbound decennial revised edition and of the cumulative pocket-part supplements thereto shall be printed and distributed in accordance with the provisions of any concurrent resolution hereafter adopted with respect thereto.

SEC. 5. There are authorized to be appropriated such sums, to remain available until expended, as may be necessary to carry out the provisions of this joint resolution.

Appropriation.

Approved December 24, 1970.

Public Law 91-590

AN ACT

December 28, 1970
[H. R. 8298]

To amend section 303(b) of the Interstate Commerce Act to modernize certain restrictions upon the application and scope of the exemption provided therein, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 303(b) of the Interstate Commerce Act, as amended (49 U.S.C. 903(b)), is amended to read as follows:

Interstate Commerce Act, amendment.

54 Stat. 931.

Water carriers, bulk commodities, exemption.

“(b) Nothing in this part shall apply to the transportation by a water carrier of commodities in bulk when the cargo space of the vessel in which such commodities are transported is being used for the carrying of not more than three such commodities. This subsection shall apply only in the case of commodities in bulk which are (in accordance with the existing custom of the trade in the handling and transportation of such commodities as of June 1, 1939) loaded and carried without wrappers or containers and received and delivered by the carrier without transportation mark or count. The exemption afforded under this subsection to the transportation by a water carrier of commodities in bulk shall not be lost by the concurrent transportation in the same vessel of other commodities. For the purposes of this subsection two or more vessels while navigated as a unit shall be considered to be a single vessel. This subsection shall not apply to transportation subject, at the time this part takes effect, to the provisions of the Intercoastal Shipping Act, 1933, as amended.”

47 Stat. 1425.
46 USC 848.
Study.

SEC. 2. The amendment made by the first section of this Act shall expire at the end of the three-year period beginning on the date of its enactment. The Secretary of Transportation shall undertake a comprehensive study of the present system of economic regulation of dry bulk commodity transportation, including information on amounts actually charged for the movement of dry bulk commodities; of the effect of this Act upon the carriers to whom it applies and upon the shippers of dry bulk commodities; and what changes in the existing regulatory system, if any, would be desirable to improve competitive conditions between carriers of different modes whether or not subject to the provisions of the Interstate Commerce Act. The Interstate Commerce Commission and the Secretary of the Army are directed to cooperate fully with the Secretary of Transportation in carrying out the purposes of this Act, and to submit such independent and separate comments and views as those agencies deem appropriate. The Secretary shall transmit the results of such study to the Congress within two years after the date of enactment of this Act.

Report to Congress.

Reports.

Ante, p. 1587.

SEC. 3. In carrying out its functions under section 2 of this Act, the Secretary of Transportation may require water carriers operating under the exemption contained in section 303(b) of the Interstate Commerce Act to file such reports containing such information as the Secretary may prescribe.

Approved December 28, 1970.

Public Law 91-591

December 28, 1970
[H. R. 19402]

AN ACT

To authorize the Secretary of Agriculture to receive gifts for the benefit of the National Agricultural Library.

National Agri-
cultural Library.
Gifts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That

SEC. 2. The Secretary of Agriculture is hereby authorized to accept, receive, hold, and administer on behalf of the United States gifts, bequests, or devises of real and personal property made unconditionally for the benefit of the National Agricultural Library or for the carrying out of any of its functions. Conditional gifts may be accepted and used in accordance with their provisions provided that no gift may be accepted which is conditioned on any expenditure not to be met therefrom or from the income thereof unless such expenditure has been approved by Act of Congress.

SEC. 3. Any gift of money accepted pursuant to the authority granted in section 2, or the net proceeds from the liquidation of any other property so accepted, or the proceeds of any insurance on any gift property not used for its restoration shall be deposited in the Treasury of the United States for credit to a separate account and shall be disbursed upon order of the Secretary of Agriculture.

Approved December 28, 1970.

Public Law 91-592

December 28, 1970
[S. J. Res. 226]

JOINT RESOLUTION

To authorize the President to proclaim the period from May 9, 1971, Mother's Day, through June 20, 1971, Father's Day, as the "National Multiple Sclerosis Society Annual Hope Chest Appeal Weeks".

National Multi-
ple Sclerosis
Society Annual
Hope Chest Ap-
peal Weeks.
Proclamation.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to issue a proclamation—

(1) designating the period from May 9, 1971, Mother's Day, through June 20, 1971, Father's Day, as "National Multiple Sclerosis Society Annual Hope Chest Appeal Weeks";

(2) inviting the Governors of the several States to issue proclamations for like purposes; and

(3) urging the people of the United States and educational, philanthropic, scientific, medical, and health care professions and organizations to provide the assistance and resources necessary to discover the cause and cure of multiple sclerosis and to alleviate the suffering of persons stricken by this disease.

Approved December 28, 1970.

Public Law 91-593

JOINT RESOLUTION

To provide for the designation of the first full calendar week in May, 1971, as
“National Employ the Older Worker Week”.

December 28, 1970
[S. J. Res. 74]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the first full calendar week in May of 1971 as “National Employ the Older Worker Week” and calling upon employer and employee organizations, other organizations officially concerned with employment, and upon all the people of the United States to observe such week with appropriate ceremonies, activities, and programs designed to increase employment opportunities for older workers and to bring about the elimination of discrimination in employment because of age.

Approved December 28, 1970.

National
Employ the Older
Worker Week.
Proclamation.

Public Law 91-594

JOINT RESOLUTION

To authorize the President to issue a proclamation designating the first full
calendar week in May of 1971 as “Clean Waters for America Week”.

December 28, 1970
[S. J. Res. 172]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to emphasize the need for a continuous program for the control and elimination of water pollution and related problems, and to call the attention of the American people to such need, the President is authorized and requested to issue a proclamation designating the first full calendar week in May of 1971 as “Clean Waters for America Week”, and calling upon the people of the United States and interested groups and organizations to observe such week with appropriate ceremonies and activities.

Approved December 28, 1970.

Clean Waters
for America Week.
Proclamation.

Public Law 91-595

JOINT RESOLUTION

To authorize the President to designate the third Sunday in June, 1971, as
“Father’s Day”.

December 28, 1970
[S. J. Res. 187]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the third Sunday in June of 1971 is hereby designated as “Father’s Day”. The President is authorized and requested to issue a proclamation calling on the appropriate Government officials to display the flag of the United States on all Government buildings on such day, inviting the governments of the States and communities and the people of the United States to observe such day with appropriate ceremonies, and urging our people to offer public and private expressions of such day to the abiding love and gratitude which they bear for their fathers.

Approved December 28, 1970.

Father’s Day.
Proclamation.

Public Law 91-596

December 29, 1970
[S. 2193]

AN ACT

To assure safe and healthful working conditions for working men and women; by authorizing enforcement of the standards developed under the Act; by assisting and encouraging the States in their efforts to assure safe and healthful working conditions; by providing for research, information, education, and training in the field of occupational safety and health; and for other purposes.

Occupational
Safety and Health
Act of 1970.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Occupational Safety and Health Act of 1970".

CONGRESSIONAL FINDINGS AND PURPOSE

SEC. (2) The Congress finds that personal injuries and illnesses arising out of work situations impose a substantial burden upon, and are a hindrance to, interstate commerce in terms of lost production, wage loss, medical expenses, and disability compensation payments.

(b) The Congress declares it to be its purpose and policy, through the exercise of its powers to regulate commerce among the several States and with foreign nations and to provide for the general welfare, to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources—

(1) by encouraging employers and employees in their efforts to reduce the number of occupational safety and health hazards at their places of employment, and to stimulate employers and employees to institute new and to perfect existing programs for providing safe and healthful working conditions;

(2) by providing that employers and employees have separate but dependent responsibilities and rights with respect to achieving safe and healthful working conditions;

(3) by authorizing the Secretary of Labor to set mandatory occupational safety and health standards applicable to businesses affecting interstate commerce, and by creating an Occupational Safety and Health Review Commission for carrying out adjudicatory functions under the Act;

(4) by building upon advances already made through employer and employee initiative for providing safe and healthful working conditions;

(5) by providing for research in the field of occupational safety and health, including the psychological factors involved, and by developing innovative methods, techniques, and approaches for dealing with occupational safety and health problems;

(6) by exploring ways to discover latent diseases, establishing causal connections between diseases and work in environmental conditions, and conducting other research relating to health problems, in recognition of the fact that occupational health standards present problems often different from those involved in occupational safety;

(7) by providing medical criteria which will assure insofar as practicable that no employee will suffer diminished health, functional capacity, or life expectancy as a result of his work experience;

(8) by providing for training programs to increase the number and competence of personnel engaged in the field of occupational safety and health;

(9) by providing for the development and promulgation of occupational safety and health standards;

(10) by providing an effective enforcement program which shall include a prohibition against giving advance notice of any inspection and sanctions for any individual violating this prohibition;

(11) by encouraging the States to assume the fullest responsibility for the administration and enforcement of their occupational safety and health laws by providing grants to the States to assist in identifying their needs and responsibilities in the area of occupational safety and health, to develop plans in accordance with the provisions of this Act, to improve the administration and enforcement of State occupational safety and health laws, and to conduct experimental and demonstration projects in connection therewith;

(12) by providing for appropriate reporting procedures with respect to occupational safety and health which procedures will help achieve the objectives of this Act and accurately describe the nature of the occupational safety and health problem;

(13) by encouraging joint labor-management efforts to reduce injuries and disease arising out of employment.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(1) The term "Secretary" mean the Secretary of Labor.

(2) The term "Commission" means the Occupational Safety and Health Review Commission established under this Act.

(3) The term "commerce" means trade, traffic, commerce, transportation, or communication among the several States, or between a State and any place outside thereof, or within the District of Columbia, or a possession of the United States (other than the Trust Territory of the Pacific Islands), or between points in the same State but through a point outside thereof.

(4) The term "person" means one or more individuals, partnerships, associations, corporations, business trusts, legal representatives, or any organized group of persons.

(5) The term "employer" means a person engaged in a business affecting commerce who has employees, but does not include the United States or any State or political subdivision of a State.

(6) The term "employee" means an employee of an employer who is employed in a business of his employer which affects commerce.

(7) The term "State" includes a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands.

(8) The term "occupational safety and health standard" means a standard which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe or healthful employment and places of employment.

(9) The term "national consensus standard" means any occupational safety and health standard or modification thereof which (1), has been adopted and promulgated by a nationally recognized standards-producing organization under procedures whereby it can be determined by the Secretary that persons interested

and affected by the scope or provisions of the standard have reached substantial agreement on its adoption, (2) was formulated in a manner which afforded an opportunity for diverse views to be considered and (3) has been designated as such a standard by the Secretary, after consultation with other appropriate Federal agencies.

(10) The term "established Federal standard" means any operative occupational safety and health standard established by any agency of the United States and presently in effect, or contained in any Act of Congress in force on the date of enactment of this Act.

(11) The term "Committee" means the National Advisory Committee on Occupational Safety and Health established under this Act.

(12) The term "Director" means the Director of the National Institute for Occupational Safety and Health.

(13) The term "Institute" means the National Institute for Occupational Safety and Health established under this Act.

(14) The term "Workmen's Compensation Commission" means the National Commission on State Workmen's Compensation Laws established under this Act.

APPLICABILITY OF THIS ACT

SEC. 4. (a) This Act shall apply with respect to employment performed in a workplace in a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Trust Territory of the Pacific Islands, Wake Island, Outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act, Johnston Island, and the Canal Zone. The Secretary of the Interior shall, by regulation, provide for judicial enforcement of this Act by the courts established for areas in which there are no United States district courts having jurisdiction.

(b) (1) Nothing in this Act shall apply to working conditions of employees with respect to which other Federal agencies, and State agencies acting under section 274 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2021), exercise statutory authority to prescribe or enforce standards or regulations affecting occupational safety or health.

(2) The safety and health standards promulgated under the Act of June 30, 1936, commonly known as the Walsh-Healey Act (41 U.S.C. 35 et seq.), the Service Contract Act of 1965 (41 U.S.C. 351 et seq.), Public Law 91-54, Act of August 9, 1969 (40 U.S.C. 333), Public Law 85-742, Act of August 23, 1958 (33 U.S.C. 941), and the National Foundation on Arts and Humanities Act (20 U.S.C. 951 et seq.) are superseded on the effective date of corresponding standards, promulgated under this Act, which are determined by the Secretary to be more effective. Standards issued under the laws listed in this paragraph and in effect on or after the effective date of this Act shall be deemed to be occupational safety and health standards issued under this Act, as well as under such other Acts.

(3) The Secretary shall, within three years after the effective date of this Act, report to the Congress his recommendations for legislation to avoid unnecessary duplication and to achieve coordination between this Act and other Federal laws.

67 Stat. 462.
43 USC 1331
note.

73 Stat. 688.

49 Stat. 2036.
79 Stat. 1034.
83 Stat. 96.
72 Stat. 835.

Ante, p. 443.

Report to
Congress.

(4) Nothing in this Act shall be construed to supersede or in any manner affect any workmen's compensation law or to enlarge or diminish or affect in any other manner the common law or statutory rights, duties, or liabilities of employers and employees under any law with respect to injuries, diseases, or death of employees arising out of, or in the course of, employment.

DUTIES

SEC. 5. (a) Each employer—

(1) shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees;

(2) shall comply with occupational safety and health standards promulgated under this Act.

(b) Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this Act which are applicable to his own actions and conduct.

OCCUPATIONAL SAFETY AND HEALTH STANDARDS

SEC. 6. (a) Without regard to chapter 5 of title 5, United States Code, or to the other subsections of this section, the Secretary shall, as soon as practicable during the period beginning with the effective date of this Act and ending two years after such date, by rule promulgate as an occupational safety or health standard any national consensus standard, and any established Federal standard, unless he determines that the promulgation of such a standard would not result in improved safety or health for specifically designated employees. In the event of conflict among any such standards, the Secretary shall promulgate the standard which assures the greatest protection of the safety or health of the affected employees.

(b) The Secretary may by rule promulgate, modify, or revoke any occupational safety or health standard in the following manner:

(1) Whenever the Secretary, upon the basis of information submitted to him in writing by an interested person, a representative of any organization of employers or employees, a nationally recognized standards-producing organization, the Secretary of Health, Education, and Welfare, the National Institute for Occupational Safety and Health, or a State or political subdivision, or on the basis of information developed by the Secretary or otherwise available to him, determines that a rule should be promulgated in order to serve the objectives of this Act, the Secretary may request the recommendations of an advisory committee appointed under section 7 of this Act. The Secretary shall provide such an advisory committee with any proposals of his own or of the Secretary of Health, Education, and Welfare, together with all pertinent factual information developed by the Secretary or the Secretary of Health, Education, and Welfare, or otherwise available, including the results of research, demonstrations, and experiments. An advisory committee shall submit to the Secretary its recommendations regarding the rule to be promulgated within ninety days from the date of its appointment or within such longer or shorter period as may be prescribed by the Secretary, but in no event for a period which is longer than two hundred and seventy days.

80 Stat. 381;
81 Stat. 195.
5 USC 500.

Advisory committee, recommendations.

Publication in
Federal Register.

(2) The Secretary shall publish a proposed rule promulgating, modifying, or revoking an occupational safety or health standard in the Federal Register and shall afford interested persons a period of thirty days after publication to submit written data or comments. Where an advisory committee is appointed and the Secretary determines that a rule should be issued, he shall publish the proposed rule within sixty days after the submission of the advisory committee's recommendations or the expiration of the period prescribed by the Secretary for such submission.

Hearing, notice.

(3) On or before the last day of the period provided for the submission of written data or comments under paragraph (2), any interested person may file with the Secretary written objections to the proposed rule, stating the grounds therefor and requesting a public hearing on such objections. Within thirty days after the last day for filing such objections, the Secretary shall publish in the Federal Register a notice specifying the occupational safety or health standard to which objections have been filed and a hearing requested, and specifying a time and place for such hearing.

Publication in
Federal Register.

(4) Within sixty days after the expiration of the period provided for the submission of written data or comments under paragraph (2), or within sixty days after the completion of any hearing held under paragraph (3), the Secretary shall issue a rule promulgating, modifying, or revoking an occupational safety or health standard or make a determination that a rule should not be issued. Such a rule may contain a provision delaying its effective date for such period (not in excess of ninety days) as the Secretary determines may be necessary to insure that affected employers and employees will be informed of the existence of the standard and of its terms and that employers affected are given an opportunity to familiarize themselves and their employees with the existence of the requirements of the standard.

Toxic materials.

(5) The Secretary, in promulgating standards dealing with toxic materials or harmful physical agents under this subsection, shall set the standard which most adequately assures, to the extent feasible, on the basis of the best available evidence, that no employee will suffer material impairment of health or functional capacity even if such employee has regular exposure to the hazard dealt with by such standard for the period of his working life. Development of standards under this subsection shall be based upon research, demonstrations, experiments, and such other information as may be appropriate. In addition to the attainment of the highest degree of health and safety protection for the employee, other considerations shall be the latest available scientific data in the field, the feasibility of the standards, and experience gained under this and other health and safety laws. Whenever practicable, the standard promulgated shall be expressed in terms of objective criteria and of the performance desired.

Temporary
variance order.

(6) (A) Any employer may apply to the Secretary for a temporary order granting a variance from a standard or any provision thereof promulgated under this section. Such temporary order shall be granted only if the employer files an application which meets the requirements of clause (B) and establishes that (i) he is unable to comply with a standard by its effective date because of unavailability of professional or technical personnel or of materials and equipment needed to come into compliance with the standard or because necessary construction or alteration of facilities cannot be completed by the effective date, (ii) he is taking all available steps to safeguard his employees against the hazards covered by the standard, and (iii) he has an effective program for coming into compliance with the standard as quickly as

practicable. Any temporary order issued under this paragraph shall prescribe the practices, means, methods, operations, and processes which the employer must adopt and use while the order is in effect and state in detail his program for coming into compliance with the standard. Such a temporary order may be granted only after notice to employees and an opportunity for a hearing: *Provided*, That the Secretary may issue one interim order to be effective until a decision is made on the basis of the hearing. No temporary order may be in effect for longer than the period needed by the employer to achieve compliance with the standard or one year, whichever is shorter, except that such an order may be renewed not more than twice (I) so long as the requirements of this paragraph are met and (II) if an application for renewal is filed at least 90 days prior to the expiration date of the order. No interim renewal of an order may remain in effect for longer than 180 days.

Notice,
hearing.

Renewal.

Time limitation.

(B) An application for a temporary order under this paragraph (6) shall contain:

(i) a specification of the standard or portion thereof from which the employer seeks a variance,

(ii) a representation by the employer, supported by representations from qualified persons having firsthand knowledge of the facts represented, that he is unable to comply with the standard or portion thereof and a detailed statement of the reasons therefor,

(iii) a statement of the steps he has taken and will take (with specific dates) to protect employees against the hazard covered by the standard,

(iv) a statement of when he expects to be able to comply with the standard and what steps he has taken and what steps he will take (with dates specified) to come into compliance with the standard, and

(v) a certification that he has informed his employees of the application by giving a copy thereof to their authorized representative, posting a statement giving a summary of the application and specifying where a copy may be examined at the place or places where notices to employees are normally posted, and by other appropriate means.

A description of how employees have been informed shall be contained in the certification. The information to employees shall also inform them of their right to petition the Secretary for a hearing.

(C) The Secretary is authorized to grant a variance from any standard or portion thereof whenever he determines, or the Secretary of Health, Education, and Welfare certifies, that such variance is necessary to permit an employer to participate in an experiment approved by him or the Secretary of Health, Education, and Welfare designed to demonstrate or validate new and improved techniques to safeguard the health or safety of workers.

(7) Any standard promulgated under this subsection shall prescribe the use of labels or other appropriate forms of warning as are necessary to insure that employees are apprised of all hazards to which they are exposed, relevant symptoms and appropriate emergency treatment, and proper conditions and precautions of safe use or exposure. Where appropriate, such standard shall also prescribe suitable protective equipment and control or technological procedures to be used in connection with such hazards and shall provide for monitoring or measuring employee exposure at such locations and intervals, and in such manner as may be necessary for the protection of employees. In

Labels, etc.

Protective
equipment, etc.

Medical examinations.

addition, where appropriate, any such standard shall prescribe the type and frequency of medical examinations or other tests which shall be made available, by the employer or at his cost, to employees exposed to such hazards in order to most effectively determine whether the health of such employees is adversely affected by such exposure. In the event such medical examinations are in the nature of research, as determined by the Secretary of Health, Education, and Welfare, such examinations may be furnished at the expense of the Secretary of Health, Education, and Welfare. The results of such examinations or tests shall be furnished only to the Secretary or the Secretary of Health, Education, and Welfare, and, at the request of the employee, to his physician. The Secretary, in consultation with the Secretary of Health, Education, and Welfare, may by rule promulgated pursuant to section 553 of title 5, United States Code, make appropriate modifications in the foregoing requirements relating to the use of labels or other forms of warning, monitoring or measuring, and medical examinations, as may be warranted by experience, information, or medical or technological developments acquired subsequent to the promulgation of the relevant standard.

80 Stat. 383.

Publication in Federal Register.

(8) Whenever a rule promulgated by the Secretary differs substantially from an existing national consensus standard, the Secretary shall, at the same time, publish in the Federal Register a statement of the reasons why the rule as adopted will better effectuate the purposes of this Act than the national consensus standard.

Temporary standard.
Publication in Federal Register.
80 Stat. 381;
81 Stat. 195.
5 USC 500.

(c) (1) The Secretary shall provide, without regard to the requirements of chapter 5, title 5, United States Code, for an emergency temporary standard to take immediate effect upon publication in the Federal Register if he determines (A) that employees are exposed to grave danger from exposure to substances or agents determined to be toxic or physically harmful or from new hazards, and (B) that such emergency standard is necessary to protect employees from such danger.

Time limitation.

(2) Such standard shall be effective until superseded by a standard promulgated in accordance with the procedures prescribed in paragraph (3) of this subsection.

(3) Upon publication of such standard in the Federal Register the Secretary shall commence a proceeding in accordance with section 6(b) of this Act, and the standard as published shall also serve as a proposed rule for the proceeding. The Secretary shall promulgate a standard under this paragraph no later than six months after publication of the emergency standard as provided in paragraph (2) of this subsection.

Variance rule.

(d) Any affected employer may apply to the Secretary for a rule or order for a variance from a standard promulgated under this section. Affected employees shall be given notice of each such application and an opportunity to participate in a hearing. The Secretary shall issue such rule or order if he determines on the record, after opportunity for an inspection where appropriate and a hearing, that the proponent of the variance has demonstrated by a preponderance of the evidence that the conditions, practices, means, methods, operations, or processes used or proposed to be used by an employer will provide employment and places of employment to his employees which are as safe and healthful as those which would prevail if he complied with the standard. The rule or order so issued shall prescribe the conditions the employer must maintain, and the practices, means, methods, operations, and processes which he must adopt and utilize to the extent they

differ from the standard in question. Such a rule or order may be modified or revoked upon application by an employer, employees, or by the Secretary on his own motion, in the manner prescribed for its issuance under this subsection at any time after six months from its issuance.

(e) Whenever the Secretary promulgates any standard, makes any rule, order, or decision, grants any exemption or extension of time, or compromises, mitigates, or settles any penalty assessed under this Act, he shall include a statement of the reasons for such action, which shall be published in the Federal Register.

Publication in
Federal Register.

(f) Any person who may be adversely affected by a standard issued under this section may at any time prior to the sixtieth day after such standard is promulgated file a petition challenging the validity of such standard with the United States court of appeals for the circuit wherein such person resides or has his principal place of business, for a judicial review of such standard. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The filing of such petition shall not, unless otherwise ordered by the court, operate as a stay of the standard. The determinations of the Secretary shall be conclusive if supported by substantial evidence in the record considered as a whole.

Judicial review,
petition.

(g) In determining the priority for establishing standards under this section, the Secretary shall give due regard to the urgency of the need for mandatory safety and health standards for particular industries, trades, crafts, occupations, businesses, workplaces or work environments. The Secretary shall also give due regard to the recommendations of the Secretary of Health, Education, and Welfare regarding the need for mandatory standards in determining the priority for establishing such standards.

ADVISORY COMMITTEES; ADMINISTRATION

SEC. 7. (a) (1) There is hereby established a National Advisory Committee on Occupational Safety and Health consisting of twelve members appointed by the Secretary, four of whom are to be designated by the Secretary of Health, Education, and Welfare, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and composed of representatives of management, labor, occupational safety and occupational health professions, and of the public. The Secretary shall designate one of the public members as Chairman. The members shall be selected upon the basis of their experience and competence in the field of occupational safety and health.

Establishment;
membership.

80 Stat. 378.
5 USC 101 et
seq.

(2) The Committee shall advise, consult with, and make recommendations to the Secretary and the Secretary of Health, Education, and Welfare on matters relating to the administration of the Act. The Committee shall hold no fewer than two meetings during each calendar year. All meetings of the Committee shall be open to the public and a transcript shall be kept and made available for public inspection.

Public trans-
script.

(3) The members of the Committee shall be compensated in accordance with the provisions of section 3109 of title 5, United States Code.

80 Stat. 416.

(4) The Secretary shall furnish to the Committee an executive secretary and such secretarial, clerical, and other services as are deemed necessary to the conduct of its business.

(b) An advisory committee may be appointed by the Secretary to assist him in his standard-setting functions under section 6 of this Act. Each such committee shall consist of not more than fifteen members

and shall include as a member one or more designees of the Secretary of Health, Education, and Welfare, and shall include among its members an equal number of persons qualified by experience and affiliation to present the viewpoint of the employers involved, and of persons similarly qualified to present the viewpoint of the workers involved, as well as one or more representatives of health and safety agencies of the States. An advisory committee may also include such other persons as the Secretary may appoint who are qualified by knowledge and experience to make a useful contribution to the work of such committee, including one or more representatives of professional organizations of technicians or professionals specializing in occupational safety or health, and one or more representatives of nationally recognized standards-producing organizations, but the number of persons so appointed to any such advisory committee shall not exceed the number appointed to such committee as representatives of Federal and State agencies. Persons appointed to advisory committees from private life shall be compensated in the same manner as consultants or experts under section 3109 of title 5, United States Code. The Secretary shall pay to any State which is the employer of a member of such a committee who is a representative of the health or safety agency of that State, reimbursement sufficient to cover the actual cost to the State resulting from such representative's membership on such committee. Any meeting of such committee shall be open to the public and an accurate record shall be kept and made available to the public. No member of such committee (other than representatives of employers and employees) shall have an economic interest in any proposed rule.

80 Stat. 416.

Recordkeeping.

(c) In carrying out his responsibilities under this Act, the Secretary is authorized to—

(1) use, with the consent of any Federal agency, the services, facilities, and personnel of such agency, with or without reimbursement, and with the consent of any State or political subdivision thereof, accept and use the services, facilities, and personnel of any agency of such State or subdivision with reimbursement; and

(2) employ experts and consultants or organizations thereof as authorized by section 3109 of title 5, United States Code, except that contracts for such employment may be renewed annually; compensate individuals so employed at rates not in excess of the rate specified at the time of service for grade GS-18 under section 5332 of title 5, United States Code, including traveltime, and allow them while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently, while so employed.

Ante, p. 198-1.

80 Stat. 499;
83 Stat. 190.

INSPECTIONS, INVESTIGATIONS, AND RECORDKEEPING

SEC. 8. (a) In order to carry out the purposes of this Act, the Secretary, upon presenting appropriate credentials to the owner, operator, or agent in charge, is authorized—

(1) to enter without delay and at reasonable times any factory, plant, establishment, construction site, or other area, workplace or environment where work is performed by an employee of an employer; and

(2) to inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any such place of employment and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any such employer, owner, operator, agent or employee.

(b) In making his inspections and investigations under this Act the Secretary may require the attendance and testimony of witnesses and the production of evidence under oath. Witnesses shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of a contumacy, failure, or refusal of any person to obey such an order, any district court of the United States or the United States courts of any territory or possession, within the jurisdiction of which such person is found, or resides or transacts business, upon the application by the Secretary, shall have jurisdiction to issue to such person an order requiring such person to appear to produce evidence if, as, and when so ordered, and to give testimony relating to the matter under investigation or in question, and any failure to obey such order of the court may be punished by said court as a contempt thereof.

Subpoena power.

(c) (1) Each employer shall make, keep and preserve, and make available to the Secretary or the Secretary of Health, Education, and Welfare, such records regarding his activities relating to this Act as the Secretary, in cooperation with the Secretary of Health, Education, and Welfare, may prescribe by regulation as necessary or appropriate for the enforcement of this Act or for developing information regarding the causes and prevention of occupational accidents and illnesses. In order to carry out the provisions of this paragraph such regulations may include provisions requiring employers to conduct periodic inspections. The Secretary shall also issue regulations requiring that employers, through posting of notices or other appropriate means, keep their employees informed of their protections and obligations under this Act, including the provisions of applicable standards.

Recordkeeping.

(2) The Secretary, in cooperation with the Secretary of Health, Education, and Welfare, shall prescribe regulations requiring employers to maintain accurate records of, and to make periodic reports on, work-related deaths, injuries and illnesses other than minor injuries requiring only first aid treatment and which do not involve medical treatment, loss of consciousness, restriction of work or motion, or transfer to another job.

Work-related
deaths, etc.;
reports.

(3) The Secretary, in cooperation with the Secretary of Health, Education, and Welfare, shall issue regulations requiring employers to maintain accurate records of employee exposures to potentially toxic materials or harmful physical agents which are required to be monitored or measured under section 6. Such regulations shall provide employees or their representatives with an opportunity to observe such monitoring or measuring, and to have access to the records thereof. Such regulations shall also make appropriate provision for each employee or former employee to have access to such records as will indicate his own exposure to toxic materials or harmful physical agents. Each employer shall promptly notify any employee who has been or is being exposed to toxic materials or harmful physical agents in concentrations or at levels which exceed those prescribed by an applicable occupational safety and health standard promulgated under section 6, and shall inform any employee who is being thus exposed of the corrective action being taken.

Toxic materials,
records.

(d) Any information obtained by the Secretary, the Secretary of Health, Education, and Welfare, or a State agency under this Act shall be obtained with a minimum burden upon employers, especially those operating small businesses. Unnecessary duplication of efforts in obtaining information shall be reduced to the maximum extent feasible.

(e) Subject to regulations issued by the Secretary, a representative of the employer and a representative authorized by his employees shall be given an opportunity to accompany the Secretary or his authorized representative during the physical inspection of any workplace under subsection (a) for the purpose of aiding such inspection. Where there is no authorized employee representative, the Secretary or his authorized representative shall consult with a reasonable number of employees concerning matters of health and safety in the workplace.

(f) (1) Any employees or representative of employees who believe that a violation of a safety or health standard exists that threatens physical harm, or that an imminent danger exists, may request an inspection by giving notice to the Secretary or his authorized representative of such violation or danger. Any such notice shall be reduced to writing, shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the employees or representative of employees, and a copy shall be provided the employer or his agent no later than at the time of inspection, except that, upon the request of the person giving such notice, his name and the names of individual employees referred to therein shall not appear in such copy or on any record published, released, or made available pursuant to subsection (g) of this section. If upon receipt of such notification the Secretary determines there are reasonable grounds to believe that such violation or danger exists, he shall make a special inspection in accordance with the provisions of this section as soon as practicable, to determine if such violation or danger exists. If the Secretary determines there are no reasonable grounds to believe that a violation or danger exists he shall notify the employees or representative of the employees in writing of such determination.

(2) Prior to or during any inspection of a workplace, any employees or representative of employees employed in such workplace may notify the Secretary or any representative of the Secretary responsible for conducting the inspection, in writing, of any violation of this Act which they have reason to believe exists in such workplace. The Secretary shall, by regulation, establish procedures for informal review of any refusal by a representative of the Secretary to issue a citation with respect to any such alleged violation and shall furnish the employees or representative of employees requesting such review a written statement of the reasons for the Secretary's final disposition of the case.

(g) (1) The Secretary and Secretary of Health, Education, and Welfare are authorized to compile, analyze, and publish, either in summary or detailed form, all reports or information obtained under this section.

(2) The Secretary and the Secretary of Health, Education, and Welfare shall each prescribe such rules and regulations as he may deem necessary to carry out their responsibilities under this Act, including rules and regulations dealing with the inspection of an employer's establishment.

Reports, publication.

Rules and regulations.

CITATIONS

SEC. 9. (a) If, upon inspection or investigation, the Secretary or his authorized representative believes that an employer has violated a requirement of section 5 of this Act, of any standard, rule or order promulgated pursuant to section 6 of this Act, or of any regulations prescribed pursuant to this Act, he shall with reasonable promptness issue a citation to the employer. Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the provision of the Act, standard, rule, regulation, or order alleged to have been violated. In addition, the citation shall fix a reasonable time for the abatement of the violation. The Secretary may prescribe procedures for the issuance of a notice in lieu of a citation with respect to de minimis violations which have no direct or immediate relationship to safety or health.

(b) Each citation issued under this section, or a copy or copies thereof, shall be prominently posted, as prescribed in regulations issued by the Secretary, at or near each place a violation referred to in the citation occurred.

(c) No citation may be issued under this section after the expiration of six months following the occurrence of any violation.

Limitation.

PROCEDURE FOR ENFORCEMENT

SEC. 10. (a) If, after an inspection or investigation, the Secretary issues a citation under section 9(a), he shall, within a reasonable time after the termination of such inspection or investigation, notify the employer by certified mail of the penalty, if any, proposed to be assessed under section 17 and that the employer has fifteen working days within which to notify the Secretary that he wishes to contest the citation or proposed assessment of penalty. If, within fifteen working days from the receipt of the notice issued by the Secretary the employer fails to notify the Secretary that he intends to contest the citation or proposed assessment of penalty, and no notice is filed by any employee or representative of employees under subsection (c) within such time, the citation and the assessment, as proposed, shall be deemed a final order of the Commission and not subject to review by any court or agency.

(b) If the Secretary has reason to believe that an employer has failed to correct a violation for which a citation has been issued within the period permitted for its correction (which period shall not begin to run until the entry of a final order by the Commission in the case of any review proceedings under this section initiated by the employer in good faith and not solely for delay or avoidance of penalties), the Secretary shall notify the employer by certified mail of such failure and of the penalty proposed to be assessed under section 17 by reason of such failure, and that the employer has fifteen working days within which to notify the Secretary that he wishes to contest the Secretary's notification or the proposed assessment of penalty. If, within fifteen working days from the receipt of notification issued by the Secretary, the employer fails to notify the Secretary that he intends to contest the notification or proposed assessment of penalty, the notification and assessment, as proposed, shall be deemed a final order of the Commission and not subject to review by any court or agency.

(c) If an employer notifies the Secretary that he intends to contest a citation issued under section 9(a) or notification issued under subsection (a) or (b) of this section, or if, within fifteen working days

80 Stat. 384.

of the issuance of a citation under section 9(a), any employee or representative of employees files a notice with the Secretary alleging that the period of time fixed in the citation for the abatement of the violation is unreasonable, the Secretary shall immediately advise the Commission of such notification, and the Commission shall afford an opportunity for a hearing (in accordance with section 554 of title 5, United States Code, but without regard to subsection (a)(3) of such section). The Commission shall thereafter issue an order, based on findings of fact, affirming, modifying, or vacating the Secretary's citation or proposed penalty, or directing other appropriate relief, and such order shall become final thirty days after its issuance. Upon a showing by an employer of a good faith effort to comply with the abatement requirements of a citation, and that abatement has not been completed because of factors beyond his reasonable control, the Secretary, after an opportunity for a hearing as provided in this subsection, shall issue an order affirming or modifying the abatement requirements in such citation. The rules of procedure prescribed by the Commission shall provide affected employees or representatives of affected employees an opportunity to participate as parties to hearings under this subsection.

JUDICIAL REVIEW

72 Stat. 941;
80 Stat. 1323.

SEC. 11. (a) Any person adversely affected or aggrieved by an order of the Commission issued under subsection (c) of section 10 may obtain a review of such order in any United States court of appeals for the circuit in which the violation is alleged to have occurred or where the employer has its principal office, or in the Court of Appeals for the District of Columbia Circuit, by filing in such court within sixty days following the issuance of such order a written petition praying that the order be modified or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Commission and to the other parties, and thereupon the Commission shall file in the court the record in the proceeding as provided in section 2112 of title 28, United States Code. Upon such filing, the court shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such record a decree affirming, modifying, or setting aside in whole or in part, the order of the Commission and enforcing the same to the extent that such order is affirmed or modified. The commencement of proceedings under this subsection shall not, unless ordered by the court, operate as a stay of the order of the Commission. No objection that has not been urged before the Commission shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of the Commission with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive. If any party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Commission, the court may order such additional evidence to be taken before the Commission and to be made a part of the record. The Commission may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to questions of fact, if supported by substantial evi-

dence on the record considered as a whole, shall be conclusive, and its recommendations, if any, for the modification or setting aside of its original order. Upon the filing of the record with it, the jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the Supreme Court of the United States, as provided in section 1254 of title 28, United States Code. Petitions filed under this subsection shall be heard expeditiously.

62 Stat. 928.

(b) The Secretary may also obtain review or enforcement of any final order of the Commission by filing a petition for such relief in the United States court of appeals for the circuit in which the alleged violation occurred or in which the employer has its principal office, and the provisions of subsection (a) shall govern such proceedings to the extent applicable. If no petition for review, as provided in subsection (a), is filed within sixty days after service of the Commission's order, the Commission's findings of fact and order shall be conclusive in connection with any petition for enforcement which is filed by the Secretary after the expiration of such sixty-day period. In any such case, as well as in the case of a noncontested citation or notification by the Secretary which has become a final order of the Commission under subsection (a) or (b) of section 10, the clerk of the court, unless otherwise ordered by the court, shall forthwith enter a decree enforcing the order and shall transmit a copy of such decree to the Secretary and the employer named in the petition. In any contempt proceeding brought to enforce a decree of a court of appeals entered pursuant to this subsection or subsection (a), the court of appeals may assess the penalties provided in section 17, in addition to invoking any other available remedies.

(c) (1) No person shall discharge or in any manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act or has testified or is about to testify in any such proceeding or because of the exercise by such employee on behalf of himself or others of any right afforded by this Act.

(2) Any employee who believes that he has been discharged or otherwise discriminated against by any person in violation of this subsection may, within thirty days after such violation occurs, file a complaint with the Secretary alleging such discrimination. Upon receipt of such complaint, the Secretary shall cause such investigation to be made as he deems appropriate. If upon such investigation, the Secretary determines that the provisions of this subsection have been violated, he shall bring an action in any appropriate United States district court against such person. In any such action the United States district courts shall have jurisdiction, for cause shown to restrain violations of paragraph (1) of this subsection and order all appropriate relief including rehiring or reinstatement of the employee to his former position with back pay.

(3) Within 90 days of the receipt of a complaint filed under this subsection the Secretary shall notify the complainant of his determination under paragraph 2 of this subsection.

THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SEC. 12. (a) The Occupational Safety and Health Review Commission is hereby established. The Commission shall be composed of three members who shall be appointed by the President, by and with the advice and consent of the Senate, from among persons who by reason

Establishment;
membership.

of training, education, or experience are qualified to carry out the functions of the Commission under this Act. The President shall designate one of the members of the Commission to serve as Chairman.

Terms.

(b) The terms of members of the Commission shall be six years except that (1) the members of the Commission first taking office shall serve, as designated by the President at the time of appointment, one for a term of two years, one for a term of four years, and one for a term of six years, and (2) a vacancy caused by the death, resignation, or removal of a member prior to the expiration of the term for which he was appointed shall be filled only for the remainder of such unexpired term. A member of the Commission may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

Ante, p. 776;
Post, p. 1887,
1888.

(c) (1) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

“(57) Chairman, Occupational Safety and Health Review Commission.”

(2) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

“(94) Members, Occupational Safety and Health Review Commission.”

Location.

(d) The principal office of the Commission shall be in the District of Columbia. Whenever the Commission deems that the convenience of the public or of the parties may be promoted, or delay or expense may be minimized, it may hold hearings or conduct other proceedings at any other place.

(e) The Chairman shall be responsible on behalf of the Commission for the administrative operations of the Commission and shall appoint such hearing examiners and other employees as he deems necessary to assist in the performance of the Commission's functions and to fix their compensation in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates: *Provided*, That assignment, removal and compensation of hearing examiners shall be in accordance with sections 3105, 3344, 5362, and 7521 of title 5, United States Code.

5 USC 5101,
5331,
Ante, p. 198-1.

Quorum.

(f) For the purpose of carrying out its functions under this Act, two members of the Commission shall constitute a quorum and official action can be taken only on the affirmative vote of at least two members.

Public records.

(g) Every official act of the Commission shall be entered of record, and its hearings and records shall be open to the public. The Commission is authorized to make such rules as are necessary for the orderly transaction of its proceedings. Unless the Commission has adopted a different rule, its proceedings shall be in accordance with the Federal Rules of Civil Procedure.

28 USC app.

(h) The Commission may order testimony to be taken by deposition in any proceedings pending before it at any state of such proceeding. Any person may be compelled to appear and depose, and to produce books, papers, or documents, in the same manner as witnesses may be compelled to appear and testify and produce like documentary evidence before the Commission. Witnesses whose depositions are taken under this subsection, and the persons taking such depositions, shall be entitled to the same fees as are paid for like services in the courts of the United States.

(i) For the purpose of any proceeding before the Commission, the provisions of section 11 of the National Labor Relations Act (29 U.S.C. 161) are hereby made applicable to the jurisdiction and powers of the Commission.

61 Stat. 150.

(j) A hearing examiner appointed by the Commission shall hear, and make a determination upon, any proceeding instituted before the Commission and any motion in connection therewith, assigned to such hearing examiner by the Chairman of the Commission, and shall make a report of any such determination which constitutes his final disposition of the proceedings. The report of the hearing examiner shall become the final order of the Commission within thirty days after such report by the hearing examiner, unless within such period any Commission member has directed that such report shall be reviewed by the Commission.

Report.

(k) Except as otherwise provided in this Act, the hearing examiners shall be subject to the laws governing employees in the classified civil service, except that appointments shall be made without regard to section 5108 of title 5, United States Code. Each hearing examiner shall receive compensation at a rate not less than that prescribed for GS-16 under section 5332 of title 5, United States Code.

80 Stat. 453.

Ante, p. 198-1.

PROCEDURES TO COUNTERACT IMMINENT DANGERS

SEC. 13. (a) The United States district courts shall have jurisdiction, upon petition of the Secretary, to restrain any conditions or practices in any place of employment which are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided by this Act. Any order issued under this section may require such steps to be taken as may be necessary to avoid, correct, or remove such imminent danger and prohibit the employment or presence of any individual in locations or under conditions where such imminent danger exists, except individuals whose presence is necessary to avoid, correct, or remove such imminent danger or to maintain the capacity of a continuous process operation to resume normal operations without a complete cessation of operations, or where a cessation of operations is necessary, to permit such to be accomplished in a safe and orderly manner.

(b) Upon the filing of any such petition the district court shall have jurisdiction to grant such injunctive relief or temporary restraining order pending the outcome of an enforcement proceeding pursuant to this Act. The proceeding shall be as provided by Rule 65 of the Federal Rules, Civil Procedure, except that no temporary restraining order issued without notice shall be effective for a period longer than five days.

28 USC app.

(c) Whenever and as soon as an inspector concludes that conditions or practices described in subsection (a) exist in any place of employment, he shall inform the affected employees and employers of the danger and that he is recommending to the Secretary that relief be sought.

(d) If the Secretary arbitrarily or capriciously fails to seek relief under this section, any employee who may be injured by reason of such failure, or the representative of such employees, might bring an action against the Secretary in the United States district court for the district in which the imminent danger is alleged to exist or the employer has its principal office, or for the District of Columbia, for a writ of mandamus to compel the Secretary to seek such an order and for such further relief as may be appropriate.

REPRESENTATION IN CIVIL LITIGATION

80 Stat. 613.

SEC. 14. Except as provided in section 518(a) of title 28, United States Code, relating to litigation before the Supreme Court, the Solicitor of Labor may appear for and represent the Secretary in any civil litigation brought under this Act but all such litigation shall be subject to the direction and control of the Attorney General.

CONFIDENTIALITY OF TRADE SECRETS

62 Stat. 791.

SEC. 15. All information reported to or otherwise obtained by the Secretary or his representative in connection with any inspection or proceeding under this Act which contains or which might reveal a trade secret referred to in section 1905 of title 18 of the United States Code shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this Act or when relevant in any proceeding under this Act. In any such proceeding the Secretary, the Commission, or the court shall issue such orders as may be appropriate to protect the confidentiality of trade secrets.

VARIATIONS, TOLERANCES, AND EXEMPTIONS

SEC. 16. The Secretary, on the record, after notice and opportunity for a hearing may provide such reasonable limitations and may make such rules and regulations allowing reasonable variations, tolerances, and exemptions to and from any or all provisions of this Act as he may find necessary and proper to avoid serious impairment of the national defense. Such action shall not be in effect for more than six months without notification to affected employees and an opportunity being afforded for a hearing.

PENALTIES

SEC. 17. (a) Any employer who willfully or repeatedly violates the requirements of section 5 of this Act, any standard, rule, or order promulgated pursuant to section 6 of this Act, or regulations prescribed pursuant to this Act, may be assessed a civil penalty of not more than \$10,000 for each violation.

(b) Any employer who has received a citation for a serious violation of the requirements of section 5 of this Act, of any standard, rule, or order promulgated pursuant to section 6 of this Act, or of any regulations prescribed pursuant to this Act, shall be assessed a civil penalty of up to \$1,000 for each such violation.

(c) Any employer who has received a citation for a violation of the requirements of section 5 of this Act, of any standard, rule, or order promulgated pursuant to section 6 of this Act, or of regulations prescribed pursuant to this Act, and such violation is specifically determined not to be of a serious nature, may be assessed a civil penalty of up to \$1,000 for each such violation.

(d) Any employer who fails to correct a violation for which a citation has been issued under section 9(a) within the period permitted for its correction (which period shall not begin to run until the date of the final order of the Commission in the case of any review proceeding under section 10 initiated by the employer in good faith and not solely for delay or avoidance of penalties), may be assessed a civil penalty of not more than \$1,000 for each day during which such failure or violation continues.

(e) Any employer who willfully violates any standard, rule, or order promulgated pursuant to section 6 of this Act, or of any regulations prescribed pursuant to this Act, and that violation caused death to any employee, shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment for not more than six months, or by both; except that if the conviction is for a violation committed after a first conviction of such person, punishment shall be by a fine of not more than \$20,000 or by imprisonment for not more than one year, or by both.

(f) Any person who gives advance notice of any inspection to be conducted under this Act, without authority from the Secretary or his designees, shall, upon conviction, be punished by a fine of not more than \$1,000 or by imprisonment for not more than six months, or by both.

(g) Whoever knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this Act shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than six months, or by both.

(h) (1) Section 1114 of title 18, United States Code, is hereby amended by striking out "designated by the Secretary of Health, Education, and Welfare to conduct investigations, or inspections under the Federal Food, Drug, and Cosmetic Act" and inserting in lieu thereof "or of the Department of Labor assigned to perform investigative, inspection, or law enforcement functions".

65 Stat. 721;
79 Stat. 234.

(2) Notwithstanding the provisions of sections 1111 and 1114 of title 18, United States Code, whoever, in violation of the provisions of section 1114 of such title, kills a person while engaged in or on account of the performance of investigative, inspection, or law enforcement functions added to such section 1114 by paragraph (1) of this subsection, and who would otherwise be subject to the penalty provisions of such section 1111, shall be punished by imprisonment for any term of years or for life.

62 Stat. 756.

(i) Any employer who violates any of the posting requirements, as prescribed under the provisions of this Act, shall be assessed a civil penalty of up to \$1,000 for each violation.

(j) The Commission shall have authority to assess all civil penalties provided in this section, giving due consideration to the appropriateness of the penalty with respect to the size of the business of the employer being charged, the gravity of the violation, the good faith of the employer, and the history of previous violations.

(k) For purposes of this section, a serious violation shall be deemed to exist in a place of employment if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use, in such place of employment unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation.

(l) Civil penalties owed under this Act shall be paid to the Secretary for deposit into the Treasury of the United States and shall accrue to the United States and may be recovered in a civil action in the name of the United States brought in the United States district court for the district where the violation is alleged to have occurred or where the employer has its principal office.

STATE JURISDICTION AND STATE PLANS

SEC. 18. (a) Nothing in this Act shall prevent any State agency or court from asserting jurisdiction under State law over any occupational safety or health issue with respect to which no standard is in effect under section 6.

(b) Any State which, at any time, desires to assume responsibility for development and enforcement therein of occupational safety and health standards relating to any occupational safety or health issue with respect to which a Federal standard has been promulgated under section 6 shall submit a State plan for the development of such standards and their enforcement.

(c) The Secretary shall approve the plan submitted by a State under subsection (b), or any modification thereof, if such plan in his judgment—

(1) designates a State agency or agencies as the agency or agencies responsible for administering the plan throughout the State,

(2) provides for the development and enforcement of safety and health standards relating to one or more safety or health issues, which standards (and the enforcement of which standards) are or will be at least as effective in providing safe and healthful employment and places of employment as the standards promulgated under section 6 which relate to the same issues, and which standards, when applicable to products which are distributed or used in interstate commerce, are required by compelling local conditions and do not unduly burden interstate commerce,

(3) provides for a right of entry and inspection of all workplaces subject to the Act which is at least as effective as that provided in section 8, and includes a prohibition on advance notice of inspections,

(4) contains satisfactory assurances that such agency or agencies have or will have the legal authority and qualified personnel necessary for the enforcement of such standards,

(5) gives satisfactory assurances that such State will devote adequate funds to the administration and enforcement of such standards,

(6) contains satisfactory assurances that such State will, to the extent permitted by its law, establish and maintain an effective and comprehensive occupational safety and health program applicable to all employees of public agencies of the State and its political subdivisions, which program is as effective as the standards contained in an approved plan,

(7) requires employers in the State to make reports to the Secretary in the same manner and to the same extent as if the plan were not in effect, and

(8) provides that the State agency will make such reports to the Secretary in such form and containing such information, as the Secretary shall from time to time require.

(d) If the Secretary rejects a plan submitted under subsection (b), he shall afford the State submitting the plan due notice and opportunity for a hearing before so doing.

(e) After the Secretary approves a State plan submitted under subsection (b), he may, but shall not be required to, exercise his authority under sections 8, 9, 10, 13, and 17 with respect to comparable standards promulgated under section 6, for the period specified in the next sentence. The Secretary may exercise the authority referred to above until he determines, on the basis of actual operations under the

Notice of
hearing.

State plan, that the criteria set forth in subsection (c) are being applied, but he shall not make such determination for at least three years after the plan's approval under subsection (c). Upon making the determination referred to in the preceding sentence, the provisions of sections 5(a)(2), 8 (except for the purpose of carrying out subsection (f) of this section), 9, 10, 13, and 17, and standards promulgated under section 6 of this Act, shall not apply with respect to any occupational safety or health issues covered under the plan, but the Secretary may retain jurisdiction under the above provisions in any proceeding commenced under section 9 or 10 before the date of determination.

(f) The Secretary shall, on the basis of reports submitted by the State agency and his own inspections make a continuing evaluation of the manner in which each State having a plan approved under this section is carrying out such plan. Whenever the Secretary finds, after affording due notice and opportunity for a hearing, that in the administration of the State plan there is a failure to comply substantially with any provision of the State plan (or any assurance contained therein), he shall notify the State agency of his withdrawal of approval of such plan and upon receipt of such notice such plan shall cease to be in effect, but the State may retain jurisdiction in any case commenced before the withdrawal of the plan in order to enforce standards under the plan whenever the issues involved do not relate to the reasons for the withdrawal of the plan.

Continuing
evaluation.

(g) The State may obtain a review of a decision of the Secretary withdrawing approval of or rejecting its plan by the United States court of appeals for the circuit in which the State is located by filing in such court within thirty days following receipt of notice of such decision a petition to modify or set aside in whole or in part the action of the Secretary. A copy of such petition shall forthwith be served upon the Secretary, and thereupon the Secretary shall certify and file in the court the record upon which the decision complained of was issued as provided in section 2112 of title 28, United States Code. Unless the court finds that the Secretary's decision in rejecting a proposed State plan or withdrawing his approval of such a plan is not supported by substantial evidence the court shall affirm the Secretary's decision. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

Plan rejection,
review.

72 Stat. 941;
80 Stat. 1323.

(h) The Secretary may enter into an agreement with a State under which the State will be permitted to continue to enforce one or more occupational health and safety standards in effect in such State until final action is taken by the Secretary with respect to a plan submitted by a State under subsection (b) of this section, or two years from the date of enactment of this Act, whichever is earlier.

62 Stat. 928.

FEDERAL AGENCY SAFETY PROGRAMS AND RESPONSIBILITIES

SEC. 19. (a) It shall be the responsibility of the head of each Federal agency to establish and maintain an effective and comprehensive occupational safety and health program which is consistent with the standards promulgated under section 6. The head of each agency shall (after consultation with representatives of the employees thereof)—

(1) provide safe and healthful places and conditions of employment, consistent with the standards set under section 6;

(2) acquire, maintain, and require the use of safety equipment, personal protective equipment, and devices reasonably necessary to protect employees;

Recordkeeping.

(3) keep adequate records of all occupational accidents and illnesses for proper evaluation and necessary corrective action;

(4) consult with the Secretary with regard to the adequacy as to form and content of records kept pursuant to subsection (a) (3) of this section; and

Annual report.

(5) make an annual report to the Secretary with respect to occupational accidents and injuries and the agency's program under this section. Such report shall include any report submitted under section 7902(e) (2) of title 5, United States Code.

80 Stat. 530.

Report to President.

(b) The Secretary shall report to the President a summary or digest of reports submitted to him under subsection (a) (5) of this section, together with his evaluations of and recommendations derived from such reports. The President shall transmit annually to the Senate and the House of Representatives a report of the activities of Federal agencies under this section.

Report to Congress.

(c) Section 7902(c) (1) of title 5, United States Code, is amended by inserting after "agencies" the following: "and of labor organizations representing employees".

Records, availability.

(d) The Secretary shall have access to records and reports kept and filed by Federal agencies pursuant to subsections (a) (3) and (5) of this section unless those records and reports are specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy, in which case the Secretary shall have access to such information as will not jeopardize national defense or foreign policy.

RESEARCH AND RELATED ACTIVITIES

SEC. 20. (a) (1) The Secretary of Health, Education, and Welfare, after consultation with the Secretary and with other appropriate Federal departments or agencies, shall conduct (directly or by grants or contracts) research, experiments, and demonstrations relating to occupational safety and health, including studies of psychological factors involved, and relating to innovative methods, techniques, and approaches for dealing with occupational safety and health problems.

(2) The Secretary of Health, Education, and Welfare shall from time to time consult with the Secretary in order to develop specific plans for such research, demonstrations, and experiments as are necessary to produce criteria, including criteria identifying toxic substances, enabling the Secretary to meet his responsibility for the formulation of safety and health standards under this Act; and the Secretary of Health, Education, and Welfare, on the basis of such research, demonstrations, and experiments and any other information available to him, shall develop and publish at least annually such criteria as will effectuate the purposes of this Act.

(3) The Secretary of Health, Education, and Welfare, on the basis of such research, demonstrations, and experiments, and any other information available to him, shall develop criteria dealing with toxic materials and harmful physical agents and substances which will describe exposure levels that are safe for various periods of employment, including but not limited to the exposure levels at which no employee will suffer impaired health or functional capacities or diminished life expectancy as a result of his work experience.

(4) The Secretary of Health, Education, and Welfare shall also conduct special research, experiments, and demonstrations relating to occupational safety and health as are necessary to explore new problems, including those created by new technology in occupational safety and health, which may require ameliorative action beyond that

which is otherwise provided for in the operating provisions of this Act. The Secretary of Health, Education, and Welfare shall also conduct research into the motivational and behavioral factors relating to the field of occupational safety and health.

(5) The Secretary of Health, Education, and Welfare, in order to comply with his responsibilities under paragraph (2), and in order to develop needed information regarding potentially toxic substances or harmful physical agents, may prescribe regulations requiring employers to measure, record, and make reports on the exposure of employees to substances or physical agents which the Secretary of Health, Education, and Welfare reasonably believes may endanger the health or safety of employees. The Secretary of Health, Education, and Welfare also is authorized to establish such programs of medical examinations and tests as may be necessary for determining the incidence of occupational illnesses and the susceptibility of employees to such illnesses. Nothing in this or any other provision of this Act shall be deemed to authorize or require medical examination, immunization, or treatment for those who object thereto on religious grounds, except where such is necessary for the protection of the health or safety of others. Upon the request of any employer who is required to measure and record exposure of employees to substances or physical agents as provided under this subsection, the Secretary of Health, Education, and Welfare shall furnish full financial or other assistance to such employer for the purpose of defraying any additional expense incurred by him in carrying out the measuring and recording as provided in this subsection.

Toxic substances, records.

Medical examinations.

(6) The Secretary of Health, Education, and Welfare shall publish within six months of enactment of this Act and thereafter as needed but at least annually a list of all known toxic substances by generic family or other useful grouping, and the concentrations at which such toxicity is known to occur. He shall determine following a written request by any employer or authorized representative of employees, specifying with reasonable particularity the grounds on which the request is made, whether any substance normally found in the place of employment has potentially toxic effects in such concentrations as used or found; and shall submit such determination both to employers and affected employees as soon as possible. If the Secretary of Health, Education, and Welfare determines that any substance is potentially toxic at the concentrations in which it is used or found in a place of employment, and such substance is not covered by an occupational safety or health standard promulgated under section 6, the Secretary of Health, Education, and Welfare shall immediately submit such determination to the Secretary, together with all pertinent criteria.

Toxic substances, publication.

(7) Within two years of enactment of this Act, and annually thereafter the Secretary of Health, Education, and Welfare shall conduct and publish industrywide studies of the effect of chronic or low-level exposure to industrial materials, processes, and stresses on the potential for illness, disease, or loss of functional capacity in aging adults.

Annual studies.

(b) The Secretary of Health, Education, and Welfare is authorized to make inspections and question employers and employees as provided in section 8 of this Act in order to carry out his functions and responsibilities under this section.

Inspections.

(c) The Secretary is authorized to enter into contracts, agreements, or other arrangements with appropriate public agencies or private organizations for the purpose of conducting studies relating to his responsibilities under this Act. In carrying out his responsibilities

Contract authority.

under this subsection, the Secretary shall cooperate with the Secretary of Health, Education, and Welfare in order to avoid any duplication of efforts under this section.

(d) Information obtained by the Secretary and the Secretary of Health, Education, and Welfare under this section shall be disseminated by the Secretary to employers and employees and organizations thereof.

Delegation of
functions.

(e) The functions of the Secretary of Health, Education, and Welfare under this Act shall, to the extent feasible, be delegated to the Director of the National Institute for Occupational Safety and Health established by section 22 of this Act.

TRAINING AND EMPLOYEE EDUCATION

SEC. 21. (a) The Secretary of Health, Education, and Welfare, after consultation with the Secretary and with other appropriate Federal departments and agencies, shall conduct, directly or by grants or contracts (1) education programs to provide an adequate supply of qualified personnel to carry out the purposes of this Act, and (2) informational programs on the importance of and proper use of adequate safety and health equipment.

(b) The Secretary is also authorized to conduct, directly or by grants or contracts, short-term training of personnel engaged in work related to his responsibilities under this Act.

(c) The Secretary, in consultation with the Secretary of Health, Education, and Welfare, shall (1) provide for the establishment and supervision of programs for the education and training of employers and employees in the recognition, avoidance, and prevention of unsafe or unhealthful working conditions in employments covered by this Act, and (2) consult with and advise employers and employees, and organizations representing employers and employees as to effective means of preventing occupational injuries and illnesses.

NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH

Establishment.

SEC. 22. (a) It is the purpose of this section to establish a National Institute for Occupational Safety and Health in the Department of Health, Education, and Welfare in order to carry out the policy set forth in section 2 of this Act and to perform the functions of the Secretary of Health, Education, and Welfare under sections 20 and 21 of this Act.

Director,
appointment, term.

(b) There is hereby established in the Department of Health, Education, and Welfare a National Institute for Occupational Safety and Health. The Institute shall be headed by a Director who shall be appointed by the Secretary of Health, Education, and Welfare, and who shall serve for a term of six years unless previously removed by the Secretary of Health, Education, and Welfare.

(c) The Institute is authorized to—

(1) develop and establish recommended occupational safety and health standards; and

(2) perform all functions of the Secretary of Health, Education, and Welfare under sections 20 and 21 of this Act.

(d) Upon his own initiative, or upon the request of the Secretary or the Secretary of Health, Education, and Welfare, the Director is authorized (1) to conduct such research and experimental programs as he determines are necessary for the development of criteria for new and improved occupational safety and health standards, and (2) after

consideration of the results of such research and experimental programs make recommendations concerning new or improved occupational safety and health standards. Any occupational safety and health standard recommended pursuant to this section shall immediately be forwarded to the Secretary of Labor, and to the Secretary of Health, Education, and Welfare.

(e) In addition to any authority vested in the Institute by other provisions of this section, the Director, in carrying out the functions of the Institute, is authorized to—

(1) prescribe such regulations as he deems necessary governing the manner in which its functions shall be carried out;

(2) receive money and other property donated, bequeathed, or devised, without condition or restriction other than that it be used for the purposes of the Institute and to use, sell, or otherwise dispose of such property for the purpose of carrying out its functions;

(3) receive (and use, sell, or otherwise dispose of, in accordance with paragraph (2)), money and other property donated, bequeathed, or devised to the Institute with a condition or restriction, including a condition that the Institute use other funds of the Institute for the purposes of the gift;

(4) in accordance with the civil service laws, appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this section;

(5) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code;

(6) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code;

(7) enter into contracts, grants or other arrangements, or modifications thereof to carry out the provisions of this section, and such contracts or modifications thereof may be entered into without performance or other bonds, and without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), or any other provision of law relating to competitive bidding;

(8) make advance, progress, and other payments which the Director deems necessary under this title without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529); and

(9) make other necessary expenditures.

(f) The Director shall submit to the Secretary of Health, Education, and Welfare, to the President, and to the Congress an annual report of the operations of the Institute under this Act, which shall include a detailed statement of all private and public funds received and expended by it, and such recommendations as he deems appropriate.

80 Stat. 416.

83 Stat. 190.

Annual report
to HEW, President,
and Congress.

GRANTS TO THE STATES

SEC. 23. (a) The Secretary is authorized, during the fiscal year ending June 30, 1971, and the two succeeding fiscal years, to make grants to the States which have designated a State agency under section 18 to assist them—

(1) in identifying their needs and responsibilities in the area of occupational safety and health,

(2) in developing State plans under section 18, or

(3) in developing plans for—

(A) establishing systems for the collection of information concerning the nature and frequency of occupational injuries and diseases;

(B) increasing the expertise and enforcement capabilities of their personnel engaged in occupational safety and health programs; or

(C) otherwise improving the administration and enforcement of State occupational safety and health laws, including standards thereunder, consistent with the objectives of this Act.

(b) The Secretary is authorized, during the fiscal year ending June 30, 1971, and the two succeeding fiscal years, to make grants to the States for experimental and demonstration projects consistent with the objectives set forth in subsection (a) of this section.

(c) The Governor of the State shall designate the appropriate State agency for receipt of any grant made by the Secretary under this section.

(d) Any State agency designated by the Governor of the State desiring a grant under this section shall submit an application therefor to the Secretary.

(e) The Secretary shall review the application, and shall, after consultation with the Secretary of Health, Education, and Welfare, approve or reject such application.

(f) The Federal share for each State grant under subsection (a) or (b) of this section may not exceed 90 per centum of the total cost of the application. In the event the Federal share for all States under either such subsection is not the same, the differences among the States shall be established on the basis of objective criteria.

(g) The Secretary is authorized to make grants to the States to assist them in administering and enforcing programs for occupational safety and health contained in State plans approved by the Secretary pursuant to section 18 of this Act. The Federal share for each State grant under this subsection may not exceed 50 per centum of the total cost to the State of such a program. The last sentence of subsection (f) shall be applicable in determining the Federal share under this subsection.

(h) Prior to June 30, 1973, the Secretary shall, after consultation with the Secretary of Health, Education, and Welfare, transmit a report to the President and to the Congress, describing the experience under the grant programs authorized by this section and making any recommendations he may deem appropriate.

Report to
President and
Congress.

STATISTICS

SEC. 24. (a) In order to further the purposes of this Act, the Secretary, in consultation with the Secretary of Health, Education, and Welfare, shall develop and maintain an effective program of collection, compilation, and analysis of occupational safety and health statistics. Such program may cover all employments whether or not subject to any other provisions of this Act but shall not cover employments excluded by section 4 of the Act. The Secretary shall compile accurate statistics on work injuries and illnesses which shall include all disabling, serious, or significant injuries and illnesses, whether or not involving loss of time from work, other than minor injuries requiring only first aid treatment and which do not involve medical treatment, loss of consciousness, restriction of work or motion, or transfer to another job.

(b) To carry out his duties under subsection (a) of this section, the Secretary may—

(1) promote, encourage, or directly engage in programs of studies, information and communication concerning occupational safety and health statistics;

(2) make grants to States or political subdivisions thereof in order to assist them in developing and administering programs dealing with occupational safety and health statistics; and

(3) arrange, through grants or contracts, for the conduct of such research and investigations as give promise of furthering the objectives of this section.

(c) The Federal share for each grant under subsection (b) of this section may be up to 50 per centum of the State's total cost.

(d) The Secretary may, with the consent of any State or political subdivision thereof, accept and use the services, facilities, and employees of the agencies of such State or political subdivision, with or without reimbursement, in order to assist him in carrying out his functions under this section.

(e) On the basis of the records made and kept pursuant to section 8(c) of this Act, employers shall file such reports with the Secretary as he shall prescribe by regulation, as necessary to carry out his functions under this Act.

Reports.

(f) Agreements between the Department of Labor and States pertaining to the collection of occupational safety and health statistics already in effect on the effective date of this Act shall remain in effect until superseded by grants or contracts made under this Act.

AUDITS

SEC. 25. (a) Each recipient of a grant under this Act shall keep such records as the Secretary or the Secretary of Health, Education, and Welfare shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant, the total cost of the project or undertaking in connection with which such grant is made or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary or the Secretary of Health, Education, and Welfare, and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients of any grant under this Act that are pertinent to any such grant.

ANNUAL REPORT

SEC. 26. Within one hundred and twenty days following the convening of each regular session of each Congress, the Secretary and the Secretary of Health, Education, and Welfare shall each prepare and submit to the President for transmittal to the Congress a report upon the subject matter of this Act, the progress toward achievement of the purpose of this Act, the needs and requirements in the field of occupational safety and health, and any other relevant information. Such reports shall include information regarding occupational safety and health standards, and criteria for such standards, developed during the preceding year; evaluation of standards and criteria previously developed under this Act, defining areas of emphasis for new criteria and standards; an evaluation of the degree of observance of applicable occupational safety and health standards, and a summary

of inspection and enforcement activity undertaken; analysis and evaluation of research activities for which results have been obtained under governmental and nongovernmental sponsorship; an analysis of major occupational diseases; evaluation of available control and measurement technology for hazards for which standards or criteria have been developed during the preceding year; description of cooperative efforts undertaken between Government agencies and other interested parties in the implementation of this Act during the preceding year; a progress report on the development of an adequate supply of trained manpower in the field of occupational safety and health, including estimates of future needs and the efforts being made by Government and others to meet those needs; listing of all toxic substances in industrial usage for which labeling requirements, criteria, or standards have not yet been established; and such recommendations for additional legislation as are deemed necessary to protect the safety and health of the worker and improve the administration of this Act.

NATIONAL COMMISSION ON STATE WORKMEN'S COMPENSATION LAWS

SEC. 27. (a) (1) The Congress hereby finds and declares that—

(A) the vast majority of American workers, and their families, are dependent on workmen's compensation for their basic economic security in the event such workers suffer disabling injury or death in the course of their employment; and that the full protection of American workers from job-related injury or death requires an adequate, prompt, and equitable system of workmen's compensation as well as an effective program of occupational health and safety regulation; and

(B) in recent years serious questions have been raised concerning the fairness and adequacy of present workmen's compensation laws in the light of the growth of the economy, the changing nature of the labor force, increases in medical knowledge, changes in the hazards associated with various types of employment, new technology creating new risks to health and safety, and increases in the general level of wages and the cost of living.

(2) The purpose of this section is to authorize an effective study and objective evaluation of State workmen's compensation laws in order to determine if such laws provide an adequate, prompt, and equitable system of compensation for injury or death arising out of or in the course of employment.

Establishment.

(b) There is hereby established a National Commission on State Workmen's Compensation Laws.

Membership.

(c) (1) The Workmen's Compensation Commission shall be composed of fifteen members to be appointed by the President from among members of State workmen's compensation boards, representatives of insurance carriers, business, labor, members of the medical profession having experience in industrial medicine or in workmen's compensation cases, educators having special expertise in the field of workmen's compensation, and representatives of the general public. The Secretary, the Secretary of Commerce, and the Secretary of Health, Education, and Welfare shall be ex officio members of the Workmen's Compensation Commission:

(2) Any vacancy in the Workmen's Compensation Commission shall not affect its powers.

(3) The President shall designate one of the members to serve as Chairman and one to serve as Vice Chairman of the Workmen's Compensation Commission.

(4) Eight members of the Workmen's Compensation Commission shall constitute a quorum.

Quorum.

(d) (1) The Workmen's Compensation Commission shall undertake a comprehensive study and evaluation of State workmen's compensation laws in order to determine if such laws provide an adequate, prompt, and equitable system of compensation. Such study and evaluation shall include, without being limited to, the following subjects: (A) the amount and duration of permanent and temporary disability benefits and the criteria for determining the maximum limitations thereon, (B) the amount and duration of medical benefits and provisions insuring adequate medical care and free choice of physician, (C) the extent of coverage of workers, including exemptions based on numbers or type of employment, (D) standards for determining which injuries or diseases should be deemed compensable, (E) rehabilitation, (F) coverage under second or subsequent injury funds, (G) time limits on filing claims, (H) waiting periods, (I) compulsory or elective coverage, (J) administration, (K) legal expenses, (L) the feasibility and desirability of a uniform system of reporting information concerning job-related injuries and diseases and the operation of workmen's compensation laws, (M) the resolution of conflict of laws, extraterritoriality and similar problems arising from claims with multistate aspects, (N) the extent to which private insurance carriers are excluded from supplying workmen's compensation coverage and the desirability of such exclusionary practices, to the extent they are found to exist, (O) the relationship between workmen's compensation on the one hand, and old-age, disability, and survivors insurance and other types of insurance, public or private, on the other hand, (P) methods of implementing the recommendations of the Commission.

Study.

(2) The Workmen's Compensation Commission shall transmit to the President and to the Congress not later than July 31, 1972, a final report containing a detailed statement of the findings and conclusions of the Commission, together with such recommendations as it deems advisable.

Report to President and Congress.

(e) (1) The Workmen's Compensation Commission or, on the authorization of the Workmen's Compensation Commission, any subcommittee or members thereof, may, for the purpose of carrying out the provisions of this title, hold such hearings, take such testimony, and sit and act at such times and places as the Workmen's Compensation Commission deems advisable. Any member authorized by the Workmen's Compensation Commission may administer oaths or affirmations to witnesses appearing before the Workmen's Compensation Commission or any subcommittee or members thereof.

Hearings.

(2) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Workmen's Compensation Commission, upon request made by the Chairman or Vice Chairman, such information as the Workmen's Compensation Commission deems necessary to carry out its functions under this section.

(f) Subject to such rules and regulations as may be adopted by the Workmen's Compensation Commission, the Chairman shall have the power to—

(1) appoint and fix the compensation of an executive director, and such additional staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule

80 Stat. 378,
5 USC 101 *et seq.*

5 USC 5101,
5331.

Ante, p. 198-1.

pay rates, but at rates not in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of such title, and

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code.

80 Stat. 416.

Contract
authorization.

(g) The Workmen's Compensation Commission is authorized to enter into contracts with Federal or State agencies, private firms, institutions, and individuals for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

Compensation;
travel expenses.

(h) Members of the Workmen's Compensation Commission shall receive compensation for each day they are engaged in the performance of their duties as members of the Workmen's Compensation Commission at the daily rate prescribed for GS-18 under section 5332 of title 5, United States Code, and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Workmen's Compensation Commission.

Appropriation.

(i) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

Termination.

(j) On the ninetieth day after the date of submission of its final report to the President, the Workmen's Compensation Commission shall cease to exist.

ECONOMIC ASSISTANCE TO SMALL BUSINESSES

Post, p. 1633.

SEC. 28. (a) Section 7(b) of the Small Business Act, as amended, is amended—

(1) by striking out the period at the end of "paragraph (5)" and inserting in lieu thereof "; and"; and

(2) by adding after paragraph (5) a new paragraph as follows:

"(6) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to assist any small business concern in effecting additions to or alterations in the equipment, facilities, or methods of operation of such business in order to comply with the applicable standards promulgated pursuant to section 6 of the Occupational Safety and Health Act of 1970 or standards adopted by a State pursuant to a plan approved under section 18 of the Occupational Safety and Health Act of 1970, if the Administration determines that such concern is likely to suffer substantial economic injury without assistance under this paragraph."

(b) The third sentence of section 7(b) of the Small Business Act, as amended, is amended by striking out "or (5)" after "paragraph (3)" and inserting a comma followed by "(5) or (6)".

Post, p. 1634.

(c) Section 4(c)(1) of the Small Business Act, as amended, is amended by inserting "7(b)(6)," after "7(b)(5),".

(d) Loans may also be made or guaranteed for the purposes set forth in section 7(b)(6) of the Small Business Act, as amended, pursuant to the provisions of section 202 of the Public Works and Economic Development Act of 1965, as amended.

79 Stat. 556.
42 USC 3142.

ADDITIONAL ASSISTANT SECRETARY OF LABOR

SEC. 29. (a) Section 2 of the Act of April 17, 1946 (60 Stat. 91) as amended (29 U.S.C. 553) is amended by—

75 Stat. 338.

(1) striking out “four” in the first sentence of such section and inserting in lieu thereof “five”; and

(2) adding at the end thereof the following new sentence, “One of such Assistant Secretaries shall be an Assistant Secretary of Labor for Occupational Safety and Health.”

(b) Paragraph (20) of section 5315 of title 5, United States Code, is amended by striking out “(4)” and inserting in lieu thereof “(5)”.

80 Stat. 462.

ADDITIONAL POSITIONS

SEC. 30. Section 5108(c) of title 5, United States Code, is amended by—

(1) striking out the word “and” at the end of paragraph (8);

(2) striking out the period at the end of paragraph (9) and inserting in lieu thereof a semicolon and the word “and”; and

(3) by adding immediately after paragraph (9) the following new paragraph:

“(10) (A) the Secretary of Labor, subject to the standards and procedures prescribed by this chapter, may place an additional twenty-five positions in the Department of Labor in GS-16, 17, and 18 for the purposes of carrying out his responsibilities under the Occupational Safety and Health Act of 1970;

“(B) the Occupational Safety and Health Review Commission, subject to the standards and procedures prescribed by this chapter, may place ten positions in GS-16, 17, and 18 in carrying out its functions under the Occupational Safety and Health Act of 1970.”

EMERGENCY LOCATOR BEACONS

SEC. 31. Section 601 of the Federal Aviation Act of 1958 is amended by inserting at the end thereof a new subsection as follows:

72 Stat. 775.
49 USC 1421.

“EMERGENCY LOCATOR BEACONS

“(d) (1) Except with respect to aircraft described in paragraph (2) of this subsection, minimum standards pursuant to this section shall include a requirement that emergency locator beacons shall be installed—

“(A) on any fixed-wing, powered aircraft for use in air commerce the manufacture of which is completed, or which is imported into the United States, after one year following the date of enactment of this subsection; and

“(B) on any fixed-wing, powered aircraft used in air commerce after three years following such date.

“(2) The provisions of this subsection shall not apply to jet-powered aircraft; aircraft used in air transportation (other than air taxis and charter aircraft); military aircraft; aircraft used solely for training purposes not involving flights more than twenty miles from its base; and aircraft used for the aerial application of chemicals.”

SEPARABILITY

SEC. 32. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

APPROPRIATIONS

SEC. 33. There are authorized to be appropriated to carry out this Act for each fiscal year such sums as the Congress shall deem necessary.

EFFECTIVE DATE

SEC. 34. This Act shall take effect one hundred and twenty days after the date of its enactment.

Approved December 29, 1970.

Public Law 91-597

AN ACT

December 29, 1970
[H. R. 19888]

To provide for the inspection of certain egg products by the United States Department of Agriculture; restriction on the disposition of certain qualities of eggs; uniformity of standards for eggs in interstate or foreign commerce; and cooperation with State agencies in administration of this Act, and for other purposes.

Egg Products
Inspection Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Egg Products Inspection Act".

LEGISLATIVE FINDING

SEC. 2. Eggs and egg products are an important source of the Nation's total supply of food, and are used in food in various forms. They are consumed throughout the Nation and the major portion thereof moves in interstate or foreign commerce. It is essential, in the public interest, that the health and welfare of consumers be protected by the adoption of measures prescribed herein for assuring that eggs and egg products distributed to them and used in products consumed by them are wholesome, otherwise not adulterated, and properly labeled and packaged. Lack of effective regulation for the handling or disposition of unwholesome, otherwise adulterated, or improperly labeled or packaged egg products and certain qualities of eggs is injurious to the public welfare and destroys markets for wholesome, not adulterated, and properly labeled and packaged eggs and egg products and results in sundry losses to producers and processors, as well as injury to consumers. Unwholesome, otherwise adulterated, or improperly labeled or packaged products can be sold at lower prices and compete unfairly with the wholesome, not adulterated, and properly labeled and packaged products, to the detriment of consumers and the public generally. It is hereby found that all egg products and the qualities of eggs which are regulated under this Act are either in interstate or foreign commerce, or substantially affect such commerce, and that regulation by the Secretary of Agriculture and the Secretary of Health, Education, and Welfare, and cooperation by the States and other jurisdictions, as contemplated by this Act, are appropriate to prevent and eliminate burdens upon such commerce, to effectively regulate such commerce, and to protect the health and welfare of consumers.

DECLARATION OF POLICY

SEC. 3. It is hereby declared to be the policy of the Congress to provide for the inspection of certain egg products, restrictions upon the disposition of certain qualities of eggs, and uniformity of standards for eggs, and otherwise regulate the processing and distribution of eggs and egg products as hereinafter prescribed to prevent the movement or sale for human food, of eggs and egg products which are adulterated or misbranded or otherwise in violation of this Act.

DEFINITIONS

SEC. 4. For purposes of this Act—

(a) The term “adulterated” applies to any egg or egg product under one or more of the following circumstances—

(1) if it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such article shall not be considered adulterated under this clause if the quantity of such substance in or on such article does not ordinarily render it injurious to health;

(2) (A) if it bears or contains any added poisonous or added deleterious substance (other than one which is (i) a pesticide chemical in or on a raw agricultural commodity; (ii) a food additive; or (iii) a color additive) which may, in the judgment of the Secretary, make such article unfit for human food;

(B) if it is, in whole or in part, a raw agricultural commodity and such commodity bears or contains a pesticide chemical which is unsafe within the meaning of section 408 of the Federal Food, Drug, and Cosmetic Act;

(C) if it bears or contains any food additive which is unsafe within the meaning of section 409 of the Federal Food, Drug, and Cosmetic Act;

(D) if it bears or contains any color additive which is unsafe within the meaning of section 706 of the Federal Food, Drug and Cosmetic Act: *Provided*, That an article which is not otherwise deemed adulterated under clause (B), (C), or (D) shall nevertheless be deemed adulterated if use of the pesticide chemical, food additive, or color additive, in or on such article, is prohibited by regulations of the Secretary in official plants;

(3) if it consists in whole or in part of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for human food;

(4) if it has been prepared, packaged, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;

(5) if it is an egg which has been subjected to incubation or the product of any egg which has been subjected to incubation;

(6) if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

68 Stat. 511.
21 USC 346a.

72 Stat. 1785.
21 USC 348.

74 Stat. 399.
21 USC 376.

72 Stat. 1785.
21 USC 348.

(7) if it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act; or

(8) if any valuable constituent has been in whole or in part omitted or abstracted therefrom; or if any substance has been substituted, wholly or in part therefor; or if damage or inferiority has been concealed in any manner; or if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

(b) The term "capable of use as human food" shall apply to any egg or egg product, unless it is denatured, or otherwise identified, as required by regulations prescribed by the Secretary to deter its use as human food.

(c) The term "commerce" means interstate, foreign, or intrastate commerce.

(d) The term "container" or "package" includes any box, can, tin, plastic, or other receptacle, wrapper, or cover.

(1) The term "immediate container" means any consumer package; or any other container in which egg products, not consumer packaged, are packed.

(2) The term "shipping container" means any container used in packaging a product packed in an immediate container.

(e) The term "egg handler" means any person who engages in any business in commerce which involves buying or selling any eggs (as a poultry producer or otherwise), or processing any egg products, or otherwise using any eggs in the preparation of human food.

(f) The term "egg product" means any dried, frozen, or liquid eggs, with or without added ingredients, excepting products which contain eggs only in a relatively small proportion or historically have not been, in the judgment of the Secretary, considered by consumers as products of the egg food industry, and which may be exempted by the Secretary under such conditions as he may prescribe to assure that the egg ingredients are not adulterated and such products are not represented as egg products.

(g) The term "egg" means the shell egg of the domesticated chicken, turkey, duck, goose, or guinea.

(1) The term "check" means an egg that has a broken shell or crack in the shell but has its shell membranes intact and contents not leaking.

(2) The term "clean and sound shell egg" means any egg whose shell is free of adhering dirt or foreign material and is not cracked or broken.

(3) The term "dirty egg" means an egg that has a shell that is unbroken and has adhering dirt or foreign material.

(4) The term "incubator reject" means an egg that has been subjected to incubation and has been removed from incubation during the hatching operations as infertile or otherwise unhatchable.

(5) The term “inedible” means eggs of the following descriptions: black rots, yellow rots, white rots, mixed rots (addled eggs), sour eggs, eggs with green whites, eggs with stuck yolks, moldy eggs, musty eggs, eggs showing blood rings, and eggs containing embryo chicks (at or beyond the blood ring stage).

(6) The term “leaker” means an egg that has a crack or break in the shell and shell membranes to the extent that the egg contents are exposed or are exuding or free to exude through the shell.

(7) The term “loss” means an egg that is unfit for human food because it is smashed or broken so that its contents are leaking; or overheated, frozen, or contaminated; or an incubator reject; or because it contains a bloody white, large meat spots, a large quantity of blood, or other foreign material.

(8) The term “restricted egg” means any check, dirty egg, incubator reject, inedible, leaker, or loss.

(h) The term “Fair Packaging and Labeling Act” means the Act so entitled, approved November 3, 1966 (80 Stat. 1296), and Acts amendatory thereof or supplementary thereto. 15 USC 1451
note.

(i) The term “Federal Food, Drug, and Cosmetic Act” means the Act so entitled, approved June 25, 1938 (52 Stat. 1040), and Acts amendatory thereof or supplementary thereto. 21 USC 301.

(j) The term “inspection” means the application of such inspection methods and techniques as are deemed necessary by the responsible Secretary to carry out the provisions of this Act.

(k) The term “inspector” means:

(1) any employee or official of the United States Government authorized to inspect eggs or egg products under the authority of this Act; or

(2) Any employee or official of the government of any State or local jurisdiction authorized by the Secretary to inspect eggs or egg products under the authority of this Act, under an agreement entered into between the Secretary and the appropriate State or other agency.

(l) The term “misbranded” shall apply to egg products which are not labeled and packaged in accordance with the requirements prescribed by regulations of the Secretary under section 7 of this Act.

(m) The term “official certificate” means any certificate prescribed by regulations of the Secretary for issuance by an inspector or other person performing official functions under this Act.

(n) The term “official device” means any device prescribed or authorized by the Secretary for use in applying any official mark.

(o) The term “official inspection legend” means any symbol prescribed by regulations of the Secretary showing that egg products were inspected in accordance with this Act.

(p) The term “official mark” means the official inspection legend or any other symbol prescribed by regulations of the Secretary to identify the status of any article under this Act.

(q) The term "official plant" means any plant, as determined by the Secretary, at which inspection of the processing of egg products is maintained by the Department of Agriculture under the authority of this Act.

(r) The term "official standards" means the standards of quality, grades, and weight classes for eggs, in effect upon the effective date of this Act, or as thereafter amended, under the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended, 7 U.S.C. 1621 et seq.).

(s) The term "pasteurize" means the subjecting of each particle of egg products to heat or other treatments to destroy harmful viable micro-organisms by such processes as may be prescribed by regulations of the Secretary.

(t) The term "person" means any individual, partnership, corporation, association, or other business unit.

(u) The terms "pesticide chemical," "food additive," "color additive," and "raw agricultural commodity" shall have the same meaning for purposes of this Act as under the Federal Food, Drug, and Cosmetic Act.

52 Stat. 1040.
21 USC 301.

(v) The term "plant" means any place of business where egg products are processed.

(w) The term "processing" means manufacturing egg products, including breaking eggs or filtering, mixing, blending, pasteurizing, stabilizing, cooling, freezing, drying, or packaging egg products.

(x) The term "Secretary" means the Secretary of Agriculture or his delegate.

(y) The term "State" means any State of the United States, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, and the District of Columbia.

(z) The term "United States" means the States.

INSPECTION, REINSPECTION, CONDEMNATION

SEC. 5. (a) For the purpose of preventing the entry into or flow or movement in commerce of, or the burdening of commerce by, any egg product which is capable of use as human food and is misbranded or adulterated, the Secretary shall, whenever processing operations are being conducted, cause continuous inspection to be made, in accordance with the regulations promulgated under this Act, of the processing of egg products, in each plant processing egg products for commerce, unless exempted under section 15 of this Act. Without restricting the application of the preceding sentence to other kinds of establishments within its provisions, any food manufacturing establishment, institution, or restaurant which uses any eggs that do not meet the requirements of paragraph (a)(1) of section 15 of this Act in the preparation of any articles for human food shall be deemed to be a plant processing egg products, with respect to such operations.

(b) The Secretary, at any time, shall cause such retention, segregation, and reinspection as he deems necessary of eggs and egg products capable of use as human food in each official plant.

(c) Eggs and egg products found to be adulterated at official plants shall be condemned and, if no appeal be taken from such determination of condemnation, such articles shall be destroyed for human food purposes under the supervision of an inspector: *Provided*, That articles which may by reprocessing be made not adulterated need not be condemned and destroyed if so reprocessed under the supervision of an inspector and thereafter found to be not adulterated. If an appeal be taken from such determination, the eggs or egg products shall be appropriately marked and segregated pending completion of an appeal inspection, which appeal shall be at the cost of the appellant if the Secretary determines that the appeal is frivolous. If the determination of condemnation is sustained, the eggs or egg products shall be destroyed for human food purposes under the supervision of an inspector.

(d) The Secretary shall cause such other inspections to be made of the business premises, facilities, inventory, operations, and records of egg handlers, and the records and inventory of other persons required to keep records under section 11 of this Act, as he deems appropriate (and in the case of shell egg packers, packing eggs for the ultimate consumer, at least once each calendar quarter) to assure that only eggs fit for human food are used for such purpose, and otherwise to assure compliance by egg handlers and other persons with the requirements of section 8 of this Act, except that the Secretary of Health, Education, and Welfare shall cause such inspections to be made as he deems appropriate to assure compliance with such requirements at food manufacturing establishments, institutions, and restaurants, other than plants processing egg products. Representatives of said Secretaries shall be afforded access to all such places of business for purposes of making the inspections provided for in this Act.

SANITATION, FACILITIES, AND PRACTICES

SEC. 6. (a) Each official plant shall be operated in accordance with such sanitary practices and shall have such premises, facilities, and equipment as are required by regulations promulgated by the Secretary to effectuate the purposes of this Act, including requirements for segregation and disposition of restricted eggs.

(b) The Secretary shall refuse to render inspection to any plant whose premises, facilities, or equipment, or the operation thereof, fail to meet the requirements of this section.

PASTEURIZATION AND LABELING OF EGG PRODUCTS AT OFFICIAL PLANTS

SEC. 7. (a) Egg products inspected at any official plant under the authority of this Act and found to be not adulterated shall be pasteurized before they leave the official plant, except as otherwise permitted by regulations of the Secretary, and shall at the time they leave the official plant, bear in distinctly legible form on their shipping containers or immediate containers, or both, when required by regulations of the Secretary, the official inspection legend and official plant number, of the plant where the products were processed, and such other information as the Secretary may require by regulations to describe the products adequately and to assure that they will not have false or misleading labeling.

(b) No labeling or container shall be used for egg products at official plants if it is false or misleading or has not been approved as required by the regulations of the Secretary. If the Secretary has reason to believe that any labeling or the size or form of any container in use or proposed for use with respect to egg products at any official

plant is false or misleading in any particular, he may direct that such use be withheld unless the labeling or container is modified in such manner as he may prescribe so that it will not be false or misleading. If the person using or proposing to use the labeling or container does not accept the determination of the Secretary, such person may request a hearing, but the use of the labeling or container shall, if the Secretary so directs, be withheld pending hearing and final determination by the Secretary. Any such determination by the Secretary shall be conclusive unless, within thirty days after receipt of notice of such final determination, the person adversely affected thereby appeals to the United States court of appeals for the circuit in which such person has its principal place of business or to the United States Court of Appeals for the District of Columbia Circuit. The provisions of section 204 of the Packers and Stockyards Act, 1921 (42 Stat. 162, as amended; 7 U.S.C. 194), shall be applicable to appeals taken under this section.

72 Stat. 944.

PROHIBITED ACTS

SEC. 8. (a) (1) No person shall buy, sell, or transport, or offer to buy or sell, or offer or receive for transportation, in any business in commerce any restricted eggs, capable of use as human food, except as authorized by regulations of the Secretary under such conditions as he may prescribe to assure that only eggs fit for human food are used for such purpose.

(2) No egg handler shall possess with intent to use, or use, any restricted eggs in the preparation of human food for commerce except that such eggs may be so possessed and used when authorized by regulations of the Secretary under such conditions as he may prescribe to assure that only eggs fit for human food are used for such purpose.

(b) (1) No person shall process any egg products for commerce at any plant except in compliance with the requirements of this Act.

(2) No person shall buy, sell, or transport, or offer to buy or sell, or offer or receive for transportation, in commerce any egg products required to be inspected under this Act unless they have been so inspected and are labeled and packaged in accordance with the requirements of section 7 of this Act.

(3) No operator of any official plant shall fail to comply with any requirements of paragraph (a) of section 6 of this Act or the regulations thereunder.

(4) No operator of any official plant shall allow any egg products to be moved from such plant if they are adulterated or misbranded and capable of use as human food.

(c) No person shall violate any provision of section 10, 11, or 17 of this Act.

(d) No person shall—

(1) manufacture, cast, print, lithograph, or otherwise make any device containing any official mark or simulation thereof, or any label bearing any such mark or simulation, or any form of official certificate or simulation thereof, except as authorized by the Secretary;

(2) forge or alter any official device, mark, or certificate;

(3) without authorization from the Secretary, use any official device, mark, or certificate, or simulation thereof, or detach, deface, or destroy any official device or mark; or use any labeling or container ordered to be withheld from use under section 7 of this Act after final judicial affirmance of such order or expiration of the time for appeal if no appeal is taken under said section;

(4) contrary to the regulations prescribed by the Secretary, fail to use, or to detach, deface, or destroy any official device, mark, or certificate;

(5) knowingly possess, without promptly notifying the Secretary or his representative, any official device or any counterfeit, simulated, forged, or improperly altered official certificate or any device or label, or any eggs or egg products bearing any counterfeit, simulated, forged, or improperly altered official mark;

(6) knowingly make any false statement in any shipper's certificate or other nonofficial or official certificate provided for in the regulations prescribed by the Secretary;

(7) knowingly represent that any article has been inspected or exempted, under this Act, when, in fact, it has, respectively, not been so inspected or exempted; and

(8) refuse access, at any reasonable time, to any representative of the Secretary of Agriculture or the Secretary of Health, Education, and Welfare, to any plant or other place of business subject to inspection under any provisions of this Act.

(e) No person, while an official or employee of the United States Government or any State or local governmental agency, or thereafter, shall use to his own advantage, or reveal other than to the authorized representatives of the United States Government or any State or other government in their official capacity, or as ordered by a court in a judicial proceeding, any information acquired under the authority of this Act concerning any matter which is entitled to protection as a trade secret.

FEDERAL AND STATE COOPERATION

SEC. 9. The Secretary shall, whenever he determines that it would effectuate the purposes of this Act, cooperate with appropriate State and other governmental agencies, in carrying out any provisions of this Act. In carrying out the provisions of this Act, the Secretary may conduct such examinations, investigations, and inspections as he determines practicable through any officer or employee of any such agency commissioned by him for such purpose. The Secretary shall reimburse the States and other agencies for the costs incurred by them in such cooperative programs.

EGGS AND EGG PRODUCTS NOT INTENDED FOR HUMAN FOOD

SEC. 10. Inspection shall not be provided under this Act at any plant for the processing of any egg products which are not intended for use as human food, but such articles, prior to their offer for sale or transportation in commerce, shall be denatured or otherwise identified as prescribed by regulations of the Secretary to deter their use for human food. No person shall buy, sell, or transport or offer to buy or sell, or offer or receive for transportation, in commerce, any restricted eggs or egg products which are not intended for use as human food unless they are denatured or otherwise identified as required by the regulations of the Secretary.

RECORD AND RELATED REQUIREMENTS FOR PROCESSORS OF EGGS AND EGG PRODUCTS AND RELATED INDUSTRIES

SEC. 11. For the purpose of enforcing the provisions of this Act and the regulations promulgated thereunder, all persons engaged in the business of transporting, shipping, or receiving any eggs or egg products in commerce or holding such articles so received, and all egg handlers, shall maintain such records showing, for such time and in

such form and manner, as the Secretary of Agriculture or the Secretary of Health, Education, and Welfare may prescribe, to the extent that they are concerned therewith, the receipt, delivery, sale, movement, and disposition of all eggs and egg products handled by them, and shall, upon the request of a duly authorized representative of either of said Secretaries, permit him at reasonable times to have access to and to copy all such records.

PENALTIES

SEC. 12. (a) Any person who commits any offense prohibited by section 8 of this Act shall upon conviction be subject to imprisonment for not more than one year, or a fine of not more than \$1,000, or both such imprisonment and fine, but if such violation involves intent to defraud, or any distribution or attempted distribution of any article that is known to be adulterated (except as defined in section 4(a) (8) of this Act), such person shall be subject to imprisonment for not more than three years or a fine of not more than \$10,000, or both. When construing or enforcing the provisions of section 8, the act, omission, or failure of any person acting for or employed by any individual, partnership, corporation, or association within the scope of his employment or office shall in every case be deemed the act, omission, or failure of such individual, partnership, corporation, or association, as well as of such person.

(b) No carrier or warehouseman shall be subject to the penalties of this Act, other than the penalties for violation of section 11 of this Act or paragraph (c) of this section 12, by reason of his receipt, carriage, holding, or delivery, in the usual course of business, as a carrier or warehouseman of eggs or egg products owned by another person unless the carrier or warehouseman has knowledge, or is in possession of facts which would cause a reasonable person to believe that such eggs or egg products were not eligible for transportation under, or were otherwise in violation of, this Act, or unless the carrier or warehouseman refuses to furnish on request of a representative of the Secretary the name and address of the person from whom he received such eggs or egg products and copies of all documents, if there be any, pertaining to the delivery of the eggs or egg products to, or by, such carrier or warehouseman.

(c) Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of his official duties under this Act shall be fined not more than \$5,000 or imprisoned not more than three years, or both. Whoever, in the commission of any such act, uses a deadly or dangerous weapon, shall be fined not more than \$10,000 or imprisoned not more than ten years, or both. Whoever kills any person while engaged in or on account of the performance of his official duties under this Act shall be punished as provided under sections 1111 and 1112 of title 18, United States Code.

62 Stat. 756.

REPORTING OF VIOLATIONS

SEC. 13. Before any violation of this Act is reported by the Secretary of Agriculture or Secretary of Health, Education, and Welfare to any United States attorney for institution of a criminal proceeding, the person against whom such proceeding is contemplated shall be given reasonable notice of the alleged violation and opportunity to present his views orally or in writing with regard to such contemplated proceeding. Nothing in this Act shall be construed as requiring the Secretary of Agriculture or Secretary of Health, Education, and Welfare

to report for criminal prosecution violations of this Act whenever he believes that the public interest will be adequately served and compliance with the Act obtained by a suitable written notice of warning.

REGULATIONS AND ADMINISTRATION

SEC. 14. The Secretary shall promulgate such rules and regulations as he deems necessary to carry out the purposes or provisions of this Act, and shall be responsible for the administration and enforcement of this Act except as otherwise provided in paragraph (d) of section 5 of this Act.

EXEMPTIONS

SEC. 15. (a) The Secretary may, by regulation and under such conditions and procedures as he may prescribe, exempt from specific provisions of this Act—

(1) the sale, transportation, possession, or use of eggs which contain no more restricted eggs than are allowed by the tolerance in the official standards of United States consumer grades for shell eggs;

(2) the processing of egg products at any plant where the facilities and operating procedures meet such sanitary standards as may be prescribed by the Secretary, and where the eggs received or used in the manufacture of egg products contain no more restricted eggs than are allowed by the official standards of United States consumer grades for shell eggs, and the egg products processed at such plant;

(3) the sale of eggs by any poultry producer from his own flocks directly to a household consumer exclusively for use by such consumer and members of his household and his nonpaying guests and employees, and the transportation, possession, and use of such eggs in accordance with this paragraph;

(4) the processing of egg products by any poultry producer from eggs of his own flocks' production for sale of such products directly to a household consumer exclusively for use by such consumer and members of his household and his nonpaying guests and employees, and the egg products so processed when handled in accordance with this paragraph;

(5) the sale of eggs by shell egg packers on his own premises directly to household consumers for use by such consumer and members of his household and his nonpaying guests and employees, and the transportation, possession, and use of such eggs in accordance with this paragraph;

(6) for such period of time (not to exceed two years) during the initiation of operations under this Act as the Secretary determines that it is impracticable to provide inspection, the processing of egg products at any class of plants and the egg products processed at such plants; and

(7) the sale of eggs by any egg producer with an annual egg production from a flock of three thousand or less hens.

(b) The Secretary may immediately suspend or terminate any exemption under paragraph (a) (2) or (6) of this section at any time with respect to any person, if the conditions of exemption prescribed by this section or the regulations of the Secretary are not being met. The Secretary may modify or revoke any regulation granting exemption under this Act whenever he deems such action appropriate to effectuate the purposes of this Act.

ENTRY OF MATERIALS INTO OFFICIAL PLANTS

SEC. 16. The Secretary may limit the entry of eggs and egg products and other materials into official plants under such conditions as he may prescribe to assure that allowing the entry of such articles into such plants will be consistent with the purposes of this Act.

IMPORTS

SEC. 17. (a) No restricted eggs capable of use as human food shall be imported into the United States except as authorized by regulations of the Secretary. No egg products capable of use as human food shall be imported into the United States unless they were processed under an approved continuous inspection system of the government of the foreign country of origin or subdivision thereof and are labeled and packaged in accordance with, and otherwise comply with the standards of this Act and regulations issued thereunder applicable to such articles within the United States. All such imported articles shall upon entry into the United States be deemed and treated as domestic articles subject to the other provisions of this Act: *Provided*, That they shall be labeled as required by such regulations for imported articles: *Provided further*, That nothing in this section shall apply to eggs or egg products purchased outside the United States by any individual for consumption by him and members of his household and his nonpaying guests and employees.

(b) The Secretary may prescribe the terms and conditions for the destruction of all such articles which are imported contrary to this section, unless (1) they are exported by the consignee within the time fixed therefor by the Secretary or (2) in the case of articles which are not in compliance solely because of misbranding, such articles are brought into compliance with this Act under supervision of authorized representatives of the Secretary.

(c) All charges for storage, cartage, and labor with respect to any article which is imported contrary to this section shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against such article and any other article thereafter imported under this Act by or for such owner or consignee.

(d) The importation of any article contrary to this section is prohibited.

REFUSAL OF INSPECTION

SEC. 18. The Secretary (for such period, or indefinitely, as he deems necessary to effectuate the purposes of this Act) may refuse to provide or may withdraw inspection service under this Act with respect to any plant if he determines, after opportunity for a hearing is accorded to the applicant for, or recipient of, such service, that such applicant or recipient is unfit to engage in any business requiring inspection under this Act, because the applicant or recipient or anyone responsibly connected with the applicant or recipient has been convicted in any Federal or State court, within the previous ten years, of (1) any felony or more than one misdemeanor under any law based upon the acquiring, handling, or distributing of adulterated, mislabeled, or deceptively packaged food or fraud in connection with transactions in food, or (2) any felony, involving fraud, bribery, extortion, or any other act or circumstances indicating a lack of the integrity needed for the conduct of operations affecting the public health.

For the purpose of this section, a person shall be deemed to be responsibly connected with the business if he is a partner, officer, director, holder, or owner of 10 per centum or more of its voting stock, or employee in a managerial or executive capacity.

The determination and order of the Secretary with respect thereto under this section shall be final and conclusive unless the affected applicant for, or recipient of, inspection service files application for judicial review within thirty days after the effective date of such order in the United States court of appeals for the circuit in which such applicant or recipient has its principal place of business or in the United States Court of Appeals for the District of Columbia Circuit. Judicial review of any such order shall be upon the record upon which the determination and order are based. The provisions of section 201 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 194) shall be applicable to appeals taken under this section.

Judicial review.

42 Stat. 162;
72 Stat. 944.

This section shall not affect in any way other provisions of this Act for refusal of inspection services.

ADMINISTRATIVE DETENTION

SEC. 19. Whenever any eggs or egg products subject to the Act, are found by any authorized representative of the Secretary upon any premises and there is reason to believe that they are or have been processed, bought, sold, possessed, used, transported, or offered or received for sale or transportation in violation of this Act or that they are in any other way in violation of this Act, or whenever any restricted eggs capable of use as human food are found by such a representative in the possession of any person not authorized to acquire such eggs under the regulations of the Secretary, such articles may be detained by such representative for a reasonable period but not to exceed twenty days, pending action under section 20 of this Act or notification of any Federal, State, or other governmental authorities having jurisdiction over such articles and shall not be moved by any person from the place at which they are located when so detained until released by such representative. All official marks may be required by such representative to be removed from such articles before they are released unless it appears to the satisfaction of the Secretary that the articles are eligible to retain such marks.

JUDICIAL SEIZURE PROCEEDINGS

SEC. 20. (a) Any eggs or egg products that are or have been processed, bought, sold, possessed, used, transported, or offered or received for sale or transportation, in violation of this Act, or in any other way are in violation of this Act; and any restricted eggs, capable of use as human food, in the possession of any person not authorized to acquire such eggs under the regulations of the Secretary shall be liable to be proceeded against and seized and condemned, at any time, on a complaint in any United States district court or other proper court as provided in section 21 of this Act within the jurisdiction of which the articles are found. If the articles are condemned they shall, after entry of the decree, be disposed of by destruction or sale as the court may direct and the proceeds, if sold, less the court costs and fees, and storage and other proper expenses, shall be paid into the Treasury of the United States, but the articles shall not be sold contrary to the provision of this Act, the Federal Food, Drug, and Cosmetic Act or the Fair Packaging and Labeling Act, or the laws of the jurisdiction in which they are sold: *Provided*, That upon the execution and delivery of a good and sufficient bond conditioned that the articles shall not be sold or otherwise disposed of contrary

52 Stat. 1040.
21 USC 301.
80 Stat. 1296.
15 USC 1451
note.

52 Stat. 1040.
 21 USC 301.
 80 Stat. 1296.
 15 USC 1451
 note.

to the provisions of this Act, the Federal Food, Drug, and Cosmetic Act, the Fair Packaging and Labeling Act, or the laws of the jurisdiction in which disposal is made, the court may direct that they be delivered to the owner thereof subject to such supervision by authorized representatives of the Secretary as is necessary to insure compliance with the applicable laws. When a decree of condemnation is entered against the articles and they are released under bond, or destroyed, court costs and fees, and storage and other proper expenses shall be awarded against the person, if any, intervening as claimant thereof. The proceedings in such cases shall conform, as nearly as may be, to the supplemental rules for certain admiralty and maritime claims, except that either party may demand trial by jury of any issue of fact joined in any case, and all such proceedings shall be at the suit of and in the name of the United States.

(b) The provisions of this section shall in no way derogate from authority for condemnation or seizure conferred by other provisions of this Act, or other laws.

JURISDICTION

SEC. 21. The United States district courts and the District Court of the Virgin Islands are vested with jurisdiction specifically to enforce, and to prevent and restrain violations of, this Act, and shall have jurisdiction in all other cases, arising under this Act, except as provided in section 18 of this Act. All proceedings for the enforcement or to restrain violations of this Act shall be by and in the name of the United States. Subpenas for witnesses who are required to attend a court of the United States, in any district, may run into any other district in any such proceeding.

APPLICABILITY OF OTHER ACTS

SEC. 22. For the efficient administration and enforcement of this Act, the provisions (including penalties) of sections 6, 8, 9, and 10 of the Federal Trade Commission Act, as amended (38 Stat. 721-723, as amended; 15 U.S.C. 46, 48, 49, and 50) (except paragraphs (c) through (h) of section 6 and the last paragraph of section 9), and the provisions of subsection 409(1) of the Communications Act of 1934 (48 Stat. 1096, as amended; 47 U.S.C. 409(1)), are made applicable to the jurisdiction, powers, and duties of the Secretary in administering and enforcing the provisions of this Act and to any person with respect to whom such authority is exercised. The Secretary, in person or by such agents as he may designate, may prosecute any inquiry necessary to his duties under this Act in any part of the United States, and the powers conferred by said sections 9 and 10 of the Federal Trade Commission Act, as amended, on the district courts of the United States may be exercised for the purposes of this Act by any court designated in section 21 of this Act.

66 Stat. 722.

RELATION TO OTHER AUTHORITIES

SEC. 23. (a) Requirements within the scope of this Act with respect to premises, facilities, and operations of any official plant which are in addition to or different than those made under this Act may not be imposed by any State or local jurisdiction except that any such jurisdiction may impose recordkeeping and other requirements within the scope of section 11 of this Act, if consistent therewith, with respect to any such plant.

(b) For eggs which have moved or are moving in interstate or foreign commerce, (1) no State or local jurisdiction may require the use of standards of quality, condition, weight, quantity, or grade which

are in addition to or different from the official Federal standards, and (2) no State or local jurisdiction other than those in noncontiguous areas of the United States may require labeling to show the State or other geographical area of production or origin: *Provided, however*, That this shall not preclude a State from requiring that the name, address, and license number of the person processing or packaging eggs, be shown on each container. Labeling, packaging, or ingredient requirements, in addition to or different than those made under this Act, the Federal Food, Drug, and Cosmetic Act and the Fair Packaging and Labeling Act, may not be imposed by any State or local jurisdiction, with respect to egg products processed at any official plant in accordance with the requirements under such Acts. However, any State or local jurisdiction may exercise jurisdiction with respect to eggs and egg products for the purpose of preventing the distribution for human food purposes of any such articles which are outside of such a plant and are in violation of any of said Federal Acts or any State or local law consistent therewith. Otherwise the provisions of this Act shall not invalidate any law or other provisions of any State or other jurisdiction in the absence of a conflict with this Act.

52 Stat. 1040.
21 USC 301.
80 Stat. 1296.
15 USC 1451
note.

(c) The provisions of this Act shall not affect the applicability of the Federal Food, Drug, and Cosmetic Act or the Fair Packaging and Labeling Act or other Federal laws to eggs, egg products, or other food products or diminish any authority conferred on the Secretary of Health, Education, and Welfare or other Federal officials by such other laws, except that the Secretary of Agriculture shall have exclusive jurisdiction to regulate official plants processing egg products and operations thereof as to all matters within the scope of this Act.

(d) The detainer authority conferred on representatives of the Secretary of Agriculture by section 19 of this Act shall also apply to any authorized representative of the Secretary of Health, Education, and Welfare for the purposes of paragraph (d) of section 5 of this Act, with respect to any eggs or egg products that are outside any plant processing egg products.

COST OF INSPECTION

SEC. 24. (a) The cost of inspection rendered under the requirements of this Act, and other costs of administration of this Act, shall be borne by the United States, except that the cost of overtime and holiday work performed in official plants subject to the provisions of this Act at such rates as the Secretary may determine shall be borne by such official plants. Sums received by the Secretary from official plants under this section shall be available without fiscal year limitation to carry out the purposes of this Act.

(b) The term "holiday" for the purposes of assessment or reimbursement of the cost of inspection performed under this Act, the Wholesome Poultry Products Act, and the Wholesome Meat Act shall mean the legal public holidays specified by the Congress in paragraph (a) of section 6103, title 5 of the United States Code.

"Holiday."

82 Stat. 791.
21 USC 451
note.
81 Stat. 584.
21 USC 601
note.
82 Stat. 250.

SMALL BUSINESS ASSISTANCE

SEC. 25. (a) Section 7(b) of the Small Business Act is amended—

(1) by striking out the period at the end of paragraph (4) and inserting in lieu thereof "; and"; and

(2) by adding after paragraph (4) a new paragraph as follows:

72 Stat. 389;
78 Stat. 7;
83 Stat. 802.
15 USC 636.

"(5) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administrator may determine to be necessary or appropriate to assist any small business concern in effecting additions to or alterations in its plant, facilities, or methods of operation to meet requirements imposed by the Egg Products Inspection Act, the Wholesome Poultry Products Act, and the Wholesome Meat Act of 1967 or State laws enacted in conformity therewith, if the Administration determines that such concern is likely to suffer substantial economic injury without assistance under this paragraph."

(b) The third sentence of section 7(b) of such Act is amended by inserting "or (5)" after "paragraph (3)".

(c) Section 4(c)(1) of the Small Business Act is amended by inserting "7(b)(5)", after "7(b)(4)".

Ante, p. 1620.

82 Stat. 791.

21 USC 451

note.

81 Stat. 584.

21 USC 601

note.

72 Stat. 387;

75 Stat. 167.

15 USC 636.

80 Stat. 132;

83 Stat. 802.

15 USC 633.

ANNUAL REPORT

SEC. 26. (a) Not later than March 1 of each year following the enactment of this Act the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture and Forestry of the Senate a comprehensive and detailed written report with respect to—

(1) the processing, storage, handling, and distribution of eggs and egg products subject to the provisions of this title; the inspection of establishments operated in connection therewith; the effectiveness of the operation of the inspection, including the effectiveness of the operations of State egg inspection programs; and recommendations for legislation to improve such program; and

(2) the administration of section 17 of this Act (relating to imports) during the immediately preceding calendar year, including but not limited to—

(A) a certification by the Secretary that foreign plants exporting eggs or egg products to the United States have complied with requirements of this Act and regulations issued thereunder;

(B) the names and locations of plants authorized or permitted to export eggs or egg products to the United States;

(C) the number of inspectors employed by the Department of Agriculture in the calendar year concerned who were assigned to inspect plants referred to in paragraph (B) hereof and the frequency with which each such plant was inspected by such inspectors;

(D) the number of inspectors that were licensed by each country from which any imports were received and that were assigned, during the calendar year concerned, to inspect such imports and the facilities in which such imports were handled; and the frequency and effectiveness of such inspections;

(E) the total volume of eggs and egg products which was imported into the United States during the calendar year concerned from each country, including a separate itemization of the volume of each major category of such imports from each country during such year, and a detailed report of rejections of plants and products because of failure to meet appropriate standards prescribed by this title; and

(F) recommendations for legislation to improve such program.

APPROPRIATIONS

SEC. 27. Such sums as are necessary to carry out the provisions of this Act are hereby authorized to be appropriated.

SEPARABILITY OF PROVISIONS

SEC. 28. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

EFFECTIVE DAY

SEC. 29. The provisions of this Act with respect to egg products shall take effect six months after enactment. Otherwise, this Act shall take effect eighteen months after enactment.

Approved December 29, 1970.

Public Law 91-598

AN ACT

December 30, 1970
[H. R. 19333]

To provide greater protection for customers of registered brokers and dealers and members of national securities exchanges.

Securities In-
vestor Protection
Act of 1970.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE; TABLE OF CONTENTS.—This Act, with the following table of contents, may be cited as the “Securities Investor Protection Act of 1970”.

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- Sec. 1. Short title, etc.
 - (a) Short title; table of contents.
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 - (c) Application of Bankruptcy Act.
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 - (e) Notice.
 - (f) SIPC advances to trustee.
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 - (h) Proof of claim by associates and others.
 - (i) Reports by trustee to court.
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- Sec. 7. SEC functions.
 - (a) Administrative procedure.
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(b) **SECTION HEADINGS.**—Headings for sections and subsections, and the table of contents, are included only for convenience, and shall be given no legal effect.

SEC. 2. APPLICATION OF SECURITIES EXCHANGE ACT OF 1934.

Except as otherwise provided in this Act, the provisions of the Securities Exchange Act of 1934 (15 U.S.C., sec. 78a and fol.; hereinafter referred to as the "1934 Act") apply as if this Act constituted an amendment to, and was included as a section of, such Act.

48 Stat. 881.

SEC. 3. SECURITIES INVESTOR PROTECTION CORPORATION.

(a) **CREATION.**—There is hereby established a body corporate to be known as "Securities Investor Protection Corporation" (hereafter in this Act referred to as "SIPC"). SIPC shall be a nonprofit corporation and shall have succession until dissolved by act of the Congress. SIPC shall—

(1) not be an agency or establishment of the United States Government;

(2) be a membership corporation the members of which shall be—

(A) all persons registered as brokers or dealers under section 15(b) of the 1934 Act, and

(B) all persons who are members of a national securities exchange,

78 Stat. 570.
15 USC 78o.

other than persons whose business as a broker or dealer consists exclusively of (i) the distribution of shares of registered open end investment companies or unit investment trusts, (ii) the sale of variable annuities, (iii) the business of insurance, or (iv) the business of rendering investment advisory services to one or more registered investment companies or insurance company separate accounts; and

(3) except as otherwise provided in this Act, be subject to, and have all the powers conferred upon a nonprofit corporation by, the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29-1001 and fol.).

76 Stat. 265.

(b) **POWERS.**—In addition to the powers granted to SIPC elsewhere in this Act, SIPC shall have the power—

(1) to sue and be sued, complain and defend, in its corporate name and through its own counsel, in any court, State, or Federal;

(2) to adopt, alter, and use a corporate seal, which shall be judicially noticed;

(3) subject to the provisions of this Act, to adopt, amend, and repeal, by its Board of Directors, bylaws and rules relating to the conduct of its business and the exercise of all other rights and powers granted to it by this Act;

(4) to conduct its business (including the carrying on of operations and the maintenance of offices) and to exercise all other rights and powers granted to it by this Act in any State or other jurisdiction without regard to any qualification, licensing, or other statute in such State or other jurisdiction;

(5) to lease, purchase, accept gifts or donations of or otherwise acquire, to own, hold, improve, use, or otherwise deal in or with, and to sell, convey, mortgage, pledge, lease, exchange or otherwise dispose of, any property, real, personal or mixed, or any interest therein, wherever situated;

(6) subject to the provisions of subsection (c), to elect or appoint such officers, attorneys, employees, and agents as may be required, to determine their qualifications, to define their duties, to fix their salaries, require bonds for them and fix the penalty thereof;

(7) to enter into contracts, to execute instruments, to incur liabilities, and to do any and all other acts and things as may be necessary or incidental to the conduct of its business and the exercise of all other rights and powers granted to SIPC by this Act; and

(8) by bylaw, to establish its fiscal year.

(c) BOARD OF DIRECTORS.—

(1) FUNCTIONS.—SIPC shall have a Board of Directors which, subject to the provisions of this Act, shall determine the policies which shall govern the operations of SIPC.

(2) NUMBER AND APPOINTMENT.—The Board of Directors shall consist of seven persons as follows:

(A) One director shall be appointed by the Secretary of the Treasury from among the officers and employees of the Department of the Treasury.

(B) One director shall be appointed by the Federal Reserve Board from among the officers and employees of the Federal Reserve Board.

(C) Five directors shall be appointed by the President, by and with the advice and consent of the Senate, as follows—

(i) three such directors shall be selected from among persons who are associated with, and representative of different aspects of, the securities industry, not all of whom shall be from the same geographical area of the United States, and

(ii) two such directors shall be selected from the general public from among persons who are not associated with any broker or dealer, within the meaning of paragraph (18) of section 3(a) of the 1934 Act, or similarly associated with a national securities exchange or other securities industry group and who have not had any such association during the two years preceding appointment.

(3) CHAIRMAN AND VICE CHAIRMAN.—The President shall designate a Chairman and Vice Chairman from among those directors appointed under paragraph (2)(C)(ii) of this subsection.

(4) TERMS.—

(A) Except as provided in subparagraphs (B) and (C), each director shall be appointed for a term of three years.

(B) Of the directors first appointed under paragraph (2)—

(i) two shall hold office for a term expiring on December 31, 1971,

(ii) two shall hold office for a term expiring on December 31, 1972, and

(iii) three shall hold office for a term expiring on December 31, 1973,

as designated by the President at the time they take office. Such designation shall be made in a manner which will assure

that no two persons appointed under the authority of the same clause of paragraph (2) (C) shall have terms which expire simultaneously.

(C) A vacancy in the Board shall be filled in the same manner as the original appointment was made. Any director appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A director may serve after the expiration of his term until his successor has taken office.

(5) COMPENSATION, ETC.—All matters relating to compensation of directors and the determination of dollar volume of trading on exchanges shall be as provided in the bylaws of SIPC.

(d) MEETINGS OF BOARD.—The Board of Directors shall meet at the call of its Chairman, or as otherwise provided by the bylaws of SIPC.

(e) BYLAWS.—

(1) As soon as practicable but not later than forty-five days after the date of enactment of this Act, the Board of Directors shall adopt initial bylaws and rules relating to the conduct of the business of SIPC and the exercise of the rights and powers granted to it by this Act, and shall file a copy thereof with the Commission. Thereafter, the Board of Directors may alter, supplement, or repeal any existing bylaw or rule and may adopt additional bylaws and rules, and in each such case shall file a copy thereof with the Commission.

(2) Each such initial bylaw or rule, alteration, supplement, or repeal, and additional bylaw or rule shall take effect upon the thirtieth day (or such later date as SIPC may designate) after the filing of the copy thereof with the Commission or upon such earlier date as the Commission may determine, unless the Commission shall, by notice to SIPC setting forth the reasons therefor, disapprove the same, in whole or in part, as being contrary to the public interest or contrary to the purposes of this Act.

(3) The Commission may, by such rules or regulations as it determines to be necessary or appropriate in the public interest or to effectuate the purposes of this Act, require the adoption, amendment, alteration of, supplement to or rescission of any bylaw or rule by SIPC, whenever adopted.

(f) OTHER MEMBERS.—

(1) Any person who is a broker, dealer, or member of a national securities exchange and who is excluded from membership in SIPC under subsection (a) may become a member of SIPC under such conditions and upon such terms as SIPC shall require.

(2) Notwithstanding anything contained in subsections (c) and (d) of section 4, any person who becomes a member of the corporation under this subsection shall be subject to such assessments as SIPC determines to be equitable.

SEC. 4. SIPC FUND.

(a) IN GENERAL.—

(1) ESTABLISHMENT OF FUND.—SIPC shall establish a "SIPC Fund" (hereinafter in this Act referred to as the "fund"). All amounts received by SIPC (other than amounts paid directly to any lender pursuant to any pledge securing a borrowing by SIPC) shall be deposited in the fund, and all expenditures made by SIPC shall be made out of the fund.

(2) BALANCE OF THE FUND.—The balance of the fund at any time shall consist of the aggregate at such time of the following items:

- (A) Cash on hand or on deposit.
- (B) Amounts invested in United States Government or agency securities.
- (C) Confirmed lines of credit.

(3) **CONFIRMED LINES OF CREDIT.**—For purposes of this section, the amount of confirmed lines of credit as of any time is the aggregate amount which SIPC at such time has the right to borrow from banks and other financial institutions under confirmed lines of credit or other written agreements which provide that moneys so borrowed are to be repayable by SIPC not less than one year from the time of such borrowings (including, for purposes of determining when such moneys are repayable, all rights of extension, refunding, or renewal at the election of SIPC).

(b) **INITIAL REQUIRED BALANCE FOR FUND.**—Within one hundred and twenty days from the date of enactment of this Act, the balance of the fund shall aggregate not less than \$75,000,000, less any amounts expended from the fund within that period.

(c) **ASSESSMENTS.**—

(1) **INITIAL ASSESSMENTS.**—Each member of SIPC shall pay to SIPC, or the collection agent for SIPC specified in section 9(a), on or before the one hundred and twentieth day following the date of enactment of this Act, an assessment equal to one-eighth of 1 per centum of the gross revenues from the securities business of such member during the calendar year 1969, or if the Commission shall determine that, for purposes of assessment pursuant to this paragraph, a lesser percentage of gross revenues from the securities business is appropriate for any class or classes of members (taking into account relevant factors, including but not limited to types of business done and nature of securities sold), such lesser percentages as the Commission, by rule or regulation, shall establish for such class or classes, but in no event less than one-sixteenth of 1 per centum for any such class. In no event shall any assessment upon a member pursuant to this paragraph be less than \$150.

(2) **GENERAL ASSESSMENT AUTHORITY.**—SIPC shall, by bylaw or rule, impose upon its members such assessments as, after consultation with self-regulatory organizations, SIPC may deem necessary and appropriate to establish and maintain the fund and to repay any borrowings by SIPC. Any assessments so made shall be in conformity with contractual obligations made by SIPC in connection with any borrowing incurred by SIPC. Subject to paragraph (3) and subsection (d) (1) (A), any such assessment upon the members, or any one or more classes thereof, may, in whole or in part, be based upon or measured by (A) the amount of their gross revenues from the securities business, or (B) all or any of the following factors: the amount or composition of their gross revenues from the securities business, the number or dollar volume of transactions effected by them, the number of customer accounts maintained by them or the amounts of cash and securities in such accounts, their net capital, the nature of their activities (whether in the securities business or otherwise) and the consequent risks, or other relevant factors.

(3) **LIMITATIONS.**—Notwithstanding any other provision of this Act (other than section 3(f))—

- (A) no assessment shall be made upon a member otherwise than pursuant to paragraph (1) or (2) of this subsection,
- (B) an assessment may be made under paragraph (2) of this subsection at a rate in excess of one-half of one per centum

during any twelve-month period if SIPC determines, in accordance with a bylaw or rule, that such rate of assessment during such period will not have a material adverse effect on the financial condition of its members or their customers, except that no assessments shall be made pursuant to such paragraph upon a member which require payments during any such period which exceed in the aggregate one per centum of such member's gross revenues from the securities business for such period, and

(C) no assessment shall include any charge based upon the member's activities (i) in the distribution of shares of registered open end investment companies or unit investment trusts, (ii) in the sale of variable annuities, (iii) in the business of insurance, or (iv) in the business of rendering investment advisory services to one or more registered investment companies or insurance company separate accounts.

(d) REQUIREMENTS RESPECTING ASSESSMENTS AND LINES OF CREDIT.—

(1) ASSESSMENTS.—

(A) $\frac{1}{2}$ OF 1 PERCENT ASSESSMENT.—Subject to subsection (c) (3), SIPC shall impose upon each of its members an assessment at a rate of not less than one-half of 1 per centum per annum of the gross revenues from the securities business of such member—

(i) until the balance of the fund aggregates not less than \$150,000,000 (or such other amount as the Commission may determine in the public interest),

(ii) during any period when there is outstanding borrowing by SIPC pursuant to subsection (f) or subsection (g) of this section, and

(iii) whenever the balance of the fund (exclusive of confirmed lines of credit) is below \$100,000,000 (or such other amount as the Commission may determine in the public interest).

(B) $\frac{1}{4}$ OF 1 PERCENT ASSESSMENT.—During any period during which—

(i) the balance of the fund (exclusive of confirmed lines of credit) aggregates less than \$150,000,000 (or such other amount as the Commission has determined under paragraph (2)(B)), or

(ii) SIPC is required under paragraph (2)(B) to phase out of the fund all confirmed lines of credit,

SIPC shall endeavor to make assessments in such a manner that the aggregate assessments payable by its members during such period shall not be less than one-fourth of 1 per centum per annum of the aggregate gross revenues from the securities business for such members during such period.

(2) LINES OF CREDIT.—

(A) \$50,000,000 LIMIT AFTER 1973.—After December 31, 1973, confirmed lines of credit shall not constitute more than \$50,000,000 of the balance of the fund.

(B) PHASEOUT REQUIREMENT.—When the balance of the fund aggregates \$150,000,000 (or such other amount as the Commission may determine in the public interest) SIPC shall phase out of the fund all confirmed lines of credit.

(e) PRIOR TRUSTS; OVERPAYMENTS AND UNDERPAYMENTS.—

(1) PRIOR TRUSTS.—There may be contributed and transferred at any time to SIPC any funds held by any trust established by a

self-regulatory organization prior to January 1, 1970, and the amounts so contributed and transferred shall be applied, as may be determined by SIPC with approval of the Commission, as a reduction in the amounts payable pursuant to assessments made or to be made by SIPC upon members of such self-regulatory organization pursuant to subsection (c) (2). No such reduction shall be made at any time when there is outstanding any borrowing by SIPC pursuant to subsection (g) of this section or any borrowings under confirmed lines of credit.

(2) **OVERPAYMENTS.**—To the extent that any payment by a member exceeds the maximum rate permitted by subsection (c) of this section, the excess shall not be recoverable except against future payments by such member in accordance with a bylaw or rule of SIPC.

(3) **UNDERPAYMENTS.**—If a member fails to pay when due all or any part of an assessment made upon such member, the unpaid portion thereof shall bear interest at such rate as may be determined by SIPC by bylaw or rule.

(f) **BORROWING AUTHORITY.**—SIPC shall have the power to borrow moneys and to evidence such borrowed moneys by the issuance of bonds, notes, or other evidences of indebtedness, all upon such terms and conditions as the Board of Directors may determine in the case of a borrowing other than pursuant to subsection (g) of this section, or as may be prescribed by the Commission in the case of a borrowing pursuant to subsection (g). The interest payable on a borrowing pursuant to subsection (g) shall be equal to the interest payable on the related notes or other obligations issued by the Commission to the Secretary of the Treasury. To secure the payment of the principal of, and interest and premium, if any, on, all bonds, notes, or other evidences of indebtedness so issued, SIPC may make agreements with respect to the amount of future assessments to be made upon members and may pledge all or any part of the assets of SIPC and of the assessments made or to be made upon members. Any such pledge of future assessments shall (subject to any prior pledge) be valid and binding from the time that it is made, and the assessments so pledged and thereafter received by SIPC, or any examining authority as collection agent for SIPC, shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of such pledge shall be valid and binding against all parties having claims of any kind against SIPC or such collection agent whether pursuant to this Act, in tort, contract or otherwise, irrespective of whether such parties have notice thereof. During any period when a borrowing by SIPC pursuant to subsection (g) of this section is outstanding, no pledge of any assessment upon a member to secure any bonds, notes, or other evidences of indebtedness issued other than pursuant to subsection (g) of this section shall be effective as to the excess of the payments under the assessment on such member during any twelve-month period over one-fourth of 1 per centum of such member's gross revenues from the securities business for such period. Neither the instrument by which a pledge is authorized or created, nor any statement or other document relative thereto, need be filed or recorded in any State or other jurisdiction. The Commission may by rule or regulation provide for the filing of any instrument by which a pledge or borrowing is authorized or created, but the failure to make or any defect in any such filing shall not affect the validity of such pledge or borrowing.

(g) **SEC LOANS TO SIPC.**—In the event that the fund is or may reasonably appear to be insufficient for the purposes of this Act, the Commission is authorized to make loans to SIPC. At the time of appli-

cation for, and as a condition to, any such loan, SIPC shall file with the Commission a statement with respect to the anticipated use of the proceeds of the loan. If the Commission determines that such loan is necessary for the protection of customers of brokers or dealers and the maintenance of confidence in the United States securities markets and that SIPC has submitted a plan which provides as reasonable an assurance of prompt repayment as may be feasible under the circumstances, then the Commission shall so certify to the Secretary of the Treasury, and issue notes or other obligations to the Secretary of the Treasury pursuant to subsection (h). If the Commission determines that the amount or time for payment of the assessments pursuant to such plan would not satisfactorily provide for the repayment of such loan, it may, by rules and regulations, impose upon the purchasers of equity securities in transactions on national securities exchanges and in the over-the-counter markets a transaction fee in such amount as at any time or from time to time it may determine to be appropriate, but not exceeding one-fiftieth of 1 per centum of the purchase price of the securities. No such fee shall be imposed on a transaction (as defined by rules or regulations of the Commission) of less than \$5,000. For the purposes of the next preceding sentence, (A) the fee shall be based upon the total dollar amount of each purchase; (B) the fee shall not apply to any purchase on a national securities exchange or in an over-the-counter market by or for the account of a broker or dealer registered under section 15(b) of the 1934 Act or a member of a national securities exchange unless such purchase is for an investment account of such broker, dealer, or member (and for this purpose any transfer from a trading account to an investment account shall be deemed a purchase at fair market value); and (C) the Commission by rules and regulations may exempt any transaction in the over-the-counter markets in order to provide for the assessment of fees on purchasers in transactions in those markets on a basis comparable to the assessment of fees on purchasers in transactions on national securities exchanges. Such fee shall be collected by the broker or dealer effecting the transaction for or with the purchaser and shall be paid to SIPC in the same manner as assessments imposed pursuant to subsection (c).

78 Stat. 570.
15 USC 78o.

(h) SEC NOTES ISSUED TO TREASURY.—To enable the Commission to make loans under subsection (g), the Commission is authorized to issue to the Secretary of the Treasury notes or other obligations in an aggregate amount of not to exceed \$1,000,000,000, in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury may reduce the interest rate if he determines such reduction to be in the national interest. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under that Act, as amended, are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such

40 Stat. 288.
31 USC 774.

notes or other obligations shall be treated as public debt transactions of the United States.

(i) "GROSS REVENUES" DEFINED.—

(1) IN GENERAL.—For purposes of this Act, the term "gross revenues from the securities business" means the sum of (but without duplication):

(A) commissions earned in connection with transactions in securities effected for customers as agent (net of commissions paid to other brokers and dealers in connection with such transactions) and markups in respect of purchases or sales of securities as principal,

(B) charges for executing or clearing transactions in securities for other brokers and dealers,

(C) the net realized gain, if any, from principal transactions in securities in trading accounts,

(D) the net profit, if any, from the management of or participation in the underwriting or distribution of securities,

(E) interest earned on customers' securities accounts,

(F) fees for investment advisory services (except when rendered to one or more registered investment companies or insurance company separate accounts) or account supervision in respect of securities,

(G) fees for the solicitation of proxies with respect to, or tenders or exchanges of, securities,

(H) income from service charges or other surcharges in respect of securities,

(I) except as otherwise provided by rule or regulation of the Commission, dividends and interest received on securities in investment accounts of the broker or dealer,

(J) fees in connection with put, call, and other option transactions in securities, and

(K) fees and other income for all other investment banking services.

Such term does not include revenues received by a broker or dealer in connection with the distribution of shares of a registered open end investment company or unit investment trust or revenues derived by a broker or dealer from the sale of variable annuities or from the conduct of the business of insurance.

(2) CONSOLIDATED GROUP.—Except as otherwise provided by SIPC by bylaw or rule, gross revenues from the securities business of a broker or dealer shall be computed on a consolidated basis for such broker or dealer and all its subsidiaries, and the operations of a broker or dealer shall include those of any business to which such broker or dealer has succeeded.

(3) MEANING OF TERMS NOT DEFINED.—SIPC may by bylaw or rule define all terms used in this subsection insofar as such definitions are not inconsistent with the provisions of this subsection.

SEC. 5. PROTECTION OF CUSTOMERS.

(a) DETERMINATION OF NEED OF PROTECTION.—

(1) NOTICE TO SIPC.—If the Commission or any self-regulatory organization is aware of facts which lead it to believe that any broker or dealer subject to its regulation is in or is approaching financial difficulty, it shall immediately notify SIPC, and, if such notification is by a self-regulatory organization, the Commission.

(2) ACTION BY SIPC.—If SIPC determines that any member has failed or is in danger of failing to meet its obligations to

customers and that there exists one or more of the conditions specified in subsection (b)(1)(A), SIPC, upon notice to such member, may apply to any court of competent jurisdiction specified in section 27 or 21 (e) of the 1934 Act for a decree adjudicating that customers of such member are in need of the protection provided by this Act.

48 Stat. 902,
900.
15 USC 78aa,
78u.

(3) EFFECT OF OTHER PENDING ACTIONS.—An application under paragraph (2)—

(A) with the consent of the Commission, may be combined with any action brought by the Commission including an action by it for a temporary receiver pending an appointment of a trustee under subsection (b)(3), and

(B) may be filed notwithstanding the pendency in the same or any other court of any bankruptcy, mortgage foreclosure, or equity receivership proceeding or any proceeding to reorganize, conserve, or liquidate such member or its property, or any proceeding to enforce a lien against property of such member.

(b) COURT ACTION.—

(1) ISSUANCE OF DECREE.—

(A) FINDINGS BY COURT.—A court to which application is made pursuant to subsection (a)(2) shall grant the application and issue a decree adjudicating that customers of the member named in the application are in need of protection under this Act if it finds that such member—

(i) is insolvent within the meaning of section 1(19) of the Bankruptcy Act, or is unable to meet its obligations as they mature, or

52 Stat. 841.
11 USC 1.

(ii) has committed an act of bankruptcy within the meaning of section 3 of the Bankruptcy Act, or

(iii) is the subject of a proceeding pending in any court or before any agency of the United States or any State in which a receiver, trustee, or liquidator for such member has been appointed, or

52 Stat. 844;
66 Stat. 421.
11 USC 21.

(iv) is not in compliance with applicable requirements under the 1934 Act or rules or regulations of the Commission or any self-regulatory organization with respect to financial responsibility or hypothecation of customers' securities, or

48 Stat. 881.
15 USC 78a.

(v) is unable to make such computations as may be necessary to establish compliance with such financial responsibility or hypothecation rules or regulations.

(B) UNCONTESTED, ETC., APPLICATIONS.—If within three business days after the filing of an application pursuant to subsection (a)(2), or such other period as the court may order, the debtor shall consent to or fail to contest such application or shall fail to show facts sufficient to controvert any material allegation of such application, the court shall forthwith grant the application and issue a decree adjudicating that customers of the member named in the application are in need of protection under this Act.

(2) EXCLUSIVE JURISDICTION OVER DEBTOR.—Upon the filing of an application pursuant to subsection (a)(2), the court to which application is made shall have exclusive jurisdiction of the debtor involved and its property wherever located with the powers, to the extent consistent with the purposes of this Act, of a court of bankruptcy and of a court in a proceeding under chapter X of the Bankruptcy Act. Pending an adjudication under para-

52 Stat. 883;
80 Stat. 1278.
11 USC 501.

graph (1) such court shall stay, and upon appointment by it of a trustee as provided in paragraph (3) such court shall continue the stay of, any pending bankruptcy, mortgage foreclosure, equity receivership, or other proceeding to reorganize, conserve, or liquidate the debtor or its property and any other suit against any receiver, conservator, or trustee of the debtor or its property. Pending such adjudication and upon the appointment by it of such trustee, the court may stay any proceeding to enforce a lien against property of the debtor or any other suit against the debtor. Pending such adjudication, such court may appoint a temporary receiver.

(3) **APPOINTMENT OF TRUSTEE.**—If the court grants an application and makes an adjudication under paragraph (1), the court shall forthwith appoint as trustee for the liquidation of the business of the debtor in accordance with section 6, and as attorney for such trustee, such persons as SIPC shall specify. No person shall be appointed as such trustee or attorney if such person is not “disinterested” within the meaning of section 158 of the Bankruptcy Act.

52 Stat. 888.
11 USC 558.

(4) **DEBTOR AND FILING DATE DEFINED.**—For purposes of this Act—

(A) **DEBTOR.**—The term “debtor” means a member of SIPC in respect of whom an application has been filed pursuant to subsection (a) (2).

(B) **FILING DATE.**—The term “filing date” means the date on which an application with respect to any debtor is filed under subsection (a) (2); except that if—

30 Stat. 544.
11 USC 1 *et seq.*

(i) a petition was filed before such date by or against the debtor under the Bankruptcy Act, or

(ii) the debtor is the subject of a proceeding pending in any court or before any agency of the United States or any State in which a receiver, trustee, or liquidator for such debtor was appointed which proceeding was commenced before the date on which such application was filed,

then the term “filing date” means the date on which such petition was filed or such proceeding commenced.

(c) **SEC PARTICIPATION IN PROCEEDINGS.**—The Commission may, on its own motion, file notice of its appearance in any proceeding under this Act and may thereafter participate as a party.

SEC. 6. LIQUIDATION PROCEEDINGS.

(a) **GENERAL PURPOSES OF LIQUIDATION PROCEEDING.**—The purposes of any proceeding in which a trustee has been appointed under section 5(b)(3) (hereafter in this section referred to as a “liquidation proceeding”) shall be:

(1) as promptly as possible after such appointment and in accordance with the provisions of this section—

(A) to return specifically identifiable property to the customers of the debtor entitled thereto;

(B) to distribute the single and separate fund, and (in advance thereof or concurrently therewith) pay to customers moneys advanced by SIPC, as provided in subsection (f);

(2) to operate the business of the debtor in order to complete open contractual commitments of the debtor pursuant to subsection (d);

(3) to enforce rights of subrogation as provided in this Act; and

(4) to liquidate the business of the debtor.

(b) POWERS AND DUTIES OF TRUSTEE.—

(1) TRUSTEE POWERS.—A trustee appointed under section 5(b)(3) (hereinafter referred to as “trustee”) shall be vested with the same powers and title with respect to the debtor and the property of the debtor, and the same rights to avoid preferences, as a trustee in bankruptcy and a trustee under chapter X of the Bankruptcy Act have with respect to a bankrupt and a chapter X debtor. In addition, a trustee shall have the right—

52 Stat. 883;
80 Stat. 1278.
11 USC 501.

(A) with the approval of SIPC, to hire and fix the compensation of all personnel (including officers and employees of the debtor and of its examining authority) and other persons (including but not limited to accountants) that are deemed by such trustee necessary for all or any purposes of the liquidation proceeding, and

(B) to operate the business of the debtor in order to complete open contractual commitments pursuant to subsection (d),

and no approval of the court shall be required therefor.

(2) TRUSTEE DUTIES.—Except as inconsistent with the provisions of this Act or otherwise ordered by the court, a trustee shall be subject to the same duties as a trustee appointed under section 44 of the Bankruptcy Act, except that a trustee may, but shall have no duty to, reduce to money any securities in the single and separate fund (provided under subsection (c)(2)(B)) or in the general estate of the debtor.

52 Stat. 860;
54 Stat. 836.
11 USC 72.

(c) APPLICATION OF BANKRUPTCY ACT.—

(1) GENERAL PROVISIONS APPLICABLE.—Except as inconsistent with the provisions of this Act and except that in no event shall a plan of reorganization be formulated, a liquidation proceeding shall be conducted in accordance with, and as though it were being conducted under, the provisions of chapter X and such of the provisions (other than section 60e) of chapters I to VII, inclusive, of the Bankruptcy Act as section 102 of chapter X would make applicable if an order of the court had been entered directing that bankruptcy be proceeded with pursuant to the provisions of such chapters I to VII, inclusive; except that the court may, for such period as may be appropriate, stay enforcement of, but shall not abrogate, the rights provided in section 68 of the Bankruptcy Act and the right to enforce a valid, non-preferential lien or pledge against the property of the debtor. For purposes of applying the Bankruptcy Act in carrying out this section, any reference in the Bankruptcy Act to the date of commencement of proceedings under the Bankruptcy Act shall be deemed to be a reference to the filing date (as defined in section 5(b)(4)(B)).

11 USC 96.
52 Stat. 840-
872.
11 USC 1-101.

11 USC 108.

(2) SPECIAL PROVISIONS.—The following subparagraphs of this paragraph shall apply to a liquidation proceeding in lieu of section 60e of the Bankruptcy Act:

(A) DEFINITIONS.—Except as otherwise expressly provided in this section, for purposes of this section and the application of the Bankruptcy Act to a liquidation proceeding—

(i) “property” includes cash and securities, whether or not negotiable and all property of a similar character;

(ii) “customers” of a debtor means persons (including persons with whom the debtor deals as principal or agent) who have claims on account of securities received, acquired, or held by the debtor from or for the account of such persons (I) for safekeeping, or (II) with a

view to sale, or (III) to cover consummated sales, or (IV) pursuant to purchases, or (V) as collateral security, or (VI) by way of loans of securities by such persons to the debtor, and shall include persons who have claims against the debtor arising out of sales or conversions of such securities, and shall include any person who has deposited cash with the debtor for the purpose of purchasing securities, but shall not include any person to the extent that such person has a claim for property which by contract, agreement, or understanding, or by operation of law, is part of the capital of the debtor or is subordinated to the claims of creditors of the debtor;

(iii) "cash customer" means, with respect to any securities or cash, customers entitled to immediate possession of such securities or cash without the payment of any sum to the debtor, and for purposes of this clause, the same person may be a cash customer with reference to certain securities or cash and not a cash customer with reference to other securities or cash;

(iv) "net equity" of a customer's account or accounts means the dollar amount thereof determined by giving effect to open contractual commitments completed as provided in subsection (d), by excluding any specifically identifiable property reclaimable by the customer, and by subtracting the indebtedness, if any, of the customer to the debtor from the sum which would have been owing by the debtor to the customer had the debtor liquidated, by sale or purchase on the filing date, all other securities and contractual commitments of the customer, and for purposes of this definition, accounts held by a customer in separate capacities shall be deemed to be accounts of separate customers; and

(v) "securities" has the same meaning as such term has under section 60e of the Bankruptcy Act.

52 Stat. 870.
11 USC 96.

(B) SINGLE AND SEPARATE FUND.—All property at any time received, acquired, or held by or for the account of a debtor from or for the account of customers except cash customers who are able to identify specifically their property in the manner prescribed in subparagraph (C), and the proceeds of all customers' property transferred by the debtor, including property unlawfully converted, shall constitute a single and separate fund; and all customers except such cash customers shall constitute a single and separate class of creditors, entitled to share ratably in such fund on the basis of their respective net equities as of the filing date and in priority to all other payments, except that (i) there shall be repaid to SIPC, in priority to all other claims payable from such single and separate fund, the amount of all advances made by SIPC to the trustee to permit the completion of open contractual commitments pursuant to subsection (d), and (ii) to the extent that any other assets of the debtor may be available therefor or as otherwise ordered by the court, all costs and expenses specified in clauses (1) and (2) of section 64a of the Bankruptcy Act shall be paid from such single and separate fund in priority to the claims of such single and separate class of creditors, and any moneys advanced by SIPC for such costs and expenses shall be recouped as such. If such single and separate fund shall not be sufficient to pay in full the

81 Stat. 511.
11 USC 104.

claims of such single and separate class of creditors, the creditors of such class shall be entitled, to the extent only of their respective unpaid balances, to share in the general estate with general creditors. In, or for the purpose of, distributing such fund, all property other than cash shall be valued as of the close of business on the filing date. To the greatest extent considered practicable by the trustee, the trustee shall deliver in payment of claims of customers for their net equities based upon securities held on the filing date in their accounts (after giving effect to open contractual commitments completed as hereinafter provided), securities of the same class and series of an issuer ratably up to the respective amounts which were so held in such accounts. Any property remaining after the liquidation of a lien or pledge made by a debtor shall be apportioned between his general estate and the single and separate fund in the proportion in which the general property of the debtor and the property of his customers contributed to such lien or pledge.

(C) SPECIFICALLY IDENTIFIABLE PROPERTY.—The trustee shall return specifically identifiable property to the customers of the debtor, entitled thereto. No cash or securities at any time received, acquired, or held by or for the account of a debtor from or for the accounts of customers shall for the purposes of this paragraph be deemed to be specifically identified, unless such property remained in its identical form in the debtor's possession until the filing date, or unless such property was allocated to or physically set aside for such customers on the filing date. In determining whether property was allocated to or physically set aside for such customers, it shall be sufficient that on the filing date:

(i) securities are segregated individually, or in bulk for customers collectively;

(ii) in the case of securities held for the account of the debtor as part of any central certificate service of any clearing corporation or any similar depository—

(I) the records of the debtor show or there is otherwise established to the satisfaction of the trustee that all or a specified part of the securities held by such clearing corporation or other similar depository are held for specified customers, or for customers collectively, and

(II) such records of the debtor also show or there is otherwise established to the satisfaction of the trustee the identities of the particular customers entitled to receive specified numbers or units of such securities so held for customers collectively; or

(iii) such property is held for the account of customers of the debtor in such other manner as the Commission, for the protection of customers and other creditors on a fair and equitable basis, by rule or regulation shall have determined to be sufficiently identifiable as the property of such customers.

If there is any shortage in securities of the same class and series of an issuer so segregated in bulk or otherwise held for customers pursuant to this subparagraph, as compared to the aggregate rights of particular customers to receive securities of such class and series, the respective interests of such customers in such securities of such class and series shall

be prorated, without prejudice, however, to the satisfaction of any claim for deficiencies as otherwise provided in this section.

(D) Where such single and separate fund is not sufficient to pay in full the claims of such single and separate class of creditors, a transfer by a debtor of any property which, except for such transfer, would have been a part of such fund may be recovered by the trustee for the benefit of such fund, if such transfer is voidable or void under the provisions of the Bankruptcy Act. For the purpose of such recovery, the property so transferred shall be deemed to have been the property of the debtor and, if such transfer was made to a customer or for his benefit, such customer shall be deemed to have been a creditor, the laws of any State to the contrary notwithstanding. Subject to the provisions of paragraph (D), if any securities received or acquired by a debtor from a cash customer are transferred by the debtor, such customer shall not have any specific interest in or specific right to any securities of like kind on hand on the filing date, but such securities of like kind or the proceeds thereof shall become part of such single and separate fund.

30 Stat. 544.
11 USC 1 et seq.

(d) **COMPLETION OF OPEN CONTRACTUAL COMMITMENTS.**—The trustee shall complete those contractual commitments of the debtor relating to transactions in securities which were made in the ordinary course of debtor's business and which were outstanding on the filing date—

(1) in which a customer had an interest, except those commitments the completion of which the Commission shall have determined by rule or regulation not to be in the public interest, or

(2) in which a customer did not have an interest, to the extent that the Commission shall by rule or regulation have determined the completion of such commitments to be in the public interest.

“Customer,”

For purposes of this subsection (but not for any other purpose of this Act) (i) the term “customer” means any person other than a broker or dealer, and (ii) a customer shall be deemed to have had an interest in a transaction if a broker participating in the transaction was acting as agent for a customer, or if a dealer participating in the transaction held a customer's order which was to be executed as a part of the transaction. All property at any time received, acquired, or held by or for the account of the debtor (except for cash or securities that are specifically identifiable as the property of particular customers and are not the subject of an open contractual commitment), and all property in the single and separate fund, shall be available to complete open contractual commitments pursuant to this subsection. Securities purchased or cash received by the trustee upon completion of any such commitment shall constitute specifically identifiable property of a customer to the extent that such commitment was completed with property which constituted specifically identifiable property of such customer on the filing date, or was paid or delivered by or for the account of such customer to the debtor or the trustee after the filing date.

(e) **NOTICE.**—Promptly after his appointment, the trustee shall cause notice of the commencement of proceedings under this section to be published in accordance with a designation of the court, made in accordance with the requirements of section 28 of the Bankruptcy Act, and at the same time shall cause to be mailed a copy of such notice to each of the customers of the debtor as their addresses shall appear from the debtor's books and records. Except as the trustee may other-

52 Stat. 855.
11 USC 51.

wise permit, claims for specifically identifiable property (other than securities registered in the name of the claimant or segregated for him in his individual name) or claims payable from property in the single and separate fund or payable with moneys advanced by SIPC, shall not be paid other than from the general estate of the debtor unless filed within such period of time (not exceeding sixty days after such publication) as may be fixed by the court, and no claim shall be allowed after the time specified in section 57 of the Bankruptcy Act. Subject to the foregoing, and without limiting the powers and duties of the trustee to discharge promptly obligations as specified in this section, the court may make appropriate provision for proof and enforcement of all claims against the debtor including those of any subrogee.

52 Stat. 866;
76 Stat. 570.
11 USC 93.

(f) SIPC ADVANCES TO TRUSTEE.—

(1) ADVANCES FOR CUSTOMERS' CLAIMS.—In order to provide for prompt payment and satisfaction of the net equities of customers of debtor, SIPC shall advance to the trustee such moneys as may be required to pay or otherwise satisfy claims in full of each customer, but not to exceed \$50,000 for such customer; except that—

(A) insofar as all or any portion of the net equity of a customer is a claim for cash, as distinct from securities, the amount advanced by reason of such claim to cash shall not exceed \$20,000;

(B) a customer who holds accounts with the debtor in separate capacities shall be deemed to be a different customer in each capacity;

(C) no such advance shall be made by SIPC to the trustee to pay or otherwise satisfy, directly or indirectly, any claims of any customer who is a general partner, officer, or director of the debtor, the beneficial owner of 5 per centum or more of any class of equity security of the debtor (other than a non-convertible stock having fixed preferential dividend and liquidation rights) or limited partner with a participation of 5 per centum or more in the net assets or net profits of the debtor; and

(D) no such advance shall be made by SIPC to the trustee to pay or otherwise satisfy claims of any customer who is a broker or dealer or bank other than to the extent that it shall be established to the satisfaction of the trustee, from the books and records of the debtor or from the books and records of a broker or dealer or bank or otherwise, that claims of such broker or dealer or bank against the debtor arise out of transactions for customers of such broker or dealer or bank, in which event, each such customer of such broker or dealer or bank shall be deemed a separate customer of the debtor.

To the extent that moneys are advanced by SIPC to the trustee to pay the claims of customers, SIPC shall be subrogated to the claims of such customers with the rights and priorities provided in this section.

(2) OTHER ADVANCES.—SIPC may advance to the trustee such moneys as may be required to effectuate subsection (b) (1) (A). SIPC shall advance to the trustee such moneys as (with those available pursuant to subsection (d)) may be required to effectuate subsection (d).

(g) PAYMENTS TO CUSTOMERS; NO PROOF OF CLAIM REQUIRED.—It shall be the duty of the trustee to discharge promptly, in accordance with the provisions of this section, all obligations of the debtor to each of its customers relating to, or net equities based upon, securities or cash by the delivery of securities or the effecting of payments to such

customer (subject to subsection (f)(1), to the extent that such payments are made out of advances from SIPC under such subsection) insofar as such obligations are ascertainable from the books and records of the debtor or are otherwise established to the satisfaction of the trustee, whether or not such customer shall have filed formal proof of such claim. For that purpose the court among other things shall—

(1) in respect of claims relating to securities or cash, authorize the trustee to make payment out of moneys made available to the trustee by SIPC notwithstanding the fact that there shall not have been any showing or determination that there are sufficient funds of the debtor available to make such payment; and

(2) in respect of claims relating to, or net equities based upon, securities of a class and series of an issuer, which are ascertainable from the books and records of the debtor or are otherwise established to the satisfaction of the trustee, authorize the trustee to deliver securities of such class and series if and to the extent available to satisfy such claims in whole or in part, with partial deliveries to be made pro rata to the greatest extent considered practicable by the trustee.

Any payment or delivery of property pursuant to this subsection may be conditioned upon the trustee requiring claimants to execute in a form to be determined by the trustee, appropriate receipts, supporting affidavits, and assignments, but shall be without prejudice to the right of any claimant to file formal proof of claim within the period specified in subsection (e) for any balance of securities or cash to which he may deem himself entitled.

(h) **PROOF OF CLAIM BY ASSOCIATES AND OTHERS.**—The provisions of this section permitting discharge of obligations of the debtor to pay cash or to deliver securities without formal proof of claim shall not apply to any person “associated” with the debtor as defined in section 3(a)(18) of the 1934 Act, to any beneficial owner of 5 per centum or more of the voting stock of the debtor, or to any member of the immediate family of any of the foregoing.

78 Stat. 565.
15 USC 78c.

(i) **REPORTS BY TRUSTEE TO COURT.**—All reports to the court by a trustee (other than reports required to be filed pursuant to section 167(3) of the Bankruptcy Act) shall be in such form and detail as, having due regard to the requirements of section 17 of the 1934 Act and the rules and regulations thereunder and the magnitude of items and transactions involved in connection with the operations of a broker or dealer, the Commission shall determine by rules and regulations to present fairly the results of such proceeding as at the dates or for the periods covered by such reports.

52 Stat. 890.
11 USC 567.
48 Stat. 897;
52 Stat. 1076.
15 USC 78q.

(j) **EFFECT OF ACT ON CLAIMS.**—Except as otherwise provided in this section, nothing in this section shall limit the right of any person to establish by formal proof such claims as such person may have to payment, or to delivery of specific securities, without resort to moneys advanced by SIPC to the trustee.

SEC. 7. SEC FUNCTIONS.

(a) **ADMINISTRATIVE PROCEDURE.**—Determinations of the Commission, for purposes of making rules or regulations pursuant to section 3(e) and section 9(f) shall be after appropriate notice and opportunity for a hearing, and for submission of views of interested persons, in accordance with the rulemaking procedures specified in section 553 of title 5, United States Code, but the holding of a hearing shall not prevent adoption of any such rule or regulation upon expiration of the notice period specified in subsection (d) of such section and shall not be required to be on a record within the meaning of subchapter II of chapter 5 of such title.

80 Stat. 383.

5 USC 551.

(b) **ENFORCEMENT OF ACTIONS.**—In the event of the refusal of SIPC to commit its funds or otherwise to act for the protection of customers of any member of SIPC, the Commission may apply to the district court of the United States in which the principal office of SIPC is located for an order requiring SIPC to discharge its obligations under this Act and for such other relief as the court may deem appropriate to carry out the purposes of this Act.

(c) **EXAMINATIONS AND REPORTS.**—

(1) **EXAMINATION OF SIPC, ETC.**—The Commission may make such examinations and inspections of SIPC and require SIPC to furnish it with such reports and records or copies thereof as the Commission may consider necessary or appropriate in the public interest or to effectuate the purposes of this Act.

(2) **REPORTS FROM SIPC.**—As soon as practicable after the close of each fiscal year, SIPC shall submit to the Commission a written report relative to the conduct of its business, and the exercise of the other rights and powers granted by this Act, during such fiscal year. Such report shall include financial statements setting forth the financial position of SIPC at the end of such fiscal year and the results of its operations (including the source and application of its funds) for such fiscal year. The financial statements so included shall be examined by an independent public accountant or firm of independent public accountants, selected by SIPC and satisfactory to the Commission, and shall be accompanied by the report thereon of such accountant or firm. The Commission shall transmit such report to the President and the Congress with such comment thereon as the Commission may deem appropriate.

Report, trans-
mittal to President
and Congress.

(d) **FINANCIAL RESPONSIBILITY.**—Section 15(c)(3) of the Securities Exchange Act of 1934 is amended to read as follows:

“(3) No broker or dealer shall make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, any security (other than an exempted security or commercial paper, bankers’ acceptances, or commercial bills) in contravention of such rules and regulations as the Commission shall prescribe as necessary or appropriate in the public interest or for the protection of investors to provide safeguards with respect to the financial responsibility and related practices of brokers and dealers including, but not limited to, the acceptance of custody and use of customers’ securities, and the carrying and use of customers’ deposits or credit balances. Such rules and regulations shall require the maintenance of reserves with respect to customers’ deposits or credit balances, as determined by such rules and regulations.”

52 Stat. 1075.
15 USC 78o.

SEC. 8. EXAMINING AUTHORITY FUNCTIONS.

Each member of SIPC shall file with such member’s examining authority such information (including reports of, and information with respect to, the gross revenues from the securities business of such member, including the composition thereof, transactions in securities effected by such member, and other information with respect to such member’s activities, whether in the securities business or otherwise, including customer accounts maintained, net capital employed, and activities conducted) as SIPC may determine to be necessary or appropriate for the purpose of making assessments under section 4. The examining authority shall file with SIPC all or such part of such information (and such compilations and analyses thereof) as SIPC, by bylaw or rule, shall prescribe. No application, report, or document filed pursuant to this section shall be deemed to be filed pursuant to section 18 of the 1934 Act.

48 Stat. 897.
15 USC 78r.

SEC. 9. FUNCTIONS OF SELF-REGULATORY ORGANIZATIONS.

(a) **COLLECTING AGENT.**—Each self-regulatory organization shall act as collection agent for SIPC to collect the assessments payable by all members of SIPC for whom such self-regulatory organization is the examining authority, and members of SIPC who are not members of any self-regulatory organization shall make payment direct to SIPC. An examining authority shall be obligated to remit to SIPC assessments made under section 4 only to the extent that payments of such assessments are received by such examining authority.

(b) **IMMUNITY.**—No self-regulatory organization shall have any liability to any person for any action taken or omitted in good faith pursuant to section 5(a)(1).

(c) **INSPECTIONS.**—The self-regulatory organization of which a member of SIPC is a member shall inspect or examine such member for compliance with applicable financial responsibility rules, except that if a member of SIPC is a member of more than one self-regulatory organization, SIPC shall designate one of such self-regulatory organizations to inspect or examine such member of SIPC for compliance with applicable financial responsibility rules. Such self-regulatory organization shall be selected by SIPC on the basis of regulatory procedures employed, availability of staff, convenience of location, and such other factors as SIPC may consider appropriate for the protection of customers of its members.

(d) **REPORTS.**—There shall be filed with SIPC by the self-regulatory organizations such reports of inspections or examinations of the members of SIPC (or copies thereof) as may be designated by SIPC by bylaw or rule.

(e) **CONSULTATION.**—SIPC shall consult and cooperate with the self-regulatory organizations toward the end:

(1) that there may be developed and carried into effect procedures reasonably designed to detect approaching financial difficulty upon the part of any member of SIPC;

(2) that, as nearly as may be practicable, examinations to ascertain whether members of SIPC are in compliance with applicable financial responsibility rules will be conducted by the self-regulatory organizations under appropriate standards (both as to method and scope) and reports of such examinations will, where appropriate, be standard in form; and

(3) that, as frequently as may be practicable under the circumstances, each member of SIPC will file financial information with, and be examined by, the self-regulatory organization which is the examining authority for such member.

(f) **FINANCIAL CONDITION OF MEMBERS.**—Notwithstanding the limitations contained in sections 15A and 19 of the 1934 Act and without limiting its powers under those or other sections of the 1934 Act, the Commission may by such rules or regulations as it determines to be necessary or appropriate in the public interest and to effectuate the purposes of this Act—

(1) require any self-regulatory organization to adopt any specified alteration of or supplement to its rules, practices, and procedures with respect to the frequency and scope of inspections and examinations relating to the financial condition of members of such self-regulatory organization and the selection and qualification of examiners;

(2) require any self-regulatory organization to furnish SIPC and the Commission with reports and records or copies thereof relating to the financial condition of members of such self-regulatory organization; and

52 Stat. 1070;
78 Stat. 574.
48 Stat. 898;
82 Stat. 453.
15 USC 78o-3,
78s.

(3) require any self-regulatory organization to inspect or examine any members of such self-regulatory organization in relation to the financial condition of such members. In the case of a broker or dealer who is a member of more than one self-regulatory organization the Commission, to the extent practicable, shall avoid requiring duplication of examinations, inspections, and reports.

SEC. 10. PROHIBITED ACTS.

(a) **FAILURE TO PAY ASSESSMENT, ETC.**—If a member of SIPC shall fail to file any report or information required pursuant to this Act, or shall fail to pay when due all or any part of an assessment made upon such member pursuant to this Act, and such failure shall not have been cured, by the filing of such report or information or by the making of such payment, together with interest thereon, within five days after receipt by such member of written notice of such failure given by or on behalf of SIPC, it shall be unlawful for such member, unless specifically authorized by the Commission, to engage in business as a broker or dealer. If such member denies that he owes all or any part of the amount specified in such notice, he may after payment of the full amount so specified commence an action against SIPC in the appropriate United States district court to recover the amount he denies owing.

(b) **ENGAGING IN BUSINESS AFTER APPOINTMENT OF TRUSTEE.**—It shall be unlawful for any broker or dealer for whom a trustee has been appointed pursuant to this Act to engage thereafter in business as a broker or dealer, unless the Commission otherwise determines in the public interest. The Commission may by order bar or suspend for any period, any officer, director, general partner, owner of 10 per centum or more of the voting securities, or controlling person of any broker or dealer for whom a trustee has been appointed pursuant to this Act from being or becoming associated with a broker or dealer, if after appropriate notice and opportunity for hearing, the Commission shall determine such bar or suspension to be in the public interest.

(c) **EMBEZZLEMENT, ETC., OF ASSETS OF SIPC.**—Whoever steals, unlawfully abstracts, unlawfully and willfully converts to his own use or to the use of another, or embezzles any of the moneys, securities, or other assets of SIPC shall be fined not more than \$50,000 or imprisoned not more than five years or both.

SEC. 11. MISCELLANEOUS PROVISIONS.

(a) **PUBLIC INSPECTION OF REPORTS.**—Any notice, report, or other document filed with SIPC pursuant to this Act shall be available for public inspection unless SIPC or the Commission shall determine that disclosure thereof is not in the public interest. Nothing herein shall act to deny documents or information to the Congress of the United States or the committees of either House having jurisdiction over financial institutions, securities regulation, or related matters under the rules of each body. Nor shall the Commission be denied any document or information which the Commission, in its judgment, needs.

(b) **APPLICATION OF ACT TO FOREIGN MEMBERS.**—Except as otherwise provided by rule or regulation of the Commission, if the head office of a member is located, and the member's principal business is conducted, outside the United States, the provisions of this Act shall apply to such member only in respect of the business of such member conducted in the United States.

(c) **LIABILITY OF MEMBERS OF SIPC.**—Except for such assessments as may be made upon such member pursuant to the provisions of section 4, no member of SIPC shall have any liability under this Act as a member of SIPC for, or in connection with, any act or omission

of any other broker or dealer whether in connection with the conduct of the business or affairs of such broker or dealer or otherwise and, without limiting the generality of the foregoing, no member shall have any liability for or in respect of any indebtedness or other liability of SIPC.

(d) **LIABILITY OF SIPC AND DIRECTORS.**—Neither SIPC nor any of its Directors shall have any liability to any person for any action taken or omitted in good faith under or in connection with any matter contemplated by this Act.

(e) **ADVERTISING.**—SIPC shall by bylaw or rule prescribe the manner in which a member of SIPC may display any sign or signs (or include in any advertisement a statement) relating to the protection to customers and their accounts, or any other protections, afforded under this Act. No member may display any such sign, or include in an advertisement any such statement, except in accordance with such bylaws and rules.

(f) **SIPC EXEMPT FROM TAXATION.**—SIPC, its property, its franchise, capital, reserves, surplus, and its income, shall be exempt from all taxation now or hereafter imposed by the United States or by any State or local taxing authority, except that any real property and any tangible personal property (other than cash and securities) of SIPC shall be subject to State and local taxation to the same extent according to its value as other real and tangible personal property is taxed. Assessments made upon a member of SIPC shall constitute ordinary and necessary expenses in carrying on the business of such member for the purpose of section 162(a) of the Internal Revenue Code of 1954. The contribution and transfer to SIPC of funds or securities held by any trust established by a national securities exchange prior to January 1, 1970, for the purpose of providing assistance to customers of members of such exchange, shall not result in any taxable gain to such trust or give rise to any taxable income to any member of SIPC under any provision of the Internal Revenue Code of 1954, nor shall such contribution or transfer, or any reduction in assessments made pursuant to this Act, in any way affect the status, as ordinary and necessary expenses under section 162(a) of the Internal Revenue Code of 1954, of any contributions made to such trust by such exchange at any time prior to such transfer. Upon dissolution of SIPC, none of its net assets shall inure to the benefit of any of its members.

(g) **SECTION 20(a) OF 1934 ACT NOT TO APPLY.**—The provisions of subsection (a) of section 20 of the 1934 Act shall not apply to any liability under or in connection with this Act.

(h) **SEC STUDY OF UNSAFE OR UNSOUND PRACTICES.**—Not later than twelve months after the date of enactment of this Act, the Commission shall compile a list of unsafe or unsound practices by members of SIPC in conducting their business and report to the Congress (1) the steps being taken under the authority of existing law to eliminate those practices and (2) recommendations concerning additional legislation which may be needed to eliminate those unsafe or unsound practices.

SEC. 12. DEFINITIONS.

For purposes of this Act:

- (1) **SELF-REGULATORY ORGANIZATION.**—The term “self-regulatory organization” means a national securities exchange or a national securities association registered pursuant to subsection (b) of section 15A of the 1934 Act.

68A Stat. 45;
76 Stat. 976.
26 USC 162.

68A Stat. 3.
26 USC 1 *et seq.*

48 Stat. 899.
15 USC 78t.

Report to
Congress.

52 Stat. 1070;
78 Stat. 574.
15 USC 78o-3.

(2) **FINANCIAL RESPONSIBILITY RULES.**—The term “financial responsibility rules” means the rules and regulations pertaining to financial responsibility and related practices which are applicable to a broker or dealer, as prescribed by the Commission under subsection (c) (3) of section 15 of the 1934 Act or prescribed by a national securities exchange.

Ante, p. 1653.

(3) **EXAMINING AUTHORITY.**—The term “examining authority” means, with respect to any member of SIPC, the self-regulatory organization which inspects or examines such member of SIPC or the Commission if such member of SIPC is not a member of any self-regulatory organization.

Approved December 30, 1970.

Public Law 91-599

AN ACT

To authorize United States participation in increases in the resources of certain international financial institutions, to provide for an annual audit of the Exchange Stabilization Fund by the General Accounting Office, and for other purposes.

December 30, 1970
[H. R. 18306]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Chapter 1.—INTERNATIONAL MONETARY FUND

Sec.

1. Amendment of Bretton Woods Agreements Act.
2. Amendment of Special Drawing Rights Act.

International financial institutions.
U.S. subscriptions and quotas, increase.

§ 1. Amendment of Bretton Woods Agreements Act

The Bretton Woods Agreements Act (22 U.S.C. 286–286k–2) is amended by adding at the end thereof the following new sections:

59 Stat. 512;
79 Stat. 519.

“SEC. 22. (a) The United States Governor of the Fund is authorized to consent to an increase of \$1,540,000,000 in the quota of the United States in the Fund.

“(b) In order to pay the increase in the United States quota in the Fund provided for in this section, there is hereby authorized to be appropriated \$1,540,000,000, to remain available until expended.

Appropriation.

“SEC. 23. (a) The United States Governor of the Bank is authorized (1) to vote for an increase of \$3,000,000,000 in the authorized capital stock of the Bank, and (2) if such increase becomes effective, to subscribe on behalf of the United States to two thousand four hundred and sixty-one additional shares of the capital stock of the Bank.

“(b) In order to pay for the increase in the United States subscription to the Bank provided for in this section, there is hereby authorized to be appropriated \$246,100,000 to remain available until expended.”

Appropriation.

§ 2. Amendments of Special Drawing Rights Act

Section 6 of the Special Drawing Rights Act (22 U.S.C. 286q) is amended to read as follows:

82 Stat. 189.

“SEC. 6. Unless Congress by law authorizes such action, neither the President nor any person or agency shall on behalf of the United States vote to allocate in each basic period Special Drawing Rights under article XXIV, sections 2 and 3, of the Articles of Agreement of the Fund so that allocations to the United States in that period exceed an amount equal to the United States quota in the Fund as authorized under the Bretton Woods Agreements Act.”

Chapter 2.—INTER-AMERICAN DEVELOPMENT BANK

Sec.

21. Amendment of Inter-American Development Bank Act.

§ 21. Amendment of Inter-American Development Bank Act73 Stat. 299;
82 Stat. 168.

(a) The Inter-American Development Bank Act (22 U.S.C. 283-283n) is amended by adding at the end thereof the following new section:

“Sec. 18. (a) The United States Governor of the Bank is hereby authorized to vote in favor of the two resolutions proposed by the Governors at their annual meeting in April 1970 and now pending before the Board of Governors of the Bank, which provide for (1) an increase in the authorized capital stock to the Bank and additional subscriptions of members thereto and (2) an increase in the resources of the Fund for Special Operations and contributions thereto. Upon adoption of such resolutions the United States Governor is authorized to agree on behalf of the United States (1) to subscribe to eighty-two thousand three hundred and fifty-two shares of \$10,000 par value of the increase in the authorized capital stock of the Bank of which sixty-seven thousand three hundred and fifty-two shall be callable shares and fifteen thousand shall be paid in and (2) to pay to the Fund for Special Operations an initial annual installment of \$100,000,000 and, upon further authorization by the Congress, two subsequent annual installments of \$450,000,000 each, in accordance with and subject to the terms and conditions of such resolutions.

Appropriation.

“(b) There are hereby authorized to be appropriated, without fiscal year limitation, the amounts necessary for payment by the Secretary of the Treasury of (1) three annual installments of \$50,000,000 each for the United States subscription to paid-in capital stock of the Bank; (2) two installments of \$336,760,000 each for the United States subscription to the callable capital stock of the Bank; and (3) one installment of \$100,000,000 for the United States share of the increase in the resources of the Fund for Special Operations of the Bank.”

(b) The first sentence of section 3(b) of the Inter-American Development Bank Act (22 U.S.C. 283a(b)) is amended by inserting immediately before the period at the end thereof the following: “and an alternate Executive Director”.

**Chapter 3.—ANNUAL REPORT OF NATIONAL
ADVISORY COUNCIL****§ 31. Annual report**

The National Advisory Council on International Monetary and Financial Policies shall include in its annual report to the Congress (1) a statement with respect to each loan approved and outstanding, made by the International Bank for Reconstruction and Development, the International Development Association, the Inter-American Development Bank, and the Asian Development Bank, including an evaluation of new loans made by said organization and a progress report of the project covered by each loan, and a discussion of how each loan will benefit the people of the recipient country, and (2) a statement on steps taken jointly and individually by member countries of the Inter-American Development Bank to restrain their military expenditures, and to preserve and strengthen free and democratic institutions.

Chapter 4.—AUDIT OF EXCHANGE STABILIZATION FUND

Sec.

41. Annual report.

42. Audit by General Accounting Office.

§ 41. Annual report

The last sentence of section 10(a) of the Gold Reserve Act of 1934 (31 U.S.C. 822a(a)) is amended to read: "The Secretary of the Treasury shall annually make a report on the operations of the fund to the President and to the Congress."

48 Stat. 341.
53 Stat. 998.

§ 42. Audit by General Accounting Office

Section 10(b) of the Gold Reserve Act of 1934 (31 U.S.C. 822a(b)) is amended by inserting after the first sentence thereof the following: "Subject to the foregoing provisions the administrative expenses of the fund shall be audited by the General Accounting Office at such times and in such manner as the Comptroller General of the United States may by regulation prescribe for the purpose of ascertaining that administrative funds are properly accounted for and that fully adequate accounting procedures and systems for control of such funds have been established. Except for information determined by the Secretary to be of an internationally significant nature, there shall be furnished to the Comptroller General such information on the administrative expenses of the fund as is necessary to conduct the audit, and the Comptroller General or any of his representatives shall, for the purpose of securing this information, have access to all books, accounts, records, reports, files, and all other papers, things, or property belonging to or in use by the United States Government (other than records, reports, files, or other papers or things containing or revealing information determined by the Secretary of the Treasury to be of an internationally significant nature)."

Chapter 5.—EMPLOYEE BENEFITS FOR UNITED STATES REPRESENTATIVES

§ 51. Employee benefits

Notwithstanding the provisions of any other law, the Executive Directors and Directors and their alternates, representing the United States in the International Monetary Fund, the International Bank for Reconstruction and Development, the Inter-American Development Bank, and the Asian Development Bank, shall, in the discretion of the Secretary of the Treasury, each be eligible on the basis of such service and the total compensation received therefor, for all employee benefits afforded employees in the civil service of the United States. The Treasury Department shall serve as the employing office for collecting, accounting for, and depositing in the Civil Service Retirement and Disability Fund, Employees Life Insurance Fund, and Employees Health Benefits Fund, all retirement and health insurance benefits payments made by these employees, and shall make any necessary agency contributions from the fund established pursuant to section 10(a) of the Gold Reserve Act of 1934 (31 U.S.C. 822a(a)). This section shall be effective as of December 14, 1966.

Effective date.

Approved December 30, 1970.

Public Law 91-600

December 30, 1970
[S. 3318]

AN ACT

To amend the Library Services and Construction Act, and for other purposes.

Library Services
and Construction
Amendments of
1970.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Library Services and Construction Amendments of 1970".

PURPOSE; AMENDMENT TO THE LIBRARY SERVICES AND CONSTRUCTION ACT

70 Stat. 293;
78 Stat. 16,
20 USC 351
note.

SEC. 2. (a) It is the purpose of this Act to improve the administration, implementation, and purposes of the programs authorized by the Library Services and Construction Act, by lessening the administrative burden upon the States through a reduction in the number of State plans which must be submitted and approved annually under such Act and to afford the States greater discretion in the allocation of funds under such Act to meet specific State needs and, by providing for special programs to meet the needs of disadvantaged persons, in both urban and rural areas, for library services and for strengthening the capacity of State library administrative agencies for meeting the needs of all the people of the States.

(b) The Library Services and Construction Act (20 U.S.C. 351 et seq.), is amended by striking out all that follows the first section and inserting in lieu thereof the following:

"DECLARATION OF POLICY

"SEC. 2. (a) It is the purpose of this Act to assist the States in the extension and improvement of public library services in areas of the States which are without such services or in which such services are inadequate, and with public library construction, and in the improvement of such other State library services as library services for physically handicapped, institutionalized, and disadvantaged persons, in strengthening State library administrative agencies, and in promoting interlibrary cooperation among all types of libraries.

"(b) Nothing in this Act shall be construed to interfere with State and local initiative and responsibility in the conduct of library services. The administration of libraries, the selection of personnel and library books and materials, and, insofar as consistent with the purposes of this Act, the determination of the best uses of the funds provided under this Act shall be reserved to the States and their local subdivisions.

"DEFINITIONS

"SEC. 3. The following definitions shall apply to this Act:

"(1) 'Commissioner' means the Commissioner of Education.

"(2) 'Construction' includes construction of new buildings and acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, or any combination of such activities (including architects' fees and the cost of acquisition of land). For the purposes of this paragraph, the term 'equipment' includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them; and such term includes all other items necessary for the functioning of a particular facility as a facility for the provision of library services.

“(3) ‘Library service’ means the performance of all activities of a library relating to the collection and organization of library materials and to making the materials and information of a library available to a clientele.

“(4) ‘Library services for the physically handicapped’ means the providing of library services, through public or other nonprofit libraries, agencies, or organizations, to physically handicapped persons (including the blind and other visually handicapped) certified by competent authority as unable to read or to use conventional printed materials as a result of physical limitations.

“(5) ‘Public library’ means a library that serves free of charge all residents of a community, district, or region, and receives its financial support in whole or in part from public funds.

“(6) ‘Public library services’ means library services furnished by a public library free of charge.

“(7) ‘State’ means a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

“(8) ‘State Advisory Council on Libraries’ means an advisory council for the purposes of clause (3) of section 6(a) of this Act which shall—

“(A) be broadly representative of the public, school, academic, special, and institutional libraries, and libraries serving the handicapped, in the State and of persons using such libraries, including disadvantaged persons within the State;

“(B) advise the State library administrative agency on the development of, and policy matters arising in the administration of, the State plan; and

“(C) assist the State library administrative agency in the evaluation of activities assisted under this Act;

“(9) ‘State institutional library services’ means the providing of books and other library materials, and of library services, to (A) inmates, patients, or residents of penal institutions, reformatories, residential training schools, orphanages, or general or special institutions or hospitals operated or substantially supported by the State, or (B) students in residential schools for the physically handicapped (including mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired persons who by reason thereof require special education) operated or substantially supported by the State.

“(10) ‘State library administrative agency’ means the official agency of a State charged by law of that State with the extension and development of public library services throughout the State, which has adequate authority under law of the State to administer State plans in accordance with the provisions of this Act.

“(11) ‘Basic State plan’ means the document which gives assurances that the officially designated State library administrative agency has the fiscal and legal authority and capability to administer all aspects of this Act; provides assurances for establishing the State’s policies, priorities, criteria, and procedures necessary to the implementation of all programs under provisions of this Act; and submits copies for approval as required by regulations promulgated by the Commissioner.

“(12) ‘Long-range program’ means the comprehensive five-year program which identifies a State’s library needs and sets forth the activities to be taken toward meeting the identified needs supported with the assistance of Federal funds made available under this Act. Such long-range programs shall be developed by the State library administrative agency and shall specify the State’s policies, criteria,

priorities, and procedures consistent with the Act as required by the regulations promulgated by the Commissioner and shall be updated as library progress requires.

"(13) 'Annual program' means the projects which are developed and submitted to describe the specific activities to be carried out annually toward achieving fulfillment of the long-range program. These annual programs shall be submitted in such detail as required by regulations promulgated by the Commissioner.

"AUTHORIZATIONS OF APPROPRIATIONS

"SEC. 4. (a) For the purpose of carrying out the provisions of this Act the following sums are authorized to be appropriated:

Post, p. 1666.

"(1) For the purpose of making grants to States for library services as provided in title I, there are authorized to be appropriated \$112,000,000 for the fiscal year ending June 30, 1972, \$117,600,000 for the fiscal year ending June 30, 1973, \$123,500,000 for the fiscal year ending June 30, 1974, \$129,675,000 for the fiscal year ending June 30, 1975, and \$137,150,000 for the fiscal year ending June 30, 1976.

"(2) For the purpose of making grants to States for public library construction, as provided in title II, there are authorized to be appropriated \$80,000,000 for the fiscal year ending June 30, 1972, \$84,000,000 for the fiscal year ending June 30, 1973, \$88,000,000 for the fiscal year ending June 30, 1974, \$92,500,000 for the fiscal year ending June 30, 1975, and \$97,000,000 for the fiscal year ending June 30, 1976.

"(3) For the purpose of making grants to States to enable them to carry out interlibrary cooperation programs authorized by title III, there are hereby authorized to be appropriated \$15,000,000 for the fiscal year ending June 30, 1972, \$15,750,000 for the fiscal year ending June 30, 1973, \$16,500,000 for the fiscal year ending June 30, 1974, \$17,300,000 for the fiscal year ending June 30, 1975, and \$18,200,000 for the fiscal year ending June 30, 1976.

"(b) Notwithstanding any other provision of law, unless enacted in express limitation of the provisions of this subsection, any sums appropriated pursuant to subsection (a) shall (1), in the case of sums appropriated pursuant to paragraphs (1) and (3) thereof, be available for obligation and expenditure for the period of time specified in the Act making such appropriation, and (2), in the case of sums appropriated pursuant to paragraph (2) thereof, subject to regulations of the Commissioner promulgated in carrying out the provisions of section 5(b), be available for obligation and expenditure for the year specified in the Appropriation Act and for the next succeeding year.

"ALLOTMENTS TO STATES

"SEC. 5. (a) (1) From the sums appropriated pursuant to paragraph (1), (2), or (3) of section 4(a) for any fiscal year, the Commissioner shall allot the minimum allotment, as determined under paragraph (3) of this subsection, to each State. Any sums remaining after minimum allotments have been made shall be allotted in the manner set forth in paragraph (2) of this subsection.

"(2) From the remainder of any sums appropriated pursuant to paragraph (1), (2), or (3) of section 4(a) for any fiscal year, the Commissioner shall allot to each State such part of such remainder as the population of the State bears to the population of all the States.

"(3) For the purposes of this subsection, the 'minimum allotment' shall be—

"Minimum allotment."

"(A) with respect to appropriations for the purposes of title I, \$200,000 for each State, except that it shall be \$40,000 in the case of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

"(B) with respect to appropriations for the purposes of title II, \$100,000 for each State, except that it shall be \$20,000 in the case of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands; and

"(C) with respect to appropriations for the purposes of title III, \$40,000 for each State, except that it shall be \$10,000 in the case of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

If the sums appropriated pursuant to paragraph (1), (2), or (3) of section 4(a) for any fiscal year are insufficient to fully satisfy the aggregate of the minimum allotments for that purpose, each of such minimum allotments shall be reduced ratably.

"(4) The population of each State and of all the States shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him.

"(5) There is hereby authorized for the purpose of evaluation (directly or by grants or contracts) of programs authorized by this Act, such sums as Congress may deem necessary for any fiscal year.

"(b) The amount of any State's allotment under subsection (a) for any fiscal year from any appropriation made pursuant to paragraph (1), (2), or (3) of section 4(a) which the Commissioner deems will not be required for the period and the purpose for which such allotment is available for carrying out the State's annual program shall be available for reallocation from time to time on such dates during such year as the Commissioner shall fix. Such amount shall be available for reallocation to other States in proportion to the original allotments for such year to such States under subsection (a) but with such proportionate amount for any of such other State being reduced to the extent that it exceeds the amount which the Commissioner estimates the State needs and will be able to use for such period of time for which the original allotments were made and the total of such reductions shall be similarly reallocated among the States not suffering such a reduction. Any amount reallocated to a State under this subsection for any fiscal year shall be deemed to be a part of its allotment for such year pursuant to subsection (a).

"STATE PLANS AND PROGRAMS

"SEC. 6. (a) Any State desiring to receive its allotment for any purpose under this Act for any fiscal year shall (1) have in effect for such fiscal year a basic State plan as defined in section 3(11) and meeting the requirements set forth in subsection (b), (2) submit an annual program as defined in section 3(13) for the purposes for which allotments are desired, meeting the appropriate requirements set forth in titles I, II, and III, and shall submit (no later than July 1, 1972) a long-range program as defined in section 3(12) for carrying out the purposes of this Act as specified in subsection (d), and (3) establish a State Advisory Council on Libraries which meets the requirements of section 3(8).

"(b) A basic State plan under this Act shall—

"(1) provide for the administration, or supervision of the administration, of the programs authorized by this Act by the State library administrative agency;

"(2) provide that any funds paid to the State in accordance with a long-range program and an annual program shall be expended solely for the purposes for which funds have been authorized and appropriated and that such fiscal control and fund accounting procedures have been adopted as may be necessary to assure proper disbursement of, and account for, Federal funds paid to the State (including any such funds paid by the State to any other agency) under this Act;

Reports.

"(3) provide satisfactory assurance that the State agency administering the plan (A) will make such reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this Act and to determine the extent to which funds provided under this Act have been effective in carrying out its purposes, including reports of evaluations made under the State plans, and (B) will keep such records and afford such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports; and

"(4) set forth the criteria to be used in determining the adequacy of public library services in geographical areas and for groups of persons in the State, including criteria designed to assure that priority will be given to programs or projects which serve urban and rural areas with high concentrations of low-income families.

"(c) (1) The Commissioner shall not approve any basic State plan pursuant to this Act for any fiscal year unless—

"(A) the plan fulfills the conditions specified in section 3(11) and subsection (b) of this section and the appropriate titles of this Act;

"(B) he has made specific findings as to the compliance of such plan with requirements of this Act and he is satisfied that adequate procedures are subscribed to therein insure that any assurances and provisions of such plan will be carried out.

"(2) The State plan shall be made public as finally approved.

Notice; hearing
opportunity.

"(3) The Commissioner shall not finally disapprove any basic State plan submitted pursuant to subsection (a)(1), or any modification thereof, without first affording the State reasonable notice and opportunity for hearing.

"(d) The long-range program of any State for carrying out the purposes of this Act shall be developed in consultation with the Commissioner and shall—

"(1) set forth a program under which the funds received by the State under the programs authorized by this Act will be used to carry out a long-range program of library services and construction covering a period of not less than three nor more than five years;

"(2) be annually reviewed and revised in accordance with changing needs for assistance under this Act and the results of the evaluation and surveys of the State library administrative agency;

"(3) set forth policies and procedures (A) for the periodic evaluation of the effectiveness of programs and projects supported under this Act, and (B) for appropriate dissemination of the results of such evaluations and other information pertaining to such programs or projects; and

“(4) set forth effective policies and procedures for the coordination of programs and projects supported under this Act with library programs and projects operated by institutions of higher education or local elementary or secondary schools and with other public or private library services programs.

Such program shall be developed with advice of the State advisory council and in consultation with the Commissioner and shall be made public as it is finally adopted.

“(e) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State agency administering a program submitted under this Act, finds—

Notice; hearing opportunity.

“(1) that the program has been so changed that it no longer complies with the provisions of this Act, or

“(2) that in the administration of the program there is a failure to comply substantially with any such provisions or with any assurance or other provision contained in the basic State plan, then, until he is satisfied that there is no longer any such failure to comply, after appropriate notice to such State agency, he shall make no further payments to the State under this Act or shall limit payments to programs or projects under, or parts of, the programs not affected by the failure, or shall require that payments by such State agency under this Act shall be limited to local or other public library agencies not affected by the failure.

“(f) (1) If any State is dissatisfied with the Commissioner's final action with respect to the approval of a plan submitted under this Act or with his final action under subsection (e) such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action as provided in section 2112 of title 28, United States Code.

Petition for review.

72 Stat. 941;
80 Stat. 1323.

“(2) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon take new or modified findings of fact and may modify his previous action, and shall certify to the court the record of further proceedings.

Jurisdiction.

“(3) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

62 Stat. 928.

“PAYMENTS TO STATES

“SEC. 7. (a) From the allotments available therefor under section 5 from appropriations pursuant to paragraph (1), (2), or (3) of sections 4(a), the Commissioner shall pay to each State which has a basic State plan approved under section 6(a) (1), an annual program and a long-range program as defined in sections 3 (12) and (13) an amount equal to the Federal share of the total sums expended by the State and its political subdivisions in carrying out such plan, except that no payments shall be made from appropriations pursuant to such paragraph (1) for the purposes of title I to any State (other than the Trust Territory of the Pacific Islands) for any fiscal year unless the Commissioner determines that—

“(1) there will be available for expenditure under the programs from State and local sources during the fiscal year for which the allotment is made—

“(A) sums sufficient to enable the State to receive for the purpose of carrying out the programs payments in an amount not less than the minimum allotment for that State for the purpose, and

“(B) not less than the total amount actually expended, in the areas covered by the programs for such year, for the purposes of such programs from such sources in the second preceding fiscal year; and

“(2) there will be available for expenditure for the purposes of the programs from State sources during the fiscal year for which the allotment is made not less than the total amount actually expended for such purposes from such sources in the second preceding fiscal year.

“Federal
share.”

“(b) (1) For the purpose of this section, the ‘Federal share’ for any State shall be, except as is provided otherwise in title III, 100 per centum less the State percentage, and the State percentage shall be that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of all the States (excluding Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), except that (A) the Federal share shall in no case be more than 66 per centum, or less than 33 per centum, and (B) the Federal share for Puerto Rico, Guam, American Samoa, and the Virgin Islands shall be 66 per centum, and (C) the Federal share for the Trust Territory of the Pacific Islands shall be 100 per centum.

“(2) The ‘Federal share’ for each State shall be promulgated by the Commissioner within sixty days after the beginning of the fiscal year ending June 30, 1971, and of every second fiscal year thereafter, on the basis of the average per capita incomes of each of the States and of all the States (excluding Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), for the three most recent consecutive years for which satisfactory data are available to him from the Department of Commerce. Such promulgation shall be conclusive for each of the two fiscal years beginning after the promulgation.

“TITLE I—LIBRARY SERVICES

“GRANTS FOR STATES FOR LIBRARY SERVICES

Ante, p. 1662.

“SEC. 101. The Commissioner shall carry out a program of making grants from sums appropriated pursuant to section 4(a)(1) to States which have had approved basic State plans under section 6 and have submitted annual programs under section 103 for the extension of public library services to areas without such services and the improvement of such services in areas in which such services are inadequate, for making library services more accessible to persons who, by reason of distance, residence, or physical handicap, or other disadvantage, are unable to receive the benefits of public library services regularly made available to the public, for adapting public library services to meet particular needs of persons within the States, and for improving and strengthening library administrative agencies.

“USES OF FEDERAL FUNDS

“SEC. 102. (a) Funds appropriated pursuant to paragraph (1) of section 4(a) shall be available for grants to States from allotments under section 5(a) for the purpose of paying the Federal share of the cost of carrying out State plans submitted and approved under section 6 and section 103. Except as is provided in subsection (b), grants to States under this title may be used solely—

“(1) for planning for, and taking other steps leading to the development of, programs and projects designed to extend and improve library services, as provided in clause (2); and

“(2) for (A) extending public library services to geographical areas and groups of persons without such services and improving such services in such areas and for such groups as may have inadequate public library services; and (B) establishing, expanding, and operating programs and projects to provide (i) State institutional library services, (ii) library services to the physically handicapped, and (iii) library services for the disadvantaged in urban and rural areas; and (C) strengthening metropolitan public libraries which serve as national or regional resource centers.

“(b) Subject to such limitations and criteria as the Commissioner shall establish by regulation, grants to States under this title may be used (1) to pay the cost of administering the State plans submitted and approved under this Act (including obtaining the services of consultants), statewide planning for and evaluation of library services, dissemination of information concerning library services, and the activities of such advisory groups and panels as may be necessary to assist the State library administrative agency in carrying out its functions under this title, and (2) for strengthening the capacity of State library administrative agencies for meeting the needs of the people of the States.

“STATE ANNUAL PROGRAM FOR LIBRARY SERVICES

“SEC. 103. Any State desiring to receive a grant from its allotment for the purposes of this title for any fiscal year shall, in addition to having submitted, and having had approved, a basic State plan under section 6, submit for that fiscal year an annual program for library services. Such program shall be submitted at such time, in such form, and contain such information as the Commissioner may require by regulation, and shall—

“(1) set forth a program for the year submitted under which funds paid to the State from appropriations pursuant to paragraph (1) of section 4(a) for that year will be used, consistent with its long-range program, solely for the purposes set forth in section 102;

“(2) set forth the criteria used in allocating such funds among such purposes, which criteria shall insure that the State will expend from Federal, State, and local sources an amount not less than the amount expended by the State from such sources for State institutional library services, and library services to the physically handicapped during the fiscal year ending June 30, 1971;

“(3) include such information, policies, and procedures as will assure that the activities to be carried out during that year are consistent with the long-range program; and

“(4) include an extension of the long-range program, taking into consideration the results of evaluations.

“TITLE II—PUBLIC LIBRARY CONSTRUCTION

“GRANTS TO STATES FOR PUBLIC LIBRARY CONSTRUCTION

“SEC. 201. The Commissioner shall carry out a program of making grants to States which have had approved a basic State plan under section 6 and have submitted a long-range program and submit annually appropriately updated programs under section 203 for the construction of public libraries.

“USES OF FEDERAL FUNDS

“SEC. 202. Funds appropriated pursuant to paragraph (2) of section 4(a) shall be available for grants to States from allotments under section 5(a) for the purpose of paying the Federal share of the cost of construction projects carried under State plans. Such grants shall be used solely for the construction of public libraries under approved State plans.

“STATE ANNUAL PROGRAM FOR THE CONSTRUCTION OF PUBLIC LIBRARIES

“SEC. 203. Any State desiring to receive a grant from its allotment for the purpose of this title for any fiscal year shall, in addition to having submitted, and having had approved, a basic State plan under section 6, submit such projects as the State may approve and are consistent with its long-range program.

“Such projects shall be submitted at such time and contain such information as the Commissioner may require by regulation and shall—

“(1) for the year submitted under which funds are paid to the State from appropriations pursuant to paragraph (2) of section 4(a) for that year, be used, consistent with the State's long-range program, for the construction of public libraries in areas of the State which are without the library facilities necessary to provide adequate library services;

“(2) follow the criteria, policies, and procedures for the approval of applications for the construction of public library facilities under the long-range program;

“(3) follow policies and procedures which will insure that every local or other public agency whose application for funds under the plan with respect to a project for construction of public library facilities is denied will be given an opportunity for a hearing before the State library administrative agency;

“(4) include an extension of the long-range program taking into consideration the results of evaluations.

“TITLE III—INTERLIBRARY COOPERATION

“GRANTS TO STATES FOR INTERLIBRARY COOPERATION PROGRAMS

“SEC. 301. The Commissioner shall carry out a program of making grants to States which have an approved basic State plan under section 6 and have submitted a long-range program and an annual program under section 303 for interlibrary cooperation programs.

"USES OF FEDERAL FUNDS

"SEC. 302. (a) Funds appropriated pursuant to paragraph (3) of section 4(a) shall be available for grants to States from allotments under paragraphs (1) and (3) of section 5(a) for the purpose of carrying out the Federal share of the cost of carrying out State plans submitted and approved under section 303. Such grants shall be used (1) for planning for, and taking other steps leading to the development of, cooperative library networks; and (2) for establishing, expanding, and operating local, regional, and interstate cooperative networks of libraries, which provide for the systematic and effective coordination of the resources of school, public, academic, and special libraries and information centers for improved supplementary services for the special clientele served by each type of library or center.

"(b) For the purposes of this title, the Federal share shall be 100 per centum of the cost of carrying out the State plan.

"STATE ANNUAL PROGRAM FOR INTERLIBRARY COOPERATION

"SEC. 303. Any State desiring to receive a grant from its allotment for the purposes of this title for any fiscal year shall, in addition to having submitted, and having had approved, a basic State plan under section 6, submit for that fiscal year an annual program for interlibrary cooperation. Such program shall be submitted at such time, in such form, and contain such information as the Commissioner may require by regulation and shall—

"(1) set forth a program for the year submitted under which funds paid to the State from appropriations pursuant to paragraph (3) of section 4(a) will be used, consistent with its long-range program for the purposes set forth in section 302,

"(2) include an extension of the long-range program taking into consideration the results of evaluations."

(c) (1) The amendment made by subsection (b) shall be effective after June 30, 1971.

(2) In the case of funds appropriated to carry out programs under the Library Services and Construction Act for the fiscal year ending June 30, 1971, each State is authorized, in accordance with regulations of the Commissioner of Education, to use a portion of its allotment for the development of such plans as may be required by such Act, as amended by subsection (b).

Effective date.

Ante, p. 1660.

AMENDMENTS TO THE ADULT EDUCATION ACT

SEC. 3. (a) Effective on and after July 1, 1969, section 305(a) of the Adult Education Act is amended—

(1) by striking out in the first sentence "any fiscal year" and inserting in lieu thereof "the fiscal year ending June 30, 1972, and for any succeeding fiscal year"; and

(2) by inserting at the end thereof the following new sentence: "From the sums available for purposes of section 304(b) for the fiscal year ending June 30, 1970, and the succeeding fiscal year, the Commissioner shall make allotments in accordance with section 305(a) of the Adult Education Act of 1966 as in effect on June 30, 1969."

(b) Section 312(b) of the Adult Education Act is amended by inserting at the end thereof the following new sentence: "For the fiscal year ending June 30, 1970, and the succeeding fiscal year, nothing in this subsection shall be construed to prohibit the use of any amounts appropriated pursuant to this Act to pay such costs, subject to such limitations as the Commissioner may prescribe."

Effective date.
Ante, p. 160.

80 Stat. 1217;
81 Stat. 815.

Ante, p. 164.

Approved December 30, 1970.

Public Law 91-601

AN ACT

December 30, 1970
[S. 2162]

To provide for special packaging to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting household substances, and for other purposes.

Poison Preven-
tion Packaging
Act of 1970.

Definitions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. This Act may be cited as the "Poison Prevention Packaging Act of 1970".

SEC. 2. For the purpose of this Act—

(1) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(2) The term "household substance" means any substance which is customarily produced or distributed for sale for consumption or use, or customarily stored, by individuals in or about the household and which is—

(A) a hazardous substance as that term is defined in section 2(f) of the Federal Hazardous Substances Act (15 U.S.C. 1261(f));

(B) an economic poison as that term is defined in section 2a of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135(a));

(C) a food, drug, or cosmetic as those terms are defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321); or

(D) a substance intended for use as fuel when stored in a portable container and used in the heating, cooking, or refrigeration system of a house.

(3) The term "package" means the immediate container or wrapping in which any household substance is contained for consumption, use, or storage by individuals in or about the household, and, for purposes of section 4(a)(2) of this Act, also means any outer container or wrapping used in the retail display of any such substance to consumers. Such term does not include—

(A) any shipping container or wrapping used solely for the transportation of any household substance in bulk or in quantity to manufacturers, packers, or processors, or to wholesale or retail distributors thereof, or

(B) any shipping container or outer wrapping used by retailers to ship or deliver any household substance to consumers unless it is the only such container or wrapping.

(4) The term "special packaging" means packaging that is designed or constructed to be significantly difficult for children under five years of age to open or obtain a toxic or harmful amount of the substance contained therein within a reasonable time and not difficult for normal adults to use properly, but does not mean packaging which all such children cannot open or obtain a toxic or harmful amount within a reasonable time.

(5) The term "labeling" means all labels and other written, printed, or graphic matter (A) upon any household substance or its package, or (B) accompanying such substance.

SEC. 3. (a) The Secretary, after consultation with the technical advisory committee provided for in section 6 of this Act, may establish in accordance with the provisions of this Act, by regulation, standards for the special packaging of any household substance if he finds that—

(1) the degree or nature of the hazard to children in the availability of such substance, by reason of its packaging, is such that special packaging is required to protect children from serious per-

74 Stat. 372;
83 Stat. 187.

73 Stat. 286.

52 Stat. 1040;
82 Stat. 351.

Special pack-
aging standards.

sonal injury or serious illness resulting from handling, using, or ingesting such substance; and

(2) the special packaging to be required by such standard is technically feasible, practicable, and appropriate for such substance.

(b) In establishing a standard under this section, the Secretary shall consider—

(1) the reasonableness of such standard;

(2) available scientific, medical, and engineering data concerning special packaging and concerning childhood accidental ingestions, illness, and injury caused by household substances;

(3) the manufacturing practices of industries affected by this Act; and

(4) the nature and use of the household substance.

(c) In carrying out this Act, the Secretary shall publish his findings, his reasons therefor, and citation of the sections of statutes which authorize his action.

Findings,
publication.

(d) Nothing in this Act shall authorize the Secretary to prescribe specific packaging designs, product content, package quantity, or, with the exception of authority granted in section 4(a)(2) of this Act, labeling. In the case of a household substance for which special packaging is required pursuant to a regulation under this section, the Secretary may in such regulation prohibit the packaging of such substance in packages which he determines are unnecessarily attractive to children.

Limitation.

SEC. 4. (a) For the purpose of making any household substance which is subject to a standard established under section 3 readily available to elderly or handicapped persons unable to use such substance when packaged in compliance with such standard, the manufacturer or packer, as the case may be, may package any household substance, subject to such a standard, in packaging of a single size which does not comply with such standard if—

Conventional
packages, market-
ing.

(1) the manufacturer (or packer) also supplies such substance in packages which comply with such standard; and

(2) the packages of such substance which do not meet such standard bear conspicuous labeling stating: "This package for households without young children"; except that the Secretary may by regulation prescribe a substitute statement to the same effect for packaging too small to accommodate such labeling.

(b) In the case of a household substance which is subject to such a standard and which is dispensed pursuant to an order of a physician, dentist, or other licensed medical practitioner authorized to prescribe, such substance may be dispensed in noncomplying packages only when directed in such order or when requested by the purchaser.

(c) In the case of a household substance subject to such a standard which is packaged under subsection (a) in a noncomplying package, if the Secretary determines that such substance is not also being supplied by a manufacturer (or packer) in popular size packages which comply with such standard, he may, after giving the manufacturer (or packer) an opportunity to comply with the purposes of this Act, by order require such substance to be packaged by such manufacturer (or packer) exclusively in special packaging complying with such standard if he finds, after opportunity for hearing, that such exclusive use of special packaging is necessary to accomplish the purposes of this Act.

SEC. 5. (a) Proceedings to issue, amend, or repeal a regulation prescribing a standard under section 3 shall be conducted in accordance with the procedures prescribed by section 553 (other than paragraph (3)(B) of the last sentence of subsection (b) of such section) of title 5 of the United States Code unless the Secretary elects the procedures

70 Stat. 919.
21 USC 371.
52 Stat. 1055;
72 Stat. 948.

Petition, filing.
80 Stat. 383.

72 Stat. 941;
80 Stat. 1323.
Hearing; additional evidence.

Findings, modification.

Judicial review.

80 Stat. 393.

62 Stat. 928.
Technical advisory committee.

prescribed by subsection (e) of section 701 of the Federal Food, Drug, and Cosmetic Act, in which event such subsection and subsections (f) and (g) of such section 701 shall apply to such proceedings. If the Secretary makes such election, he shall publish that fact with the proposal required to be published under paragraph (1) of such subsection (e).

(b) (1) In the case of any standard prescribed by a regulation issued in accordance with section 553 of title 5 of the United States Code, any person who will be adversely affected by such a standard may, at any time prior to the 60th day after the regulation prescribing such standard is issued by the Secretary, file a petition with the United States Court of Appeals for the circuit in which such person resides or has his principal place of business for a judicial review of such standard. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary or other officer designated by him for that purpose. The Secretary shall file in the court the record of the proceedings on which the Secretary based his standard, as provided in section 2112 of title 28 of the United States Code.

(2) If the petitioner applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there was no opportunity to adduce such evidence in the proceeding before the Secretary, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Secretary in a hearing or in such other manner, and upon such terms and conditions, as to the court may seem proper. The Secretary may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken, and he shall file such modified or new findings, and his recommendation, if any, for the modification or setting aside of his original standard, with the return of such additional evidence.

(3) Upon the filing of the petition under paragraph (1) of this subsection the court shall have jurisdiction to review the standard of the Secretary in accordance with subparagraphs (A), (B), (C), and (D) of paragraph (2) of section 706 of title 5 of the United States Code. If the court ordered additional evidence to be taken under paragraph (2) of this subsection, the court shall also review the Secretary's standard to determine if, on the basis of the entire record before the court pursuant to paragraphs (1) and (2) of this subsection, it is supported by substantial evidence. If the court finds the standard is not so supported, the court may set it aside.

(4) With respect to any standard reviewed under this subsection, the court may grant appropriate relief pending conclusion of the review proceedings, as provided in section 705 of such title 5.

(5) The judgment of the court affirming or setting aside, in whole or in part, any such standard of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification, as provided in section 1254 of title 28 of the United States Code.

SEC. 6. (a) For the purpose of assisting in carrying out the purposes of this Act, the Secretary shall appoint a technical advisory committee, designating a member thereof to be chairman, composed of not more than eighteen members who are representative of (1) the Department of Health, Education, and Welfare, (2) the Department of Commerce, (3) manufacturers of household substances subject to this Act, (4) scientists with expertise related to this Act and licensed practitioners in the medical field, (5) consumers, and (6) manufacturers of packages and closures for household substances. The Secretary shall consult with the technical advisory committee in making findings and in establishing standards pursuant to this Act.

(b) Members of the technical advisory committee who are not regular full-time employees of the United States shall, while attending meetings of such committee, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding \$100 per diem, including traveltime, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

Compensation
and travel
expenses.

80 Stat. 499;
83 Stat. 190.

SEC. 7. (a) Section 2(p) of the Federal Hazardous Substances Act (15 U.S.C. 1261(p)) is amended—

74 Stat. 374;
80 Stat. 1303.

(1) by striking out “which substance” in the part preceding paragraph (1) and inserting in lieu thereof “if the packaging or labeling of such substance is in violation of an applicable regulation issued pursuant to section 3 or 4 of the Poison Prevention Packaging Act of 1970 or if such substance”; and

Ante, p. 1670.

(2) by adding the following after and below paragraph (2): “The term ‘misbranded hazardous substance’ also includes a household substance as defined in section 2(2) (D) of the Poison Prevention Packaging Act of 1970 if it is a substance described in paragraph 1 of section 2(f) of this Act and its packaging or labeling is in violation of an applicable regulation issued pursuant to section 3 or 4 of the Poison Prevention Packaging Act of 1970.”

“Misbranded
hazardous sub-
stance.”

(b) Section 2z(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135(z)(2)) is amended by striking out the period at the end of paragraph (h) of such section and inserting in lieu thereof “; or” and by adding at the end thereof a new paragraph as follows:

73 Stat. 287.

“(i) if its packaging or labeling is in violation of an applicable regulation issued pursuant to section 3 or 4 of the Poison Prevention Packaging Act of 1970.”

(c) Section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amended by adding at the end thereof a new paragraph as follows:

52 Stat. 1047;
74 Stat. 398.

“(n) If its packaging or labeling is in violation of an applicable regulation issued pursuant to section 3 or 4 of the Poison Prevention Packaging Act of 1970.”

(d) Section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352) is amended by adding at the end thereof a new paragraph as follows:

76 Stat. 795.

“(p) If it is a drug and its packaging or labeling is in violation of an applicable regulation issued pursuant to section 3 or 4 of the Poison Prevention Packaging Act of 1970.”

(e) Section 503(b)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)(2)) is amended by striking out “and (h)” and inserting in lieu thereof “, (h), and (p)”.

65 Stat. 649.

(f) Section 602 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 362) is amended by adding at the end thereof a new paragraph as follows:

74 Stat. 398.

“(f) If its packaging or labeling is in violation of an applicable regulation issued pursuant to section 3 or 4 of the Poison Prevention Packaging Act of 1970.”

SEC. 8. Whenever a standard established by the Secretary under this Act applicable to a household substance is in effect, no State or political subdivision thereof shall have any authority either to establish or continue in effect, with respect to such household substance, any standard for special packaging (and any exemption therefrom and requirement related thereto) which is not identical to the standard established under section 3 (and any exemption therefrom and requirement related thereto) of this Act.

Federally
established
standards,
precedence.

Effective date.
Publication in
Federal Register.

SEC. 9. This Act shall take effect on the date of its enactment. Each regulation establishing a special packaging standard shall specify the date such standard is to take effect which date shall not be sooner than one hundred and eighty days or later than one year from the date such regulation is final, unless the Secretary, for good cause found, determines that an earlier effective date is in the public interest and publishes in the Federal Register his reason for such finding, in which case such earlier date shall apply. No such standard shall be effective as to household substances subject to this Act packaged prior to the effective date of such final regulation.

Approved December 30, 1970.

Public Law 91-602

JOINT RESOLUTION

December 31, 1970
[H. J. Res. 1417]

Extending the dates for transmission to the Congress of the President's Economic Report and of the report of the Joint Economic Committee.

President's
Economic Report.

60 Stat. 24;
70 Stat. 289.

62 Stat. 16.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding the provisions of section 3 of the Act of February 20, 1946, as amended (15 U.S.C. 1022), the President shall transmit to the Congress not later than February 1, 1971, the Economic Report; and (b) notwithstanding the provisions of clause (3) of section 5(b) of the Act of February 20, 1946 (15 U.S.C. 1024(b)), the Joint Economic Committee shall file its report on the President's Economic Report with the House of Representatives and the Senate not later than March 10, 1971.

Approved December 31, 1970.

Public Law 91-603

AN ACT

December 31, 1970
[H. R. 15549]

To amend title 10, United States Code, to further the effectiveness of shipment of goods and supplies in foreign commerce by promoting the welfare of United States merchant seamen through cooperation with the United Seamen's Service, and for other purposes.

Seamen's Service
Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Seamen's Service Act".

SEC. 2. It is the purpose of this Act, by authorizing appropriate departments and agencies of the United States Government to cooperate with the United Seamen's Service (a nonprofit, charitable organization incorporated under the laws of the State of New York) in the establishment and operation of facilities for United States merchant seamen in foreign areas, to promote the welfare of such seamen, essential to the overall interests of shipment of United States goods and supplies to such areas.

SEC. 3. Chapter 155 of title 10, United States Code, is amended—
(1) by adding the following new section at the end thereof:

"§ 2604. United Seamen's Service: cooperation and assistance

"(a) Whenever the President finds it necessary in the interest of United States commitments abroad to provide facilities and services for United States merchant seamen in foreign areas, he may authorize the Secretary of Defense, under such regulations as the Secretary may

70A Stat. 144;
76 Stat. 244.
10 USC 2601-
2603.

prescribe, to cooperate with and assist the United Seamen's Service in establishing and providing those facilities and services.

"(b) Personnel of the United Seamen's Service who are performing duties in connection with the cooperation and assistance under subsection (a) may be furnished—

"(1) transportation, at the expense of the United States, while traveling to and from, and while performing, those duties, in the same manner as civilian employees of the armed forces;

"(2) meals and quarters, at their expense or at the expense of the United Seamen's Service, except that where civilian employees of the armed forces are quartered without charge, employees of the United Seamen's Service may also be quartered without charge; and

"(3) available office space (including space for recreational activities for seamen), warehousing, wharfage, and means of communication, without charge.

"(c) No fee may be charged for a passport issued to an employee of the United Seamen's Service for travel outside the United States to assume or perform duties under this section.

Passport fee,
waiver.

"(d) Supplies of the United Seamen's Service, including gifts for the use of merchant seamen, may be transported at the expense of the United States, if it is determined under regulations prescribed under subsection (a) that they are necessary to the cooperation and assistance provided under this section.

"(e) Where practicable, the President shall also make arrangements to provide for convertibility of local currencies for the United Seamen's Service, in connection with its activities under subsection (a).

Currencies,
convertibility.

"(f) For the purposes of this section, employees of the United Seamen's Service may not be considered as employees of the United States."; and

(2) by adding the following new item at the end of the analysis:

"2604. United Seamen's Service: cooperation and assistance."

SEC. 4. The Merchant Marine Act, 1936 (46 U.S.C. 1101 et seq.), as amended, is amended as follows:

49 Stat. 1985.

(a) By striking out of section 501(a)(2) thereof (46 U.S.C. 1151(a)(2)) the words "to enable it to operate and maintain" and inserting in lieu thereof "for the operation and maintenance of".

66 Stat. 760.

(b) By striking out of section 502(a) thereof (46 U.S.C. 1152(a)) the words "to enable it to operate and maintain" and inserting in lieu thereof "for the operation and maintenance of".

Ante, p. 1019.

(c) By inserting in section 601(a)(2) thereof (46 U.S.C. 1171(a)(2)) following the word "owns" the words "or leases".

49 Stat. 2001.

(d) By inserting in section 601(a)(2) thereof (46 U.S.C. 1171(a)(2)) following the word "purchase" the words "or lease".

(e) By striking the last sentence of section 805(d) thereof (46 U.S.C. 1223(d)).

49 Stat. 2012.

Approved December 31, 1970.

Public Law 91-604

December 31, 1970
[H. R. 17255]

AN ACT

To amend the Clean Air Act to provide for a more effective program to improve the quality of the Nation's air.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Clean Air Amendments of 1970".

Clean Air
Amendments of
1970.

RESEARCH

81 Stat. 486.
42 USC 1857b.

SEC. 2. (a) Section 103 of the Clean Air Act (42 U.S.C. 1857, et seq.) is amended by adding at the end thereof the following new subsection:

"(f) (1) In carrying out research pursuant to this Act, the Administrator shall give special emphasis to research on the short- and long-term effects of air pollutants on public health and welfare. In the furtherance of such research, he shall conduct an accelerated research program—

"(A) to improve knowledge of the contribution of air pollutants to the occurrence of adverse effects on health, including, but not limited to, behavioral, physiological, toxicological, and biochemical effects; and

"(B) to improve knowledge of the short- and long-term effects of air pollutants on welfare.

"(2) In carrying out the provisions of this subsection the Administrator may—

"(A) conduct epidemiological studies of the effects of air pollutants on mortality and morbidity;

"(B) conduct clinical and laboratory studies on the immunologic, biochemical, physiological, and the toxicological effects including carcinogenic, teratogenic, and mutagenic effects of air pollutants;

"(C) utilize, on a reimbursable basis, the facilities of existing Federal scientific laboratories and research centers;

"(D) utilize the authority contained in paragraphs (1) through (4) of subsection (b); and

"(E) consult with other appropriate Federal agencies to assure that research or studies conducted pursuant to this subsection will be coordinated with research and studies of such other Federal agencies.

Appropriation.

"(3) In entering into contracts under this subsection, the Administrator is authorized to contract for a term not to exceed 10 years in duration. For the purposes of this paragraph, there are authorized to be appropriated \$15,000,000. Such amounts as are appropriated shall remain available until expended and shall be in addition to any other appropriations under this Act."

42 USC 1857b-1.

(b) Section 104(a) (1) of the Clean Air Act is amended to read as follows:

"(1) conduct and accelerate research programs directed toward development of improved, low-cost techniques for—

"(A) control of combustion byproducts of fuels,

"(B) removal of potential air pollutants from fuels prior to combustion,

"(C) control of emissions from the evaporation of fuels,

"(D) improving the efficiency of fuels combustion so as to decrease atmospheric emissions, and

"(E) producing synthetic or new fuels which, when used, result in decreased atmospheric emissions."

(c) Section 104(a)(2) of the Clean Air Act is amended by striking “and (B)” and inserting in lieu thereof the following: “(B) part of the cost of programs to develop low emission alternatives to the present internal combustion engine; (C) the cost to purchase vehicles and vehicle engines, or portions thereof, for research, development, and testing purposes; and (D)”.

81 Stat. 487.
42 USC 1857b-1.

STATE AND REGIONAL GRANT PROGRAMS

SEC. 3. (a) Section 105(a)(1) of the Clean Air Act is amended to read as follows:

42 USC 1857c.

“GRANTS FOR SUPPORT OF AIR POLLUTION PLANNING AND CONTROL PROGRAMS

“SEC. 105. (a)(1)(A) The Administrator may make grants to air pollution control agencies in an amount up to two-thirds of the cost of planning, developing, establishing, or improving, and up to one-half of the cost of maintaining, programs for the prevention and control of air pollution or implementation of national primary and secondary ambient air quality standards.

“(B) Subject to subparagraph (C), the Administrator may make grants to air pollution control agencies within the meaning of paragraph (1), (2), or (4) of section 302(b) in an amount up to three-fourths of the cost of planning, developing, establishing, or improving, and up to three-fifths of the cost of maintaining, any program for the prevention and control of air pollution or implementation of national primary and secondary ambient air quality standards in an area that includes two or more municipalities, whether in the same or different States.

42 USC 1857b.

“(C) With respect to any air quality control region or portion thereof for which there is an applicable implementation plan under section 110, grants under subparagraph (B) may be made only to air pollution control agencies which have substantial responsibilities for carrying out such applicable implementation plan.”

(b)(1) Section 105 of the Clean Air Act is further amended by adding at the end thereof the following new subsection:

“(d) The Administrator, with the concurrence of any recipient of a grant under this section, may reduce the payments to such recipient by the amount of the pay, allowances, traveling expenses, and any other costs in connection with the detail of any officer or employee to the recipient under section 301 of this Act, when such detail is for the convenience of, and at the request of, such recipient and for the purpose of carrying out the provisions of this Act. The amount by which such payments have been reduced shall be available for payment of such costs by the Administrator, but shall, for the purpose of determining the amount of any grant to a recipient under subsection (a) of this section, be deemed to have been paid to such agency.”

42 USC 1857e.

(2) Section 301(b) of the Clean Air Act is amended (A) by striking out “Public Health Service” and inserting in lieu thereof “Environmental Protection Agency” and (B) by striking out the second sentence thereof.

(c) Section 106 of the Clean Air Act is amended to read as follows:

42 USC 1857c-1.

“INTERSTATE AIR QUALITY AGENCIES OR COMMISSIONS

“SEC. 106. For the purpose of developing implementation plans for any interstate air quality control region designated pursuant to section 107, the Administrator is authorized to pay, for two years, up to 100 per centum of the air quality planning program costs of any agency

Post, p. 1678.

designated by the Governors of the affected States, which agency shall be capable of recommending to the Governors plans for implementation of national primary and secondary ambient air quality standards and shall include representation from the States and appropriate political subdivisions within the air quality control region. After the initial two-year period the Administrator is authorized to make grants to such agency in an amount up to three-fourths of the air quality planning program costs of such agency."

AMBIENT AIR QUALITY AND EMISSION STANDARDS

81 Stat. 490.
42 USC 1857c-2.
42 USC 1857d-
1857f.

SEC. 4. (a) The Clean Air Act is amended by striking out section 107; by redesignating sections 108, 109, 110, and 111 as 115, 116, 117, and 118, respectively; and by inserting after section 106 the following new sections:

"AIR QUALITY CONTROL REGIONS

"SEC. 107. (a) Each State shall have the primary responsibility for assuring air quality within the entire geographic area comprising such State by submitting an implementation plan for such State which will specify the manner in which national primary and secondary ambient air quality standards will be achieved and maintained within each air quality control region in such State.

Post, p. 1680.

"(b) For purposes of developing and carrying out implementation plans under section 110—

"(1) an air quality control region designated under this section before the date of enactment of the Clean Air Amendments of 1970, or a region designated after such date under subsection (c), shall be an air quality control region; and

"(2) the portion of such State which is not part of any such designated region shall be an air quality control region, but such portion may be subdivided by the State into two or more air quality control regions with the approval of the Administrator.

"(c) The Administrator shall, within 90 days after the date of enactment of the Clean Air Amendments of 1970, after consultation with appropriate State and local authorities, designate as an air quality control region any interstate area or major intrastate area which he deems necessary or appropriate for the attainment and maintenance of ambient air quality standards. The Administrator shall immediately notify the Governors of the affected States of any designation made under this subsection.

"AIR QUALITY CRITERIA AND CONTROL TECHNIQUES

Air pollutant
list, publication.

"SEC. 108. (a) (1) For the purpose of establishing national primary and secondary ambient air quality standards, the Administrator shall within 30 days after the date of enactment of the Clean Air Amendments of 1970 publish, and shall from time to time thereafter revise, a list which includes each air pollutant—

"(A) which in his judgment has an adverse effect on public health or welfare;

"(B) the presence of which in the ambient air results from numerous or diverse mobile or stationary sources; and

"(C) for which air quality criteria had not been issued before the date of enactment of the Clean Air Amendments of 1970, but for which he plans to issue air quality criteria under this section.

"(2) The Administrator shall issue air quality criteria for an air pollutant within 12 months after he has included such pollutant in a list under paragraph (1). Air quality criteria for an air pollutant shall accurately reflect the latest scientific knowledge useful in indicating

the kind and extent of all identifiable effects on public health or welfare which may be expected from the presence of such pollutant in the ambient air, in varying quantities. The criteria for an air pollutant, to the extent practicable, shall include information on—

“(A) those variable factors (including atmospheric conditions) which of themselves or in combination with other factors may alter the effects on public health or welfare of such air pollutant;

“(B) the types of air pollutants which, when present in the atmosphere, may interact with such pollutant to produce an adverse effect on public health or welfare; and

“(C) any known or anticipated adverse effects on welfare.

“(b) (1) Simultaneously with the issuance of criteria under subsection (a), the Administrator shall, after consultation with appropriate advisory committees and Federal departments and agencies, issue to the States and appropriate air pollution control agencies information on air pollution control techniques, which information shall include data relating to the technology and costs of emission control. Such information shall include such data as are available on available technology and alternative methods of prevention and control of air pollution. Such information shall also include data on alternative fuels, processes, and operating methods which will result in elimination or significant reduction of emissions.

“(2) In order to assist in the development of information on pollution control techniques, the Administrator may establish a standing consulting committee for each air pollutant included in a list published pursuant to subsection (a) (1), which shall be comprised of technically qualified individuals representative of State and local governments, industry, and the academic community. Each such committee shall submit, as appropriate, to the Administrator information related to that required by paragraph (1).

Standing consulting committees, establishment.

“(c) The Administrator shall from time to time review, and, as appropriate, modify, and reissue any criteria or information on control techniques issued pursuant to this section.

“(d) The issuance of air quality criteria and information on air pollution control techniques shall be announced in the Federal Register and copies shall be made available to the general public.

Publication in Federal Register.

“NATIONAL AMBIENT AIR QUALITY STANDARDS

“SEC. 109. (a) (1) The Administrator—

“(A) within 30 days after the date of enactment of the Clean Air Amendments of 1970, shall publish proposed regulations prescribing a national primary ambient air quality standard and a national secondary ambient air quality standard for each air pollutant for which air quality criteria have been issued prior to such date of enactment; and

“(B) after a reasonable time for interested persons to submit written comments thereon (but no later than 90 days after the initial publication of such proposed standards) shall by regulation promulgate such proposed national primary and secondary ambient air quality standards with such modifications as he deems appropriate.

“(2) With respect to any air pollutant for which air quality criteria are issued after the date of enactment of the Clean Air Amendments of 1970, the Administrator shall publish, simultaneously with the issuance of such criteria and information, proposed national primary and secondary ambient air quality standards for any such pollutant. The procedure provided for in paragraph (1) (B) of this subsection shall apply to the promulgation of such standards.

“(b) (1) National primary ambient air quality standards, prescribed under subsection (a) shall be ambient air quality standards the attainment and maintenance of which in the judgment of the Administrator, based on such criteria and allowing an adequate margin of safety, are requisite to protect the public health. Such primary standards may be revised in the same manner as promulgated.

“(2) Any national secondary ambient air quality standard prescribed under subsection (a) shall specify a level of air quality the attainment and maintenance of which in the judgment of the Administrator, based on such criteria, is requisite to protect the public welfare from any known or anticipated adverse effects associated with the presence of such air pollutant in the ambient air. Such secondary standards may be revised in the same manner as promulgated.

“IMPLEMENTATION PLANS

Ante, p. 1679.

“SEC. 110. (a) (1) Each State shall, after reasonable notice and public hearings, adopt and submit to the Administrator, within nine months after the promulgation of a national primary ambient air quality standard (or any revision thereof) under section 109 for any air pollutant, a plan which provides for implementation, maintenance, and enforcement of such primary standard in each air quality control region (or portion thereof) within such State. In addition, such State shall adopt and submit to the Administrator (either as a part of a plan submitted under the preceding sentence or separately) within nine months after the promulgation of a national ambient air quality secondary standard (or revision thereof), a plan which provides for implementation, maintenance, and enforcement of such secondary standard in each air quality control region (or portion thereof) within such State. Unless a separate public hearing is provided, each State shall consider its plan implementing such secondary standard at the hearing required by the first sentence of this paragraph.

“(2) The Administrator shall, within four months after the date required for submission of a plan under paragraph (1), approve or disapprove such plan or each portion thereof. The Administrator shall approve such plan, or any portion thereof, if he determines that it was adopted after reasonable notice and hearing and that—

“(A) (i) in the case of a plan implementing a national primary ambient air quality standard, it provides for the attainment of such primary standard as expeditiously as practicable but (subject to subsection (e)) in no case later than three years from the date of approval of such plan (or any revision thereof to take account of a revised primary standard); and (ii) in the case of a plan implementing a national secondary ambient air quality standard, it specifies a reasonable time at which such secondary standard will be attained;

“(B) it includes emission limitations, schedules, and timetables for compliance with such limitations, and such other measures as may be necessary to insure attainment and maintenance of such primary or secondary standard, including, but not limited to, land-use and transportation controls;

“(C) it includes provision for establishment and operation of appropriate devices, methods, systems, and procedures necessary to (i) monitor, compile, and analyze data on ambient air quality and, (ii) upon request, make such data available to the Administrator;

Review.

“(D) it includes a procedure, meeting the requirements of paragraph (4), for review (prior to construction or modification) of the location of new sources to which a standard of performance will apply;

“(E) it contains adequate provisions for intergovernmental cooperation, including measures necessary to insure that emissions of air pollutants from sources located in any air quality control region will not interfere with the attainment or maintenance of such primary or secondary standard in any portion of such region outside of such State or in any other air quality control region;

“(F) it provides (i) necessary assurances that the State will have adequate personnel, funding, and authority to carry out such implementation plan, (ii) requirements for installation of equipment by owners or operators of stationary sources to monitor emissions from such sources, (iii) for periodic reports on the nature and amounts of such emissions; (iv) that such reports shall be correlated by the State agency with any emission limitations or standards established pursuant to this Act, which reports shall be available at reasonable times for public inspection; and (v) for authority comparable to that in section 303, and adequate contingency plans to implement such authority;

“(G) it provides, to the extent necessary and practicable, for periodic inspection and testing of motor vehicles to enforce compliance with applicable emission standards; and

“(H) it provides for revision, after public hearings, of such plan (i) from time to time as may be necessary to take account of revisions of such national primary or secondary ambient air quality standard or the availability of improved or more expeditious methods of achieving such primary or secondary standard; or (ii) whenever the Administrator finds on the basis of information available to him that the plan is substantially inadequate to achieve the national ambient air quality primary or secondary standard which it implements.

“(3) The Administrator shall approve any revision of an implementation plan applicable to an air quality control region if he determines that it meets the requirements of paragraph (2) and has been adopted by the State after reasonable notice and public hearings.

“(4) The procedure referred to in paragraph (2) (D) for review, prior to construction or modification, of the location of new sources shall (A) provide for adequate authority to prevent the construction or modification of any new source to which a standard of performance under section 111 will apply at any location which the State determines will prevent the attainment or maintenance within any air quality control region (or portion thereof) within such State of a national ambient air quality primary or secondary standard, and (B) require that prior to commencing construction or modification of any such source, the owner or operator thereof shall submit to such State such information as may be necessary to permit the State to make a determination under clause (A).

“(b) The Administrator may, wherever he determines necessary, extend the period for submission of any plan or portion thereof which implements a national secondary ambient air quality standard for a period not to exceed 18 months from the date otherwise required for submission of such plan.

Extension.

“(c) The Administrator shall, after consideration of any State hearing record, promptly prepare and publish proposed regulations setting forth an implementation plan, or portion thereof, for a State if—

Proposed regulations, publication.

“(1) the State fails to submit an implementation plan for any national ambient air quality primary or secondary standard within the time prescribed,

“(2) the plan, or any portion thereof, submitted for such State

is determined by the Administrator not to be in accordance with the requirements of this section, or

“(3) the State fails, within 60 days after notification by the Administrator or such longer period as he may prescribe, to revise an implementation plan as required pursuant to a provision of its plan referred to in subsection (a) (2) (H).

Hearings.

If such State held no public hearing associated with respect to such plan (or revision thereof), the Administrator shall provide opportunity for such hearing within such State on any proposed regulation. The Administrator shall, within six months after the date required for submission of such plan (or revision thereof), promulgate any such regulations unless, prior to such promulgation, such State has adopted and submitted a plan (or revision) which the Administrator determines to be in accordance with the requirements of this section.

“(d) For purposes of this Act, an applicable implementation plan is the implementation plan, or most recent revision thereof, which has been approved under subsection (a) or promulgated under subsection (c) and which implements a national primary or secondary ambient air quality standard in a State.

“(e) (1) Upon application of a Governor of a State at the time of submission of any plan implementing a national ambient air quality primary standard, the Administrator may (subject to paragraph (2)) extend the three-year period referred to in subsection (a) (2) (A) (i) for not more than two years for an air quality control region if after review of such plan the Administrator determines that—

“(A) one or more emission sources (or classes of moving sources) are unable to comply with the requirements of such plan which implement such primary standard because the necessary technology or other alternatives are not available or will not be available soon enough to permit compliance within such three-year period, and

“(B) the State has considered and applied as a part of its plan reasonably available alternative means of attaining such primary standard and has justifiably concluded that attainment of such primary standard within the three years cannot be achieved.

“(2) The Administrator may grant an extension under paragraph (1) only if he determines that the State plan provides for—

“(A) application of the requirements of the plan which implement such primary standard to all emission sources in such region other than the sources (or classes) described in paragraph (1) (A) within the three-year period, and

“(B) such interim measures of control of the sources (or classes) described in paragraph (1) (A) as the Administrator determines to be reasonable under the circumstances.

“(f) (1) Prior to the date on which any stationary source or class of moving sources is required to comply with any requirement of an applicable implementation plan the Governor of the State to which such plan applies may apply to the Administrator to postpone the applicability of such requirement to such source (or class) for not more than one year. If the Administrator determines that—

“(A) good faith efforts have been made to comply with such requirement before such date,

“(B) such source (or class) is unable to comply with such requirement because the necessary technology or other alternative methods of control are not available or have not been available for a sufficient period of time,

“(C) any available alternative operating procedures and interim control measures have reduced or will reduce the impact of such source on public health, and

“(D) the continued operation of such source is essential to national security or to the public health or welfare, then the Administrator shall grant a postponement of such requirement.

“(2)(A) Any determination under paragraph (1) shall (i) be made on the record after notice to interested persons and opportunity for hearing, (ii) be based upon a fair evaluation of the entire record at such hearing, and (iii) include a statement setting forth in detail the findings and conclusions upon which the determination is based.

Notice, hearing.

“(B) Any determination made pursuant to this paragraph shall be subject to judicial review by the United States court of appeals for the circuit which includes such State upon the filing in such court within 30 days from the date of such decision of a petition by any interested person praying that the decision be modified or set aside in whole or in part. A copy of the petition shall forthwith be sent by registered or certified mail to the Administrator and thereupon the Administrator shall certify and file in such court the record upon which the final decision complained of was issued, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition the court shall have jurisdiction to affirm or set aside the determination complained of in whole or in part. The findings of the Administrator with respect to questions of fact (including each determination made under subparagraphs (A), (B), (C), and (D) of paragraph (1)) shall be sustained if based upon a fair evaluation of the entire record at such hearing.

Judicial review.

72 Stat. 941;
80 Stat. 1323.

“(C) Proceedings before the court under this paragraph shall take precedence over all the other causes of action on the docket and shall be assigned for hearing and decision at the earliest practicable date and expedited in every way.

“(D) Section 307(a) (relating to subpoenas) shall be applicable to any proceeding under this subsection.

Post, p. 1707.

“STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

“SEC. 111. (a) For purposes of this section:

Definitions.

“(1) The term ‘standard of performance’ means a standard for emissions of air pollutants which reflects the degree of emission limitation achievable through the application of the best system of emission reduction which (taking into account the cost of achieving such reduction) the Administrator determines has been adequately demonstrated.

“(2) The term ‘new source’ means any stationary source, the construction or modification of which is commenced after the publication of regulations (or, if earlier, proposed regulations) prescribing a standard of performance under this section which will be applicable to such source.

“(3) The term ‘stationary source’ means any building, structure, facility, or installation which emits or may emit any air pollutant.

“(4) The term ‘modification’ means any physical change in, or change in the method of operation of, a stationary source which increases the amount of any air pollutant emitted by such source or which results in the emission of any air pollutant not previously emitted.

“(5) The term ‘owner or operator’ means any person who owns, leases, operates, controls, or supervises a stationary source.

“(6) The term ‘existing source’ means any stationary source other than a new source.

List of categories, publication.

"(b) (1) (A) The Administrator shall, within 90 days after the date of enactment of the Clean Air Amendments of 1970, publish (and from time to time thereafter shall revise) a list of categories of stationary sources. He shall include a category of sources in such list if he determines it may contribute significantly to air pollution which causes or contributes to the endangerment of public health or welfare.

"(B) Within 120 days after the inclusion of a category of stationary sources in a list under subparagraph (A), the Administrator shall propose regulations, establishing Federal standards of performance for new sources within such category. The Administrator shall afford interested persons an opportunity for written comment on such proposed regulations. After considering such comments, he shall promulgate, within 90 days after such publication, such standards with such modifications as he deems appropriate. The Administrator may, from time to time, revise such standards following the procedure required by this subsection for promulgation of such standards. Standards of performance or revisions thereof shall become effective upon promulgation.

"(2) The Administrator may distinguish among classes, types, and sizes within categories of new sources for the purpose of establishing such standards.

"(3) The Administrator shall, from time to time, issue information on pollution control techniques for categories of new sources and air pollutants subject to the provisions of this section.

"(4) The provisions of this section shall apply to any new source owned or operated by the United States.

"(c) (1) Each State may develop and submit to the Administrator a procedure for implementing and enforcing standards of performance for new sources located in such State. If the Administrator finds the State procedure is adequate, he shall delegate to such State any authority he has under this Act to implement and enforce such standards (except with respect to new sources owned or operated by the United States).

"(2) Nothing in this subsection shall prohibit the Administrator from enforcing any applicable standard of performance under this section.

"(d) (1) The Administrator shall prescribe regulations which shall establish a procedure similar to that provided by section 110 under which each State shall submit to the Administrator a plan which (A) establishes emission standards for any existing source for any air pollutant (i) for which air quality criteria have not been issued or which is not included on a list published under section 108(a) or 112 (b) (1) (A) but (ii) to which a standard of performance under subsection (b) would apply if such existing source were a new source, and (B) provides for the implementation and enforcement of such emission standards.

"(2) The Administrator shall have the same authority—

"(A) to prescribe a plan for a State in cases where the State fails to submit a satisfactory plan as he would have under section 110(c) in the case of failure to submit an implementation plan, and

"(B) to enforce the provisions of such plan in cases where the State fails to enforce them as he would have under sections 113 and 114 with respect to an implementation plan.

"(e) After the effective date of standards of performance promulgated under this section, it shall be unlawful for any owner or operator of any new source to operate such source in violation of any standard of performance applicable to such source.

Ante, p. 1680.

Ante, p. 1678;
Post, p. 1685.

Post, p. 1686.

"NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

"SEC. 112. (a) For purposes of this section—

Definitions.

"(1) The term 'hazardous air pollutant' means an air pollutant to which no ambient air quality standard is applicable and which in the judgment of the Administrator may cause, or contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness.

"(2) The term 'new source' means a stationary source the construction or modification of which is commenced after the Administrator proposes regulations under this section establishing an emission standard which will be applicable to such source.

"(3) The terms 'stationary source', 'modification', 'owner or operator' and 'existing source' shall have the same meaning as such terms have under section 111(a).

Ante, p. 1683.

List, publication.

"(b) (1) (A) The Administrator shall, within 90 days after the date of enactment of the Clean Air Amendments of 1970, publish (and shall from time to time thereafter revise) a list which includes each hazardous air pollutant for which he intends to establish an emission standard under this section.

"(B) Within 180 days after the inclusion of any air pollutant in such list, the Administrator shall publish proposed regulations establishing emission standards for such pollutant together with a notice of a public hearing within thirty days. Not later than 180 days after such publication, the Administrator shall prescribe an emission standard for such pollutant, unless he finds, on the basis of information presented at such hearings, that such pollutant clearly is not a hazardous air pollutant. The Administrator shall establish any such standard at the level which in his judgment provides an ample margin of safety to protect the public health from such hazardous air pollutant.

Proposed regulations; hearing.

"(C) Any emission standard established pursuant to this section shall become effective upon promulgation.

"(2) The Administrator shall, from time to time, issue information on pollution control techniques for air pollutants subject to the provisions of this section.

"(c) (1) After the effective date of any emission standard under this section—

"(A) no person may construct any new source or modify any existing source which, in the Administrator's judgment, will emit an air pollutant to which such standard applies unless the Administrator finds that such source if properly operated will not cause emissions in violation of such standard, and

"(B) no air pollutant to which such standard applies may be emitted from any stationary source in violation of such standard, except that in the case of an existing source—

"(i) such standard shall not apply until 90 days after its effective date, and

"(ii) the Administrator may grant a waiver permitting such source a period of up to two years after the effective date of a standard to comply with the standard, if he finds that such period is necessary for the installation of controls and that steps will be taken during the period of the waiver to assure that the health of persons will be protected from imminent endangerment.

"(2) The President may exempt any stationary source from compliance with paragraph (1) for a period of not more than two years if he finds that the technology to implement such standards is not available and the operation of such source is required for reasons of national security. An exemption under this paragraph may be extended

Presidential exemption.

Extension.

Report to
Congress.

for one or more additional periods, each period not to exceed two years. The President shall make a report to Congress with respect to each exemption (or extension thereof) made under this paragraph.

“(d) (1) Each State may develop and submit to the Administrator a procedure for implementing and enforcing emission standards for hazardous air pollutants for stationary sources located in such State. If the Administrator finds the State procedure is adequate, he shall delegate to such State any authority he has under this Act to implement and enforce such standards (except with respect to stationary sources owned or operated by the United States).

“(2) Nothing in this subsection shall prohibit the Administrator from enforcing any applicable emission standard under this section.

“FEDERAL ENFORCEMENT

Violations.

“SEC. 113. (a) (1) Whenever, on the basis of any information available to him, the Administrator finds that any person is in violation of any requirement of an applicable implementation plan, the Administrator shall notify the person in violation of the plan and the State in which the plan applies of such finding. If such violation extends beyond the 30th day after the date of the Administrator's notification, the Administrator may issue an order requiring such person to comply with the requirements of such plan or he may bring a civil action in accordance with subsection (b).

Compliance
order.

“(2) Whenever, on the basis of information available to him, the Administrator finds that violations of an applicable implementation plan are so widespread that such violations appear to result from a failure of the State in which the plan applies to enforce the plan effectively, he shall so notify the State. If the Administrator finds such failure extends beyond the 30th day after such notice, he shall give public notice of such finding. During the period beginning with such public notice and ending when such State satisfies the Administrator that it will enforce such plan (hereafter referred to in this section as ‘period of federally assumed enforcement’), the Administrator may enforce any requirement of such plan with respect to any person—

“(A) by issuing an order to comply with such requirement, or

“(B) by bringing a civil action under subsection (b).

“(3) Whenever, on the basis of any information available to him, the Administrator finds that any person is in violation of section 111 (e) (relating to new source performance standards) or 112(c) (relating to standards for hazardous emissions), or is in violation of any requirement of section 114 (relating to inspections, etc.), he may issue an order requiring such person to comply with such section or requirement, or he may bring a civil action in accordance with subsection (b).

“(4) An order issued under this subsection (other than an order relating to a violation of section 112) shall not take effect until the person to whom it is issued has had an opportunity to confer with the Administrator concerning the alleged violation. A copy of any order issued under this subsection shall be sent to the State air pollution control agency of any State in which the violation occurs. Any order issued under this subsection shall state with reasonable specificity the nature of the violation, specify a time for compliance which the Administrator determines is reasonable, taking into account the seriousness of the violation and any good faith efforts to comply with applicable requirements. In any case in which an order under this subsection (or notice to a violator under paragraph (1)) is issued to a corporation, a copy of such order (or notice) shall be issued to appropriate corporate officers.

Ante, pp. 1684,
1685.

Post, p. 1687.

“(b) The Administrator may commence a civil action for appropriate relief, including a permanent or temporary injunction, whenever any person—

“(1) violates or fails or refuses to comply with any order issued under subsection (a) ; or

“(2) violates any requirement of an applicable implementation plan during any period of Federally assumed enforcement more than 30 days after having been notified by the Administrator under subsection (a) (1) of a finding that such person is violating such requirement ; or

“(3) violates section 111(e) or 112(c) ; or

“(4) fails or refuses to comply with any requirement of section 114.

Ante, pp. 1683, 1685.

Infra.

Notice; U.S. district court.

Any action under this subsection may be brought in the district court of the United States for the district in which the defendant is located or resides or is doing business, and such court shall have jurisdiction to restrain such violation and to require compliance. Notice of the commencement of such action shall be given to the appropriate State air pollution control agency.

“(c) (1) Any person who knowingly—

Penalty.

“(A) violates any requirement of an applicable implementation plan during any period of Federally assumed enforcement more than 30 days after having been notified by the Administrator under subsection (a) (1) that such person is violating such requirement, or

“(B) violates or fails or refuses to comply with any order issued by the Administrator under subsection (a), or

“(C) violates section 111(e) or section 112(c).

shall be punished by a fine of not more than \$25,000 per day of violation, or by imprisonment for not more than one year, or by both. If the conviction is for a violation committed after the first conviction of such person under this paragraph, punishment shall be by a fine of not more than \$50,000 per day of violation, or by imprisonment for not more than two years, or by both.

“(2) Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this Act or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this Act, shall upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than six months, or by both.

“INSPECTIONS, MONITORING, AND ENTRY

“SEC. 114. (a) For the purpose (i) of developing or assisting in the development of any implementation plan under section 110 or 111(d), any standard of performance under section 111, or any emission standard under section 112, (ii) of determining whether any person is in violation of any such standard or any requirement of such a plan, or (iii) carrying out section 303—

Ante, p. 1680.

Post, p. 1705.

“(1) the Administrator may require the owner or operator of any emission source to (A) establish and maintain such records, (B) make such reports, (C) install, use, and maintain such monitoring equipment or methods, (D) sample such emissions (in accordance with such methods, at such locations, at such intervals, and in such manner as the Administrator shall prescribe), and (E) provide such other information as he may reasonably require; and

“(2) the Administrator or his authorized representative, upon presentation of his credentials—

“(A) shall have a right of entry to, upon, or through any premises in which an emission source is located or in which any records required to be maintained under paragraph (1) of this section are located, and

“(B) may at reasonable times have access to and copy any records, inspect any monitoring equipment or method required under paragraph (1), and sample any emissions which the owner or operator of such source is required to sample under paragraph (1).

Authority,
delegation to
State.

“(b) (1) Each State may develop and submit to the Administrator a procedure for carrying out this section in such State. If the Administrator finds the State procedure is adequate, he may delegate to such State any authority he has to carry out this section (except with respect to new sources owned or operated by the United States).

“(2) Nothing in this subsection shall prohibit the Administrator from carrying out this section in a State.

Confidential
information.

“(c) Any records, reports or information obtained under subsection (a) shall be available to the public, except that upon a showing satisfactory to the Administrator by any person that records, reports, or information, or particular part thereof, (other than emission data) to which the Administrator has access under this section if made public, would divulge methods or processes entitled to protection as trade secrets of such person, the Administrator shall consider such record, report, or information or particular portion thereof confidential in accordance with the purposes of section 1905 of title 18 of the United States Code, except that such record, report, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act or when relevant in any proceeding under this Act.”

62 Stat. 791.

Ante, p. 1678.

(b) Section 115 of the Clean Air Act (as so redesignated by subsection (a) of this section) is amended as follows:

(1) Strike out the section heading and inserting in lieu thereof “ABATEMENT BY MEANS OF CONFERENCE PROCEDURE IN CERTAIN CASES”.

(2) Insert “and which is covered by subsection (b) or (c)” after “persons” in subsection (a).

(3) Strike out subsections (b), (c), and (k).

(4) Redesignate subsections (d)(1) (A), (B), and (C) as paragraphs (1), (2), and (3) of subsection (b), respectively.

(5) Insert after subsection (b)(3) (as so redesignated) the following:

“(4) A conference may not be called under this subsection with respect to an air pollutant for which (at the time the conference is called) a national primary or secondary ambient air quality standard is in effect under section 109.”

Ante, p. 1679.

(6) Redesignate subsection (d)(1)(D) as subsection (c), and strike out “subparagraph” each place it appears therein and insert in lieu thereof “subsection”.

(7) Redesignate subsections (d)(2) and (d)(3) as subsections (d)(1) and (d)(2), respectively.

(8) Strike out “such conference” in subsection (d)(1) (as so redesignated) and inserting in lieu thereof “any conference under this section”.

(9) Strike out “under subparagraph (D) of subsection (d)” in subsection (g)(1) and inserting in lieu thereof “subsection (c)”.

(10) Add at the end thereof the following new subsection:

“(k) No order or judgment under this section, or settlement, compromise, or agreement respecting any action under this section (whether or not entered or made before the date of enactment of the Clean Air Amendments of 1970) shall relieve any person of any obligation to comply with any requirement of an applicable implementation plan, or with any standard prescribed under section 111 or 112.”

(2) Section 103(e) of the Clean Air Act is amended by striking out “section 108(a)” and inserting in lieu thereof “section 115”; and by striking out “subsections (d), (e), and (f) of section 108” and inserting in lieu thereof “subsections (b), (c), (d), (e), and (f) of section 115”.

(c) Section 116 of the Clean Air Act (as so redesignated by subsection (a) of this section) is amended to read as follows:

“RETENTION OF STATE AUTHORITY

“SEC. 116. Except as otherwise provided in sections 209, 211(c)(4), and 233 (preempting certain State regulation of moving sources) nothing in this Act shall preclude or deny the right of any State or political subdivision thereof to adopt or enforce (1) any standard or limitation respecting emissions of air pollutants or (2) any requirement respecting control or abatement of air pollution; except that if an emission standard or limitation is in effect under an applicable implementation plan or under section 111 or 112, such State or political subdivision may not adopt or enforce any emission standard or limitation which is less stringent than the standard or limitation under such plan or section.”

(d) The Clean Air Act is amended by adding at the end of section 117 (as so redesignated by subsection (a) of this section) the following new subsection:

“(f) Prior to—

“(1) issuing criteria for an air pollutant under section 103(a)

(2),

“(2) publishing any list under section 111(b)(1)(A) or 112

(b)(1)(A),

“(3) publishing any standard under section 111(b)(1)(B) or section 112(b)(1)(B), or

“(4) publishing any regulation under section 202(a), the Administrator shall, to the maximum extent practicable within the time provided, consult with appropriate advisory committees, independent experts, and Federal departments and agencies.”

FEDERAL FACILITIES

SEC. 5. Section 118 of the Clean Air Act (as so redesignated by section 4(a) of this Act) is amended to read as follows:

“CONTROL OF POLLUTION FROM FEDERAL FACILITIES

“SEC. 118. Each department, agency, and instrumentality of the executive, legislative, and judicial branches of the Federal Government (1) having jurisdiction over any property or facility, or (2) engaged in any activity resulting, or which may result, in the discharge of air pollutants, shall comply with Federal, State, interstate, and local requirements respecting control and abatement of air pollution to the same extent that any person is subject to such requirements. The President may exempt any emission source of any department, agency, or instrumentality in the executive branch from compliance with such a requirement if he determines it to be in the paramount interest

Ante, pp. 1683, 1685.
81 Stat. 486.
42 USC 1857b.

Ante, p. 1678.

Post, pp. 1694, 1698, 1704.

Ante, p. 1678.

Post, p. 1690.

Exemption.

Ante, pp. 1683,
1685.

Report to
Congress.

of the United States to do so, except that no exemption may be granted from section 111, and an exemption from section 112 may be granted only in accordance with section 112(c). No such exemption shall be granted due to lack of appropriation unless the President shall have specifically requested such appropriation as a part of the budgetary process and the Congress shall have failed to make available such requested appropriation. Any exemption shall be for a period not in excess of one year, but additional exemptions may be granted for periods of not to exceed one year upon the President's making a new determination. The President shall report each January to the Congress all exemptions from the requirements of this section granted during the preceding calendar year, together with his reason for granting each such exemption."

MOTOR VEHICLE EMISSION STANDARDS

81 Stat. 499.
42 USC 1857f-1.

SEC. 6. (a) Section 202 of the Clean Air Act is amended to read as follows:

"ESTABLISHMENT OF STANDARDS

Air pollutant
emissions.

"SEC. 202. (a) Except as otherwise provided in subsection (b)—

"(1) The Administrator shall by regulation prescribe (and from time to time revise) in accordance with the provisions of this section, standards applicable to the emission of any air pollutant from any class or classes of new motor vehicles or new motor vehicle engines, which in his judgment causes or contributes to, or is likely to cause or to contribute to, air pollution which endangers the public health or welfare. Such standards shall be applicable to such vehicles and engines for their useful life (as determined under subsection (d)), whether such vehicles and engines are designed as complete systems or incorporated devices to prevent or control such pollution.

"(2) Any regulation prescribed under this subsection (and any revision thereof) shall take effect after such period as the Administrator finds necessary to permit the development and application of the requisite technology, giving appropriate consideration to the cost of compliance within such period.

Model year
1975, reduction
requirement.

"(b)(1)(A) The regulations under subsection (a) applicable to emissions of carbon monoxide and hydrocarbons from light duty vehicles and engines manufactured during or after model year 1975 shall contain standards which require a reduction of at least 90 per centum from emissions of carbon monoxide and hydrocarbons allowable under the standards under this section applicable to light duty vehicles and engines manufactured in model year 1970.

Model year
1976, reduction
requirement.

"(B) The regulations under subsection (a) applicable to emissions of oxides of nitrogen from light duty vehicles and engines manufactured during or after model year 1976 shall contain standards which require a reduction of at least 90 per centum from the average of emissions of oxides of nitrogen actually measured from light duty vehicles manufactured during model year 1971 which are not subject to any Federal or State emission standard for oxides of nitrogen. Such average of emissions shall be determined by the Administrator on the basis of measurements made by him.

Promulgation,
date.

"(2) Emission standards under paragraph (1), and measurement techniques on which such standards are based (if not promulgated prior to the date of enactment of the Clean Air Amendments of 1970), shall be prescribed by regulation within 180 days after such date.

“(3) For purposes of this part—

“(A) (i) The term ‘model year’ with reference to any specific calendar year means the manufacturer’s annual production period (as determined by the Administrator) which includes January 1 of such calendar year. If the manufacturer has no annual production period, the term ‘model year’ shall mean the calendar year.

“Model year.”

“(ii) For the purpose of assuring that vehicles and engines manufactured before the beginning of a model year were not manufactured for purposes of circumventing the effective date of a standard required to be prescribed by subsection (b), the Administrator may prescribe regulations defining ‘model year’ otherwise than as provided in clause (i).

“(B) The term ‘light duty vehicles and engines’ means new light duty motor vehicles and new light duty motor vehicle engines, as determined under regulations of the Administrator.

“Light duty vehicles and engines.”

“(4) On July 1 of 1971, and of each year thereafter, the Administrator shall report to the Congress with respect to the development of systems necessary to implement the emission standards established pursuant to this section. Such reports shall include information regarding the continuing effects of such air pollutants subject to standards under this section on the public health and welfare, the extent and progress of efforts being made to develop the necessary systems, the costs associated with development and application of such systems, and following such hearings as he may deem advisable, any recommendations for additional congressional action necessary to achieve the purposes of this Act. In gathering information for the purposes of this paragraph and in connection with any hearing, the provisions of section 307(a) (relating to subpoenas) shall apply.

Report to Congress.

“(5) (A) At any time after January 1, 1972, any manufacturer may file with the Administrator an application requesting the suspension for one year only of the effective date of any emission standard required by paragraph (1) (A) with respect to such manufacturer. The Administrator shall make his determination with respect to any such application within 60 days. If he determines, in accordance with the provisions of this subsection, that such suspension should be granted, he shall simultaneously with such determination prescribe by regulation interim emission standards which shall apply (in lieu of the standards required to be prescribed by paragraph (1) (A)) to emissions of carbon monoxide or hydrocarbons (or both) from such vehicles and engines manufactured during model year 1975.

Post, p. 1707.

Standards, effective date suspension; application.

“(B) At any time after January 1, 1973, any manufacturer may file with the Administrator an application requesting the suspension for one year only of the effective date of any emission standard required by paragraph (1) (B) with respect to such manufacturer. The Administrator shall make his determination with respect to any such application within 60 days. If he determines, in accordance with the provisions of this subsection, that such suspension should be granted, he shall simultaneously with such determination prescribe by regulation interim emission standards which shall apply (in lieu of the standards required to be prescribed by paragraph (1) (B)) to emissions of oxides of nitrogen from such vehicles and engines manufactured during model year 1976.

“(C) Any interim standards prescribed under this paragraph shall reflect the greatest degree of emission control which is achievable by application of technology which the Administrator determines is available, giving appropriate consideration to the cost of applying such technology within the period of time available to manufacturers.

Interim standards.

Hearing.

"(D) Within 60 days after receipt of the application for any such suspension, and after public hearing, the Administrator shall issue a decision granting or refusing such suspension. The Administrator shall grant such suspension only if he determines that (i) such suspension is essential to the public interest or the public health and welfare of the United States, (ii) all good faith efforts have been made to meet the standards established by this subsection, (iii) the applicant has established that effective control technology, processes, operating methods, or other alternatives are not available or have not been available for a sufficient period of time to achieve compliance prior to the effective date of such standards, and (iv) the study and investigation of the National Academy of Sciences conducted pursuant to subsection (c) and other information available to him has not indicated that technology, processes, or other alternatives are available to meet such standards.

Prohibition.

"(E) Nothing in this paragraph shall extend the effective date of any emission standard required to be prescribed under this subsection for more than one year.

Feasibility study, funds.

"(c) (1) The Administrator shall undertake to enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study and investigation of the technological feasibility of meeting the emissions standards required to be prescribed by the Administrator by subsection (b) of this section.

"(2) Of the funds authorized to be appropriated to the Administrator by this Act, such amounts as are required shall be available to carry out the study and investigation authorized by paragraph (1) of this subsection.

Reports to Administrator and Congress.

"(3) In entering into any arrangement with the National Academy of Sciences for conducting the study and investigation authorized by paragraph (1) of this subsection, the Administrator shall request the National Academy of Sciences to submit semiannual reports on the progress of its study and investigation to the Administrator and the Congress, beginning not later than July 1, 1971, and continuing until such study and investigation is completed.

Information, availability.

"(4) The Administrator shall furnish to such Academy at its request any information which the Academy deems necessary for the purpose of conducting the investigation and study authorized by paragraph (1) of this subsection. For the purpose of furnishing such information, the Administrator may use any authority he has under this Act (A) to obtain information from any person, and (B) to require such person to conduct such tests, keep such records, and make such reports respecting research or other activities conducted by such person as may be reasonably necessary to carry out this subsection.

Useful life of vehicle.

Post, p. 1696.

"(d) The Administrator shall prescribe regulations under which the useful life of vehicles and engines shall be determined for purposes of subsection (a) (1) of this section and section 207. Such regulations shall provide that useful life shall—

"(1) in the case of light duty vehicles and light duty vehicle engines, be a period of use of five years or of fifty thousand miles (or the equivalent), whichever first occurs; and

"(2) in the case of any other motor vehicle or motor vehicle engine, be a period of use set forth in paragraph (1) unless the Administrator determines that a period of use of greater duration or mileage is appropriate.

Post, p. 1694.

"(e) In the event a new power source or propulsion system for new motor vehicles or new motor vehicle engines is submitted for certification pursuant to section 206(a), the Administrator may postpone certification until he has prescribed standards for any air pollutants emitted by such vehicle or engine which cause or contribute to, or are

likely to cause or contribute to, air pollution which endangers the public health or welfare but for which standards have not been prescribed under subsection (a).”

ENFORCEMENT OF MOTOR VEHICLE EMISSION STANDARDS

SEC. 7. (a) (1) Section 203(a) (1) of the Clean Air Act is amended to read as follows:

Prohibited acts.
81 Stat. 499.
42 USC 1857f-2.

“(1) in the case of a manufacturer of new motor vehicles or new motor vehicle engines for distribution in commerce, the sale, or the offering for sale, or the introduction, or delivery for introduction, into commerce, or (in the case of any person, except as provided by regulation of the Administrator), the importation into the United States, of any new motor vehicle or new motor vehicle engine, manufactured after the effective date of regulations under this part which are applicable to such vehicle or engine unless such vehicle or engine is covered by a certificate of conformity issued (and in effect) under regulations prescribed under this part (except as provided in subsection (b)) ;”

Infra.

(2) Section 203(a) (2) of such Act is amended by striking out “section 207” and inserting in lieu thereof “section 208”, and by striking out “or” at the end thereof.

(3) Section 203(a) (3) of such Act is amended by striking out the period at the end thereof and inserting in lieu thereof the following: “, or for any manufacturer or dealer knowingly to remove or render inoperative any such device or element of design after such sale and delivery to the ultimate purchaser; or”.

(4) Section 203(a) of such Act is amended by inserting at the end thereof the following new paragraph:

“(4) for any manufacturer of a new motor vehicle or new motor vehicle engine subject to standards prescribed under section 202—

Ante, p. 1690.

“(A) to sell or lease any such vehicle or engine unless such manufacturer has complied with the requirements of section 207 (a) and (b) with respect to such vehicle or engine, and unless a label or tag is affixed to such vehicle or engine in accordance with section 207(c) (3), or

Post, p. 1696.

“(B) to fail or refuse to comply with the requirements of section 207 (c) or (e).”

(5) Section 203(b) (1) of such Act is amended by striking out “, or class thereof, from subsection (a),” and inserting in lieu thereof “from subsection (a)”, and by striking out “to protect the public health or welfare,”.

(6) Section 203(b) (2) of such Act is amended by striking out “importation by a manufacturer” and inserting in lieu thereof “importation or imported by any person”.

(7) Section 203 of the Clean Air Act is amended—

(A) by amending subsection (b) (3) to read as follows:

“(3) A new motor vehicle or new motor vehicle engine intended solely for export, and so labeled or tagged on the outside of the container and on the vehicle or engine itself, shall be subject to the provisions of subsection (a), except that if the country of export has emission standards which differ from the standards prescribed under subsection (a), then such vehicle or engine shall comply with the standards of such country of export.”; and

Vehicles,
export.

(B) by adding at the end thereof the following new subsection:

“(c) Upon application therefor, the Administrator may exempt from section 203(a) (3) any vehicles (or class thereof) manufactured before the 1974 model year from section 203(a) (3) for the purpose of permitting modifications to the emission control device or system

Exemption.

*Infra.**Ante*, p. 1690.81 Stat. 500.
42 USC 1857f-3.

of such vehicle in order to use fuels other than those specified in certification testing under section 206(a)(1), if the Administrator, on the basis of information submitted by the applicant, finds that such modification will not result in such vehicle or engine not complying with standards under section 202 applicable to such vehicle or engine. Any such exemption shall identify (1) the vehicle or vehicles so exempted, (2) the specific nature of the modification, and (3) the person or class of persons to whom the exemption shall apply."

(b) Section 204(a) of such Act is amended by striking out "or (3)" and inserting in lieu thereof "(3), or (4)".

(c) Section 205 of such Act is amended to read as follows:

"PENALTIES

Ante, p. 1693.

"SEC. 205. Any person who violates paragraph (1), (2), (3), or (4) of section 203(a) shall be subject to a civil penalty of not more than \$10,000. Any such violation with respect to paragraph (1), (2), or (4) of section 203(a) shall constitute a separate offense with respect to each motor vehicle or motor vehicle engine."

COMPLIANCE WITH MOTOR VEHICLE EMISSION STANDARDS

42 USC 1857f-5
to 1857f-7.

SEC. 8. (a) The Clean Air Act is amended by striking out sections 206 and 211; by redesignating sections 207, 208, 209, 210, and 212 as 208, 209, 210, 211, and 213, respectively; and by inserting after section 205 the following new sections:

"MOTOR VEHICLE AND MOTOR VEHICLE ENGINE COMPLIANCE TESTING AND CERTIFICATION

"SEC. 206. (a)(1) The Administrator shall test, or require to be tested in such manner as he deems appropriate, any new motor vehicle or new motor vehicle engine submitted by a manufacturer to determine whether such vehicle or engine conforms with the regulations prescribed under section 202 of this Act. If such vehicle or engine conforms to such regulations, the Administrator shall issue a certificate of conformity upon such terms, and for such period (not in excess of one year), as he may prescribe.

"(2) The Administrator shall test any emission control system incorporated in a motor vehicle or motor vehicle engine submitted to him by any person, in order to determine whether such system enables such vehicle or engine to conform to the standards required to be prescribed under section 202(b) of this Act. If the Administrator finds on the basis of such tests that such vehicle or engine conforms to such standards, the Administrator shall issue a verification of compliance with emission standards for such system when incorporated in vehicles of a class of which the tested vehicle is representative. He shall inform manufacturers and the National Academy of Sciences, and make available to the public, the results of such tests. Tests under this paragraph shall be conducted under such terms and conditions (including requirements for preliminary testing by qualified independent laboratories) as the Administrator may prescribe by regulations.

"(b)(1) In order to determine whether new motor vehicles or new motor vehicle engines being manufactured by a manufacturer do in fact conform with the regulations with respect to which the certificate of conformity was issued, the Administrator is authorized to test such vehicles or engines. Such tests may be conducted by the Administrator directly or, in accordance with conditions specified by the Administrator, by the manufacturer.

“(2) (A) (i) If, based on tests conducted under paragraph (1) on a sample of new vehicles or engines covered by a certificate of conformity, the Administrator determines that all or part of the vehicles or engines so covered do not conform with the regulations with respect to which the certificate of conformity was issued, he may suspend or revoke such certificate in whole or in part, and shall so notify the manufacturer. Such suspension or revocation shall apply in the case of any new motor vehicles or new motor vehicle engines manufactured after the date of such notification (or manufactured before such date if still in the hands of the manufacturer), and shall apply until such time as the Administrator finds that vehicles and engines manufactured by the manufacturer do conform to such regulations. If, during any period of suspension or revocation, the Administrator finds that a vehicle or engine actually conforms to such regulations, he shall issue a certificate of conformity applicable to such vehicle or engine.

“(ii) If, based on tests conducted under paragraph (1) on any new vehicle or engine, the Administrator determines that such vehicle or engine does not conform with such regulations, he may suspend or revoke such certificate insofar as it applies to such vehicle or engine until such time as he finds such vehicle or engine actually so conforms with such regulations, and he shall so notify the manufacturer.

“(B) (i) At the request of any manufacturer the Administrator shall grant such manufacturer a hearing as to whether the tests have been properly conducted or any sampling methods have been properly applied, and make a determination on the record with respect to any suspension or revocation under subparagraph (A); but suspension or revocation under subparagraph (A) shall not be stayed by reason of such hearing.

Hearing.

“(ii) In any case of actual controversy as to the validity of any determination under clause (i), the manufacturer may at any time prior to the 60th day after such determination is made file a petition with the United States court of appeals for the circuit wherein such manufacturer resides or has his principal place of business for a judicial review of such determination. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Administrator or other officer designated by him for that purpose. The Administrator thereupon shall file in the court the record of the proceedings on which the Administrator based his determination, as provided in section 2112 of title 28 of the United States Code.

Judicial review.

“(iii) If the petitioner applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Administrator, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Administrator, in such manner and upon such terms and conditions as the court may deem proper. The Administrator may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken and he shall file such modified or new findings, and his recommendation, if any, for the modification or setting aside of his original determination, with the return of such additional evidence.

72 Stat. 941.
Additional
evidence.

“(iv) Upon the filing of the petition referred to in clause (ii), the court shall have jurisdiction to review the order in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief as provided in such chapter.

80 Stat. 392.
5 USC 701.

“(c) For purposes of enforcement of this section, officers or employees duly designated by the Administrator, upon presenting appropriate credentials to the manufacturer or person in charge, are authorized (1) to enter, at reasonable times, any plant or other establishment of such

Inspection.

manufacturer, for the purpose of conducting tests of vehicles or engines in the hands of the manufacturer, or (2) to inspect at reasonable times, records, files, papers, processes, controls, and facilities used by such manufacturer in conducting tests under regulations of the Administrator. Each such inspection shall be commenced and completed with reasonable promptness.

Regulation.

“(d) The Administrator shall by regulation establish methods and procedures for making tests under this section.

Publication in
Federal Register.

“(e) The Administrator shall announce in the Federal Register and make available to the public the results of his tests of any motor vehicle or motor vehicle engine submitted by a manufacturer under subsection (a) as promptly as possible after the enactment of the Clean Air Amendments of 1970 and at the beginning of each model year which begins thereafter. Such results shall be described in such nontechnical manner as will reasonably disclose to prospective ultimate purchasers of new motor vehicles and new motor vehicle engines the comparative performance of the vehicles and engines tested in meeting the standards prescribed under section 202 of this Act.

Ante, p. 1690.

“COMPLIANCE BY VEHICLES AND ENGINES IN ACTUAL USE

Warranty.

“SEC. 207. (a) Effective with respect to vehicles and engines manufactured in model years beginning more than 60 days after the date of the enactment of the Clean Air Act Amendments of 1970, the manufacturer of each new motor vehicle and new motor vehicle engine shall warrant to the ultimate purchaser and each subsequent purchaser that such vehicle or engine is (1) designed, built, and equipped so as to conform at the time of sale with applicable regulations under section 202, and (2) free from defects in materials and workmanship which cause such vehicle or engine to fail to conform with applicable regulations for its useful life (as determined under section 202(d)).

“(b) If the Administrator determines that (i) there are available testing methods and procedures to ascertain whether, when in actual use throughout its useful life (as determined under section 202(d)), each vehicle and engine to which regulations under section 202 apply complies with the emission standards of such regulations, (ii) such methods and procedures are in accordance with good engineering practices, and (iii) such methods and procedures are reasonably capable of being correlated with tests conducted under section 206(a)(1), then—

Ante, p. 1694.

“(1) he shall establish such methods and procedures by regulation, and

“(2) at such time as he determines that inspection facilities or equipment are available for purposes of carrying out testing methods and procedures established under paragraph (1), he shall prescribe regulations which shall require manufacturers to warrant the emission control device or system of each new motor vehicle or new motor vehicle engine to which a regulation under section 202 applies and which is manufactured in a model year beginning after the Administrator first prescribes warranty regulations under this paragraph (2). The warranty under such regulations shall run to the ultimate purchaser and each subsequent purchaser and shall provide that if—

“(A) the vehicle or engine is maintained and operated in accordance with instructions under subsection (c)(3),

“(B) it fails to conform at any time during its useful life (as determined under section 202(d)) to the regulations prescribed under section 202, and

“(C) such nonconformity results in the ultimate purchaser (or any subsequent purchaser) of such vehicle or engine

having to bear any penalty or other sanction (including the denial of the right to use such vehicle or engine) under State or Federal law,

then such manufacturer shall remedy such nonconformity under such warranty with the cost thereof to be borne by the manufacturer.

“(c) Effective with respect to vehicles and engines manufactured during model years beginning more than 60 days after the date of enactment of the Clean Air Amendments of 1970—

“(1) If the Administrator determines that a substantial number of any class or category of vehicles or engines, although properly maintained and used, do not conform to the regulations prescribed under section 202, when in actual use throughout their useful life (as determined under section 202(d)), he shall immediately notify the manufacturer thereof of such nonconformity, and he shall require the manufacturer to submit a plan for remedying the nonconformity of the vehicles or engines with respect to which such notification is given. The plan shall provide that the nonconformity of any such vehicles or engines which are properly used and maintained will be remedied at the expense of the manufacturer. If the manufacturer disagrees with such determination of nonconformity and so advises the Administrator, the Administrator shall afford the manufacturer and other interested persons an opportunity to present their views and evidence in support thereof at a public hearing. Unless, as a result of such hearing the Administrator withdraws such determination of nonconformity, he shall, within 60 days after the completion of such hearing, order the manufacturer to provide prompt notification of such nonconformity in accordance with paragraph (2).

Ante, p. 1690.

“(2) Any notification required by paragraph (1) with respect to any class or category of vehicles or engines shall be given to dealers, ultimate purchasers, and subsequent purchasers (if known) in such manner and containing such information as the Administrator may by regulations require.

“(3) The manufacturer shall furnish with each new motor vehicle or motor vehicle engine such written instructions for the maintenance and use of the vehicle or engine by the ultimate purchaser as may be reasonable and necessary to assure the proper functioning of emission control devices and systems. In addition, the manufacturer shall indicate by means of a label or tag permanently affixed to such vehicle or engine that such vehicle or engine is covered by a certificate of conformity issued for the purpose of assuring achievement of emissions standards prescribed under section 202. Such label or tag shall contain such other information relating to control of motor vehicle emissions as the Administrator shall prescribe by regulation.

“(d) Any cost obligation of any dealer incurred as a result of any requirement imposed by subsection (a), (b), or (c) shall be borne by the manufacturer. The transfer of any such cost obligation from a manufacturer to any dealer through franchise or other agreement is prohibited.

“(e) If a manufacturer includes in any advertisement a statement respecting the cost or value of emission control devices or systems, such manufacturer shall set forth in such statement the cost or value attributed to such devices or systems by the Secretary of Labor (through the Bureau of Labor Statistics). The Secretary of Labor, and his representatives, shall have the same access for this purpose to the books, documents, papers, and records of a manufacturer as the Comptroller General has to those of a recipient of assistance for purposes of section 311.

Cost, statement.

"(f) Any inspection of a motor vehicle or a motor vehicle engine for purposes of subsection (c) (1), after its sale to the ultimate purchaser, shall be made only if the owner of such vehicle or engine voluntarily permits such inspection to be made, except as may be provided by any State or local inspection program."

Nonapplica-
bility.

(b) The amendments made by this section shall not apply to vehicles or engines imported into the United States before the sixtieth day after the date of enactment of this Act.

REGULATION OF FUELS

Ante, p. 1694.

SEC. 9. (a) Section 211 of the Clean Air Act (as so redesignated by section 8) is amended to read as follows:

"REGULATION OF FUELS

"SEC. 211. (a) The Administrator may by regulation designate any fuel or fuel additive and, after such date or dates as may be prescribed by him, no manufacturer or processor of any such fuel or additive may sell, offer for sale, or introduce into commerce such fuel or additive unless the Administrator has registered such fuel or additive in accordance with subsection (b) of this section.

"(b) (1) For the purpose of registration of fuels and fuel additives, the Administrator shall require—

"(A) the manufacturer of any fuel to notify him as to the commercial identifying name and manufacturer of any additive contained in such fuel; the range of concentration of any additive in the fuel; and the purpose-in-use of any such additive; and

"(B) the manufacturer of any additive to notify him as to the chemical composition of such additive.

"(2) For the purpose of registration of fuels and fuel additives, the Administrator may also require the manufacturer of any fuel or fuel additive—

"(A) to conduct tests to determine potential public health effects of such fuel or additive (including, but not limited to, carcinogenic, teratogenic, or mutagenic effects), and

"(B) to furnish the description of any analytical technique that can be used to detect and measure any additive in such fuel, the recommended range of concentration of such additive, and the recommended purpose-in-use of such additive, and such other information as is reasonable and necessary to determine the emissions resulting from the use of the fuel or additive contained in such fuel, the effect of such fuel or additive on the emission control performance of any vehicle or vehicle engine, or the extent to which such emissions affect the public health or welfare.

Tests under subparagraph (A) shall be conducted in conformity with test procedures and protocols established by the Administrator. The result of such tests shall not be considered confidential.

"(3) Upon compliance with the provision of this subsection, including assurances that the Administrator will receive changes in the information required, the Administrator shall register such fuel or fuel additive.

"(c) (1) The Administrator may, from time to time on the basis of information obtained under subsection (b) of this section or other information available to him, by regulation, control or prohibit the manufacture, introduction into commerce, offering for sale, or sale of any fuel or fuel additive for use in a motor vehicle or motor vehicle engine (A) if any emission products of such fuel or fuel additive will endanger the public health or welfare, or (B) if emission products of

such fuel or fuel additive will impair to a significant degree the performance of any emission control device or system which is in general use, or which the Administrator finds has been developed to a point where in a reasonable time it would be in general use were such regulation to be promulgated.

“(2) (A) No fuel, class of fuels, or fuel additive may be controlled or prohibited by the Administrator pursuant to clause (A) of paragraph (1) except after consideration of all relevant medical and scientific evidence available to him, including consideration of other technologically or economically feasible means of achieving emission standards under section 202.

Ante, p. 1690.

“(B) No fuel or fuel additive may be controlled or prohibited by the Administrator pursuant to clause (B) of paragraph (1) except after consideration of available scientific and economic data, including a cost benefit analysis comparing emission control devices or systems which are or will be in general use and require the proposed control or prohibition with emission control devices or systems which are or will be in general use and do not require the proposed control or prohibition. On request of a manufacturer of motor vehicles, motor vehicle engines, fuels, or fuel additives submitted within 10 days of notice of proposed rulemaking, the Administrator shall hold a public hearing and publish findings with respect to any matter he is required to consider under this subparagraph. Such findings shall be published at the time of promulgation of final regulations.

“(C) No fuel or fuel additive may be prohibited by the Administrator under paragraph (1) unless he finds, and publishes such finding, that in his judgment such prohibition will not cause the use of any other fuel or fuel additive which will produce emissions which will endanger the public health or welfare to the same or greater degree than the use of the fuel or fuel additive proposed to be prohibited.

“(3) (A) For the purpose of evidence and data to carry out paragraph (2), the Administrator may require the manufacturer of any motor vehicle or motor vehicle engine to furnish any information which has been developed concerning the emissions from motor vehicles resulting from the use of any fuel or fuel additive, or the effect of such use on the performance of any emission control device or system.

“(B) In obtaining information under subparagraph (A), section 307(a) (relating to subpoenas) shall be applicable.

Post, p. 1707.

“(4) (A) Except as otherwise provided in subparagraph (B) or (C), no State (or political subdivision thereof) may prescribe or attempt to enforce, for purposes of motor vehicle emission control, any control or prohibition respecting use of a fuel or fuel additive in a motor vehicle or motor vehicle engine—

“(i) if the Administrator has found that no control or prohibition under paragraph (1) is necessary and has published his finding in the Federal Register, or

Publication in
Federal Register.

“(ii) if the Administrator has prescribed under paragraph (1) a control or prohibition applicable to such fuel or fuel additive, unless State prohibition or control is identical to the prohibition or control prescribed by the Administrator.

“(B) Any State for which application of section 209(a) has at any time been waived under section 209(b) may at any time prescribe and enforce, for the purpose of motor vehicle emission control, a control or prohibition respecting any fuel or fuel additive.

Ante, p. 1694.

“(C) A State may prescribe and enforce, for purposes of motor vehicle emission control, a control or prohibition respecting the use of a fuel or fuel additive in a motor vehicle or motor vehicle engine if an applicable implementation plan for such State under section 110 so

Ante, p. 1680.

provides. The Administrator may approve such provision in an implementation plan, or promulgate an implementation plan containing such a provision, only if he finds that the State control or prohibition is necessary to achieve the national primary or secondary ambient air quality standard which the plan implements.

Penalty.

“(d) Any person who violates subsection (a) or the regulations prescribed under subsection (c) or who fails to furnish any information required by the Administrator under subsection (c) shall forfeit and pay to the United States a civil penalty of \$10,000 for each and every day of the continuance of such violation, which shall accrue to the United States and be recovered in a civil suit in the name of the United States, brought in the district where such person has his principal office or in any district in which he does business. The Administrator may, upon application therefor, remit or mitigate any forfeiture provided for in this subsection and he shall have authority to determine the facts upon all such applications.”

OTHER AMENDMENTS TO TITLE II

Ante, p. 1694.

SEC. 10. (a) The first sentence of section 208(b) of the Clean Air Act (as so redesignated by section 8 of this Act) is amended to read as follows: “Any records, reports or information obtained under subsection (a) shall be available to the public, except that upon a showing satisfactory to the Administrator by any person that records, reports, or information, or particular part thereof (other than emission data), to which the Administrator has access under this section if made public, would divulge methods or processes entitled to protection as trade secrets of such person, the Administrator shall consider such record, report, or information or particular portion thereof confidential in accordance with the purposes of section 1905 of title 18 of the United States Code, except that such record, report, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act or when relevant in any proceeding under this Act.”

62 Stat. 791.

Ante, p. 1694.

(b) Section 210 of such Act (as so redesignated by section 8 of this Act) is amended to read as follows:

“STATE GRANTS

“SEC. 210. The Administrator is authorized to make grants to appropriate State agencies in an amount up to two-thirds of the cost of developing and maintaining effective vehicle emission devices and systems inspection and emission testing and control programs, except that—

Exceptions.

“(1) no such grant shall be made for any part of any State vehicle inspection program which does not directly relate to the cost of the air pollution control aspects of such a program;

“(2) no such grant shall be made unless the Secretary of Transportation has certified to the Administrator that such program is consistent with any highway safety program developed pursuant to section 402 of title 23 of the United States Code; and

80 Stat. 731;
Post, p. 1740.

“(3) no such grant shall be made unless the program includes provisions designed to insure that emission control devices and systems on vehicles in actual use have not been discontinued or rendered inoperative.”

Ante, p. 1694.

(c) Title II of the Clean Air Act is amended by inserting after section 211 (as so redesignated by section 8) the following new section:

“DEVELOPMENT OF LOW-EMISSION VEHICLES

“SEC. 212. (a) For the purpose of this section—

Definitions.

“(1) The term ‘Board’ means the Low-Emission Vehicle Certification Board.

“(2) The term ‘Federal Government’ includes the legislative, executive, and judicial branches of the Government of the United States, and the government of the District of Columbia.

“(3) The term ‘motor vehicle’ means any self-propelled vehicle designed for use in the United States on the highways, other than a vehicle designed or used for military field training, combat, or tactical purposes.

“(4) The term ‘low-emission vehicle’ means any motor vehicle which—

“(A) emits any air pollutant in amounts significantly below new motor vehicle standards applicable under section 202 at the time of procurement to that type of vehicle; and

Ante, p. 1690.

“(B) with respect to all other air pollutants meets the new motor vehicle standards applicable under section 202 at the time of procurement to that type of vehicle.

“(5) The term ‘retail price’ means (A) the maximum statutory price applicable to any class or model of motor vehicle; or (B) in any case where there is no applicable maximum statutory price, the most recent procurement price paid for any class or model of motor vehicle.

“(b) (1) There is established a Low-Emission Vehicle Certification Board to be composed of the Administrator or his designee, the Secretary of Transportation or his designee, the Chairman of the Council on Environmental Quality or his designee, the Director of the National Highway Safety Bureau in the Department of Transportation, the Administrator of General Services, and two members appointed by the President. The President shall designate one member of the Board as Chairman.

Low-Emission
Vehicle Certifi-
cation Board,
membership.

“(2) Any member of the Board not employed by the United States may receive compensation at the rate of \$125 for each day such member is engaged upon work of the Board. Each member of the Board shall be reimbursed for travel expenses, including per diem in lieu of subsistence as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

Compensation.

Travel expenses.

83 Stat. 190.

“(3) (A) The Chairman, with the concurrence of the members of the Board, may employ and fix the compensation of such additional personnel as may be necessary to carry out the functions of the Board, but no individual so appointed shall receive compensation in excess of the rate authorized for GS-18 by section 5332 of title 5, United States Code.

Additional
personnel.

Ante, p. 198-1.

“(B) The Chairman may fix the time and place of such meetings as may be required, but a meeting of the Board shall be called whenever a majority of its members so request.

“(C) The Board is granted all other powers necessary for meeting its responsibilities under this section.

“(c) The Administrator shall determine which models or classes of motor vehicles qualify as low-emission vehicles in accordance with the provisions of this section.

“(d) (1) The Board shall certify any class or model of motor vehicles—

Motor vehicle
certification.

“(A) for which a certification application has been filed in accordance with paragraph (3) of this subsection;

“(B) which is a low-emission vehicle as determined by the Administrator; and

	“(C) which it determines is suitable for use as a substitute for a class or model of vehicles at that time in use by agencies of the Federal Government.
Substitute specifications.	The Board shall specify with particularity the class or model of vehicles for which the class or model of vehicles described in the application is a suitable substitute. In making the determination under this subsection the Board shall consider the following criteria:
Criteria.	<ul style="list-style-type: none"> “(i) the safety of the vehicle; “(ii) its performance characteristics; “(iii) its reliability potential; “(iv) its serviceability; “(v) its fuel availability; “(vi) its noise level; and “(vii) its maintenance costs as compared with the class or model of motor vehicle for which it may be a suitable substitute.
Effective period.	“(2) Certification under this section shall be effective for a period of one year from the date of issuance.
Application.	“(3) (A) Any party seeking to have a class or model of vehicle certified under this section shall file a certification application in accordance with regulations prescribed by the Board.
Publication in Federal Register.	“(B) The Board shall publish a notice of each application received in the Federal Register.
	“(C) The Administrator and the Board shall make determinations for the purpose of this section in accordance with procedures prescribed by regulation by the Administrator and the Board, respectively.
Investigation and inspection.	“(D) The Administrator and the Board shall conduct whatever investigation is necessary, including actual inspection of the vehicle at a place designated in regulations prescribed under subparagraph (A).
Comments, evaluation.	“(E) The Board shall receive and evaluate written comments and documents from interested parties in support of, or in opposition to, certification of the class or model of vehicle under consideration.
	“(F) Within 90 days after the receipt of a properly filed certification application, the Administrator shall determine whether such class or model of vehicle is a low-emission vehicle, and within 180 days of such determination, the Board shall reach a decision by majority vote as to whether such class or model of vehicle, having been determined to be a low-emission vehicle, is a suitable substitute for any class or classes of vehicles presently being purchased by the Federal Government for use by its agencies.
Publication in Federal Register.	“(G) Immediately upon making any determination or decision under subparagraph (F), the Administrator and the Board shall each publish in the Federal Register notice of such determination or decision, including reasons therefor and in the case of the Board any dissenting views.
Acquisition by Federal government.	“(e) (1) Certified low-emission vehicles shall be acquired by purchase or lease by the Federal Government for use by the Federal Government in lieu of other vehicles if the Administrator of General Services determines that such certified vehicles have procurement costs which are no more than 150 per centum of the retail price of the least expensive class or model of motor vehicle for which they are certified substitutes.
Premium raise.	“(2) In order to encourage development of inherently low-polluting propulsion technology, the Board may, at its discretion, raise the premium set forth in paragraph (1) of this subsection to 200 per centum of the retail price of any class or model of motor vehicle for which a certified low-emission vehicle is a certified substitute, if the Board determines that the certified low-emission vehicle is powered by an inherently low-polluting propulsion system.

“(3) Data relied upon by the Board and the Administrator in determining that a vehicle is a certified low-emission vehicle shall be incorporated in any contract for the procurement of such vehicle.

“(f) The procuring agency shall be required to purchase available certified low-emission vehicles which are eligible for purchase to the extent they are available before purchasing any other vehicles for which any low-emission vehicle is a certified substitute. In making purchasing selections between competing eligible certified low-emission vehicles, the procuring agency shall give priority to (1) any class or model which does not require extensive periodic maintenance to retain its low-polluting qualities or which does not require the use of fuels which are more expensive than those of the classes or models of vehicles for which it is a certified substitute; and (2) passenger vehicles other than buses.

“(g) For the purpose of procuring certified low-emission vehicles any statutory price limitations shall be waived.

“(h) The Administrator shall, from time to time as the Board deems appropriate, test the emissions from certified low-emission vehicles purchased by the Federal Government. If at any time he finds that the emission rates exceed the rates on which certification under this section was based, the Administrator shall notify the Board. Thereupon the Board shall give the supplier of such vehicles written notice of this finding, issue public notice of it, and give the supplier an opportunity to make necessary repairs, adjustments, or replacements. If no such repairs, adjustments, or replacements are made within a period to be set by the Board, the Board may order the supplier to show cause why the vehicle involved should be eligible for recertification.

Tests.

“(i) There are authorized to be appropriated for paying additional amounts for motor vehicles pursuant to, and for carrying out the provisions of, this section, \$5,000,000 for the fiscal year ending June 30, 1971, and \$25,000,000 for each of the two succeeding fiscal years.

Appropriations.

“(j) The Board shall promulgate the procedures required to implement this section within one hundred and eighty days after the date of enactment of the Clean Air Amendments of 1970.”

(d)(1) Paragraph (1) of section 213 of the Clean Air Act (as so redesignated by section 8) is amended by inserting “202,” immediately before “203.”

Ante, p. 1694.

(2) Paragraph (3) of such section 213 is amended by striking out “The” and inserting in lieu thereof “Except with respect to vehicles or engines imported or offered for importation, the”; and by adding before the period at the end thereof “; and with respect to imported vehicles or engines, such terms mean a motor vehicle and engine, respectively, manufactured after the effective date of a regulation issued under section 202 which is applicable to such vehicle or engine (or which would be applicable to such vehicle or engine had it been manufactured for importation into the United States)”.

Ante, p. 1690.

EMISSION STANDARDS FOR AIRCRAFT

SEC. 11. (a) (1) Title II of the Clean Air Act is amended by adding at the end thereof the following new part:

81 Stat. 499,
42 USC 1857f-1.

“PART B—AIRCRAFT EMISSION STANDARDS

“ESTABLISHMENT OF STANDARDS

“SEC. 231. (a) (1) Within 90 days after the date of enactment of the Clean Air Amendments of 1970, the Administrator shall commence a study and investigation of emissions of air pollutants from aircraft in order to determine—

Study.

	“(A) the extent to which such emissions affect air quality in air quality control regions throughout the United States, and
	“(B) the technological feasibility of controlling such emissions.
Report, publication.	“(2) Within 180 days after commencing such study and investigation, the Administrator shall publish a report of such study and investigation and shall issue proposed emission standards applicable to emissions of any air pollutant from any class or classes of aircraft or aircraft engines which in his judgment cause or contribute to or are likely to cause or contribute to air pollution which endangers the public health or welfare.
Hearings.	“(3) The Administrator shall hold public hearings with respect to such proposed standards. Such hearings shall, to the extent practicable, be held in air quality control regions which are most seriously affected by aircraft emissions. Within 90 days after the issuance of such proposed regulations, he shall issue such regulations with such modifications as he deems appropriate. Such regulations may be revised from time to time.
Regulations.	
Effective date.	“(b) Any regulation prescribed under this section (and any revision thereof) shall take effect after such period as the Administrator finds necessary (after consultation with the Secretary of Transportation) to permit the development and application of the requisite technology, giving appropriate consideration to the cost of compliance within such period.
	“(c) Any regulations under this section, or amendments thereto, with respect to aircraft, shall be prescribed only after consultation with the Secretary of Transportation in order to assure appropriate consideration for aircraft safety.

“ENFORCEMENT OF STANDARDS

Regulations.	“SEC. 232. (a) The Secretary of Transportation, after consultation with the Administrator, shall prescribe regulations to insure compliance with all standards prescribed under section 231 by the Administrator. The regulations of the Secretary of Transportation shall include provisions making such standards applicable in the issuance, amendment, modification, suspension, or revocation of any certificate authorized by the Federal Aviation Act or the Department of Transportation Act. Such Secretary shall insure that all necessary inspections are accomplished, and, may execute any power or duty vested in him by any other provision of law in the execution of all powers and duties vested in him under this section.
72 Stat. 731. 49 USC 1301 note. 80 Stat. 931. 49 USC 1651 note.	
Certificate holder, notice and appeal rights.	“(b) In any action to amend, modify, suspend, or revoke a certificate in which violation of an emission standard prescribed under section 231 or of a regulation prescribed under subsection (a) is at issue, the certificate holder shall have the same notice and appeal rights as are prescribed for such holders in the Federal Aviation Act of 1958 or the Department of Transportation Act, except that in any appeal to the National Transportation Safety Board, the Board may amend, modify, or revoke the order of the Secretary of Transportation only if it finds no violation of such standard or regulation and that such amendment, modification, or revocation is consistent with safety in air transportation.
Exception.	

“STATE STANDARDS AND CONTROLS

“SEC. 233. No State or political subdivision thereof may adopt or attempt to enforce any standard respecting emissions of any air pollutant from any aircraft or engine thereof unless such standard is identical to a standard applicable to such aircraft under this part.

“DEFINITIONS

“SEC. 234. Terms used in this part (other than Administrator) shall have the same meaning as such terms have under section 101 of the Federal Aviation Act of 1958.”

(2) Title II of the Clean Air Act is amended—

(A) by striking out “this title” wherever it appears in sections 202 through 213 and inserting in lieu thereof “this part”;

(B) by striking out “TITLE II” in the heading for section 213 (as so redesignated by section 8 of this Act) and inserting in lieu thereof “PART A”;

(C) by amending the heading for title II to read as follows: “TITLE II—EMISSION STANDARDS FOR MOVING SOURCES”; and

(D) by inserting after section 201 the following:

“PART A—MOTOR VEHICLE EMISSION AND FUEL STANDARDS”.

(b) (1) Section 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1421) is amended by adding at the end thereof the following new subsection:

“AVIATION FUEL STANDARDS

“(d) The Administrator shall prescribe, and from time to time revise, regulations (1) establishing standards governing the composition or the chemical or physical properties of any aircraft fuel or fuel additive for the purpose of controlling or eliminating aircraft emissions which the Administrator of the Environmental Protection Agency (pursuant to section 231 of the Clean Air Act) determines endanger the public health or welfare, and (2) providing for the implementation and enforcement of such standards.”

(2) Section 610(a) of such Act (49 U.S.C. 1430(a)) is amended by striking out “and” at the end of paragraph (7); by striking out the period at the end of paragraph (8) and inserting in lieu thereof “; and” and by adding after paragraph (8) the following new paragraph:

“(9) For any person to manufacture, deliver, sell, or offer for sale, any aviation fuel or fuel additive in violation of any regulation prescribed under section 601(d).”

(3) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the side heading

“Sec. 601. General Safety Powers and Duties.”

is amended by adding at the end thereof the following:

“(d) Aviation fuel standards.”

GENERAL PROVISIONS

SEC. 12. (a) The Clean Air Act is amended by redesignating sections 303 through 310 as sections 310 through 317, and by inserting after section 302 the following new sections:

“EMERGENCY POWERS

“SEC. 303. Notwithstanding any other provision of this Act, the Administrator, upon receipt of evidence that a pollution source or combination of sources (including moving sources) is presenting an imminent and substantial endangerment to the health of persons, and that appropriate State or local authorities have not acted to abate such sources, may bring suit on behalf of the United States in the appropriate United States district court to immediately restrain any person

72 Stat. 737.
49 USC 1301.

Ante, p. 1690.

Ante, p. 1694.

81 Stat. 499.
42 USC 1857f-1.

72 Stat. 775.

Ante, p. 1703.

81 Stat. 505.
42 USC 1857i-
1857l.

causing or contributing to the alleged pollution to stop the emission of air pollutants causing or contributing to such pollution or to take such other action as may be necessary.

“CITIZEN SUITS

“SEC. 304. (a) Except as provided in subsection (b), any person may commence a civil action on his own behalf—

“(1) against any person (including (i) the United States, and (ii) any other governmental instrumentality or agency to the extent permitted by the Eleventh Amendment to the Constitution) who is alleged to be in violation of (A) an emission standard or limitation under this Act or (B) an order issued by the Administrator or a State with respect to such a standard or limitation, or

“(2) against the Administrator where there is alleged a failure of the Administrator to perform any act or duty under this Act which is not discretionary with the Administrator.

Jurisdiction.

The district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such an emission standard or limitation, or such an order, or to order the Administrator to perform such act or duty, as the case may be.

“(b) No action may be commenced—

“(1) under subsection (a) (1) —

“(A) prior to 60 days after the plaintiff has given notice of the violation (i) to the Administrator, (ii) to the State in which the violation occurs, and (iii) to any alleged violator of the standard, limitation, or order, or

“(B) if the Administrator or State has commenced and is diligently prosecuting a civil action in a court of the United States or a State to require compliance with the standard, limitation, or order, but in any such action in a court of the United States any person may intervene as a matter of right.

“(2) under subsection (a) (2) prior to 60 days after the plaintiff has given notice of such action to the Administrator, except that such action may be brought immediately after such notification in the case of an action under this section respecting a violation of section 112(c) (1) (B) or an order issued by the Administrator pursuant to section 113(a). Notice under this subsection shall be given in such manner as the Administrator shall prescribe by regulation.

Ante, p. 1685.

Ante, p. 1686.

“(c) (1) Any action respecting a violation by a stationary source of an emission standard or limitation or an order respecting such standard or limitation may be brought only in the judicial district in which such source is located.

“(2) In such action under this section, the Administrator, if not a party, may intervene as a matter of right.

“(d) The court, in issuing any final order in any action brought pursuant to subsection (a) of this section, may award costs of litigation (including reasonable attorney and expert witness fees) to any party, whenever the court determines such award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

28 USC app.

“(e) Nothing in this section shall restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of any emission standard or limitation or to seek any other relief (including relief against the Administrator or a State agency).

Definition.

“(f) For purposes of this section, the term ‘emission standard or limitation under this Act’ means—

“(1) a schedule or timetable of compliance, emission limitation, standard of performance or emission standard, or

“(2) a control or prohibition respecting a motor vehicle fuel or fuel additive, which is in effect under this Act (including a requirement applicable by reason of section 118) or under an applicable implementation plan.

Ante, p. 1689.

“APPEARANCE

“SEC. 305. The Administrator shall request the Attorney General to appear and represent him in any civil action instituted under this Act to which the Administrator is a party. Unless the Attorney General notifies the Administrator that he will appear in such action within a reasonable time, attorneys appointed by the Administrator shall appear and represent him.

“FEDERAL PROCUREMENT

“SEC. 306. (a) No Federal agency may enter into any contract with any person who is convicted of any offense under section 113(c) (1) for the procurement of goods, materials, and services to perform such contract at any facility at which the violation which gave rise to such conviction occurred if such facility is owned, leased, or supervised by such person. The prohibition in the preceding sentence shall continue until the Administrator certifies that the condition giving rise to such a conviction has been corrected.

Ante, p. 1687.

“(b) The Administrator shall establish procedures to provide all Federal agencies with the notification necessary for the purposes of subsection (a).

“(c) In order to implement the purposes and policy of this Act to protect and enhance the quality of the Nation's air, the President shall, not more than 180 days after enactment of the Clean Air Amendments of 1970 cause to be issued an order (1) requiring each Federal agency authorized to enter into contracts and each Federal agency which is empowered to extend Federal assistance by way of grant, loan, or contract to effectuate the purpose and policy of this Act in such contracting or assistance activities, and (2) setting forth procedures, sanctions, penalties, and such other provisions, as the President determines necessary to carry out such requirement.

Federal agency contracts.

Presidential procedures, etc.

“(d) The President may exempt any contract, loan, or grant from all or part of the provisions of this section where he determines such exemption is necessary in the paramount interest of the United States and he shall notify the Congress of such exemption.

Exemptions, notification to Congress.

“(e) The President shall annually report to the Congress on measures taken toward implementing the purpose and intent of this section, including but not limited to the progress and problems associated with implementation of this section.

Report to Congress.

“GENERAL PROVISION RELATING TO ADMINISTRATIVE PROCEEDINGS AND JUDICIAL REVIEW

“SEC. 307. (a) (1) In connection with any determination under section 110(f) or section 202(b) (5), or for purposes of obtaining information under section 202(b) (4) or 210(c) (4), the Administrator may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and he may administer oaths. Except for emission data, upon a showing satisfactory to the Administrator by such owner or operator that such papers, books, documents, or information or particular part thereof, if made public, would divulge trade secrets or secret processes of such owner or operator, the Administrator shall consider such record, report, or information or particular portion thereof confidential in accordance with the purposes of section 1905 of title 18 of the United States Code,

Ante, pp. 1682, 1691.

62 Stat. 791.

except that such paper, book, document, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act, to persons carrying out the National Academy of Sciences' study and investigation provided for in section 202(c), or when relevant in any proceeding under this Act. Witnesses summoned shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of contumacy or refusal to obey a subpoena served upon any person under this subparagraph, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Administrator to appear and produce papers, books, and documents before the Administrator, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

Ante, p. 1690.

Petition for review.

Ante, p. 1685.

Ante, pp. 1698, 1703.

Ante, p. 1680.

Filing.

"(b) (1) A petition for review of action of the Administrator in promulgating any national primary or secondary ambient air quality standard, any emission standard under section 112, any standard of performance under section 111, any standard under section 202 (other than a standard required to be prescribed under section 202(b) (1)), any determination under section 202(b) (5), any control or prohibition under section 211, or any standard under section 231 may be filed only in the United States Court of Appeals for the District of Columbia. A petition for review of the Administrator's action in approving or promulgating any implementation plan under section 110 or section 111(d) may be filed only in the United States Court of Appeals for the appropriate circuit. Any such petition shall be filed within 30 days from the date of such promulgation or approval, or after such date if such petition is based solely on grounds arising after such 30th day.

"(2) Action of the Administrator with respect to which review could have been obtained under paragraph (1) shall not be subject to judicial review in civil or criminal proceedings for enforcement.

Additional evidence.

"(c) In any judicial proceeding in which review is sought of a determination under this Act required to be made on the record after notice and opportunity for hearing, if any party applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Administrator, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Administrator, in such manner and upon such terms and conditions as to the court may deem proper. The Administrator may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken and he shall file such modified or new findings, and his recommendation, if any, for the modification or setting aside of his original determination, with the return of such additional evidence.

"MANDATORY LICENSING

"SEC. 308. Whenever the Attorney General determines, upon application of the Administrator—

"(1) that—

"(A) in the implementation of the requirements of section 111, 112, or 202 of this Act, a right under any United States letters patent, which is being used or intended for public or commercial use and not otherwise reasonably available, is necessary to enable any person required to comply with such limitation to so comply, and

“(B) there are no reasonable alternative methods to accomplish such purpose, and

“(2) that the unavailability of such right may result in a substantial lessening of competition or tendency to create a monopoly in any line of commerce in any section of the country, the Attorney General may so certify to a district court of the United States, which may issue an order requiring the person who owns such patent to license it on such reasonable terms and conditions as the court, after hearing, may determine. Such certification may be made to the district court for the district in which the person owning the patent resides, does business, or is found.

Patent licensing.

“POLICY REVIEW

“SEC. 309. (a) The Administrator shall review and comment in writing on the environmental impact of any matter relating to duties and responsibilities granted pursuant to this Act or other provisions of the authority of the Administrator, contained in any (1) legislation proposed by any Federal department or agency, (2) newly authorized Federal projects for construction and any major Federal agency action (other than a project for construction) to which section 102(2) (C) of Public Law 91-190 applies, and (3) proposed regulations published by any department or agency of the Federal Government. Such written comment shall be made public at the conclusion of any such review.

83 Stat. 853.
42 USC 4332.

“(b) In the event the Administrator determines that any such legislation, action, or regulation is unsatisfactory from the standpoint of public health or welfare or environmental quality, he shall publish his determination and the matter shall be referred to the Council on Environmental Quality.”

APPROPRIATIONS

SEC. 13. (a) Section 104(c) of the Clean Air Act is amended to read as follows:

81 Stat. 488;
83 Stat. 283.
42 USC 1857b-1.

“(c) For the purposes of this section there are authorized to be appropriated \$75,000,000 for the fiscal year ending June 30, 1971, \$125,000,000 for the fiscal year ending June 30, 1972, and \$150,000,000 for the fiscal year ending June 30, 1973. Amounts appropriated pursuant to this subsection shall remain available until expended.”

(b) Section 316 of the Clean Air Act (as redesignated by section 12 of this Act) is amended to read as follows:

Ante, p. 1705.

“APPROPRIATIONS

“SEC. 316. There are authorized to be appropriated to carry out this Act, other than sections 103 (f) (3) and (d), 104, 212, and 403, \$125,000,000 for the fiscal year ending June 30, 1971, \$225,000,000 for the fiscal year ending June 30, 1972, and \$300,000,000 for the fiscal year ending June 30, 1973.”

Ante, pp. 1676,
1701.
Post, p. 1710.

SEC. 14. The Clean Air Act is amended by adding at the end thereof a new title to read as follows:

“TITLE IV—NOISE POLLUTION

“SEC. 401. This title may be cited as the ‘Noise Pollution and Abatement Act of 1970’.

Citation of title.

“SEC. 402. (a) The Administrator shall establish within the Environmental Protection Agency an Office of Noise Abatement and Control,

and shall carry out through such Office a full and complete investigation and study of noise and its effect on the public health and welfare in order to (1) identify and classify causes and sources of noise, and (2) determine—

“(A) effects at various levels;

“(B) projected growth of noise levels in urban areas through the year 2000;

“(C) the psychological and physiological effect on humans;

“(D) effects of sporadic extreme noise (such as jet noise near airports) as compared with constant noise;

“(E) effect on wildlife and property (including values);

“(F) effect of sonic booms on property (including values); and

“(G) such other matters as may be of interest in the public welfare.

Studies.

Report to
President and
Congress.

“(b) In conducting such investigation, the Administrator shall hold public hearings, conduct research, experiments, demonstrations, and studies. The Administrator shall report the results of such investigation and study, together with his recommendations for legislation or other action, to the President and the Congress not later than one year after the date of enactment of this title.

“(c) In any case where any Federal department or agency is carrying out or sponsoring any activity resulting in noise which the Administrator determines amounts to a public nuisance or is otherwise objectionable, such department or agency shall consult with the Administrator to determine possible means of abating such noise.

Appropriation.

“SEC. 403. There is authorized to be appropriated such amount, not to exceed \$30,000,000, as may be necessary for the purposes of this title.”

TECHNICAL AND CONFORMING AMENDMENTS

81 Stat. 504.
42 USC 1857h.

SEC. 15. (a) (1) Section 302 of the Clean Air Act is amended by striking out subsection (g) and inserting in lieu thereof the following:

“Air pollutant.”

“(g) The term ‘air pollutant’ means an air pollution agent or combination of such agents.

“(h) All language referring to effects on welfare includes, but is not limited to, effects on soils, water, crops, vegetation, manmade materials, animals, wildlife, weather, visibility, and climate, damage to and deterioration of property, and hazards to transportation, as well as effects on economic values and on personal comfort and well-being.”

42 USC 1857b.

(2) Section 103(c) of the Clean Air Act is amended by striking out “air pollution agents (or combinations of agents)” and inserting in lieu thereof “air pollutants”.

(b) (1) Subject to such requirements as the Civil Service Commission may prescribe, any commissioned officer of the Public Health Service (other than an officer who retires under section 211 of the Public Health Service Act after his election but prior to his transfer pursuant to this paragraph and paragraph (2)) who, upon the day before the effective date of Reorganization Plan Numbered 3 of 1970 (hereinafter in this subsection referred to as the “plan”), is serving as such officer (A) primarily in the performance of functions transferred by such plan to the Environmental Protection Agency or its Administrator (hereinafter in this subsection referred to as the “Agency” and the “Administrator”, respectively), may, if such officer so elects, acquire competitive status and be transferred to a competitive position in the Agency; or (B) primarily in the performance of functions determined by the Secretary of Health, Education, and Welfare (hereinafter in this subsection referred to as the “Secretary”) to be materially related to the functions so transferred, may, if authorized by agreement between the Secretary and the Administrator, and if such officer so elects, acquire such status and be so transferred.

74 Stat. 33.
42 USC 212.

42 USC 4321
note.

(2) An election pursuant to paragraph (1) shall be effective only if made in accordance with such procedures as may be prescribed by the Civil Service Commission (A) before the close of the 24th month after the effective date of the plan, or (B) in the case of a commissioned officer who would be liable for training and service under the Military Selective Service Act of 1967 but for the operation of section 6(b) (3) thereof (50 U.S.C. App. 456(b) (3)), before (if it occurs later than the close of such 24th month) the close of the 90th day after the day upon which he has completed his 24th month of service as such officer.

81 Stat. 100.
50 USC app.
451.
69 Stat. 224.

(3) (A) Except as provided in subparagraph (B), any commissioned officer of the Public Health Service who, pursuant to paragraphs (1) and (2), elects to transfer to a position in the Agency which is subject to chapter 51 and subchapter III of chapter 53 of title 5, United States Code (hereinafter in this subsection referred to as the "transferring officer"), shall receive a pay rate of the General Schedule grade of such position which is not less than the sum of the following amounts computed as of the day preceding the date of such election:

80 Stat. 443.
5 USC 5101,
5331.
Ante, p. 198-1.

(i) the basic pay, the special pay, the continuation pay, and the subsistence and quarters allowances, to which he is annually entitled as a commissioned officer of the Public Health Service pursuant to title 37, United States Code;

76 Stat. 451.
37 USC 101.

(ii) the amount of Federal income tax, as determined by estimate of the Secretary, which the transferring officer, had he remained a commissioned officer, would have been required to pay on his subsistence and quarters allowances for the taxable year then current if they had not been tax free;

(iii) an amount equal to the biweekly average cost of the coverages designated "high option, self and family" under the Government-wide Federal employee health benefits program plans, multiplied by twenty-six; and

(iv) an amount equal to 7 per centum of the sum of the amounts determined under clauses (i) through (iii), inclusive.

(B) A transferring officer shall in no event receive, pursuant to subparagraph (A), a pay rate in excess of the maximum rate applicable under the General Schedule to the class of position, as established under chapter 51 of title 5, United States Code, to which such officer is transferred pursuant to paragraphs (1) and (2).

(4) (A) A transferring officer shall be credited, on the day of his transfer pursuant to his election under paragraphs (1) and (2), with one hour of sick leave for each week of active service, as defined by section 211(d) of the Public Health Service Act.

74 Stat. 34.
42 USC 212.

(B) The annual leave to the credit of a transferring officer on the day before the day of his transfer, shall, on such day of transfer, be transferred to his credit in the Agency on an adjusted basis under regulations prescribed by the Civil Service Commission. The portion of such leave, if any, that is in excess of the sum of (i) 240 hours, and (ii) the number of hours that have accrued to the credit of the transferring officer during the calendar year then current and which remain unused, shall thereafter remain to his credit until used, and shall be reduced in the manner described by subsection (c) of section 6304 of title 5, United States Code.

80 Stat. 519.

(5) A transferring officer who is required to change his official station as a result of his transfer under this subsection shall be paid such travel, transportation, and related expenses and allowances, as would be provided pursuant to subchapter II of chapter 57 of title 5, United States Code, in the case of a civilian employee so transferred in the interest of the Government. Such officer shall not (either at the time of such transfer or upon a subsequent separation from the competitive service) be deemed to have separated from, or changed permanent

80 Stat. 500.
5 USC 5721.

76 Stat. 472;
83 Stat. 840.

68 Stat. 736.
80 Stat. 592.
5 USC 8701.

80 Stat. 557.
5 USC 8301.
74 Stat. 34.
42 USC 212.

53 Stat. 1362;
81 Stat. 833.
42 USC 401.

80 Stat. 564.
5 USC 8331.

station within, a uniformed service for purposes of section 404 of title 37, United States Code.

(6) Each transferring officer who prior to January 1, 1958, was insured pursuant to the Federal Employees' Group Life Insurance Act of 1954, and who subsequently waived such insurance, shall be entitled to become insured under chapter 87 of title 5, United States Code, upon his transfer to the Agency regardless of age and insurability.

(7) (A) Effective as of the date a transferring officer acquires competitive status as an employee of the Agency, there shall be considered as the civilian service of such officer for all purposes of chapter 83, title 5, United States Code, (i) his active service as defined by section 211(d) of the Public Health Service Act, or (ii) any period for which he would have been entitled, upon his retirement as a commissioned officer of the Public Health Service, to receive retired pay pursuant to section 211(a)(4)(B) of such Act; however, no transferring officer may become entitled to benefits under both subchapter III of such chapter and title II of the Social Security Act based on service as such a commissioned officer performed after 1956, but the individual (or his survivors) may irrevocably elect to waive benefit credit for the service under one such law to secure credit under the other.

(B) A transferring officer on whose behalf a deposit is required to be made by subparagraph (C) and who, after transfer to a competitive position in the Agency under paragraphs (1) and (2), is separated from Federal service or transfers to a position not covered by subchapter III of chapter 83 of title 5, United States Code, shall not be entitled, nor shall his survivors be entitled, to a refund of any amount deposited on his behalf in accordance with this section. In the event he transfers, after transfer under paragraphs (1) and (2), to a position covered by another Government staff requirement system under which credit is allowable for service with respect to which a deposit is required under subparagraph (C), no credit shall be allowed under such subchapter III with respect to such service.

(C) The Secretary shall deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund, on behalf of and to the credit of such transferring officer, an amount equal to that which such individual would be required to deposit in such fund to cover the years of service credited to him for purposes of his retirement under subparagraph (A), had such service been service as an employee as defined in section 8331(1) of title 5, United States Code. The amount so required to be deposited with respect to any transferring officer shall be computed on the basis of the sum of each of the amounts described in paragraph (3)(A) which were received by, or accrued to the benefit of, such officer during the years so credited. The deposits which the Secretary is required to make under this subparagraph with respect to any transferring officer shall be made within two years after the date of his transfer as provided in paragraphs (1) and (2), and the amounts due under this subparagraph shall include interest computed from the period of service credited to the date of payment in accordance with section 8334(e) of title 5, United States Code.

(8) (A) A commissioned officer of the Public Health Service who, upon the day before the effective date of the plan, is on active service therewith primarily assigned to the performance of functions described in paragraph (1)(A), shall, while he remains in active service, as defined by section 211(d) of the Public Health Service Act, be assigned to the performance of duties with the Agency, except as the Secretary and the Administrator may jointly otherwise provide.

(B) Paragraph (2) of section 6(a) of the Military Selective Service Act of 1967 (50 U.S.C. App. 456(a)(2)) is amended by inserting "the Environmental Protection Agency," after "Department of Justice,"

81 Stat. 101.

(c) (1) Section 302(a) of the Clean Air Act is amended to read as follows:

81 Stat. 504.
42 USC 1857h.

“(a) The term ‘Administrator’ means the Administrator of the Environmental Protection Agency.”

“Administra-
tor.”

(2) The Clean Air Act is amended by striking out “Secretary” wherever it appears (except in reference to the Secretary of a department other than the Department of Health, Education, and Welfare) and inserting in lieu thereof “Administrator”; by striking out “Secretary of Health, Education, and Welfare” wherever it appears, and inserting in lieu thereof “Administrator”; and by striking out “Department of Health, Education, and Welfare” wherever it appears, and inserting in lieu thereof “Environmental Protection Agency”.

42 USC 1857
note.

SAVINGS PROVISIONS

SEC. 16. (a) (1) Any implementation plan adopted by any State and submitted to the Secretary of Health, Education, and Welfare, or to the Administrator pursuant to the Clean Air Act prior to enactment of this Act may be approved under section 110 of the Clean Air Act (as amended by this Act) and shall remain in effect, unless the Administrator determines that such implementation plan, or any portion thereof, is not consistent with the applicable requirements of the Clean Air Act (as amended by this Act) and will not provide for the attainment of national primary ambient air quality standards in the time required by such Act. If the Administrator so determines, he shall, within 90 days after promulgation of any national ambient air quality standards pursuant to section 109(a) of the Clean Air Act, notify the State and specify in what respects changes are needed to meet the additional requirements of such Act, including requirements to implement national secondary ambient air quality standards. If such changes are not adopted by the State after public hearings and within six months after such notification, the Administrator shall promulgate such changes pursuant to section 110(c) of such Act.

Ante, p. 1680.

(2) The amendments made by section 4(b) shall not be construed as repealing or modifying the powers of the Administrator with respect to any conference convened under section 108(d) of the Clean Air Act before the date of enactment of this Act.

Ante, p. 1679.

(b) Regulations or standards issued under title II of the Clean Air Act prior to the enactment of this Act shall continue in effect until revised by the Administrator consistent with the purposes of such Act.

Ante, p. 1678.

81 Stat. 499.
42 USC 1857f-1.

Approved December 31, 1970.

Public Law 91-605

AN ACT

To authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

December 31, 1970
[H. R. 19504]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Highway construction and safety.
Appropriation authorization.

TITLE I

SHORT TITLE

SEC. 101. This title may be cited as the “Federal-Aid Highway Act of 1970”.

REVISION OF AUTHORIZATION OF APPROPRIATIONS FOR INTERSTATE
SYSTEM

82 Stat. 815.
23 USC 101
note.

SEC. 102. Subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, as amended, is amended by striking out "and the additional sum of \$2,225,000,000 for the fiscal year ending June 30, 1974" and inserting in lieu thereof the following: "the additional sum of \$1,000,000,000 for the fiscal year ending June 30, 1974, the additional sum of \$1,000,000,000 for the fiscal year ending June 30, 1975, and the additional sum of \$1,000,000,000 for the fiscal year ending June 30, 1976".

AUTHORIZATION OF USE OF COST ESTIMATE FOR APPORTIONMENT OF
INTERSTATE FUNDS

SEC. 103. The Secretary of Transportation is authorized to make the apportionment for the fiscal years ending June 30, 1972, and June 30, 1973, of the sums authorized to be appropriated for such years for expenditures on the National System of Interstate and Defense Highways, using the apportionment factors contained in revised table 5, House Document Numbered 91-317.

EXTENSION OF TIME FOR COMPLETION OF SYSTEM

82 Stat. 816.

SEC. 104. (a) The second paragraph of section 101(b) of title 23, United States Code, is amended by striking out "eighteen years" and inserting in lieu thereof "twenty years" and by striking out "June 30, 1974" and inserting in lieu thereof "June 30, 1976".

(b) (1) The introductory phrase and the second and third sentences of section 104(b) (5) of title 23, United States Code, are amended by striking out "1974" each place it appears and inserting in lieu thereof at each such place "1976".

(2) Such section 104(b) (5) is further amended by striking out the two sentences preceding the last sentence and inserting in lieu thereof the following: "The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives on April 20, 1970. Upon the approval by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1972, and June 30, 1973. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1972. Upon the approval by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1974, and June 30, 1975. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1974. Upon the approval by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal year ending June 30, 1976."

Estimates,
transmittal to
Congress.

HIGHWAY AUTHORIZATIONS

SEC. 105. (a) For the purpose of carrying out the provisions of title 23, United States Code, the following sums are hereby authorized to be appropriated:

72 Stat. 885.

(1) For the Federal-aid primary system and the Federal-aid secondary system and for their extension within urban areas, out of the Highway Trust Fund, \$1,100,000,000 for the fiscal year ending June 30, 1972, and \$1,100,000,000 for the fiscal year ending June 30, 1973. The sums authorized in this paragraph for each fiscal year shall be available for expenditure as follows:

(A) 45 per centum for projects on the Federal-aid primary highway system;

(B) 30 per centum for projects on the Federal-aid secondary highway system; and

(C) 25 per centum for projects on extensions of the Federal-aid primary and Federal-aid secondary highway systems in urban areas.

(2) For the Federal-aid primary system and the Federal-aid secondary system, exclusive of their extensions in urban areas, out of the Highway Trust Fund, \$125,000,000 for the fiscal year ending June 30, 1972, and \$125,000,000 for the fiscal year ending June 30, 1973, such sums to be in addition to the sums authorized in paragraph (1) of this subsection. The sums authorized in this paragraph for each fiscal year shall be available for expenditure as follows:

(A) 60 per centum for projects on the Federal-aid primary highway system; and

(B) 40 per centum for projects on the Federal-aid secondary system.

(3) For the Federal-aid urban system, out of the Highway Trust Fund, \$100,000,000 for the fiscal year ending June 30, 1972, and \$100,000,000 for the fiscal year ending June 30, 1973.

(4) For traffic operation projects in urban areas as authorized in section 135 of title 23, United States Code, out of the Highway Trust Fund, \$100,000,000 for the fiscal year ending June 30, 1972, and \$100,000,000 for the fiscal year ending June 30, 1973.

82 Stat. 820.

(5) For forest highways, out of the Highway Trust Fund, \$33,000,000 for the fiscal year ending June 30, 1972, and \$33,000,000 for the fiscal year ending June 30, 1973.

(6) For public lands highways, out of the Highway Trust Fund, \$16,000,000 for the fiscal year ending June 30, 1972, and \$16,000,000 for the fiscal year ending June 30, 1973.

(7) For forest development roads and trails, \$170,000,000 for the fiscal year ending June 30, 1972, and \$170,000,000 for the fiscal year ending June 30, 1973.

(8) For public lands development roads and trails, \$5,000,000 for the fiscal year ending June 30, 1972, and \$10,000,000 for the fiscal year ending June 30, 1973.

(9) For park roads and trails, \$30,000,000 for the fiscal year ending June 30, 1973.

(10) For parkways, \$20,000,000 for the fiscal year ending June 30, 1972, and \$20,000,000 for the fiscal year ending June 30, 1973.

(11) For Indian reservation roads and bridges, \$30,000,000 for the fiscal year ending June 30, 1972, and \$30,000,000 for the fiscal year ending June 30, 1973.

79 Stat. 1032;
82 Stat. 818.

(12) For carrying out section 319(b) of title 23, United States Code (relating to landscaping and scenic enhancement), \$1,500,000 for fiscal year ending June 30, 1972, and \$10,000,000 for fiscal year ending June 30, 1973.

(13) For necessary administrative expenses in carrying out section 131, section 136 and section 319(b) of title 23, United States Code, \$1,500,000 for the fiscal year ending June 30, 1971, \$1,500,000 for the fiscal year ending June 30, 1972, and \$3,000,000 for the fiscal year ending June 30, 1973.

(14) Nothing in the first eleven paragraphs of this section shall be construed to authorize the appropriation of any sums to carry out section 131, 136, 319(b), or chapter 4 of title 23, United States Code.

80 Stat. 731.
23 USC 401.

(b) (1) No State shall receive less than one-half of 1 per centum of the total apportionment for each of the fiscal years 1972 and 1973 under paragraph (5) of subsection (b) of section 104 of title 23, United States Code. In addition, to all other authorizations for the Interstate System for the two fiscal years ending June 30, 1972, and June 30, 1973, there is authorized to be appropriated out of the Highway Trust Fund not to exceed \$55,000,000 for each such fiscal year for such System. Such authorization shall be apportioned to each of the States receiving apportionments under section 103 of this Act of less than one-half of 1 per centum for each such fiscal year, so as to ensure that each such State will receive for each such fiscal year an amount equal to one-half of 1 per centum of the total apportionment for each such fiscal year under section 103 of this Act, as required by the first sentence of this paragraph.

Report to
Congress.

(2) By January 1, 1972, the Secretary shall report to Congress on his recommendation for the apportionment of funds and matching requirements for work on Federal-aid highways in States which have completed, or are nearing completion, of construction on Interstate System mileage located in their State, and for all States after completion of the Interstate System.

FEDERAL-AID URBAN SYSTEM

SEC. 106. (a) Subsection (a) of section 101 of title 23, United States Code, is amended as follows:

(1) After the definition of the term "Secretary" add the following new paragraph:

72 Stat. 885;
Post, pp. 1724,
1732, 1737.

"Urbanized
area."

"The term 'urbanized area' means an area so designated by the Bureau of the Census."

(2) After the definition of the term "Federal-aid secondary system" add the following new paragraph:

"Federal-aid
urban system."
Post, p. 1717.

"The term 'Federal-aid urban system' means the Federal-aid highway system described in subsection (d) of section 103 of this title."

(3) The definition of the term "Interstate System" is amended to read as follows:

"Interstate
System."

"The term 'Interstate System' means the National System of Interstate and Defense Highways described in subsection (e) of section 103 of this title."

Infra.

(b) (1) Subsections (d) and (e) of section 103 of title 23, United States Code, are relettered (e) and (f), respectively, including all ref-

erences thereto, and section 103 is further amended by adding immediately after subsection (c) the following subsection (d):

72 Stat. 887;
76 Stat. 1147.

“(d) The Federal-aid urban system shall be established in each urbanized area. The system shall be so located as to serve the major centers of activity, and designed taking into consideration the highest traffic volume corridors, and the longest trips within such area and shall be selected so as to best serve the goals and objectives of the community as determined by the responsible local officials of such urbanized area based upon the planning process required pursuant to the provisions of section 134 of this title. No route on the Federal-aid urban system shall also be a route on any other Federal-aid system. Each route of the system shall connect with another route on a Federal-aid system. Routes on the Federal-aid urban system shall be selected by the appropriate local officials and the State highway departments in cooperation with each other subject to the approval of the Secretary as provided in subsection (f) of this section. The provisions of chapters 1, 3, and 5 of this title that are applicable to Federal-aid primary highways shall apply to the Federal-aid urban system except as determined by the Secretary to be inconsistent with this subsection.”

Ante, p. 1716.
Infra.

(2) Relettered subsection (f) of section 103 of title 23, United States Code, is amended by inserting after “the Federal-aid secondary system,” the following: “the Federal-aid urban system.”

(3) Subsection (a) of section 103 of title 23, United States Code, is amended to read as follows:

“(a) For the purposes of this title, the four Federal-aid systems, the primary system, the urban system, the secondary system, and the Interstate System, are established and continued pursuant to the provisions of this section.”

(c) (1) Section 104 of title 23, United States Code, is amended by adding at the end thereof the following:

72 Stat. 889.

“(f) Not to exceed 50 per centum of the amounts apportioned in accordance with paragraph (3) of subsection (b) of this section may be expended for projects on the Federal-aid urban system.”

77 Stat. 276.

(2) Subsection (b) of section 104 of title 23, United States Code, is amended by adding at the end thereof the following new paragraph:

Ante, p. 1714.

“(6) For the Federal-aid urban system:

“In the ratio which the population in urbanized areas, or parts thereof, in each State bears to the total population in such urbanized areas, or parts thereof, in all the States as shown by the latest available Federal census.”

(d) Subsections (d) and (e) of section 105 of title 23, United States Code, are relettered (e) and (f), respectively, including all references thereto, and section 105 is further amended by adding immediately after subsection (c) a new subsection (d):

80 Stat. 736.

“(d) In approving programs for projects on the Federal-aid urban system, the Secretary shall require that such projects be selected by the appropriate local officials and the State highway department in cooperation with each other.”

(e) Subsection (b) of section 106 of title 23, United States Code, is amended to read as follows:

“(b) In addition to the approval required under subsection (a) of this section, proposed specifications for projects for construction on (1) the Federal-aid secondary system, except in States where all public roads and highways are under the control and supervision of the State highway department, and (2) the Federal-aid urban system, shall be determined by the State highway department and the appropriate local road officials in cooperation with each other.”

82 Stat. 835;
Infra.

(f) Subsection (a) of section 120 of title 23, United States Code, is amended by striking out "and the Federal-aid secondary system" and inserting in lieu thereof a comma and the following: "the Federal-aid secondary system, and the Federal-aid urban system".

82 Stat. 820;
Post, 1729.

(g) Subsection (b) of section 135 of title 23, United States Code, is amended by inserting after "urban areas" the following: "and on the Federal-aid urban system".

PROHIBITION OF IMPOUNDMENT OF APPORTIONMENTS AND DIVERSION OF FUNDS

82 Stat. 822.

SEC. 107. Subsections (c) and (d) of section 101 of title 23, United States Code, are amended to read as follows:

"(c) It is the sense of Congress that under existing law no part of any sums authorized to be appropriated for expenditure upon any Federal-aid system which has been apportioned pursuant to the provisions of this title shall be impounded or withheld from obligation, for purposes and projects as provided in this title, by any officer or employee in the executive branch of the Federal Government, except such specific sums as may be determined by the Secretary of the Treasury, after consultation with the Secretary of Transportation, are necessary to be withheld from obligation for specific periods of time to assure that sufficient amounts will be available in the Highway Trust Fund to defray the expenditures which will be required to be made from such fund.

"(d) No funds authorized to be appropriated from the Highway Trust Fund shall be expended by or on behalf of any Federal department, agency, or instrumentality other than the Federal Highway Administration unless funds for such expenditure are identified and included as a line item in an appropriation Act and are to meet obligations of the United States heretofore or hereafter incurred under this title attributable to the construction of Federal-aid highways or highway planning, research, or development, or as otherwise specifically authorized to be appropriated from the Highway Trust Fund by Federal-aid highway legislation."

INCREASED FEDERAL SHARE

72 Stat. 898;
78 Stat. 1090.

SEC. 108. (a) Section 120 of title 23, United States Code, is amended by striking out "50 per centum" each place it appears and inserting in lieu thereof at each such place the following: "70 per centum".

Effective date.

(b) The amendments made by subsection (a) of this section shall take effect with respect to authorizations for appropriations for fiscal years beginning after June 30, 1973.

EMERGENCY RELIEF

82 Stat. 829.

SEC. 109. (a) The first sentence of subsection (a) of section 125 of title 23, United States Code, is amended to read as follows: "An emergency fund is authorized for expenditure by the Secretary, subject to the provisions of this section and section 120 of this title, for (1) the repair or reconstruction of highways, roads, and trails which he shall find have suffered serious damage as the result of (A) natural disaster over a wide area such as by floods, hurricanes, tidal waves, earthquakes, severe storms, or landslides, or (B) catastrophic failures from any cause, in any part of the United States, and (2) the repair or reconstruction of bridges which have been permanently closed to all vehicular traffic by the State after December 31, 1967, and prior to December 31, 1970, because of imminent danger of collapse due to structural deficiencies or physical deterioration."

Supra; *Post*,
pp. 1719, 1731.

(b) Section 120(f) of title 23, United States Code, is amended by adding before the last sentence thereof the following new sentence: "As used in this section with respect to bridges and in section 144 of this title, 'a comparable facility' shall mean a facility which meets the current geometric and construction standards required for the types and volume of traffic which such facility will carry over its design life."

78 Stat. 1090.

Post, p. 1741.

TRAINING PROGRAMS

SEC. 110. Section 140 of title 23, United States Code, is amended by inserting "(a)" immediately before "Prior" and by adding at the end thereof the following new subsection:

82 Stat. 826.

"(b) The Secretary, in cooperation with any other department or agency of the Government, State agency, authority, association, institution, corporation (profit or nonprofit), or any other organization or person, is authorized to develop, conduct, and administer highway construction training, including skill improvement programs. Whenever an apportionment is made under subsections 104 (b) (1), (b) (2), (b) (3), (b) (5), and (b) (6) of this title of the sums authorized to be appropriated for expenditure upon the Federal-aid primary and secondary systems, and their extensions within urban areas, the Interstate System, and the Federal-aid urban system for the fiscal years 1972 and 1973 the Secretary shall deduct such sums as he may deem necessary not to exceed \$5,000,000 per fiscal year, for administering the provisions of this subsection to be financed from the appropriation for the Federal-aid systems. Such sums so deducted shall remain available until expended. The provisions of section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), shall not be applicable to contracts and agreements made under the authority herein granted to the Secretary."

72 Stat. 889;
82 Stat. 816;
Ante, pp. 1714,
1717.

URBAN HIGHWAY PUBLIC TRANSPORTATION

SEC. 111. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof a new section as follows:

82 Stat. 836.

"§ 142. Urban highway public transportation

"(a) To encourage the development, improvement, and use of public mass transportation systems operating motor vehicles on highways, other than on rails, for the transportation of passengers (hereinafter in this section referred to as 'buses') within urbanized areas so as to increase the traffic capacity of the Federal-aid systems, sums apportioned in accordance with paragraphs (3), (5), and (6) of subsection (b) of section 104 of this title shall be available to finance the Federal share of the costs of projects for the construction of exclusive or preferential bus lanes, highway traffic control devices, bus passenger loading areas and facilities, including shelters, and fringe and transportation corridor parking facilities to serve bus and other public mass transportation passengers.

"(b) The establishment of routes and schedules of such public mass transportation systems shall be based upon a continuing comprehensive transportation planning process carried on in accordance with section 134 of title 23, United States Code.

Post, p. 1737.

"(c) For all purposes of this title, a project authorized by subsection (a) of this section shall be deemed to be a highway project, and, except as provided in subsection (d) of this section, the Federal share payable on account of such project shall be that provided in section 120 of this title.

Ante, p. 1718.

“(d) No project authorized by this section, other than a project for fringe or transportation corridor parking facilities, shall be approved unless—

“(1) such project (A) will avoid the construction of a highway project under this title which increases automobile traffic capacity, (B) will provide a capacity for the movement of persons at least equal to that which would be provided by the avoided highway project, and (C) will not exceed in the amount of the Federal share, the Federal share of the cost of the avoided highway project; or

“(2) no other feasible or prudent highway project can provide the additional capacity for the movement of persons by motor vehicles on highways (other than on rails) provided by this project.

“(e) No project authorized by this section shall be approved unless the Secretary of Transportation has received assurances satisfactory to him from the State that public mass transportation systems will have adequate capability to fully utilize the proposed project.”

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

“142. Urban highway public transportation.”

TERRITORIAL HIGHWAY PROGRAM

SEC. 112. (a) Chapter 2 of title 23, United States Code, is amended by adding at the end thereof the following new section:

“§ 215. Territorial highway program

“(a) Recognizing the mutual benefits that will accrue to the Virgin Islands, Guam, and American Samoa, and to the United States from the improvement of highways in such territories of the United States, the Secretary is authorized to assist each such territorial government in a program for the construction and improvement of a system of arterial highways, and necessary interisland connectors designated by the Governor of such territory and approved by the Secretary. Federal financial assistance shall be granted under this subsection to such territories upon the basis of a Federal contribution of 70 per centum of the cost of any project.

“(b) In order to establish a long-range highway development program, the Secretary is authorized to provide technical assistance for the establishment of an appropriate agency to administer on a continuing basis highway planning, design, construction and maintenance operations, the development of a system of arterial and collector highways, including necessary interisland connectors, and the establishment of advance acquisition of right-of-way and relocation assistance programs.

“(c) No part of the appropriations authorized under this section shall be available for obligation or expenditure with respect to any territory until the Governor enters into an agreement with the Secretary providing that the government of such territory (1) will design and construct a system of arterial and collector highways, including necessary interisland connectors, built in accordance with standards approved by the Secretary; (2) will not impose any toll, or permit any such toll to be charged, for use by vehicles or persons of any portion of the facilities constructed or operated under the provisions of this section; (3) will provide for the maintenance of such facilities in a condition to adequately serve the needs of present and future traffic; (4) will implement standards for traffic operations and uniform traffic control devices which are approved by the Secretary.

“(d)(1) Three per centum of the sums authorized to be appropriated for each fiscal year for carrying out subsection (a) of this section shall be available for expenditure only for engineering and economic surveys and investigations, for the planning of future highway programs and the financing thereof, for studies of the economy, safety, and convenience of highway usage and the desirable regulation and equitable taxation thereof, and for research and development, necessary in connection with the planning, design, and maintenance of the highway system, and the regulation and taxation of their use.

“(2) In addition to the percentage provided in paragraph (1) of the subsection, not to exceed 2 per centum of sums authorized to be appropriated for each fiscal year for carrying out subsection (a) of this section may be expended upon request of the Governor and with the approval of the Secretary for the purposes enumerated in paragraph (1) of this subsection.

“(e) None of the funds authorized to be appropriated for carrying out this section shall be obligated or expended for maintenance of the highway system.

“(f) The provisions of chapters 1 and 5 of this title that are applicable to Federal-aid primary highway funds, other than provisions relating to the apportionment formula and provisions limiting the expenditure of such funds to the Federal-aid systems, shall apply to the funds authorized to be appropriated to carry out this section, except as determined by the Secretary to be inconsistent with this section.”

(b) The analysis of chapter 2 of title 23, United States Code, is amended by adding at the end thereof the following:

“215. Territories highway development program.”

(c) There are hereby authorized to be appropriated for carrying out subsection (a) of section 215 of title 23, United States Code, out of any sums in the Treasury not otherwise appropriated—

(1) not to exceed \$2,000,000 per fiscal year for the Virgin Islands, for the fiscal years ending June 30, 1971, June 30, 1972, and June 30, 1973.

(2) not to exceed \$2,000,000 per fiscal year for Guam for the fiscal years ending June 30, 1971, June 30, 1972, and June 30, 1973.

(3) not to exceed \$500,000 per fiscal year for American Samoa for the fiscal years ending June 30, 1971, June 30, 1972, and June 30, 1973.

(d) Sums authorized to be appropriated for the fiscal year ending June 30, 1971, shall be available for obligation immediately upon enactment of this section in the same manner and to the same extent as if such sums were apportioned under chapter 1 of title 23, United States Code. Sums authorized to be appropriated for the fiscal year ending June 30, 1972, and the fiscal year ending June 30, 1973, shall be available for obligation at the beginning of the fiscal year for which authorized in the same manner and to the same extent as if such sums were apportioned under chapter 1 of title 23, United States Code.

DARIEN GAP HIGHWAY

SEC. 113. (a) Chapter 2 of title 23, United States Code, is further amended by adding at the end thereof the following new section:

“§ 216. Darien Gap Highway

“(a) The United States shall cooperate with the Government of the Republic of Panama and with the Government of Colombia in the construction of approximately two hundred and fifty miles of highway in such countries in the location known as the ‘Darien Gap’ to connect the Inter-American Highway authorized by section 212 of this title with the Pan American Highway System of South America. Such

72 Stat. 885.
23 USC 101.
82 Stat. 830.
23 USC 501.

Appropriation.
Ante, p. 1720.

72 Stat. 909.

highway shall be known as the 'Darien Gap Highway'. Funds authorized by this section shall be obligated and expended subject to the same terms, conditions, and requirements with respect to the Darien Gap Highway as are funds authorized for the Inter-American Highway by subsection (a) of section 212 of this title.

72 Stat. 909.
Department of
State, negotia-
tions.

"(b) The construction authorized by this section shall be under the administration of the Secretary, who shall consult with the appropriate officials of the Department of State with respect to matters involving the foreign relations of this Government, and such negotiations with the Governments of the Republic of Panama and Colombia as may be required to carry out the purposes of this section shall be conducted through, or authorized by, the Department of State.

"(c) The provisions of this section shall not create nor authorize the creation of any obligations on the part of the Government of the United States with respect to any expenditures for highway survey or construction heretofore or hereafter undertaken in Panama or Colombia, other than the expenditures authorized by the provision of this section.

"(d) Appropriations made pursuant to any authorization for the Darien Gap Highway shall be available for expenditure by the Secretary for necessary administrative and engineering expenses in connection with the Darien Gap Highway program.

"Construction."

"(e) For the purposes of this section the term 'construction' does not include any costs of rights-of-way, relocation assistance, or the elimination of hazards of railway grade crossings."

(b) The analysis of chapter 2 of title 23, United States Code, is hereby amended by adding at the end thereof the following:

"216. Darien Gap Highway."

Appropriation.

(c) There is hereby authorized to be appropriated not to exceed \$100,000,000, to remain available until expended to enable the Secretary of Transportation to carry out section 216 of title 23, United States Code.

Ante, p. 1721.

ADMINISTRATION

SEC. 114. (a) Subsection (a) of section 303 of title 23, United States Code, is amended to read as follows:

Deputy Federal
Highway Admin-
istrator.
75 Stat. 822;
78 Stat. 424.
80 Stat. 931.
49 USC 1652.

"(a) (1) In addition to the Administrator of the Federal Highway Administration authorized by section 3(e) of the Department of Transportation Act, there shall be a Deputy Federal Highway Administrator appointed by the Secretary of Transportation, with the approval of the President. The Deputy Federal Highway Administrator shall perform such duties as the Federal Highway Administrator shall prescribe. There shall also be an Assistant Federal Highway Administrator who shall be the chief engineer of the Administration and shall be appointed, with the approval of the President, by the Secretary of Transportation under the classified civil service and who shall perform such functions, powers, and duties as the Federal Highway Administrator shall prescribe.

"(2) The Administrator of the Federal Highway Administration shall be compensated at the annual rate of basic pay of level II of the Executive Schedule in section 5313 of title 5, United States Code. The Deputy Federal Highway Administrator shall be compensated at the annual rate of basic pay of level IV of the Executive Schedule in section 5315 of title 5, United States Code. The Assistant Federal Highway Administrator shall be compensated at the annual rate of basic pay of level V of the Executive Schedule in section 5316 of title 5, United States Code."

80 Stat. 460;
83 Stat. 864.

(b) All provisions of law enacted before the date of enactment of this Act which are inconsistent with the amendment made by subsection (a) of this section are hereby repealed to the extent of such inconsistency.

Repeal.

(c) The President may authorize any person who immediately before the date of enactment of this Act held the office of Director of Public Roads to act as Deputy Administrator of the Federal Highway Administration created by the amendment made by subsection (a) of this section until the first Deputy Administrator is appointed in accordance with such amendment. The President may authorize any person acting as Deputy Administrator in accordance with this subsection to receive compensation at the rate authorized for the Office of Deputy Administrator. Such compensation, if authorized, shall be in lieu of, and not in addition to, any other compensation from the United States to which such person may be entitled.

TRAINING AND RESEARCH FELLOWSHIPS

SEC. 115. (a) Chapter 3 of title 23 of the United States Code is amended by adding at the end thereof the following new section:

72 Stat. 912.

“§ 321. National Highway Institute

“(a) The Secretary is authorized and directed to establish and operate in the Federal Highway Administration a National Highway Institute hereafter referred to as the ‘Institute’. The Institute shall develop and administer, in cooperation with the State highway departments, training programs of instruction for Federal Highway Administration and State and local highway department employees engaged or to be engaged in Federal-aid highway work. Such programs may include, but not be limited to, courses in modern developments, techniques, and procedures, relating to highway planning, environmental factors, acquisition of rights-of-way, engineering, construction, maintenance, contract administration, and inspection. The Secretary shall administer all authority vested in him by this title or by any other provision of law for the development and conduct of educational and training programs relating to highways through the Institute. Sums authorized to be deducted for administrative purposes by subsection (a) of section 104 of this title shall be available for carrying out this subsection.

72 Stat. 889.

“(b) Not to exceed one-half of 1 per centum of all funds apportioned for any fiscal year beginning after June 30, 1970, to any State under paragraphs (1), (2), (3), and (6) of section 104(b) of this title shall be available for expenditure by the State highway department, subject to approval by the Secretary, for payment of not to exceed 70 per centum of the cost of tuition and direct educational expenses (but not travel, subsistence, or salaries) in connection with the education and training of State and local highway department employees as provided in this section.

77 Stat. 276;
Anfe, p. 1717.

“(c) Education and training of Federal, State, and local highway employees authorized by this section may be provided by the Secretary, or, in the case where such education and training is to be paid for under subsection (b) of this section, by the State, subject to the approval of the Secretary, through grants and contracts with public and private agencies, institutions, and individuals.”

(b) The analysis of chapter 3 of title 23 of the United States Code is amended by adding at the end thereof:

“§ 321. National Highway Institute.”

(c) Section 307(a) of title 23 of the United States Code is amended by inserting immediately after the period at the end of the third sentence thereof the following new sentence: “The Secretary is also

authorized, acting independently or in cooperation with other Federal departments, agencies, or instrumentalities, to make grants for research fellowships for any purpose for which research is otherwise authorized by this section."

BRIDGES ON FEDERAL DAMS

73 Stat. 613.

SEC. 116. (a) Section 320(d) of title 23 of the United States Code is amended by striking out "\$13,000,000" and inserting in lieu thereof "\$16,761,000".

Restriction.

(b) All sums appropriated under authority of the increased authorization of \$3,761,000 established by the amendment made by subsection (a) of this section shall be available for expenditure only in connection with the construction of a bridge across Markland Dam on the Ohio River near Markland, Indiana, and Warsaw, Kentucky. No such sums shall be appropriated until all applicable requirements of section 320 of title 23 of the United States Code have been complied with by the appropriate Federal agency, the Secretary of Transportation, and the States of Kentucky and Indiana.

72 Stat. 917.

CONSTRUCTION OF REPLACEMENT HOUSING

82 Stat. 834,
Post, pp. 1903,
1904.

SEC. 117. (a) Sections 510 and 511 of title 23, United States Code including all references thereto are hereby renumbered as sections 511 and 512 respectively.

(b) Chapter 5 of title 23, United States Code, is amended by inserting immediately after section 509 the following new section:

"§ 510. Construction of replacement housing

"(a) The Secretary may approve as a part of the cost of construction of any project on any Federal-aid system the cost of (A) constructing new housing, (B) acquiring existing housing, (C) rehabilitating existing housing, and (D) relocating existing housing, as replacement housing for individuals and families where a proposed project on the Federal-aid system cannot proceed to actual construction because replacement housing is not available and cannot otherwise be made available as required by section 502 of this title. For the purposes of this subsection the term 'housing' includes all appurtenances thereto.

"Housing."

"(b) State highway departments shall, wherever practicable, utilize the services of State or local governmental housing agencies in carrying out this section."

(c) The analysis of chapter 5 of title 28, United States Code, is amended by adding after

"509. Relocation assistance programs on Federal highway projects." the following:

"510. Construction of replacement housing."

"Construction,"
Ante, p. 1716.

(d) The definition of the term "construction" in section 101(a) of title 23, United States Code, is amended to read as follows:

"The term 'construction' means the supervising, inspecting, actual building, and all expenses incidental to the construction or reconstruction of a highway, including locating, surveying, and mapping (including the establishment of temporary and permanent geodetic markers in accordance with specifications of the Coast and Geodetic Survey in the Department of Commerce), acquisition of rights-of-way, relocation assistance, elimination of hazards of railway grade crossings, acquisition of replacement housing sites, and acquisition, and rehabilitation, relocation, and construction of replacement housing."

BRIDGE ALTERATION PROGRESS PAYMENTS

SEC. 118. Section 7 of the Act of June 21, 1940 (54 Stat. 497), as amended (33 U.S.C. 517) is amended as follows:

72 Stat. 596.

(1) In the first sentence strike all after "Following" to and including "Chief of Engineers" and insert in lieu thereof "service of the order requiring alteration of the bridge, the Secretary of Transportation".

(2) In the second sentence insert "of Transportation" between "Secretary" and "may".

(3) In the third sentence strike out the last word and insert in lieu thereof "Transportation".

ALASKA HIGHWAY

SEC. 119. (a) The President, acting through the Secretaries of State and Transportation, is authorized to undertake negotiations with the Government of Canada for the purpose of entering into a suitable agreement authorizing paving and reconstructing the Alaska Highway from Dawson Creek, Canada (including a connecting highway to Haines, Alaska), to the Alaska border, including, but not limited to, necessary highway realignment.

(b) The President shall report to Congress not later than one year after the date of enactment of this section the results of his negotiations under this section.

Report to Congress.

EFFECTIVE DATE OF RELOCATION PROVISIONS

SEC. 120. Section 37 of the Federal-Aid Highway Act of 1968 is amended to read as follows:

82 Stat. 836.
23 USC 502
note.

"EFFECTIVE DATE

"SEC. 37. (a) Except as otherwise provided in subsection (b) of this section, this Act and the amendments made by this Act shall take effect on the date of its enactment, except that until July 1, 1970, sections 502, 505, 506, 507, and 508 of title 23, United States Code, as added by this Act, shall be applicable to a State only to the extent that such State is able under its laws to comply with such sections. Except as otherwise provided in subsection (b) of this section, after July 1, 1970, such sections shall be completely applicable to all States. Section 133 of title 23, United States Code, shall not apply to any State if sections 502, 505, 506, 507, and 508 of title 23, United States Code, are applicable in that State, and effective July 1, 1970, such section 133 is repealed, except as otherwise provided in subsection (b) of this section.

Repeal; effective date.
76 Stat. 1146.
82 Stat. 830;
Post, pp. 1735,
1903.

"(b) In the case of any State (1) which is required to amend its constitution to comply with sections 502, 505, 506, 507, and 508 of title 23, United States Code, and (2) which cannot submit the required constitutional amendment for ratification prior to July 1, 1970, the date of July 1, 1970, contained in subsection (a) of this section shall be extended to July 1, 1972."

Extension.

FUTURE FEDERAL-AID HIGHWAY PROGRAM

SEC. 121. (a) The Secretary of Transportation shall develop and include in the report of Congress required to be submitted in January 1972, by section 3 of the Act of August 28, 1965 (79 Stat. 578; Public Law 89-139), specific recommendations for the functional realignment of the Federal-aid systems. These recommendations shall be based on the functional classification study made in cooperation

Recommendations to Congress.

23 USC 101
note.

82 Stat. 823.
23 USC 101
note.

with the State highway departments and local governments as required by the Federal-Aid Highway Act of 1968 and submitted to the Congress in 1970, and the functional classification study now underway of the Federal-aid systems in 1990.

(b) As a part of the future highway needs report to be submitted to Congress in January 1972, the Secretary shall also make recommendations to the Congress for a continuing Federal-aid highway program for the period 1976 to 1990. The needs estimates to be used in developing such programs shall be in conformance with the functional classification studies referred to in subsection (a) of this section and the recommendations for the functional realignment required by such subsection.

Post, p. 1737.

(c) The recommendations required by subsections (a) and (b) of this section shall be determined on the basis of studies now being conducted by the Secretary in cooperation with the State highway departments and local governments, and, in urban areas of more than fifty thousand population, utilizing the cooperative continuing comprehensive transportation planning process conducted in accordance with section 134 of title 23, United States Code. The highway needs estimates prepared by the States in connection with this report to Congress shall be submitted to Congress by the Secretary, together with his recommendations.

Report to
Congress.

(d) As a part of the future highway needs report to be submitted to Congress in January 1972, the Secretary shall report to Congress the Federal-aid urban system as designated, and the cost of its construction.

HIGHWAY BEAUTIFICATION AUTHORIZATIONS

82 Stat. 817.

SEC. 122. (a) Section 131(m) of title 23, United States Code, is amended to read as follows:

"(m) There is authorized to be appropriated to carry out the provisions of this section, out of any money in the Treasury not otherwise appropriated, not to exceed \$20,000,000 for the fiscal year ending June 30, 1966, not to exceed \$20,000,000 for the fiscal year ending June 30, 1967, not to exceed \$2,000,000 for the fiscal year ending June 30, 1970, not to exceed \$27,000,000 for the fiscal year ending June 30, 1971, not to exceed \$20,500,000 for the fiscal year ending June 30, 1972, and not to exceed \$50,000,000 for the fiscal year ending June 30, 1973. The provisions of this chapter relating to the obligation, period of availability and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967."

82 Stat. 818.

(b) Section 136(m) of title 23, United States Code, is amended to read as follows:

"(m) There is authorized to be appropriated to carry out this section, out of any money in the Treasury not otherwise appropriated, not to exceed \$20,000,000 for the fiscal year ending June 30, 1966, not to exceed \$20,000,000 for the fiscal year ending June 30, 1967, not to exceed \$3,000,000 for the fiscal year ending June 30, 1970, not to exceed \$3,000,000 for the fiscal year ending June 30, 1971, not to exceed \$3,000,000 for the fiscal year ending June 30, 1972, and not to exceed \$5,000,000 for the fiscal year ending June 30, 1973. The provisions of this chapter relating to the obligation, period of availability, and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967."

HIGHWAY BEAUTIFICATION COMMISSION

SEC. 123. (a) There is hereby established a commission to be known as the Commission on Highway Beautification, hereinafter referred to as the "Commission".

(b) The Commission shall be comprised of eleven members as follows:

Membership.

(1) two majority and two minority members of the Senate Committee on Public Works to be appointed by the President of the Senate;

(2) two majority and two minority members of the House Committee on Public Works to be appointed by the Speaker of the House of Representatives;

(3) three persons to be appointed by the President of the United States from among persons who are not officers or employees of the United States.

(c) The Chairman shall be elected from among the members of the Commission by a majority vote of such members. Any vacancy which may occur on the Commission shall not affect its powers or functions but shall be filled in the same manner in which the original appointment was made.

Chairman.

(d) The organization meeting of the Commission shall be held at such time and place as may be specified in a call issued jointly by the senior member appointed by the President of the Senate and the senior member appointed by the Speaker of the House of Representatives.

(e) Six members of the Commission shall constitute a quorum, but a smaller number, as determined by the Commission, may conduct hearings.

Quorum.

(f) Members of Congress who are members of the Commission shall serve without compensation in addition to that received for their services as Members of Congress; but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

Members, compensation.

(g) Members of the Commission who are not Members of Congress or officers or employees in the executive branch shall each receive \$100 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

(h) The Commission shall (1) study existing statutes and regulations governing the control of outdoor advertising and junkyards in areas adjacent to the Federal-aid highway system; (2) review the policies and practices of the Federal and State agencies charged with administrative jurisdiction over such highways insofar as such policies and practices relate to governing the control of outdoor advertising and junkyards; (3) compile data necessary to understand and determine the requirements for such control which may now exist or are likely to exist within the foreseeable future; (4) study problems relating to the control of on-premise outdoor advertising signs, promotional signs, directional signs, and signs providing information that is essential to the motoring public; (5) study methods of financing and possible sources of Federal funds, including use of the Highway Trust Fund, to carry out a highway beautification program; and (6) recommend such modifications or additions to existing laws, regulations, policies, practices, and demonstration programs as will, in the judgment of the Commission, achieve a workable and effective highway beautification program and best serve the public interest.

Duties.

(i) The Commission shall, not later than one year after the funding of this section submit to the President and the Congress its final

Report, termination.

Records, de-
posit in Archives.

report. It shall cease to exist six months after submission of said report. All records and papers of the Commission shall thereupon be delivered to the Administrator of General Services for deposit in the Archives of the United States.

(j) The Chairman of the Commission shall request the head of each Federal department or independent agency which has an interest in or responsibility with respect to the control of outdoor advertising and of junkyards to appoint, and the head of such department or agency shall appoint, a liaison officer who shall work closely with the Commission and its staff in matters pertaining to this section.

(k) In carrying out its duties the Commission shall seek the advice of various groups interested in the problems relating to the control of outdoor advertising and junkyards including, but not limited to, State and local governments, public and private organizations working in the fields of environmental protection and conservation, communications media, commercial advertising interests, industry, education, and labor.

Hearings.

(l) The Commission or, on authorization of the Commission, any committee of two or more members may, for the purpose of carrying out the provisions of this section, hold such hearings and sit and act at such times and places as the Commission or such authorized committee may deem advisable. Subpenas for the attendance and testimony of witnesses or the production of written or other matter may be issued only on the authority of the Commission and shall be served by anyone designated by the Chairman of the Commission.

Subpenas.

(m) The Commission is authorized to secure from any department, agency, or individual instrumentality of the executive branch of the Government any information it deems necessary to carry out its functions under this section and each such department, agency, and instrumentality is authorized and directed to furnish such information to the Commission upon request made by the Chairman.

Appropriation.

(n) There are hereby authorized to be appropriated such sums, but not more than \$200,000, as may be necessary to carry out the provisions of this section and such moneys as may be appropriated shall be available to the Commission until expended.

Staff director,
personnel, con-
sultants, compen-
sation.

(o) The Commission is authorized to appoint and fix the compensation of a staff director, and such additional personnel as may be necessary to enable it to carry out its functions. The Director and personnel may be appointed without regard to provisions of title 5, United States Code, covering appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. Any Federal employees subject to the civil service laws and regulations who may be employed by the Commission shall retain civil service status without interruption or loss of status or privilege. In no event shall the staff director or any other employee receive as compensation an amount in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of title 5, United States Code. In addition, the Commission is authorized to obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed \$100 per diem for individuals.

80 Stat. 443,
467.
5 USC 5101,
5331.
Ante, p. 198-1.

80 Stat. 416.

Studies, con-
tract power; fund
transfer.

(p) The Commission is authorized to enter into contracts or agreements for studies and surveys with public and private organizations and, if necessary, to transfer funds to Federal agencies from sums appropriated pursuant to this section to carry out such of its duties as the Commission determines can best be carried out in that manner.

ELIMINATION OF SEGMENTS OF INTERSTATE SYSTEM NOT TO BE
CONSTRUCTED

SEC. 124. Section 103 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

Ante, p. 1716.

“(g) The Secretary, on July 1, 1973, shall remove from designation as a part of the Interstate System every segment of such System for which a State has not established a schedule for the expenditure of funds for completion of construction of such segment within the period of availability of funds authorized to be appropriated for completion of the Interstate System, and with respect to which the State has not provided the Secretary with assurances satisfactory to him that such schedule will be met. Nothing in the preceding sentence shall be construed to prohibit the substitution prior to July 1, 1973, of alternative segments of the Interstate System which will meet the requirements of this title. Any segment of the Interstate System with respect to which a State has not submitted plans, specifications, and estimates for approval by the Secretary by July 1, 1975, shall be removed from designation as a part of the Interstate System. No segment of the Interstate System removed under authority of the preceding sentence shall thereafter be designated as a part of the Interstate System.”

URBAN AREA TRAFFIC OPERATIONS IMPROVEMENT PROGRAMS

SEC. 125. Subsection (b) of section 135 of title 23, United States Code, is amended by striking out “, if such project” and all that follows down through and including the period at the end of such subsection and inserting in lieu thereof a period and the following: “If such project is located in an urban area of more than fifty thousand population, such project shall be based on a continuing comprehensive transportation planning process carried on in accordance with section 134 of this title.”

Ante, p. 1718.

Post, p. 1737.

AUTHORITY FOR DEMONSTRATION PROJECTS

SEC. 126. Subsection (c) (3) of section 307 of title 23, United States Code, is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: “including demonstration projects in connection with such purposes.”

76 Stat. 1148.

ECONOMIC GROWTH CENTER DEVELOPMENT HIGHWAYS

SEC. 127. (a) Chapter 1 of title 23, United States Code, is further amended by adding after section 142 thereof a new section as follows:

Ante, p. 1719.

“§ 143. Economic growth center development highways

“(a) In order to demonstrate the role that highways can play to promote the desirable development of the Nation's natural resources, to revitalize and diversify the economy of rural areas and smaller communities, to enhance and disperse industrial growth, to encourage more balanced population patterns, to check, and, where possible, to reverse current migratory trends from rural areas and smaller communities, and to improve living conditions and the quality of the environment, the Secretary is authorized to make grants to States for demonstration projects for the construction, reconstruction, and improvement of development highways on the Federal-aid primary system to serve and promote the development of economic growth centers and surrounding areas, encourage the location of business and industry in rural areas, facilitate the mobility of labor in sparsely populated areas, and provide rural citizens with improved highways

Demonstration
projects.

to such public and private services as health care, recreation, employment, education, and cultural activities, or otherwise encourage the social and economic development of rural communities, and for planning, surveys, and investigations in connection therewith.

“(b) Each Governor may transmit to the Secretary his recommendations for (1) the selection of economic growth centers within the State, (2) priorities for the construction of development highways on the Federal-aid primary system to serve such centers, and (3) such other information as may be required by the Secretary, for his consideration in approving the selection of economic growth centers for demonstration projects.

“(c) Upon the application of the State highway department of any State in which an economic growth center approved by the Secretary as eligible for a demonstration project is located, the Secretary is authorized to pay up to 100 per centum of the cost of engineering and economic surveys or other investigations necessary for the planning and design of development highways on the Federal-aid primary system needed to provide appropriate access to such growth center, including publicly owned airport facilities and public ports for water transportation which may be established to serve it, in order to carry out the purposes of this section.

Applicability.

“(d) Except as otherwise provided in this section, all of the provisions of this title applicable to Federal-aid primary highways except those which the Secretary determines are inconsistent with this section shall apply to development highways and to funds authorized to carry out this section. For the purposes of sections 105, 106, and 118 of this title, funds authorized to carry out this section shall be deemed to be apportioned on January 1 next preceding the commencement of the fiscal year for which authorized. No State shall receive in any fiscal year more than 15 per centum of the funds authorized to carry out this section for such fiscal year.

Ante, p. 1717;
Post, pp. 1732,
1737.
Prohibition.

Limitation.

“(e) The Federal share of the cost of any project for construction, reconstruction, or improvement of a development highway under this section shall be increased by not to exceed an additional 20 per centum of the cost of such project, except that in no case shall the Federal share exceed 95 per centum of the cost of such project.

Approval, criteria.

“(f) (1) Except in the case of a project subject to paragraph (2) of this subsection, no project shall be approved by the Secretary under this section until he has determined that such project will promote the aims and purposes set forth in subsection (a) of this section and that the economic growth center to be benefited will meet such criteria as he, after consultation with the Secretary of Commerce, deems necessary, including, but not limited to, the following: (1) growth centers shall be geographically and economically capable of contributing significantly to the development of the area, and (2) growth centers shall have a population not in excess of one hundred thousand according to the latest available Federal census. In approving projects the Secretary shall give preference to those areas offering the most potential for future economic growth.

Appalachian
region; economic
development
region.
79 Stat. 21;
81 Stat. 266.
40 USC app.
403.

“(2) In the case of a project proposed to be conducted within the Appalachian region as defined in section 403 of the Appalachian Regional Development Act of 1965, no project shall be approved by the Secretary under this section until he shall have consulted with the Federal Cochairman of the Appalachian Regional Commission. In the case of a project proposed to be conducted within an economic development region as defined in title V of the Public Works and Economic Development Act of 1965, no project shall be approved by the Secretary under this section until he shall have consulted with the Federal Cochairman for such region and the Secretary of Com-

79 Stat. 564;
83 Stat. 218.
42 USC 3181.

merce. In consultation with the appropriate official, the Secretary shall establish criteria for the selection of growth centers eligible for assistance under this section such that the aims and purposes set forth in subsection (a) of this section will be promoted. Such criteria shall include, but not be limited to, the following: (1) growth centers shall be geographically and economically capable of contributing significantly to the development of the area, (2) growth centers shall have a population not in excess of one hundred thousand persons according to the latest available Federal census, and (3) the selection of such growth centers within the Appalachian region and the economic development regions shall take into account the purposes of the Appalachian Regional Development Act of 1965 and the Public Works and Economic Development Act of 1965. In approving projects the Secretary shall give preference to those areas offering the most potential for future economic growth and he shall make arrangements for close coordination throughout the development and implementation of the project with the Federal Cochairman of the Appalachian Regional Commission, or with the appropriate Federal Cochairman of an economic development region, and the Secretary of Commerce, as the case may be.

Selection for assistance, criteria.

79 Stat. 5.
40 USC app. 1.
79 Stat. 552.
42 USC 3121
note.

“(g) There is authorized to be appropriated out of the Highway Trust Fund not to exceed \$50,000,000 for the fiscal year ending June 30, 1972, and not to exceed \$50,000,000 for the fiscal year ending June 30, 1973.”

Appropriation.

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

“143. Economic growth center development highways.”

FEDERAL SHARE OF ENGINEERING COSTS

SEC. 128. Section 120 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

72 Stat. 899;
73 Stat. 145.

“(h) At the request of any State, the Secretary may from time to time enter into agreements with such State to reimburse the State for the Federal share of the costs of preliminary and construction engineering at an agreed percentage of actual construction costs for each project, in lieu of the actual engineering costs for such project. The Secretary shall annually review each such agreement to insure that such percentage reasonably represents the engineering costs actually incurred by such State.”

Annual review.

DISTRICT OF COLUMBIA

SEC. 129. (a) In the case of the following routes on the Interstate System in the District of Columbia authorized for construction by section 23 of the Federal-aid Highway Act of 1968, the government of the District of Columbia and the Secretary of Transportation shall restudy such projects and report to Congress not later than 12 months after the date of enactment of this subsection their recommendations with respect to such projects, including any alternative routes or plans:

Report to Congress.

82 Stat. 827.
D.C. Code 7-135
and note.

(1) East Leg of the Inner Loop, beginning at Bladensburg Road, I-295 (section C4.1 to C6),

(2) North Central and Northeast Freeways, I-95 (section C7 to C13) and I-70S (section C1 to C2).

(b) The government of the District of Columbia and the Secretary of Transportation shall study the project for the North Leg of the Inner Loop from point A3.3 on I-66 to point C7 on I-95, as designated in the “1968 Estimate of the Cost of Completion of the National System of Interstate and Defense Highways in the District of

Columbia", and shall report to Congress not later than 12 months after the date of enactment of this subsection their recommendations with respect to such project including any recommended alternative routes or plans.

INDIAN RESERVATION ROADS AND BRIDGES

Ante, p. 1716. SEC. 130. The definition of the term "Indian reservation roads and bridges" in section 101(a) of title 23, United States Code, is amended to read as follows:

"The term 'Indian reservation roads and bridges' means roads and bridges that are located within or provide access to an Indian reservation or Indian trust land or restricted Indian land which is not subject to fee title alienation without the approval of the Federal Government on which Indians reside whom the Secretary of the Interior has determined to be eligible for services generally available to Indians under Federal laws specifically applicable to Indians."

RICHMOND-PETERSBURG TURNPIKE

72 Stat. 902. SEC. 131. The Secretary of Transportation is authorized to amend any agreement heretofore entered into under the provisions of section 129(d) of title 23, United States Code, in order to permit the continuation of tolls on the existing Richmond-Petersburg Turnpike to finance the construction within the existing termini of such turnpike of two lanes thereon in addition to the lanes in existence on the date of enactment of this section necessary to meet traffic and highway safety requirements. Any amended agreement entered into for such purposes shall provide assurances that the existing turnpike (including the additional lanes) shall become free to the public upon the collection of tolls sufficient to liquidate all construction costs, and the costs of maintenance, operation, and debt service during the period of toll collections to liquidate such construction costs, but in no event shall tolls be collected after date of maturity of those bonds outstanding on the date of enactment of this section issued for construction of such turnpike having the latest maturity date.

AIRPORT AND WATERPORT ACCESS

Ante, p. 1717. SEC. 132. Section 105 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) In preparing programs to submit in accordance with subsection (a) of this section, the State highway departments shall give consideration to projects providing direct and convenient public access to public airports and public ports for water transportation, and in approving such programs the Secretary shall give consideration to such projects."

FEDERAL PARTICIPATION IN THE IMPROVEMENT OF TOLL ROADS

74 Stat. 523;
Post, p. 1736. SEC. 133. Section 129 of title 23, United States Code, is amended by redesignating subsection (e) as subsection (f), including any reference thereto, and by inserting immediately before such redesignated subsection (f) the following:

82 Stat. 829. "(e) Notwithstanding the provisions of subsection (b) of this section, the Secretary may permit Federal participation in the reconstruction and improvement of any toll road providing for only two lanes of traffic, which is designated part of the Interstate System on the date of enactment of this subsection as he may find necessary to bring such two lane toll road to the geometric and construction standards for the Interstate System in order to provide for the safe

use of such highway as part of the Interstate System and to facilitate the removal of tolls therefrom. Federal participation in such reconstruction and improvement shall be on the same basis and in the same manner as in the construction of free Interstate System highways under this chapter. No Federal participation shall be permitted pursuant to this subsection except on two lane toll roads which were designated as a part of the Interstate System on or before June 30, 1968. Before Federal participation under this subsection, the State highway department and the toll road authority involved shall enter into an agreement with the Secretary which shall provide that—

Exception.

“(1) no indebtedness which is to be liquidated by the collection of tolls (in addition to indebtedness in existence on date of enactment in this subsection) shall be incurred after the date of enactment of this subsection;

“(2) all tolls received from the operation of the toll road, less the actual cost of such operation and maintenance, shall be applied to the repayment of only those bonds outstanding on the date of enactment of this subsection constituting a valid lien against such toll road and its maintenance and operation and debt service during the period of toll collection;

“(3) the toll road shall become free to the public upon collection of tolls sufficient to liquidate all such bonds.”

FRINGE AND CORRIDOR PARKING FACILITIES

SEC. 134. (a) Section 137 of title 23, United States Code, is amended to read as follows:

80 Stat. 768.

“§ 137. Fringe and corridor parking facilities

“(a) The Secretary may approve as a project on the Federal-aid urban system the acquisition of land adjacent to the right-of-way outside a central business district, as defined by the Secretary, and the construction of publicly owned parking facilities thereon or within such right-of-way, including the use of the air space above and below the established grade line of the highway pavement, to serve an urban area of fifty thousand population or more. Such parking facility shall be located and designed in conjunction with existing or planned public transportation facilities. In the event fees are charged for the use of any such facility, the rate thereof shall not be in excess of that required for maintenance and operation (including compensation to any person for operating such facility).

“(b) The Secretary shall not approve any project under this section until—

Approval, conditions.

“(1) he has determined that the State, or the political subdivision thereof, where such project is to be located, or any agency or instrumentality of such State or political subdivision, has the authority and capability of constructing, maintaining, and operating the facility;

“(2) he has entered into an agreement governing the financing, maintenance, and operation of the parking facility with such State, political subdivision, agency, or instrumentality, including necessary requirements to insure that adequate public transportation services will be available to persons using such facility; and

“(3) he has approved design standards for constructing such facility developed in cooperation with the State highway department.

“(c) The term ‘parking facilities’ for purposes of this section shall include access roads, buildings, structures, equipment, improvements, and interests in lands.

“‘Parking facilities.’”

“(d) Nothing in this section, or in any rule or regulation issued under this section, or in any agreement required by this section, shall prohibit (1) any State, political subdivision, or agency or instrumentality thereof, from contracting with any person to operate any parking facility constructed under this section, or (2) any such person from so operating such facility.

“(e) The Secretary shall not approve any project under this section unless he determines that it is based on a continuing comprehensive transportation planning process carried on in accordance with section 134 of this title.”

Post, pp. 1737, 1738.

(b) The analysis of chapter 1 of such title is amended by striking out the matter relating to section 137 and inserting in lieu thereof the following:

“137. Fringe and corridor parking facilities.”

(c) Section 11 of the Federal-Aid Highway Act of 1968 is hereby repealed.

Repeal.
82 Stat. 820.
23 USC 134
note.

PUBLIC HEARINGS

SEC. 135. (a) Subsection (a) of section 128 of title 23, United States Code, is amended by adding at the end thereof the following new sentence: “Such certification shall be accompanied by a report which indicates the consideration given to the economic, social, environmental, and other effects of the plan or highway location or design and various alternatives which were raised during the hearing or which were otherwise considered.”

72 Stat. 902;
82 Stat. 828.

(b) Subsection (b) of such section 128 is amended by striking out the period at the end thereof and inserting in lieu thereof the following: “and report.”

ECONOMIC, SOCIAL, ENVIRONMENTAL, AND OTHER IMPACT

SEC. 136. (a) Section 109(g) of title 23, United States Code, is amended to read as follows:

80 Stat. 771.

Soil erosion.

“(g) The Secretary shall issue within 30 days after the day of enactment of the Federal-Aid Highway Act of 1970 guidelines for minimizing possible soil erosion from highway construction. Such guidelines shall apply to all proposed projects with respect to which plans, specifications, and estimates are approved by the Secretary after the issuance of such guidelines.”

(b) Such section 109 is further amended by adding at the end thereof the following:

Guidelines, submission to Congress, promulgation.

“(h) Not later than July 1, 1972, the Secretary, after consultation with appropriate Federal and State officials, shall submit to Congress, and not later than 90 days after such submission, promulgate guidelines designed to assure that possible adverse economic, social, and environmental effects relating to any proposed project on any Federal-aid system have been fully considered in developing such project, and that the final decisions on the project are made in the best overall public interest, taking into consideration the need for fast, safe and efficient transportation, public services, and the costs of eliminating or minimizing such adverse effects and the following:

“(1) air, noise, and water pollution;

“(2) destruction or disruption of man-made and natural resources, aesthetic values, community cohesion and the availability of public facilities and services;

“(3) adverse employment effects, and tax and property value losses;

“(4) injurious displacement of people, businesses and farms; and

“(5) disruption of desirable community and regional growth. Such guidelines shall apply to all proposed projects with respect to which plans, specifications, and estimates are approved by the Secretary after the issuance of such guidelines.

“(i) The Secretary, after consultation with appropriate Federal, State, and local officials, shall develop and promulgate standards for highway noise levels compatible with different land uses and after July 1, 1972, shall not approve plans and specifications for any proposed project on any Federal-aid system for which location approval has not yet been secured unless he determines that such plans and specifications include adequate measures to implement the appropriate noise level standards. Noise level standards.

“(j) The Secretary, after consultation with the Administrator of the Environmental Protection Agency, shall develop and promulgate guidelines to assure that highways constructed pursuant to this title are consistent with any approved plan for the implementation of any ambient air quality standard for any air quality control region designated pursuant to the Clean Air Act, as amended.” Air quality standards.

(c) Subsection (b) of section 307 of title 23, United States Code, is amended by adding the following sentence: “The highway research program herein authorized shall also include studies to identify and measure, quantitatively and qualitatively, those factors which relate to economic, social, environmental, and other impacts of highway projects.” 81 Stat. 485.
42 USC 1857
note.
72 Stat. 913.

INTEREST PAYMENTS FOR REPLACEMENT HOUSING

SEC. 137. Section 506 of title 23, United States Code is amended by redesignating subsection (b) as subsection (c) and inserting a new subsection (b) as follows: 82 Stat. 832;
Post, p. 1903.

“(b)(1) In addition to the amounts otherwise authorized by this title, the State agency shall make an interest payment to compensate such owner for any increased rate of interest which such owner is required to pay for financing such replacement dwelling.

“(2) This interest payment shall be computed and allowed only if there was an existing mortgage against the dwelling transferred to the State and such mortgage was a valid lien on said premises for at least one year prior to the institution of negotiations for the acquisition of such property, and if the mortgage for the replacement dwelling bears a higher rate of interest than the interest rate on the mortgage of the transferred dwelling; but, in no event shall such interest on the replacement dwelling be greater than the maximum interest allowable under State law. Limitation.

“(3) The value of the interest payment shall be the difference in the interest rate existing on the balance of any mortgage on a transferred dwelling and the interest rate on the mortgage of the replacement dwelling for the remainder of the term of any such mortgage on such transferred dwelling reduced to discounted present value.

“(4) The discount rate as above provided shall be the maximum rate of interest permitted to be paid on savings deposits by any savings bank within the State pursuant to the rules and regulations of the Federal Deposit Insurance Corporation.”

ALASKAN ASSISTANCE

SEC. 138. (a) Subsection (b) of section 7 of the Federal Aid Highway Act of 1966 is amended to read as follows:

“(b) There is hereby authorized to be appropriated for construction of Federal-aid highways of the State of Alaska, out of the High-

80 Stat. 768.

Appropriation.

72 Stat. 885.
23 USC 101.

way Trust Fund and in addition to funds otherwise made available to the State of Alaska under title 23, United States Code, \$20,000,000 for each of the fiscal years ending June 30, 1972 and June 30, 1973."

73 Stat. 146.

(b) Any right-of-way for roads, roadways, highways, tramways, trails, bridges, and appurtenant structures reserved by section 321(d) of title 48, United States Code (61 Stat. 418, 1947), not utilized by the United States or by the State or territory of Alaska prior to the date of enactment hereof, shall be and hereby is vacated and relinquished by the United States to the end and intent that such reservation shall merge with the fee and be forever extinguished.

FERRY BOATS

Ante, p. 1732.

SEC. 139. Section 129 of title 23, United States Code, is amended by adding at the end thereof the following:

72 Stat. 912.
23 USC 301.

"(f) Notwithstanding section 301 of this title, the Secretary may permit Federal participation under this title in the construction of ferry boats, whether toll or free, subject to the following conditions:

"(1) It is not feasible to build a bridge, tunnel, combination thereof, or other normal highway structure in lieu of the use of such ferry.

72 Stat. 887.

"(2) The operation of the ferry shall be on a route which has been approved under section 103 (b) or (c) of this title as a part of one of the Federal-aid systems within the State and has not been designated as a route on the Interstate System.

"(3) Such ferry shall be publicly owned and operated.

"(4) The operating authority and the amount of fares charged for passage on such ferry shall be under the control of the State, and all revenues derived therefrom shall be applied to actual and necessary costs of operation, maintenance, and repair.

International
waters, prohibi-
tion.

"(5) Such ferry shall be operated only within the State or between adjoining States, and no part of its operation shall be in any foreign or international waters.

Disposal.

"(6) No such ferry shall be sold, leased, or otherwise disposed of without the approval of the Secretary. The Federal share of any proceeds from such a disposition shall be credited to the unprogrammed balance of Federal-aid highway funds of the same class last apportioned to such State. Any amount so credited shall be in addition to all other funds then apportioned to such State and available for expenditure in accordance with the provisions of this title."

FUTURE ADDITIONS TO INTERSTATE SYSTEM

82 Stat. 823.

SEC. 140. The existing language of section 139 of title 23, United States Code, shall be designated as subsection (a) and a new subsection (b) added as follows:

Ante, p. 1717.

"(b) Whenever the Secretary determines that a highway on the Federal-aid primary system would be a logical addition or connection to the Interstate System and would qualify for designation as a route on that system in the same manner as set forth in paragraph 1 of subsection (d) of section 103 of this title, he may upon the affirmative recommendation of the State or States involved designate such highway as a future part of the Interstate System. Such designation shall be made only upon the written agreement of the State or States involved that such highway will be constructed to meet all the standards of a highway on the Interstate System within twelve years of the date of the agreement between the Secretary and the State or States involved. The mileage of any highway designated as a future part of

the Interstate System under this subsection shall not be charged against the limitations established by the first sentence of section 103(d) of this title. The designation of a highway as a future part of the Interstate System under this subsection shall create no Federal financial responsibility with respect to such highway except that Federal-aid highway funds otherwise available to the State or States involved for the construction of Federal-aid primary system highways may be used for the reconstruction of a highway designated as a route on the Interstate System under this subsection. In the event that the State or States involved have not substantially completed the construction of any highway designated under this subsection within the time provided for in the agreement between the Secretary and State or States involved, the Secretary shall remove the designation of such highway as a future part of the Interstate System. Removal of such designation as result of failure to comply with the agreement provided for in this subsection shall in no way prohibit the Secretary from designating such route as part of the Interstate System pursuant to subsection (a) of this section or under any other provision of law providing for addition to the Interstate System. No law, rule, regulation, map, document, or other record of the United States, or of any State or political subdivision thereof, shall refer to any highway under this section, nor shall any such highway be signed or marked, as a highway on the Interstate System until such time as such highway is constructed to the geometric and construction standards for the Interstate System and has been designated as a part of the Interstate System."

Ante, p. 1717.

82 Stat. 823.
23 USC 139.

DEFINITIONS

SEC. 141. Section 101(a) of title 23, United States Code, is amended as follows:

Ante, p. 1716.

(1) The definition of the term "forest highway" is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and which is on a Federal-aid system."

(2) The definition of the term "public lands highways" is amended by striking out "means" and inserting in lieu thereof "means those" and by striking out the period at the end of such definition and inserting in lieu thereof a comma and the following: "which are on the Federal-aid systems."

COST REDUCTION

SEC. 142. Section 106 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

72 Stat. 892;
77 Stat. 278;
Ante, p. 1717.

"(d) In such cases as the Secretary determines advisable, plans, specifications, and estimates for proposed projects on any Federal-aid system shall be accompanied by a value engineering or other cost reduction analysis."

URBAN TRANSPORTATION PLANNING

SEC. 143. (a) Section 134 of title 23, United States Code, is amended by inserting "(a)" at the beginning of the first paragraph thereof and by adding at the end thereof the following:

76 Stat. 1148.

"No highway project may be constructed in any urban area of fifty thousand population or more unless the responsible public officials of such urban area in which the project is located have been consulted and their views considered with respect to the corridor, the location and the design of the project."

76 Stat. 1148.

Critical trans-
portation regions.

(b) Section 134 of title 23, United States Code, is further amended by adding at the end thereof a new subsection as follows:

“(b) The Secretary may define those contiguous interstate areas of the Nation in which the movement of persons and goods between principal metropolitan areas, cities, and industrial centers has reached, or is expected to reach, a critical volume in relation to the capacity of existing and planned transportation systems to efficiently accommodate present transportation demands and future growth. After consultation with the Governors and responsible local officials of affected States, the Secretary may by regulation designate, for administrative and planning purposes, as a critical transportation region or a critical transportation corridor each of those areas which he determines most urgently require the accelerated development of transportation systems embracing various modes of transport, in accordance with purposes of this section. The Secretary shall immediately notify such Governors and local officials of such designation. The Secretary may, after consultation with the Governors and responsible local officials of the affected States, provide by regulation for the establishment of planning bodies to assist in the development of coordinated transportation planning, including highway planning, to meet the needs of such regions or corridors, composed of representatives of the affected States and metropolitan areas, and may provide assistance including financial assistance to such bodies. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, not to exceed \$500,000 to carry out this subsection.”

Appropriation.

STUDY OF RELATIONSHIP OF HIGHWAY CONSTRUCTION TO PUBLIC TRANSPORTATION SERVICES

Report to
Congress.

SEC. 144. The Secretary is authorized and directed to undertake a study and analysis of the use of existing highway facilities for highway public transportation service, the need for additional highway facilities or the adjustment of existing facilities to accommodate such service, and the appropriate funding of such additional highway facilities and to report to the Congress his findings and recommendations not later than January 1, 1972.

SAINT CLAIR RIVER BRIDGE

SEC. 145. The amount of Federal Aid Highway funds paid to the State of Michigan for the construction of the bridge and approaches thereto over the Saint Clair River at Port Huron, Michigan, shall, prior to the collection of any tolls thereon be repaid to the Treasurer of the United States. The amount to be repaid shall be deposited to the credit of the appropriation for “Federal Aid Highways (Trust Fund)”. Such repayment shall be credited to the unprogrammed balance of Federal Aid Highway funds of the same class last apportioned to the State of Michigan. The amount so credited shall be in addition to all other funds then apportioned to said State and shall be available for expenditure in accordance with the provisions of title 23, United States Code, as amended.

72 Stat. 885.
23 USC 101.

(2) Upon the repayment by the State of Michigan of the Federal Aid Highway funds received for such bridge project, the bridge and its approaches shall be free of all restrictions with respect to the imposition and collection of tolls or other charges thereon or for the use thereof, contained in (A) title 23, United States Code, or in any regulation or agreement thereunder, and (B) subsection (d) of section 17 of the Act entitled “An Act to authorize the construction of certain bridges and to extend the times for commencing and/or completing the construction of other bridges over the navigable waters of

the United States, and for other purposes", approved August 30, 1935, as amended (49 Stat. 1051), or in any regulation or agreement thereunder. Tolls or charges imposed and collected on such bridge or for the use thereof shall not exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management.

49 Stat. 1068.

BALTIMORE-WASHINGTON PARKWAY

SEC. 146. (a) There is authorized to be appropriated to the Secretary of Transportation, out of the Highway Trust Fund, not to exceed \$65,000,000 for reconstructing to six lanes the section of the Baltimore-Washington Parkway in the State of Maryland under the jurisdiction of the Secretary of the Interior to the geometric and construction standards for the National System of Interstate and Defense Highways.

Appropriation.

(b) No funds authorized by this section shall be expended until the Secretary of Transportation, the Secretary of the Interior, and the State highway department of the State of Maryland shall enter into an agreement that—

(1) upon completion of reconstruction the Secretary of the Interior will convey without monetary consideration such section of such parkway to the State of Maryland, and

(2) the State of Maryland shall put such section of the Parkway on the Federal-aid primary system prior to expenditure of funds authorized by this section, and for such purpose the mileage limitation on such system in such State imposed by section 103(b) of title 23, United States Code, is hereby waived, and such State shall thereafter retain such section on such system.

72 Stat. 887.

SEC. 147. The amendments made by sections 117, 120, and 137 of this Act shall not take effect if before the effective date of this Act the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970 has been enacted into law.

Post, p. 1894.

TITLE II

SHORT TITLE

SEC. 201. This title may be cited as the "Highway Safety Act of 1970".

Citation of title.

HIGHWAY SAFETY

SEC. 202. (a) Section 201 of the Highway Safety Act of 1966 (80 Stat. 735) is amended to read as follows:

"SEC. 201. (a) There is hereby established within the Department of Transportation a National Highway Traffic Safety Administration (hereafter in this section referred to as the 'Administration'). The Administration shall be headed by an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the annual rate of basic pay of level III of the Executive Schedule in section 5314 of title 5, United States Code. There shall be a Deputy Administrator of the National Highway Traffic Safety Administration who shall be appointed by the Secretary of Transportation, with the approval of the President, and who shall be compensated at the annual rate of basic pay of level V of the Executive Schedule in section 5316 of title 5, United States Code. The Administrator shall perform such duties as are delegated to him by the Secretary. On all matters pertaining to the design, construction, maintenance, and operation of highways, the Administrator shall consult with the Federal Highway Administrator.

23 USC 401
note.
National Highway Traffic Safety
Administration,
establishment.

80 Stat. 460;
83 Stat. 864.

80 Stat. 731.
23 USC 401
note.

“(b) (1) The Secretary shall carry out through the Federal Highway Administration those provisions of the Highway Safety Act of 1966 (including chapter 4 of title 23, United States Code) for highway safety programs, research, and development relating to highway design, construction and maintenance, traffic control devices, identification and surveillance of accident locations, and highway-related aspects of pedestrian safety.

“(2) The Secretary shall carry out, through the Administration, all other provisions of such Act (including chapter 4 of title 23, United States Code) for highway safety programs, research and development not specifically referred to in paragraph (1) of this subsection.

15 USC 1381
note.

“(c) The Secretary is authorized to carry out the provisions of the National Traffic and Motor Vehicle Safety Act of 1966 (80 Stat. 718) through the Administration and Administrator authorized by this section.

Repeal.

“(d) All provisions of law enacted before the date of enactment of the Highway Safety Act of 1970 which are inconsistent with this section as amended by such Act of 1970 are hereby repealed to the extent of such inconsistency.”

(b) The President may authorize any person who immediately before the date of enactment of this Act held the office of Director of the National Highway Safety Bureau to act as Administrator of the National Highway Traffic Safety Administration created by the amendment made by subsection (a) of this section until the first Administrator is appointed in accordance with such amendment. The President may authorize any person serving as Acting Administrator in accordance with this subsection to receive compensation at the rate authorized for the office of Administrator. Such compensation, if authorized, shall be in lieu of, and not in addition to, any other compensation from the United States to which such person may be entitled.

82 Stat. 822.

(c) Subsection (c) of section 402 of title 23, United States Code, is amended by striking out beginning in the second sentence thereof “as Congress, by law enacted hereafter,” and all that follows down through and including the period at the end of the third sentence thereof and inserting in lieu thereof the following: “75 per centum in the ratio which the population of each State bears to the total population of all the States, as shown by the latest available Federal census, and 25 per centum in the ratio which the public road mileage in each State bears to the total public road mileage in all States. For the purposes of this subsection, a ‘public road’ means any road under the jurisdiction of and maintained by a public authority and open to public travel. The annual apportionment to each State shall not be less than one-third of 1 per centum of the total apportionment.”

“Public road.”

(d) The first sentence of subsection (d) of section 402 of title 23, United States Code, is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: “and except that the aggregate of all expenditures made during any fiscal year by a State and its political subdivisions (exclusive of Federal funds) for carrying out the State highway safety program shall be available for the purpose of crediting such State during such fiscal year for the non-Federal share of the cost of any project under this section without regard to whether such expenditures were actually made in connection with such project.”

(e) Section 402 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

Uniform safety
standards, prior
submission to
Congress.

“(h) Except in the case of those State safety program elements with respect to which uniform standards have been promulgated by the Secretary before December 31, 1970, the Secretary shall not promulgate any other uniform safety standard under this section unless

at least 90 days prior to the effective date of such standard he shall have submitted such standard to Congress."

(f) The following sums are hereby authorized to be appropriated:

Appropriation.

(1) For carrying out section 402 of title 23, United States Code (relating to highway safety programs) by the National Highway Traffic Safety Administration, \$75,000,000 for the fiscal year ending June 30, 1972, and \$100,000,000 for the fiscal year ending June 30, 1973, except that two-thirds of all funds authorized and expended under authority of this paragraph for such section 402 in any fiscal year shall be appropriated out of the Highway Trust Fund.

80 Stat. 731;
Ante, p. 1740.

(2) For carrying out section 403 of title 23, United States Code (relating to highway safety research and development), by the National Highway Traffic Safety Administration, \$70,000,000 for the fiscal year ending June 30, 1972, and \$115,000,000 for the fiscal year ending June 30, 1973, except that two-thirds of all funds authorized and expended under authority of this paragraph for such section 403 in any fiscal year shall be appropriated out of the Highway Trust Fund.

(3) For carrying out section 402 of title 23, United States Code (relating to highway safety programs), by the Federal Highway Administration for each of the fiscal years ending June 30, 1972, and June 30, 1973, \$30,000,000 per fiscal year, except that two-thirds of all funds authorized and expended under authority of this paragraph for such section 402 in any fiscal year shall be appropriated out of the Highway Trust Fund.

(4) For carrying out sections 307(a) and 403 of title 23, United States Code (relating to highway safety research and development), by the Federal Highway Administration, for each of the fiscal years ending June 30, 1972, and June 30, 1973, not to exceed \$10,000,000 per fiscal year, except that two-thirds of all funds authorized and expended under authority of this paragraph for such sections 307(a) and 403 in any fiscal year shall be appropriated out of the Highway Trust Fund.

72 Stat. 913;
Ante, p. 1723.

(5) Paragraph (10) of section 5 of the Federal-Aid Highway Act of 1968 (relating to authorizations for carrying out section 402 of title 23, United States Code), is hereby repealed.

Repeal.
82 Stat. 817.

HIGHWAY SAFETY PROGRAMS

SEC. 203. (a) Section 402(b)(1)(A) of title 23, United States Code, is amended by striking out the period at the end thereof and inserting in lieu thereof the following: "through a State agency which shall have adequate powers, and be suitably equipped and organized to carry out, to the satisfaction of the Secretary, such program."

(b) The amendment made by subsection (a) of this section shall take effect December 31, 1971.

Effective date.

BRIDGE RECONSTRUCTION AND REPLACEMENT

SEC. 204. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof a new section as follows:

Ante, p. 1729.

§ 144. Special bridge replacement program

"(a) Congress hereby finds and declares it to be in the vital interest of the Nation that a special bridge replacement program be established to enable the several States to replace bridges over waterways or other topographical barriers when the States and the Secretary finds that the bridge is significantly important and is unsafe because of structural deficiencies, physical deterioration, or functional obsolescence.

Priority system.

“(b) The Secretary in consultation with the States shall (1) inventory all bridges located on any of the Federal-aid systems over waterways and other topographical barriers of the United States; (2) classify them according to their serviceability, safety, and essentiality for public use; and (3) based on that classification, assign each a priority for replacement.

“(c) Whenever any State or States make application to the Secretary for assistance in replacing a bridge which the priority system, established under subsection (b) of this section, shows to be eligible, the Secretary may approve Federal participation in the reconstruction of a comparable facility. In approving projects under this section, the Secretary shall give consideration to those projects which will remove from service bridges which are most in danger of failure and give consideration to the economy of the area involved. Approval of projects and allocation of funds under this section shall be without regard to allocation or apportionment formulas otherwise established under this title.

Cost, Federal share, limitation.

“(d) The Federal share payable on account of any bridge replacement under this section shall not exceed 75 per centum of the cost thereof.

Appropriation.

“(e) For the purpose of carrying out the provisions of this section, there are hereby authorized to be appropriated out of the Highway Trust Fund, \$100,000,000 for the fiscal year ending June 30, 1972; and \$150,000,000 for the fiscal year ending June 30, 1973, to be available until expended. Such funds shall be available for obligation at the beginning of the fiscal year for which authorized in the same manner and to the same extent as if such funds were apportioned under this chapter.

Applicability.
60 Stat. 847.

“(f) Notwithstanding any other provisions of law the General Bridge Act of 1946 (33 U.S.C. 525-533) shall apply to bridges authorized to be reconstructed and bridges constructed to replace unsafe bridges under this section.

Annual report.

“(g) The Secretary shall report annually on projects approved under this section with any recommendations he may have for further improvement in the special bridge replacement program authorized in accordance with this section.”

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

“144. Special bridge replacement program.”

RAIL CROSSINGS

SEC. 205. (a) Chapter 3 of title 23, United States Code, is further amended by adding after section 321 the following new section:

“§ 322. Demonstration project—rail crossings

“(a) The Secretary shall carry out a demonstration project for the elimination of all public ground-level rail-highway crossings along the route of the high-speed ground transportation demonstration projects between Washington, District of Columbia, and Boston, Massachusetts, conducted under authority of the Act entitled ‘An Act to authorize the Secretary of Commerce to undertake research and development in high-speed ground transportation, and for other purposes’, approved September 30, 1965 (49 U.S.C. 1631 et seq.).

79 Stat. 893.

“(b) the Secretary shall carry out a demonstration project for the elimination or protection of certain public ground-level rail-highway crossings in, or in the vicinity of, Greenwood, South Carolina.

Cost, Federal share.

“(c) (1) If the highway involved is on any Federal-aid system, the Federal share of the cost of such work shall be 90 per centum and the railroad's share of such cost shall be 10 per centum.

"(2) If the highway involved is not on any Federal-aid system, the Federal share of the cost of such work shall be 80 per centum and the railroad's share of such cost shall be 10 per centum and the remaining 10 per centum of such cost shall be paid by the State in which such crossing is located.

"(d) Before paying any part of the cost of the demonstration projects authorized by this section, the Secretary shall enter into such agreements with the States and railroads involved to insure that all non-Federal costs will be provided as required by this section.

"(e) The Secretary, in cooperation with State highway departments, shall conduct a full and complete investigation and study of the problem of providing increased highway safety at public and private ground-level rail-highway crossings on a nationwide basis through the elimination of such crossings or otherwise, including specifically high-speed rail operations in all parts of the country, and report to Congress his recommendations resulting from such investigation and study not later than July 1, 1972, including an estimate of the cost of such a program. Funds authorized to carry out section 307 of this title are authorized to be used to carry out the investigation and study required by this subsection.

Study, report
to Congress.

"(f) There is authorized to be appropriated not to exceed \$9,000,000 from the Highway Trust Fund to carry out paragraph (1) of subsection (c) of this section. There is authorized to be appropriated out of the general fund not to exceed \$22,000,000 to carry out paragraph (2) of subsection (c) of this section."

72 Stat. 913;
Ante, pp. 1723,
1729, 1735.
Appropriation.

(b) The analysis of chapter 3 of title 23, United States Code, is amended by adding at the end thereof:

"322. Demonstration project—rail crossings."

TITLE III—EXTENSION OF HIGHWAY TRUST FUND AND CERTAIN RELATED PROVISIONS

SEC. 301. HIGHWAY TRUST FUND.

Subsections (c), (e), and (f) of section 209 of the Highway Revenue Act of 1956 (relating to the Highway Trust Fund; 23 U.S.C. 120 note) are amended—

70 Stat. 397;
75 Stat. 128.

(1) by striking out "1972" each place it appears and inserting in lieu thereof "1977"; and

(2) by striking out "1973" each place it appears and inserting in lieu thereof "1978".

SEC. 302. TRANSFER FROM LAND AND WATER CONSERVATION FUND.

Subsection (b) of section 201 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-11) is amended—

78 Stat. 904.
16 USC 4601-11.

(1) by striking out "1972" and inserting in lieu thereof "1977"; and

(2) by striking out "1973" each place it appears and inserting in lieu thereof "1978".

SEC. 303. POSTPONEMENT OF CERTAIN EXCISE TAX REDUCTIONS.

(a) The following provisions of the Internal Revenue Code of 1954 are amended by striking out "1972" each place it appears and inserting in lieu thereof "1977":

Ante, p. 237.

(1) Section 4041(c)(3) (relating to rate of tax on fuel for noncommercial aviation).

(2) Section 4041(e) (relating to rate reduction).

(3) Section 4061(a)(1) (relating to imposition of tax on trucks, buses, etc.).

75 Stat. 126.
26 USC 4061.

79 Stat. 137.
26 USC 4061.

70 Stat. 388;
80 Stat. 331.

75 Stat. 123.

Ante, p. 245.

75 Stat. 127.

(4) Section 4061(b)(1) (relating to imposition of tax on parts and accessories).

(5) Section 4071(d) (relating to imposition of tax on tires and tubes).

(6) Section 4081(b) (relating to imposition of tax on gasoline).

(7) Section 4481(a) (relating to imposition of tax on use of highway motor vehicles).

(8) Section 4481(e) (relating to period tax in effect).

(9) Section 4482(c)(4) (defining taxable period).

(10) Section 6156(e)(2) (relating to installment payments of tax on use of highway motor vehicles).

(11) Section 6421(h) (relating to tax on gasoline used for certain nonhighway purposes or by local transit systems).

(b) Section 6412(a)(2) of such Code (relating to floor stock refunds) is amended—

(1) by striking out “1972” each place it appears and inserting in lieu thereof “1977”;

(2) by striking out “January 1, 1973” each place it appears and inserting in lieu thereof “January 1, 1978”; and

(3) by striking out “February 10, 1973” each place it appears and inserting in lieu thereof “March 31, 1978”.

Approved December 31, 1970.

Public Law 91-606

AN ACT

December 31, 1970
[S. 3619]

To revise and expand Federal programs for relief from the effects of major disasters, and for other purposes.

Disaster Relief
Act of 1970.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the “Disaster Relief Act of 1970”.

TITLE I—FINDINGS AND DECLARATIONS; DEFINITIONS

FINDINGS AND DECLARATIONS

SEC. 101. (a) The Congress hereby finds and declares that—

(1) because loss of life, human suffering, loss of income, and property loss and damage result from major disasters such as hurricanes, tornadoes, storms, floods, high waters, wind-driven

waters, tidal waves, earthquakes, droughts, fires, and other catastrophes; and

(2) because such disasters disrupt the normal functioning of government and the community, and adversely affect individual persons and families with great severity; special measures, designed to assist the efforts of the affected States in expediting the rendering of aid, assistance, and emergency welfare services, and the reconstruction and rehabilitation of devastated areas, are necessary.

(b) It is the intent of the Congress, by this Act, to provide an orderly and continuing means of assistance by the Federal Government to State and local governments in carrying out their responsibilities to alleviate the suffering and damage which result from such disasters by—

(1) revising and broadening the scope of existing major disaster relief programs;

(2) encouraging the development of comprehensive disaster relief plans, programs, and organizations by the States; and

(3) achieving greater coordination and responsiveness of Federal major disaster relief programs.

DEFINITIONS

SEC. 102. As used in this Act—

(1) “major disaster” means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, drought, fire, or other catastrophe in any part of the United States, which, in the determination of the President, is or threatens to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement the efforts and available resources of States, local governments, and relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby, and with respect to which the Governor of any State in which such catastrophe occurs or threatens to occur certifies the need for Federal disaster assistance under this Act and gives assurance of the expenditure of a reasonable amount of the funds of such State, its local governments, or other agencies for alleviating the damage, loss, hardship or suffering resulting from such catastrophe;

(2) “United States” means the fifty States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands;

(3) "State" means any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Trust Territory of the Pacific Islands;

(4) "Governor" means the chief executive of any State;

(5) "local government" means any county, city, village, town, district, or other political subdivision of any State, and includes any rural community or unincorporated town or village for which an application for assistance is made by a State or political subdivision thereof;

(6) "Federal agency" means any department, independent establishment, Government corporation, or other agency of the executive branch of the Federal Government, except the American National Red Cross; and

(7) "Director" means the Director of the Office of Emergency Preparedness.

TITLE II—THE ADMINISTRATION OF DISASTER ASSISTANCE

FEDERAL COORDINATING OFFICER

Appointment.

SEC. 201. (a) Immediately upon his designation of a major disaster area, the President shall appoint a Federal coordinating officer to operate under the Office of Emergency Preparedness in such area.

Duties.

(b) In order to effectuate the purposes of this Act, the coordinating officer, within the designated area, shall

(1) make an initial appraisal of the types of relief most urgently needed;

(2) establish such field offices as he deems necessary and as are authorized by the Director;

(3) coordinate the administration of relief, including activities of the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief or disaster assistance organizations which agree to operate under his advice or direction, except that nothing contained in this Act shall limit or in any way affect the responsibilities of the American National Red Cross under the Act of January 5, 1905, as amended (33 Stat. 599); and

(4) take such other action, consistent with authority delegated to him by the Director, and consistent with the provisions of this Act, as he may deem necessary to assist local citizens and public officials in promptly obtaining assistance to which they are entitled.

61 Stat. 80.
36 USC 1.

EMERGENCY SUPPORT TEAMS

SEC. 202. The Director is authorized to form emergency support teams of Federal personnel to be deployed in a major disaster area. Such emergency support teams shall assist the Federal coordinating officer in carrying out his responsibilities pursuant to section 201(b) of this Act. Upon request of the Director, the head of any Federal department or agency is authorized to detail to temporary duty with the emergency support teams on either a reimbursable or nonreimbursable basis, as is determined necessary by the discretion of the Director, such personnel within the administrative jurisdiction of the head of the Federal department or agency as the Director may need or believe to be useful for carrying out the functions of the emergency support teams, each such detail to be without loss of seniority, pay, or other employee status.

COOPERATION OF FEDERAL AGENCIES IN RENDERING
EMERGENCY ASSISTANCE

SEC. 203. (a) In any major disaster, Federal agencies are hereby authorized, on direction of the President, to provide assistance by—

(1) utilizing or lending, with or without compensation therefor, to States and local governments, their equipment, supplies, facilities, personnel, and other resources, other than the extension of credit under the authority of any Act;

(2) distributing or rendering, through the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief and disaster assistance organizations, or otherwise, medicine, food, and other consumable supplies, or emergency assistance;

(3) donating or lending equipment and supplies determined in accordance with applicable laws to be surplus to the needs and responsibilities of the Federal Government to State and local governments for use or distribution by them for the purposes of this Act; and

(4) performing on public or private lands or waters any emergency work essential for the protection and preservation of life and property, including—

(A) clearing and removing debris and wreckage in accordance with section 224;

(B) making repairs to, restoring to service, or replacing public facilities (including street, road, and highway facilities) of State and local governments damaged or destroyed by a major disaster, except that the Federal contributions therefor shall not exceed the net cost of restoring each such facility on the basis of the design of such facility as it existed immediately prior to the disaster in conformity with current codes, specifications, and standards;

(C) providing emergency shelter for individuals and families who, as a result of a major disaster, require such assistance; and

(D) making contributions to State or local governments for the purpose of carrying out the provisions of paragraph (4).

(b) Emergency work performed under subsection (a)(4) of this section shall not preclude Federal assistance under any other section of this Act.

(c) Federal agencies may be reimbursed for expenditures under this Act from funds appropriated for the purposes of this Act. Any funds received by Federal agencies as reimbursement for services or supplies furnished under the authority of this section shall be deposited to the credit of the appropriation or appropriations currently available for such services or supplies.

Reimbursement.

(d) The Federal Government shall not be liable for any claim based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a Federal agency or an employee of the Federal Government in carrying out the provisions of this section.

Liability.

(e) In carrying out the purposes of this Act, any Federal agency is authorized to accept and utilize the services or facilities of any State or local government, or of any agency, office, or employee thereof, with the consent of such government. Any Federal agency, in performing any activities under this section, is authorized to appoint and fix the compensation of such temporary personnel as may be necessary, with-

State facilities
and personnel, use.

80 Stat. 443.
5 USC 5101.
Ante, p. 198-1.

5 USC 3109.

Presidential
powers.

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gress.

out regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of such title relating to classification and General Schedule pay rates, to employ experts and consultants in accordance with the provisions of section 3109 of such title, and to incur obligations on behalf of the United States by contract or otherwise for the acquisition, rental, or hire of equipment, services, materials, and supplies for shipping, drayage, travel, and communication, and for the supervision and administration of such activities. Such obligations, including obligations arising out of the temporary employment of additional personnel, may be incurred by an agency in such amount as may be made available to it by the President.

(f) In the interest of providing maximum mobilization of Federal assistance under this Act, the President is authorized to coordinate in such manner as he may determine the activities of Federal agencies in providing disaster assistance. The President may direct any Federal agency, with or without reimbursement, to utilize its available personnel, equipment, supplies, facilities, and other resources in accordance with the authority, herein contained. The President may prescribe such rules and regulations as may be necessary and proper to carry out any of the provisions of this Act, and he may exercise any power or authority conferred on him by any section of this Act either directly or through such Federal agency as he may designate.

(g) The President, acting through the Office of Emergency Preparedness, shall conduct periodic reviews (at least annually) of the activities of Federal and State departments or agencies providing disaster assistance, in order to assure maximum coordination of such programs, and to evaluate progress being made in the development of Federal, State, and local preparedness to cope with major disasters.

(h) The Director of the Office of Emergency Preparedness is authorized and directed to make in cooperation with the heads of other affected Federal and State agencies, a full and complete investigation and study for the purpose of determining what additional or improved plans, procedures, and facilities are necessary to provide immediate effective action to prevent or minimize losses of publicly or privately owned property and personal injuries or deaths which could result from fires (forest and grass), earthquakes, tornadoes, freezes and frosts, tsunami, storm surges and tides, and floods, which are or threaten to become major disasters. Not later than one year after the date of enactment of this subsection, and from time to time, the Director of the Office of Emergency Preparedness shall report to Congress the findings of this study and investigation together with his recommendations with respect thereto.

USE OF LOCAL FIRMS AND INDIVIDUALS

SEC. 204. In the expenditure of Federal funds for debris clearance, distribution of supplies, reconstruction, and other major disaster assistance activities which may be carried out by contract with private organizations, firms, or individuals, preference shall be given, to the extent feasible and practicable, to those organizations, firms, and individuals who reside or do business primarily in the disaster area.

FEDERAL GRANT-IN-AID PROGRAMS

Waiver.

SEC. 205. Any Federal agency charged with the administration of a Federal grant-in-aid program is authorized, if so requested by the applicant State or local authorities, to modify or waive, for the dura-

tion of a major disaster proclamation, such administrative procedural conditions for assistance as would otherwise prevent the giving of assistance under such programs if the inability to meet such conditions is a result of the disaster.

STATE DISASTER PLANS

SEC. 206. (a) The President is authorized to provide assistance to the States in developing comprehensive plans and practicable programs for preparation against major disasters, and for relief and assistance for individuals, businesses, and local governments following such disasters. Such plans should include long-range recovery and reconstruction assistance plans for seriously damaged or destroyed public and private facilities.

(b) The President is authorized to make grants of not more than \$250,000 to any State, upon application therefor, for not to exceed 50 per centum of the cost of developing such plans and programs.

(c) Any State desiring assistance under this section shall designate or create an agency which is specially qualified to plan and administer such a disaster relief program, and shall, through such agency, submit a State plan to the President, which shall—

(1) set forth a comprehensive and detailed State program for preparation against, and relief following, a major disaster, including provisions for emergency and long-term assistance to individuals, businesses, and local governments; and

(2) include provision for the appointment of a State coordinating officer to act in cooperation with the Federal coordinating officer appointed under section 201 of this Act.

(d) From time to time the Director shall make a report to the President, for submission to the Congress, containing his recommendations for programs for the Federal role in the implementation and funding of comprehensive disaster relief plans, and such other recommendations relating to the Federal role in disaster relief activities as he deems warranted.

(e) The President is authorized to make grants not to exceed 50 per centum of the cost of improving, maintaining, and updating State disaster assistance plans, except that no such grant shall exceed \$25,000 per annum to any State.

Grants, limitation.

State agency, designation.

State coordinating officer.

Report to President; submission to Congress.

Maintenance grants, limitation.

USE AND COORDINATION OF RELIEF ORGANIZATIONS

SEC. 207. (a) In providing relief and assistance following a major disaster, the Director may utilize, with their consent, the personnel and facilities of the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief or disaster assistance organizations, in the distribution of medicine, food, supplies, or other items, and in the restoration, rehabilitation, or reconstruction of community services and essential facilities whenever the Director finds that such utilization is necessary.

(b) The Director is authorized to enter into agreements with the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief or disaster assistance organizations under which the disaster relief activities of such organizations may be coordinated by the Federal coordinating officer whenever such organizations are engaged in providing relief during and after a major disaster. Any such agreement shall include provisions conditioning use of the facilities of the Office of Emergency Preparedness and the

services of the coordinating officer upon compliance with regulations promulgated by the Director under sections 208 and 209 of this Act, and such other regulations as the Director may require.

DUPLICATION OF BENEFITS

SEC. 208. (a) The Director, in consultation with the head of each Federal agency administering any program providing financial assistance to persons, business concerns, or other entities suffering losses as the result of a major disaster, shall assure that no such person, business concern, or other entity will receive such assistance with respect to any part of such loss as to which he has received financial assistance under any other program.

(b) The Director shall assure that no person, business concern, or other entity receives any Federal assistance for any part of a loss suffered as the result of a major disaster if such person, concern, or entity received compensation from insurance or any other source for that part of such a loss. Partial compensation for a loss or a part of a loss resulting from a major disaster shall not preclude additional Federal assistance for any part of such a loss not compensated otherwise.

(c) Whenever the Director determines (1) that a person, business concern, or other entity has received assistance under this Act for a loss and that such person, business concern or other entity received assistance for the same loss from another source, and (2) that the amount received from all sources exceeded the amount of the loss, he shall direct such person, business concern, or other entity to pay to the Treasury an amount, not to exceed the amount of Federal assistance received, sufficient to reimburse the Federal Government for that part of the assistance which he deems excessive.

NONDISCRIMINATION IN DISASTER ASSISTANCE

Regulations.

SEC. 209. (a) The Director shall issue, and may alter and amend, such regulations as may be necessary for the guidance of personnel carrying out emergency relief functions at the site of a major disaster. Such regulations shall include provisions for insuring that the distribution of supplies, the processing of applications, and other relief and assistance activities shall be accomplished in an equitable and impartial manner, without discrimination on the grounds of race, color, religion, nationality, sex, age, or economic status prior to a major disaster.

(b) As a condition of participation in the distribution of assistance or supplies under section 207, relief organizations shall be required to comply with regulations relating to nondiscrimination promulgated by the Director, and such other regulations applicable to activities within a major disaster area as he deems necessary for the effective coordination of relief efforts.

DISASTER WARNINGS

SEC. 210. The President is authorized to utilize or to make available to Federal, State, and local agencies the facilities of the civil defense communications system established and maintained pursuant to section 201(c) of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. app. 2281(c)), for the purpose of providing needed warning to governmental authorities and the civilian population in areas endangered by imminent major disasters.

PREDISASTER ASSISTANCE

SEC. 221. If the President determines that a major disaster is imminent, he is authorized to use Federal departments, agencies, and instrumentalities, and all other resources of the Federal Government to avert or lessen the effects of such disaster before its actual occurrence.

EMERGENCY COMMUNICATIONS

SEC. 222. The Director is authorized during, or in anticipation of, an emergency to establish temporary communications in any major disaster area in order to carry out the functions of his office, and to make such communications available to State and local government officials and other persons as he deems appropriate.

EMERGENCY PUBLIC TRANSPORTATION

SEC. 223. The Director is authorized to provide temporary public transportation service to meet emergency needs in a major disaster area. Such service will provide transportation to governmental offices, supply centers, stores, post offices, schools, major employment centers, and such other places as may be necessary in order to enable the community to resume its normal pattern of life as soon as possible.

DEBRIS REMOVAL

SEC. 224. (a) The President, whenever he determines it to be in the public interest, is authorized—

(1) through the use of Federal departments, agencies, and instrumentalities, to clear debris and wreckage resulting from a major disaster from publicly and privately owned lands and waters.

(2) to make grants to any State or local government for the purpose of removing debris or wreckage resulting from a major disaster from publicly or privately owned lands and waters.

Grants.

(b) No authority under this section shall be exercised unless the affected State or local government shall first arrange an unconditional authorization for removal of such debris or wreckage from public and private property, and, in the case of removal of debris or wreckage from private property, shall first agree to indemnify the Federal Government against any claim arising from such removal.

Indemnity provision.

FIRE SUPPRESSION GRANTS

SEC. 225. The President is authorized to provide assistance, including grants, to any State for the suppression of any fire on publicly or privately owned forest or grassland which threatens such destruction as would constitute a major disaster.

TEMPORARY HOUSING ASSISTANCE

SEC. 226. (a) The Director is authorized to provide temporary housing or other emergency shelter, including, but not limited to, mobile homes or other readily fabricated dwellings for those who, as a result of such major disaster, require temporary housing or other emergency shelter, except that for the first twelve months of occupancy no rentals shall be established for any such accommodations, thereafter rentals shall be established, based upon fair market value

of the accommodations being furnished, adjusted to take into consideration the financial ability of the occupant. Notwithstanding any other provision of law, any such emergency housing acquired by purchase may be sold directly to individuals and families who are occupants thereof at prices that are fair and equitable. Any mobile home or readily fabricated dwelling shall be placed on a site complete with utilities provided by State or local government, or by the owner or occupant of the site who was displaced by the major disaster, without charge to the United States. However, the Director may elect to provide other more economical and accessible sites at Federal expense when he determines such action to be in the public interest.

Temporary mortgage or rent payments.

(b) The President is authorized to provide assistance on a temporary basis in the form of mortgage or rental payments to or on behalf of individuals and families who, as a result of financial hardship caused by a major disaster, have received written notice of dispossession or eviction from a residence by reason of foreclosure of any mortgage or lien, cancellation of any contract of sale, or termination of any lease, entered into prior to the disaster. Such assistance shall be provided for a period of not to exceed one year or for the duration of the period of financial hardship, whichever is the lesser. The President is authorized for the purposes of this subsection and in furtherance of the purposes of section 240 of this Act, to provide reemployment assistance services under other laws to individuals who are unemployed as a result of a major disaster.

Reemployment assistance.

SMALL BUSINESS DISASTER LOANS

SEC. 231. In the administration of the disaster loan program under section 7(b) (1), (2), and (4) of the Small Business Act, as amended (15 U.S.C. 636(b)), in the case of property loss or damage or injury resulting from a major disaster as determined by the President or a disaster as determined by the Administrator, the Small Business Administration—

72 Stat. 389;
78 Stat. 7.

(1) to the extent such loss or damage or injury is not compensated for by insurance or otherwise, (A) shall, on that part of any loan in excess of \$500, cancel the principal of the loan, except that the total amount so canceled shall not exceed \$2,500, except that this clause (A) shall apply only to loans made to cover losses and damage and injury resulting from major disasters as determined by the President, and (B) may defer interest payments or principal payments, or both, in whole or in part, on any loan made under this section during the first three years of the term of the loan except that any such deferred payments shall bear interest at the rate determined under section 234 of this Act.

(2) to the extent such injury, loss, or damage is not compensated for by insurance or otherwise, may grant any loan for repair, rehabilitation, or replacement of property damaged, or destroyed, without regard to whether the required financial assistance is otherwise available from private sources.

(3) may, in the case of the total destruction or substantial property damage of a home or business concern, refinance any mortgage or other liens outstanding against the destroyed or damaged property if such property is to be repaired, rehabilitated, or replaced, except that the amount refinanced shall not exceed the amount of the physical loss sustained. Any such refinancing shall be subject to the provisions of clauses (1) and (2) of this section.

FARMERS HOME ADMINISTRATION EMERGENCY LOANS

SEC. 232. In the administration of the emergency loan program under subtitle C of the Consolidated Farmers Home Administration Act of 1961, as amended (7 U.S.C. 1961-1967), and the rural housing loan program under section 502 of title V of the Housing Act of 1949, as amended (42 U.S.C. 1472), in the case of loss or damage, resulting from a major disaster as determined by the President, or a natural disaster as determined by the Secretary of Agriculture—

75 Stat. 311.

63 Stat. 433;
79 Stat. 497.

(1) to the extent such loss or damage is not compensated for by insurance or otherwise, (A) shall, on that part of any loan in excess of \$500, cancel the principal of the loan, except that the total amount so canceled shall not exceed \$2,500, except that this clause (A) shall apply only to loans made to cover losses and damage resulting from major disasters as determined by the President, and (B) may defer interest payments or principal payments, or both, in whole or in part, on any loan made under this section during the first three years of the term of the loan, except that any such deferred payments shall bear interest at the rate determined under section 234 of this Act.

(2) to the extent such injury, loss, or damage is not compensated for by insurance or otherwise, may grant any loan for repair, rehabilitation, or replacement of property damaged or destroyed, without regard to whether the required financial assistance is otherwise available from private sources.

(3) may, in the case of the total destruction or substantial property damage of homes or farm service buildings and related structures and equipment, refinance any mortgage or other liens outstanding against the destroyed or damaged property if such property is to be repaired, rehabilitated, or replaced, except that the amount refinanced shall not exceed the amount of the physical loss sustained. Any such refinancing shall be subject to the provisions of clauses (1) and (2) of this section.

Limitation.

LOANS HELD BY THE VETERANS' ADMINISTRATION

SEC. 233. (1) Section 1820(a) (2) of title 38, United States Code, is amended to read as follows:

72 Stat. 1213.

“(2) subject to specific limitations in this chapter, consent to the modification, with respect to rate of interest, time of payment of principal or interest or any portion thereof, security or other provisions of any note, contract, mortgage or other instrument securing a loan which has been guaranteed, insured, made or acquired under this chapter;”

(2) Section 1820(f) of title 38, United States Code, is amended to read as follows:

80 Stat. 1316.

“(f) Whenever loss, destruction, or damage to any residential property securing loans guaranteed, insured, made, or acquired by the Administrator under this chapter occurs as the result of a major disaster as determined by the President under the Disaster Assistance Act of 1970, the Administrator shall (1) provide counseling and such other service to the owner of such property as may be feasible and shall inform such owner concerning the disaster assistance available from other Federal agencies and from State or local agencies, and (2) pursuant to subsection (a) (2) of this section, extend on an individual case basis such forbearance or indulgence to such owner as the Administrator determines to be warranted by the facts of the case and the circumstances of such owner.”

DISASTER LOAN INTEREST RATES

Maximum rate.

SEC. 234. Any loan made under sections 231, and 232 of this Act shall not exceed the current cost of repairing or replacing the disaster injury, loss, or damage in conformity with current codes and specifications. Any loan made under sections 231, 232, 236(b) and 237 of this Act shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity of ten to twelve years reduced by not to exceed 2 percentum per annum. In no event shall any loan made under this section bear interest at a rate in excess of 6 per centum per annum.

AGE OF APPLICANT FOR LOANS

SEC. 235. In the administration of any Federal disaster loan program under the authority of section 231, 232, or 233 of this Act, the age of any adult loan applicant shall not be considered in determining whether such loan should be made or the amount of such loan.

FEDERAL LOAN ADJUSTMENTS

49 Stat. 1366.
7 USC 912.

SEC. 236. (a) In addition to the loan extension authority provided in section 12 of the Rural Electrification Act, the Secretary of Agriculture is authorized to adjust and readjust the schedules for payment of principal and interest on loans to borrowers under programs administered by the Rural Electrification Administration, and to extend the maturity date of any such loan to a date not beyond forty years from the date of such loan where he determines such action is necessary because of the impairment of the economic feasibility of the system, or the loss, destruction, or damage of the property of such borrowers as a result of a major disaster.

68 Stat. 295.
12 USC 1701g-5.

(b) The Secretary of Housing and Urban Development is authorized to refinance any note or other obligation which is held by him in connection with any loan made by the Department of Housing and Urban Development or its predecessor in interest, or which is included within the revolving fund for liquidating programs established by the Independent Offices Appropriation Act of 1955, where he finds such refinancing necessary because of the loss, destruction, or damage (as a result of a major disaster) to property or facilities securing such obligations. The Secretary may authorize a suspension in the payment of principal and interest charges on, and an additional extension in the maturity of, any such loan for a period not to exceed five years if he determines that such action is necessary to avoid severe financial hardship.

AID TO MAJOR SOURCES OF EMPLOYMENT

SEC. 237. (a) The Small Business Administration in the case of a nonagricultural enterprise, and the Farmers Home Administration in the case of an agricultural enterprise, are authorized to provide any industrial, commercial, agricultural, or other enterprise, which has constituted a major source of employment in an area suffering a major disaster and which is no longer in substantial operation as a result of such disaster, a loan in such amount as may be necessary to enable such enterprise to resume operations in order to assist in restoring the economic viability of the disaster area. Loans authorized by this section shall be made without regard to limitations on the size of

loans which may otherwise be imposed by any other provision of law or regulation promulgated pursuant thereto.

(b) Assistance under this section shall be in addition to any other Federal disaster assistance, except that such other assistance may be adjusted or modified to the extent deemed appropriate by the Director under the authority of section 208 of this Act. Any loan made under this section shall be subject to the interest requirements of section 234 of this Act, but the President, if he deems it necessary, may defer payments of principal and interest for a period not to exceed three years after the date of the loan. Any such deferred payments shall bear interest at the rate determined under section 234 of this Act.

FOOD COUPONS AND DISTRIBUTION

SEC. 238. (a) Whenever the President determines that, as a result of a major disaster, low-income households are unable to purchase adequate amounts of nutritious food, he is authorized, under such terms and conditions as he may prescribe, to distribute through the Secretary of Agriculture coupon allotments to such households pursuant to the provisions of the Food Stamp Act of 1964 and to make surplus commodities available pursuant to the provisions of section 203 of this Act.

(b) The President, through the Secretary of Agriculture, is authorized to continue to make such coupon allotments and surplus commodities available to such households for so long as he determines necessary, taking into consideration such factors as he deems appropriate, including the consequences of the major disaster on the earning power of the households to which assistance is made available under this section.

(c) Nothing in this section shall be construed as amending or otherwise changing the provisions of the Food Stamp Act of 1964 except as they relate to the availability of food stamps in a major disaster area.

78 Stat. 703.
7 USC 2011 note.

LEGAL SERVICES

SEC. 239. Whenever the Director determines that low-income individuals are unable to secure legal services adequate to meet their needs as a consequence of a major disaster, consistent with the goals of the programs authorized by this Act, the Director shall assure that such programs are conducted with the advice and assistance of appropriate Federal agencies and State and local bar associations.

UNEMPLOYMENT ASSISTANCE

SEC. 240. The President is authorized to provide to any individual unemployed as a result of a major disaster, such assistance as he deems appropriate while such individual is unemployed. Such assistance as the President shall provide shall not exceed to maximum amount and the maximum duration of payment under the unemployment compensation program of the State in which the disaster occurred, and the amount of assistance under this section to any such individual shall be reduced by any amount of unemployment compensation or of private income protection insurance compensation available to such individual for such period of unemployment.

COMMUNITY DISASTER GRANTS

SEC. 241. The President is authorized to make grants to any local government which, as the result of a major disaster, has suffered a substantial loss of property tax revenue (both real and personal). Grants made under this section may be made for the tax year in which the disaster occurred and for each of the following two tax years. The grant for any tax year shall not exceed the difference between the annual average of all property tax revenues received by the local government during the three-tax-year period immediately preceding the tax year in which the major disaster occurred and the actual property tax revenue received by the local government for the tax year in which the disaster occurred and for each of the two tax years following the major disaster but only if there has been no reduction in the tax rates and the tax assessment valuation factors of the local government. If there has been a reduction in the tax rates or the tax assessment valuation factors then, for the purpose of determining the amount of a grant under this section for the year or years when such reduction is in effect, the President shall use the tax rates and tax assessment valuation factors of the local government in effect at the time of the disaster without reduction, in order to determine the property tax revenues which would have been received by the local government but for such reduction.

TIMBER SALE CONTRACTS

SEC. 242. (a) Where an existing timber sale contract between the Secretary of Agriculture or the Secretary of the Interior and a timber purchaser does not provide relief from major physical change not due to negligence of the purchaser prior to approval of construction of any section of specified road or of any other specified development facility and, as a result of a major disaster, a major physical change results in additional construction work in connection with such road or facility by such purchaser with an estimated cost, as determined by the appropriate Secretary, (1) of more than \$1,000 for sales under one million board feet, (2) of more than \$1 per thousand board feet for sales of one of three million board feet, or (3) of more than \$3,000 for sales over three million board feet, such increased construction cost shall be borne by the United States.

(b) If the Secretary determines that damages are so great that restoration, reconstruction, or construction is not practical under the cost-sharing arrangement authorized by subsection (a) of this section, the Secretary may allow cancellation of the contract notwithstanding contrary provisions therein.

(c) The Secretary of Agriculture is authorized to reduce to seven days the minimum period of advance public notice required by the first section of the Act of June 4, 1897 (16 U.S.C. 476), in connection with the sale of timber from national forests, whenever the Secretary determines that (1) the sale of such timber will assist in the construction of any area of a State damaged by a major disaster, (2) the sale of such timber will assist in sustaining the economy of such area, or (3) the sale of such timber is necessary to salvage the value of timber damaged in such major disaster or to protect undamaged timber.

(d) The President, when he determines it to be in the public interest, and acting through the Director of Emergency Preparedness, is authorized to make grants to any State or local government for the purpose of removing from privately owned lands timber damaged as a result of a major disaster, and such State or local government is

30 Stat. 35;
31 Stat. 661;
66 Stat. 95.

authorized upon application, to make payments out of such grants to any person for reimbursement of expenses actually incurred by such person in the removal of damaged timber, not to exceed the amount that such expenses exceed the salvage value of such timber.

MINIMUM STANDARDS FOR RESIDENTIAL STRUCTURE RESTORATION

SEC. 243. No loan or grant made by any relief organization operating under the supervision of the Director, for the repair, restoration, reconstruction, or replacement of any residential structure located in a major disaster area shall be made unless such structure will be repaired, restored, reconstructed, or replaced in accordance with applicable standards of safety, decency, and sanitation and in conformity with applicable building codes and specifications.

FEDERAL FACILITIES

SEC. 251. The President may authorize any Federal agency to repair, reconstruct, restore, or replace any facility owned by the United States and under the jurisdiction of such agency which is damaged or destroyed by any major disaster if he determines that such repair, reconstruction, restoration, or replacement is of such importance and urgency that it cannot reasonably be deferred pending the enactment of specific authorizing legislation or the making of an appropriation for such purposes. In order to carry out the provisions of this section, such repair, reconstruction, restoration, or replacement may be begun notwithstanding a lack or an insufficiency of funds appropriated for such purpose, where such lack or insufficiency can be remedied by the transfer, in accordance with law, of funds appropriated to that agency for another purpose.

STATE AND LOCAL GOVERNMENT FACILITIES

SEC. 252. (a) The President is authorized to make contributions to State or local governments to repair, restore, reconstruct, or replace public facilities belonging to such State or local governments which were damaged or destroyed by a major disaster, except that the Federal contribution therefor shall not exceed 100 per centum of the net cost of repairing, restoring, reconstructing, or replacing any such facility on the basis of the design of such facility as it existed immediately prior to such disaster and in conformity with applicable codes, specifications, and standards.

Federal contributions.

(b) In the case of any such public facilities which were in the process of construction when damaged or destroyed by a major disaster, the Federal contribution shall not exceed 50 per centum of the net costs of restoring such facilities substantially to their prior to such disaster condition and of completing construction not performed prior to the major disaster to the extent the increase of such cost over the original construction cost is attributable to changed conditions resulting from a major disaster.

Limitation.

(c) For the purposes of this section "public facility" includes any flood control, navigation, irrigation, reclamation, public power, sewage treatment and collection, water supply and distribution, watershed development, or airport facility, any non-Federal-aid street, road, or highway, and any other public building, structure, or system, other than one used exclusively for recreation purposes.

"Public facility."

PRIORITY TO CERTAIN APPLICATIONS FOR PUBLIC FACILITY AND PUBLIC
HOUSING ASSISTANCE

SEC. 253. In the processing of applications for assistance, priority and immediate consideration may be given, during such period, not to exceed six months, as the President shall prescribe by proclamation, to applications from public bodies situated in major disaster areas, under the following Acts:

- 69 Stat. 642;
75 Stat. 175.
42 USC 1491.
50 Stat. 888.
42 USC 1401.
69 Stat. 641;
78 Stat. 799.
40 USC 462.
79 Stat. 490;
82 Stat. 534.
42 USC 3102.
75 Stat. 308;
80 Stat. 1318.
7 USC 1926.
- (1) title II of the Housing Amendments of 1955, or any other Act providing assistance for repair, construction, or extension of public facilities;
- (2) the United States Housing Act of 1937 for the provision of low-rent housing;
- (3) section 702 of the Housing Act of 1954 for assistance in public works planning;
- (4) section 702 of the Housing and Urban Development Act of 1965 providing for grants for public facilities; or
- (5) section 306 of the Consolidated Farmers Home Administration Act.

RELOCATION ASSISTANCE

SEC. 254. Notwithstanding any other provision of law, no person otherwise eligible for any kind of relocation assistance payment authorized under section 114 of the Housing Act of 1949 shall be denied such eligibility as a result of his being unable, because of a major disaster as determined by the President, to reoccupy property from which he was displaced by such disaster.

Post, p. 1903.

TITLE III—MISCELLANEOUS

TECHNICAL AMENDMENTS

SEC. 301. (a) Section 701(a)(3)(B)(ii) of the Housing Act of 1954 (40 U.S.C. 461(a)(3)(B)(ii)) is amended to read as follows: "(ii) have suffered substantial damage as a result of a major disaster as determined by the President pursuant to the Disaster Relief Act of 1970".

(b) Section 8(b)(2) of the National Housing Act (12 U.S.C. 1706c(b)(2)) is amended by striking out of the last proviso "section 2(a) of the Act entitled 'An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes' (Public Law 875, Eighty-first Congress, approved September 30, 1950)" and inserting in lieu thereof "section 102(1) of the Disaster Relief Act of 1970".

(c) Section 203(h) of the National Housing Act (12 U.S.C. 1709(h)) is amended by striking out "section 2(a) of the Act entitled 'An Act to authorize Federal assistance to States and local governments in major disasters and for other purposes' (Public Law 875, Eighty-first Congress, approved September 30, 1950), as amended" and inserting in lieu thereof "section 102(1) of the Disaster Relief Act of 1970".

(d) Section 221(f) of the National Housing Act (12 U.S.C. 1715l(f)) is amended by striking out of the last paragraph "the Act entitled 'An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes', approved September 30, 1950, as amended (42 U.S.C. 1855-1855g)" and inserting in lieu thereof "the Disaster Relief Act of 1970".

(e) Section 7(a)(1)(A) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress, as amended; 20 U.S.C. 241-1(a)(1)(A)), is amended by striking out “pursuant to section 2(a) of the Act of September 30, 1950 (42 U.S.C. 1855a(a))” and inserting in lieu thereof “pursuant to section 102(1) of the Disaster Relief Act of 1970”.

81 Stat. 811.

(f) Section 16(a) of the Act of September 23, 1950 (79 Stat. 1158; 20 U.S.C. 646(a)) is amended by striking out “section 2(a) of the Act of September 30, 1950 (42 U.S.C. 1855a(a))” and inserting in lieu thereof “section 102(1) of the Disaster Relief Act of 1970”.

(g) Section 408(a) of the Higher Education Facilities Act of 1963 (20 U.S.C. 758(a)) is amended by striking out “section 2(a) of the Act of September 30, 1950 (42 U.S.C. 1855a(a))” and inserting in lieu thereof “section 102(1) of the Disaster Relief Act of 1970”.

80 Stat. 1318.

(h) Section 165(h)(2) of the Internal Revenue Code of 1954, relating to disaster losses (26 U.S.C. 165(h)(2)) is amended to read as follows:

76 Stat. 51.

“(2) occurring in an area subsequently determined by the President of the United States to warrant assistance by the Federal Government under the Disaster Relief Act of 1970.”

(i) Section 5064(a) of the Internal Revenue Code of 1954 (26 U.S.C. 5064(a)), relating to losses caused by disaster, is amended by striking out “the Act of September 30, 1950 (42 U.S.C. 1855)” and inserting in lieu thereof “the Disaster Relief Act of 1970”.

72 Stat. 1337.

(j) Section 5708(a) of the Internal Revenue Code of 1954 (26 U.S.C. 5708(a)), relating to losses caused by disaster, is amended by striking out “the Act of September 30, 1950 (42 U.S.C. 1855)” and inserting in lieu thereof “the Disaster Relief Act of 1970”.

72 Stat. 1420.

(k) Section 3 of the Act of June 30, 1954 (68 Stat. 330; 48 U.S.C. 1681), is amended by striking out of the last sentence “section 2 of the Act of September 30, 1950 (64 Stat. 1109), as amended (42 U.S.C. 1855a)” and inserting in lieu thereof “section 102(1) of the Disaster Relief Act of 1970”.

82 Stat. 1213.

(l) Whenever reference is made in any provision of law (other than this Act), regulation, rule, record, or document of the United States to the Act of September 30, 1950 (64 Stat. 1109), or any provision of such Act, such reference shall be deemed to be a reference to the Disaster Relief Act of 1970 or to the appropriate provision of the Disaster Relief Act of 1970 unless no such provision is included therein.

REPEAL OF EXISTING LAW

SEC. 302. The following Acts are hereby repealed:

- (1) the Act of September 30, 1950 (64 Stat. 1109);
- (2) the Disaster Relief Act of 1966, except section 7 (80 Stat. 1316); and
- (3) the Disaster Relief Act of 1969 (83 Stat. 125).

42 USC 1855.

42 USC 1855aa
note.42 USC 1855aaa
note.

PRIOR ALLOCATION OF FUNDS

SEC. 303. Funds allocated before the date of enactment of this Act under a Federal-State Disaster Agreement for the relief of a major disaster as defined in the Act of September 30, 1950 (Public Law 875, Eighty-first Congress), and not expended on the date of enactment of this Act may be used by the State to make payments to any person for reimbursement of expenses actually incurred by such person in the removal of debris from community areas, but not to exceed the amount that such expenses exceed the salvage value of such debris, or in other-

64 Stat. 1109.
42 USC 1855.

wise carrying out the purposes of such Act of September 30, 1950, or this Act.

EFFECTIVE DATE

SEC. 304. This Act shall take effect immediately upon its enactment, except that sections 226(b), 237, 241, 252(a), and 254 shall take effect as of August 1, 1969, and sections 231, 232, and 233 shall take effect as of April 1, 1970.

Approved December 31, 1970.

Public Law 91-607

AN ACT

December 31, 1970
[H. R. 6778]

To amend the Bank Holding Company Act of 1956, and for other purposes.

Bank Holding
Company Act
Amendments of
1970.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Bank Holding Company Act Amendments of 1970".

TITLE I—BANK HOLDING COMPANIES

"Bank holding
company."
80 Stat. 236.

SEC. 101. (a) Section 2(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(a)) is amended to read as follows:

"SEC. 2. (a) (1) Except as provided in paragraph (5) of this subsection, 'bank holding company' means any company which has control over any bank or over any company that is or becomes a bank holding company by virtue of this Act.

"(2) Any company has control over a bank or over any company if—

"(A) the company directly or indirectly or acting through one or more other persons owns, controls, or has power to vote 25 per centum or more of any class of voting securities of the bank or company;

"(B) the company controls in any manner the election of a majority of the directors or trustees of the bank or company; or

“(C) the Board determines, after notice and opportunity for hearing, that the company directly or indirectly exercises a controlling influence over the management or policies of the bank or company.

“(3) For the purposes of any proceeding under paragraph (2) (C) of this subsection, there is a presumption that any company which directly or indirectly owns, controls, or has power to vote less than 5 per centum of any class of voting securities of a given bank or company does not have control over that bank or company.

“(4) In any administrative or judicial proceeding under this Act, other than a proceeding under paragraph (2) (C) of this subsection, a company may not be held to have had control over any given bank or company at any given time unless that company, at the time in question, directly or indirectly owned, controlled, or had power to vote 5 per centum or more of any class of voting securities of the bank or company, or had already been found to have control in a proceeding under paragraph (2) (C).

“(5) Notwithstanding any other provision of this subsection—

“(A) No bank and no company owning or controlling voting shares of a bank is a bank holding company by virtue of its ownership or control of shares in a fiduciary capacity, except as provided in paragraphs (2) and (3) of subsection (g) of this section. For the purpose of the preceding sentence, bank shares shall not be deemed to have been acquired in a fiduciary capacity if the acquiring bank or company has sole discretionary authority to exercise voting rights with respect thereto; except that this limitation is applicable in the case of a bank or company acquiring such shares prior to the date of enactment of the Bank Holding Company Act Amendments of 1970 only if the bank or company has the right consistent with its obligations under the instrument, agreement, or other arrangement establishing the fiduciary relationship to divest itself of such voting rights and fails to exercise that right to divest within a reasonable period not to exceed one year after the date of enactment of the Bank Holding Company Act Amendments of 1970.

“(B) No company is a bank holding company by virtue of its ownership or control of shares acquired by it in connection with its underwriting of securities if such shares are held only for such period of time as will permit the sale thereof on a reasonable basis.

“(C) No company formed for the sole purpose of participating in a proxy solicitation is a bank holding company by virtue of its control of voting rights of shares acquired in the course of such solicitation.

“(D) No company is a bank holding company by virtue of its ownership or control of shares acquired in securing or collecting a debt previously contracted in good faith, until two years after the date of acquisition.

“(E) No company is a bank holding company by virtue of its ownership or control of any State chartered bank or trust company which is wholly owned by thrift institutions and which restricts itself to the acceptance of deposits from thrift institutions, deposits arising out of the corporate business of its owners, and deposits of public moneys.

64 Stat. 873.
12 USC 1811 note.

“(F) No trust company or mutual savings bank which is an insured bank under the Federal Deposit Insurance Act is a bank holding company by virtue of its direct or indirect ownership or control of one bank located in the same State, if (i) such ownership or control existed on the date of enactment of the Bank Holding Company Act Amendments of 1970 and is specifically authorized by applicable State law, and (ii) the trust company or mutual savings bank does not after that date acquire an interest in any company that, together with any other interest it holds in that company, will exceed 5 per centum of any class of the voting shares of that company, except that this limitation shall not be applicable to investments of the trust company or mutual savings bank, direct and indirect, which are otherwise in accordance with the limitations applicable to national banks under section 5136 of the Revised Statutes (12 U.S.C. 24).

“(6) For the purposes of this Act, any successor to a bank holding company shall be deemed to be a bank holding company from the date on which the predecessor company became a bank holding company.”

80 Stat. 236.
12 USC 1841.

(b) Section 2(b) of such Act is amended—

(1) by inserting “partnership” after “corporation”;

(2) by striking out “(1)”;

(3) by striking out “, or (2) any partnership”; and

(4) by adding after the period a new sentence as follows:

“Company covered in 1970.”

“‘Company covered in 1970’ means a company which becomes a bank holding company as a result of the enactment of the Bank Holding Company Act Amendments of 1970 and which would have been a bank holding company on June 30, 1968, if those amendments had been enacted on that date.”

“Bank.”

(c) The first sentence of section 2(c) of such Act is amended to read as follows: “‘Bank’ means any institution organized under the laws of the United States, any State of the United States, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, or the Virgin Islands which (1) accepts deposits that the depositor has a legal right to withdraw on demand, and (2) engages in the business of making commercial loans. Such term does not include any organization operating under section 25 or section 25(a) of the Federal Reserve Act, or any organization which does not do business within the United States except as an incident to its activities outside the United States.”

39 Stat. 755;
41 Stat. 378;
80 Stat. 241.
12 USC 601-631.

(d) Section 2(d) of such Act is amended—

(1) by striking out “or (2)” and inserting in lieu thereof “(2)”; and

(2) by striking out the period and inserting in lieu thereof the following: “; or (3) any company with respect to the management or policies of which such bank holding company has the power, directly or indirectly, to exercise a controlling influence, as determined by the Board, after notice and opportunity for hearing.”

(e) Section 2 of such Act is further amended by adding at the end thereof a new subsection as follows:

“(i) The term ‘thrift institution’ means (1) a domestic building and loan or savings and loan association, (2) a cooperative bank without capital stock organized and operated for mutual purposes and without profit, or (3) a mutual savings bank not having capital stock represented by shares.”

SEC. 102. Section 3 of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) is amended—

(1) by adding at the end of subsection (a) a new sentence as follows: “For the purpose of the preceding sentence, bank shares acquired after the date of enactment of the Bank Holding Company Act Amendments of 1970 shall not be deemed to have been acquired in good faith in a fiduciary capacity if the acquiring bank or company has sole discretionary authority to exercise voting rights with respect thereto, but in such instances acquisitions may be made without prior approval of the Board if the Board, upon application filed within ninety days after the shares are acquired, approves retention or, if retention is disapproved, the acquiring bank disposes of the shares or its sole discretionary voting rights within two years after issuance of the order of disapproval.”;

(2) by adding at the end of subsection (b) a new sentence as follows: “In the event of the failure of the Board to act on any application for approval under this section within the ninety-one-day period which begins on the date of submission to the Board of the complete record on that application, the application shall be deemed to have been granted.”; and

(3) by adding at the end thereof the following new subsection:

“(e) Every bank that is a holding company and every bank that is a subsidiary of such a company shall become and remain an insured bank as such term is defined in section 3(h) of the Federal Deposit Insurance Act.”

SEC. 103. Section 4 of the Bank Holding Company Act of 1956 (12 U.S.C. 1843) is amended—

(1) by striking out paragraph (2) of subsection (a) and inserting in lieu thereof the following:

“(2) after two years from the date as of which it becomes a bank holding company, or in the case of a company which has been continuously affiliated since May 15, 1955, with a company which was registered under the Investment Company Act of 1940, prior to May 15, 1955, in such a manner as to constitute an affiliated company within the meaning of that Act, after December 31, 1978, or, in the case of any company which becomes, as a result of the enactment of the Bank Holding Company Act Amendments of 1970, a bank holding company on the date of such enactment, after December 31, 1980, retain direct or indirect ownership or control of any voting shares of any company which is not a bank or bank holding company or engage in any activities other than (A) those of banking or of managing or controlling banks and other subsidiaries

Subsidiary.
80 Stat. 236.
12 USC 1841.

“Thrift institution.”

Bank shares,
acquisition.
70 Stat. 134.

64 Stat. 873;
80 Stat. 238.
12 USC 1813.
Interests in non-
banking organiza-
tions.

54 Stat. 789.
15 USC 80a-51.

Post, p. 1765.

authorized under this Act or of furnishing services to or performing services for its subsidiaries, and (B) those permitted under paragraph (8) of subsection (c) of this section subject to all the conditions specified in such paragraph or in any order or regulation issued by the Board under such paragraph: *Provided*, That a company covered in 1970 may also engage in those activities in which directly or through a subsidiary (i) it was lawfully engaged on June 30, 1968 (or on a date subsequent to June 30, 1968 in the case of activities carried on as the result of the acquisition by such company or subsidiary, pursuant to a binding written contract entered into on or before June 30, 1968, of another company engaged in such activities at the time of the acquisition), and (ii) it has been continuously engaged since June 30, 1968 (or such subsequent date). The Board by order, after opportunity for hearing, may terminate the authority conferred by the preceding proviso on any company to engage directly or through a subsidiary in any activity otherwise permitted by that proviso if it determines, having due regard to the purposes of this Act, that such action is necessary to prevent undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices; and in the case of any such company controlling a bank having bank assets in excess of \$60,000,000 on or after the date of enactment of the Bank Holding Company Act Amendments of 1970 the Board shall determine, within two years after such date (or, if later, within two years after the date on which the bank assets first exceed \$60,000,000), whether the authority conferred by the preceding proviso with respect to such company should be terminated as provided in this sentence. Nothing in this paragraph shall be construed to authorize any bank holding company referred to in the preceding proviso, or any subsidiary thereof, to engage in activities authorized by that proviso through the acquisition, pursuant to a contract entered into after June 30, 1968, of any interest in or the assets of a going concern engaged in such activities. Any company which is authorized to engage in any activity pursuant to the preceding proviso or subsection (d) of this section but, as a result of action of the Board, is required to terminate such activity may (notwithstanding any otherwise applicable time limit prescribed in this paragraph) retain the ownership or control of shares in any company carrying on such activity for a period of ten years from the date on which its authority was so terminated by the Board.”;

80 Stat. 238.
12 USC 1843.

Exemption.

68A Stat. 163;
83 Stat. 526, 541.
26 USC 501.

(2) by striking out “period” in the last sentence of subsection (a) and inserting in lieu thereof “two-year period”;

(3) by striking out that part of the text of subsection (c) which precedes the first numbered paragraph and inserting in lieu thereof the following: “The prohibitions in this section shall not apply to any bank holding company which is (i) a labor, agricultural, or horticultural organization and which is exempt from taxation under section 501 of the Internal Revenue Code of 1954, or (ii) a company covered in 1970 more than 85 per centum of the voting stock of which was collectively owned on June 30, 1968, and continuously thereafter, directly or indirectly, by or for members of the same family, or their spouses, who are lineal descendants of common ancestors; and such prohibitions shall not, with respect to any other bank holding company, apply to—”;

(4) by striking out paragraph (8) of subsection (c) and inserting in lieu thereof the following:

“(8) shares of any company the activities of which the Board after due notice and opportunity for hearing has determined (by order or regulation) to be so closely related to banking or managing or controlling banks as to be a proper incident thereto. In determining whether a particular activity is a proper incident to banking or managing or controlling banks the Board shall consider whether its performance by an affiliate of a holding company can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices. In orders and regulations under this subsection, the Board may differentiate between activities commenced de novo and activities commenced by the acquisition, in whole or in part, of a going concern;”;

Certain shares,
acquisition or re-
tention.

(5) by striking out paragraph (9) of subsection (c) and inserting in lieu thereof the following:

Foreign corpora-
tions, exemption.
80 Stat. 239.
12 USC 1843.

“(9) shares held or activities conducted by any company organized under the laws of a foreign country the greater part of whose business is conducted outside the United States, if the Board by regulation or order determines that, under the circumstances and subject to the conditions set forth in the regulation or order, the exemption would not be substantially at variance with the purposes of this Act and would be in the public interest;”;

(6) by striking out the period at the end of paragraph (10) and inserting in lieu thereof a semicolon, and by adding after paragraph (10) the following:

Exemptions.

“(11) shares owned directly or indirectly by a company covered in 1970 in a company which does not engage in any activities other than those in which the bank holding company, or its subsidiaries, may engage by virtue of this section, but nothing in this paragraph authorizes any bank holding company, or subsidiary thereof, to acquire any interest in or the assets of any going concern (except pursuant to a binding written contract entered into before June 30, 1968, or pursuant to another provision of this Act) other than one which was a subsidiary on June 30, 1968;

“(12) shares retained or acquired, or activities engaged in, by any company which becomes, as a result of the enactment of the Bank Holding Company Act Amendments of 1970, a bank holding company on the date of such enactment, or by any subsidiary thereof, if such company—

“(A) within the applicable time limits prescribed in subsection (a) (2) of this section (i) ceases to be a bank holding company, or (ii) ceases to retain direct or indirect ownership or control of those shares and to engage in those activities not authorized under this section; and

“(B) complies with such other conditions as the Board may by regulation or order prescribe; or

“(13) shares of, or activities conducted by, any company which does no business in the United States except as an incident to its international or foreign business, if the Board by regulation or order determines that, under the circumstances and subject to the conditions set forth in the regulation or order, the exemption would not be substantially at variance with the purposes of this Act and would be in the public interest.

In the event of the failure of the Board to act on any application for an order under paragraph (8) of this subsection within the ninety-one-day period which begins on the date of submission to the Board of the complete record on that application, the application shall be deemed

Supra.

Annual report to Congress.

to have been granted. The Board shall include in its annual report to the Congress a description and a statement of the reasons for approval of each activity approved by it by order or regulation under such paragraph during the period covered by the report.”; and

80 Stat. 240.
12 USC 1843.

(7) by redesignating subsection (d) as subsection (e), and by adding after subsection (c) a new subsection as follows:

“(d) To the extent that such action would not be substantially at variance with the purposes of this Act and subject to such conditions as it considers necessary to protect the public interest, the Board by order, after opportunity for hearing, may grant exemptions from the provisions of this section to any bank holding company which controlled one bank prior to July 1, 1968, and has not thereafter acquired the control of any other bank in order (1) to avoid disrupting business relationships that have existed over a long period of years without adversely affecting the banks or communities involved, or (2) to avoid forced sales of small locally owned banks to purchasers not similarly representative of community interests, or (3) to allow retention of banks that are so small in relation to the holding company’s total interests and so small in relation to the banking market to be served as to minimize the likelihood that the bank’s powers to grant or deny credit may be influenced by a desire to further the holding company’s other interests.”

SEC. 104. (a) Section 11(b) of the Bank Holding Company Act of 1956 (12 U.S.C. 1849(b)) is amended—

(1) by striking out “this Act” the first two times it appears and inserting in lieu thereof “section 3”;

(2) by inserting “approved under section 3” in the second sentence immediately before “shall be commenced”; and

(3) by inserting “approved under section 3” in the last sentence immediately before “in compliance with this Act”.

(b) Section 11(c) of such Act (12 U.S.C. 1849(c)) is amended by striking out “pursuant to” and inserting in lieu thereof “under section 3 of”.

Judicial review.

Ante, p. 1763.

SEC. 105. With respect to any proceeding before the Federal Reserve Board wherein an applicant seeks authority to acquire a subsidiary which is a bank under section 3 of the Bank Holding Company Act of 1956, to engage directly or indirectly in a nonbanking activity pursuant to section 4 of such Act, or to engage in an activity otherwise prohibited under section 106 of this Act, a party who would become a competitor of the applicant or subsidiary thereof by virtue of the applicant’s or its subsidiary’s acquisition, entry into the business involved, or activity, shall have the right to be a party in interest in the proceeding and, in the event of an adverse order of the Board, shall have the right as an aggrieved party to obtain judicial review thereof as provided in section 9 of such Act of 1956 or as otherwise provided by law.

70 Stat. 138;
80 Stat. 240.
12 USC 1848.
Definitions.

Ante, p. 1760.

SEC. 106. (a) As used in this section, the terms “bank”, “bank holding company”, “subsidiary”, and “Board” have the meaning ascribed to such terms in section 2 of the Bank Holding Company Act of 1956. For purposes of this section only, the term “company”, as used in section 2 of the Bank Holding Company Act of 1956, means any person, estate, trust, partnership, corporation, association, or similar organization, but does not include any corporation the majority of the shares of which are owned by the United States or by any State. The term “trust service” means any service customarily performed by a bank trust department.

Certain arrangements, prohibition.

(b) A bank shall not in any manner extend credit, lease or sell property of any kind, or furnish any service, or fix or vary the consideration for any of the foregoing, on the condition or requirement—

(1) that the customer shall obtain some additional credit, property, or service from such bank other than a loan, discount, deposit, or trust service;

(2) that the customer shall obtain some additional credit, property, or service from a bank holding company of such bank, or from any other subsidiary of such bank holding company;

(3) that the customer provide some additional credit, property, or service to such bank, other than those related to and usually provided in connection with a loan, discount, deposit, or trust service;

(4) that the customer provide some additional credit, property, or service to a bank holding company of such bank, or to any other subsidiary of such bank holding company; or

(5) that the customer shall not obtain some other credit, property, or service from a competitor of such bank, a bank holding company of such bank, or any subsidiary of such bank holding company, other than a condition or requirement that such bank shall reasonably impose in a credit transaction to assure the soundness of the credit.

The Board may by regulation or order permit such exceptions to the foregoing prohibition as it considers will not be contrary to the purposes of this section.

Exceptions.

(c) The district courts of the United States have jurisdiction to prevent and restrain violations of subsection (b) of this section and it is the duty of the United States attorneys, under the direction of the Attorney General, to institute proceedings in equity to prevent and restrain such violations. The proceedings may be by way of a petition setting forth the case and praying that the violation be enjoined or otherwise prohibited. When the parties complained of have been duly notified of the petition, the court shall proceed, as soon as possible, to the hearing and determination of the case. While the petition is pending, and before final decree, the court may at any time make such temporary restraining order or prohibition as it deems just. Whenever it appears to the court that the ends of justice require that other parties be brought before it, the court may cause them to be summoned whether or not they reside in the district in which the court is held, and subpoenas to that end may be served in any district by the marshal thereof.

U.S. district courts, jurisdiction.

Subpena power.

(d) In any action brought by or on behalf of the United States under subsection (b), subpoenas for witnesses may run into any district, but no writ of subpena may issue for witnesses living out of the district in which the court is held at a greater distance than one hundred miles from the place of holding the same without the prior permission of the trial court upon proper application and cause shown.

Territorial limits.

(e) Any person who is injured in his business or property by reason of anything forbidden in subsection (b) may sue therefor in any district court of the United States in which the defendant resides or is found or has an agent, without regard to the amount in controversy, and shall be entitled to recover three times the amount of the damages sustained by him, and the cost of suit, including a reasonable attorney's fee.

Treble damage suits.

(f) Any person may sue for and have injunctive relief, in any court of the United States having jurisdiction over the parties, against threatened loss or damage by reason of a violation of subsection (b), under the same conditions and principles as injunctive relief against threatened conduct that will cause loss or damage is granted by courts of equity and under the rules governing such proceedings. Upon the execution of proper bond against damages for an injunction improvidently granted and a showing that the danger of irreparable loss or damage is immediate, a preliminary injunction may issue.

Injunctive relief.

Statute of limitations.

(g) (1) Subject to paragraph (2), any action to enforce any cause of action under this section shall be forever barred unless commenced within four years after the cause of action accrued.

(2) Whenever any enforcement action is instituted by or on behalf of the United States with respect to any matter which is or could be the subject of a private right of action under this section, the running of the statute of limitations in respect of every private right of action arising under this section and based in whole or in part on such matter shall be suspended during the pendency of the enforcement action so instituted and for one year thereafter: *Provided*, That whenever the running of the statute of limitations in respect of a cause of action arising under this section is suspended under this paragraph, any action to enforce such cause of action shall be forever barred unless commenced either within the period of suspension or within the four-year period referred to in paragraph (1).

(h) Nothing contained in this section shall be construed as affecting in any manner the right of the United States or any other party to bring an action under any other law of the United States or of any State, including any right which may exist in addition to specific statutory authority, challenging the legality of any act or practice which may be proscribed by this section. No regulation or order issued by the Board under this section shall in any manner constitute a defense to such action.

TITLE II—PROVISIONS RELATING TO COINAGE

Specifications.
79 Stat. 254.

SEC. 201. Section 101 of the Coinage Act of 1965 (31 U.S.C. 391) is amended to read as follows:

"SEC. 101. (a) The Secretary may mint and issue coins of the denominations set forth in subsection (c) in such quantities as he determines to be necessary to meet national needs.

"(b) Any coin minted under authority of subsection (a) shall be a clad coin. The cladding shall be an alloy of 75 per centum copper and 25 per centum nickel, and shall weigh not less than 30 per centum of the weight of the whole coin. The core shall be copper.

"(c) (1) The dollar shall be 1.500 inches in diameter and weigh 22.68 grams.

"(2) The half dollar shall be 1.205 inches in diameter and weigh 11.34 grams.

"(3) The quarter dollar shall be 0.955 inch in diameter and weigh 5.67 grams.

"(4) The dime shall be 0.705 inch in diameter and weigh 2.268 grams.

"(d) Notwithstanding the foregoing, the Secretary is authorized to mint and issue not more than one hundred and fifty million one-dollar pieces which shall have—

"(1) a diameter of 1.500 inches;

"(2) a cladding of an alloy of eight hundred parts of silver and two hundred parts of copper; and

"(3) a core of an alloy of silver and copper such that the whole coin weighs 24.592 grams and contains 9.837 grams of silver and 14.755 grams of copper."

Silver, transfer
to Treasury.

60 Stat. 596.

SEC. 202. For the purposes of this title, the Administrator of General Services shall transfer to the Secretary of the Treasury twenty-five million five hundred thousand fine troy ounces of silver now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) which is excess to strategic needs. Such transfer shall be made at the value of \$1.292929292 for each fine troy ounce of silver so transferred. Such silver shall be

used exclusively to coin one-dollar pieces authorized in section 101(d) of the Coinage Act of 1965, as amended by this Act.

Ante, p. 1768.

SEC. 203. The dollars initially minted under authority of section 101 of the Coinage Act of 1965 shall bear the likeness of the late President of the United States, Dwight David Eisenhower, and on the other side thereof a design which is emblematic of the symbolic eagle of Apollo 11 landing on the moon.

Eisenhower
silver dollars.

SEC. 204. Half dollars, as authorized under section 101(a)(1) of the Coinage Act of 1965, as in effect prior to the enactment of this Act may, in the discretion of the Secretary of the Treasury, continue to be minted until January 1, 1971.

Silver half-
dollars, time limi-
tation.

SEC. 205. (a) The Secretary of the Treasury is authorized to transfer, as an accountable advance and at their face value, the approximately three million silver dollars now held in the Treasury to the Administrator of General Services. The Administrator is authorized to offer these coins to the public in the manner recommended by the Joint Commission on the Coinage at its meeting on May 12, 1969. The Administrator shall repay the accountable advance in the amount of that face value out of the proceeds of and at the time of the public sale of the silver dollars. Any proceeds received as a result of the public sale in excess of the face value of these coins shall be covered into the Treasury as miscellaneous receipts.

Silver dollars.
transfer to GSA.

(b) There are authorized to be appropriated, to remain available until expended, such amounts as may be necessary to carry out the purposes of this section.

Appropriation.

SEC. 206. The last sentence of section 3517 of the Revised Statutes, as amended (31 U.S.C. 324), is amended by striking the following: "except that coins produced under authority of sections 101(a)(1), 101(a)(2), and 101(a)(3) of the Coinage Act of 1965 shall not be dated earlier than 1965".

SEC. 207. Section 4 of the Act of June 24, 1967 (Public Law 90-29; 31 U.S.C. 405a-1 note), is amended by adding at the end thereof the following new sentence: "Out of the proceeds of and at the time of any sale of silver transferred pursuant to this Act, the Treasury Department shall be paid \$1.292929292 for each fine troy ounce."

81 Stat. 77.

SEC. 208. Section 3513 of the Revised Statutes (31 U.S.C. 316) and the first section of the Act of February 28, 1878 (20 Stat. 25; 31 U.S.C. 316, 458) are repealed.

Repeals.

SEC. 209. Coins produced under the authority of section 101(d) of the Coinage Act of 1965, as amended by this Act, shall bear such date as the Secretary of the Treasury determines.

Eisenhower
silver dollars, date
determination.

Approved December 31, 1970.

Public Law 91-608

AN ACT

To rename a lock of the Cross-Florida Barge Canal the "Henry Holland Buckman lock."

December 31, 1970
[H. R. 956]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Saint Johns lock of the Cross-Florida Barge Canal is hereby renamed the "Henry Holland Buckman Lock." Any law, regulation, map, document, record, or other paper of the United States in which such lock is referred to shall be held to refer to such lock as the Henry Holland Buckman Lock.

Henry Holland
Buckman Lock.
Redesignation.

Approved December 31, 1970.

Public Law 91-609

December 31, 1970
[H. R. 19436]

AN ACT

To provide for the establishment of a national urban growth policy, to encourage and support the proper growth and development of our States, metropolitan areas, cities, counties, and towns with emphasis upon new community and inner city development, to extend and amend laws relating to housing and urban development, and for other purposes.

Housing and
Urban Development
Act of 1970.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Housing and Urban Development Act of 1970".

TITLE I—MORTGAGE CREDIT

EXTENSION OF PROGRAMS

Ante, p. 1384.

SEC. 101. (a) Section 2(a) of the National Housing Act is amended by striking out "January 1, 1971" in the first sentence and inserting in lieu thereof "October 1, 1972".

(b) Section 217 of such Act is amended by striking out "January 1, 1971" and inserting in lieu thereof "October 1, 1972".

(c) Section 221(f) of such Act is amended by striking out "January 1, 1971" in the fifth sentence and inserting in lieu thereof "October 1, 1972".

83 Stat. 379.
12 USC 1715z.

(d) Section 235(m) of such Act is amended by striking out "October 1, 1971" and inserting in lieu thereof "October 1, 1972".

12 USC 1715z-1.

(e) Section 236(n) of such Act is amended by striking out "October 1, 1971" and inserting in lieu thereof "October 1, 1972".

(f) Section 809(f) of such Act is amended by striking out "January 1, 1971" in the second sentence and inserting in lieu thereof "October 1, 1972".

(g) Section 810(k) of such Act is amended by striking out "January 1, 1971" in the second sentence and inserting in lieu thereof "October 1, 1972".

(h) Section 1002(a) of such Act is amended by striking out "January 1, 1971" in the second sentence and inserting in lieu thereof "October 1, 1972".

(i) Section 1101(a) of such Act is amended by striking out "January 1, 1971" in the second sentence and inserting in lieu thereof "October 1, 1972".

AUTHORIZATION FOR ASSISTANCE PAYMENTS UNDER SECTIONS 235 AND 236

82 Stat. 479;
83 Stat. 381.

SEC. 102. (a) The second sentence of section 235(h)(1) of the National Housing Act is amended—

(1) by inserting "outstanding" before "contracts" the first place the term appears; and

(2) by striking out "by \$125,000,000 on July 1, 1970, and by \$170,000,000 on July 1, 1971" and inserting in lieu thereof "by \$150,000,000 on July 1, 1970, and by \$200,000,000 on July 1, 1971".

(b) The second sentence of section 236(i)(1) of such Act is amended—

(1) by inserting "outstanding" before "contracts" the first place the term appears; and

(2) by striking out "by \$125,000,000 on July 1, 1970, and by \$170,000,000 on July 1, 1971" and inserting in lieu thereof "by \$150,000,000 on July 1, 1970, and by \$200,000,000 on July 1, 1971".

RENT SUPPLEMENT PAYMENTS

SEC. 103. Section 101(a) of the Housing and Urban Development Act of 1965 is amended by striking out “and by \$100,000,000 on July 1, 1970” and inserting in lieu thereof “by \$100,000,000 on July 1, 1970, and by \$40,000,000 on July 1, 1971”.

82 Stat. 503.
12 USC 1701s.

COMPENSATION FOR DEFECTS IN SECTION 235 EXISTING HOUSING

SEC. 104. Section 518 of the National Housing Act is amended by redesignating subsection (b) as subsection (c) and inserting after subsection (a) a new subsection as follows:

78 Stat. 783.
12 USC 1735b.

“(b) The Secretary is authorized to make expenditures to correct, or to compensate the owner for, structural or other defects which seriously affect the use and livability of any single-family dwelling which is covered by a mortgage insured under section 235 of this Act and is more than one year old on the date of the issuance of the insurance commitment, if (1) the owner requests assistance from the Secretary not later than one year after the insurance of the mortgage, or, in the case of a dwelling covered by a mortgage which was insured prior to the date of enactment of this subsection, one year after the date of enactment of this subsection, and (2) the defect is one that existed on the date of the issuance of the insurance commitment and is one that a proper inspection could reasonably be expected to disclose. The Secretary may require from the seller of any such dwelling an agreement to reimburse him for any payments made pursuant to this subsection with respect to such dwelling.”

USE OF EXISTING HOUSING UNDER SECTION 235 PROGRAM

SEC. 105. Section 235(h) of the National Housing Act is amended—

82 Stat. 479;
83 Stat. 381.
12 USC 1715z.

(1) by striking out “July 1, 1971” in subparagraph (B) of paragraph (3) and inserting in lieu thereof “July 1, 1972”; and
(2) by adding at the end thereof the following new paragraph:

“(4) At least 10 per centum of the total amount of contracts for assistance payments authorized by appropriation Acts to be made after June 30, 1971, shall be available for use only with respect to dwellings, or dwelling units in projects, which are approved by the Secretary prior to substantial rehabilitation.”

MORTGAGE INSURANCE UNDER SECTION 235 (1) FOR REHABILITATION
OF DUPLEXES

SEC. 106. Section 235(i)(3)(A) of the National Housing Act is amended by striking out “if the dwelling is purchased with the assistance of a nonprofit organization and is” and inserting in lieu thereof “and which is”.

ASSISTANCE UNDER SECTION 235 PROGRAM FOR COOPERATIVE PROJECTS
FINANCED UNDER CERTAIN STATE OR LOCAL PROGRAMS

SEC. 107. Section 235(b)(2) of the National Housing Act is amended by inserting “(A)” after “the cooperative association of which the family is a member shall operate”, and by inserting before the period at the end thereof the following: “; or (B) a housing project which is financed under a State or local program providing assistance through loans, loan insurance, or tax abatements, and which prior to completion of construction or rehabilitation is approved for receiving the benefits of this section”.

INCLUSION OF CERTAIN COSTS IN SECTION 236 PROJECTS

82 Stat. 499.
12 USC 1715z-1.
"Mortgage in-
surance premium."

SEC. 108. Section 236(b) of the National Housing Act is amended by adding at the end thereof the following new sentence: "The term 'mortgage insurance premium', when used in this section in relation to a project financed by a loan under a State or local program, means such fees and charges, approved by the Secretary, as are payable by the mortgagor to the State or local agency mortgagee to meet reserve requirements and administrative expenses of such agency."

MAXIMUM AMOUNT OF FHA-INSURED HOSPITAL MORTGAGE

82 Stat. 599.
12 USC 1715z-7.

SEC. 109. Section 242(d)(2) of the National Housing Act is amended by striking out "\$25,000,000" and inserting in lieu thereof "\$50,000,000".

MORTGAGE INSURANCE FOR PROPRIETARY HOSPITALS

SEC. 110. (a) Section 242(b)(1)(C) of the National Housing Act is amended to read as follows:

"(C) which is a proprietary facility, or facility of a private nonprofit corporation or association, licensed or regulated by the State (or, if there is no State law providing for such licensing or regulation by the State, by the municipality or other political subdivision in which the facility is located); and".

(b) The heading of section 242 of such Act is amended by striking out "NONPROFIT".

82 Stat. 600.
12 USC 1715c.

(c) The sixth sentence of section 212(a) of such Act is amended by striking out "or association" and inserting in lieu thereof ", association, or other organization".

FHA SUPPLEMENTAL LOANS FOR MULTIFAMILY PROJECTS

82 Stat. 508.
12 USC 1715z-6.

SEC. 111. Section 241 of the National Housing Act is amended—

(1) by inserting "or covered by a mortgage held by the Secretary" immediately after "this Act" in the first sentence of subsection (a);

(2) by striking out the proviso in subsection (a) and inserting in lieu thereof the following: " : *Provided*, That a loan involving a nursing home or a group practice facility may also be made for the purpose of financing equipment to be used in the operation of such nursing home or facility";

(3) by inserting "or an amount acceptable to the Secretary" before the semicolon at the end of subsection (b)(1); and

(4) by inserting "or pursuant to which the original mortgage covering the project or facility was insured" before "; and" at the end of subsection (b)(5).

MORTGAGES FOR CIVILIAN PERSONNEL AT MILITARY INSTALLATIONS

70 Stat. 273.
12 USC 1748h-1.

SEC. 112. Section 809(b) of the National Housing Act is amended by inserting before the period at the end of the second sentence the following: " : *Provided*, That the Secretary shall relieve the Secretary of Defense from any obligation to guarantee the General Insurance Fund from loss with respect to a mortgage assumed by a person ineligible to receive a certificate under subsection (a), if the original mortgagor is issued another certificate with respect to a mortgage insured under this section on property which the Secretary determines is not an acceptable risk".

MOBILE HOME LOANS UNDER TITLE I

SEC. 113. Section 2(b) of the National Housing Act is amended—

(1) by inserting in clause (1) after "\$10,000" the following: "\$15,000 in the case of a mobile home composed of two or more modules"; and

(2) by inserting in the proviso of clause (2) after "days" the following: "(fifteen years and thirty-two days in the case of a mobile home composed of two or more modules)".

56 Stat. 305;
83 Stat. 380.
12 USC 1703.

USE OF CERTAIN HOUSING FACILITIES UNDER SECTION 221 AND SECTION 236
FOR CLASSROOM PURPOSES

SEC. 114. (a) Section 221(f) of the National Housing Act is amended by adding at the end of the second paragraph the following new sentence: "In any case in which it is determined in accordance with regulations of the Secretary that facilities in existence or under construction on the date of enactment of the Housing and Urban Development Act of 1970 which could appropriately be used for classroom purposes are available in any such property or project and that public schools in the community are overcrowded due in part to the attendance at such schools of residents of the property or project, such facilities may be used for such purposes to the extent permitted in such regulations (without being subject to any of the requirements of the proviso in section 220(d)(3)(B)(iv) except the requirement that the project be predominantly residential)."

75 Stat. 152;
80 Stat. 1268.
12 USC 1715l.

(b) Section 236(j)(5) of such Act is amended by adding at the end thereof (after and below subparagraph (C)) the following new sentence:

79 Stat. 470.
12 USC 1715k.
82 Stat. 501.
12 USC 1715z-1.

"In any case in which it is determined in accordance with regulations of the Secretary that facilities in existence or under construction on the date of enactment of the Housing and Urban Development Act of 1970 which could appropriately be used for classroom purposes are available in any such property or project and that public schools in the community are overcrowded due in part to the attendance at such schools or residents of the property or project, such facilities may be used for such purposes to the extent permitted in such regulations (without being subject to any of the requirements of the first proviso in subparagraph (A) except the requirement that the project be predominantly residential)."

CONGREGATE HOUSING FOR THE DISPLACED, ELDERLY, AND HANDICAPPED

SEC. 114. (a) (1) Section 221(f) of the National Housing Act is amended by inserting before the period at the end of the first sentence of the second paragraph of the following: ": *Provided*, That such units, in the case of a project designed primarily for occupancy by displaced, elderly, or handicapped families, need not, with the approval of the Secretary, contain kitchen facilities, and such projects may include central dining and other shared facilities."

(2) Section 221(f) of such Act is further amended—

(A) by inserting "or who is a displaced person," immediately after "Housing Act of 1959," in the fifth sentence of the second paragraph; and

(B) by striking out "the terms 'displaced family' and 'displaced families' shall mean a family or families" in the third paragraph and inserting in lieu thereof "the terms 'displaced family', 'displaced families', and 'displaced person' shall mean a family or families, or a person,".

82 Stat. 501.
12 USC 1715z-1.

(b) (1) Section 236(j) (5) (B) of such Act is amended by inserting immediately after "units" the following: " , but such units, in the case of a project designed primarily for occupancy by displaced, elderly, or handicapped families, need not, with the approval of the Secretary, contain kitchen facilities".

(2) Section 236(i) of such Act is amended by adding at the end thereof the following new paragraph:

"(3) Not more than 10 per centum of the total amount of interest reduction payments authorized to be contracted to be made pursuant to appropriation Acts as provided in paragraph (1) after the date of the enactment of the Housing and Urban Development Act of 1970 shall be contracted to be made with respect to projects in which all or part of the dwelling units do not contain kitchen facilities."

79 Stat. 451;
82 Stat. 503.
12 USC 1701s.

(c) Section 101(b) of the Housing and Urban Development Act of 1965 is amended by adding at the end thereof the following new sentence: "Nothing in this section shall be construed as preventing payments to a housing owner with respect to projects in which all or part of the dwelling units do not contain kitchen facilities; but of the total amount of contracts to make annual payments approved in appropriation Acts pursuant to subsection (a) after the date of the enactment of the Housing and Urban Development Act of 1970, not more than 10 per centum in the aggregate shall be made with respect to such projects."

FHA REHABILITATION STANDARDS FOR HOUSING IN URBAN RENEWAL AREAS

12 USC 1731a.

SEC. 116. Title V of the National Housing Act is amended by adding at the end thereof the following new section:

"FHA REHABILITATION STANDARDS FOR HOUSING IN URBAN RENEWAL AREAS

12 USC 1707.

"SEC. 524. In determining whether properties should be approved by the Secretary prior to rehabilitation and covered by mortgages insured under title II of this Act, the Secretary shall apply uniform property standards as between properties located outside urban renewal areas and those located within urban renewal areas."

INVESTMENT OF FHA RESERVE FUNDS

52 Stat. 16.
12 USC 1712.

SEC. 117. (a) Section 206 of the National Housing Act is amended by inserting before the period at the end of the first sentence the following: "or any agency of the United States: *Provided*, That such moneys shall to the maximum extent feasible be invested in such bonds or other obligations the proceeds of which will be used to directly support the residential mortgage market".

79 Stat. 469;
82 Stat. 610.
12 USC 1715e.

(b) Section 213(o) of such Act is amended by inserting before the period at the end of the second sentence the following: "or any agency of the United States: *Provided*, That such moneys shall to the maximum extent feasible be invested in such bonds or other obligations the proceeds of which will be used to directly support the residential mortgage market".

(c) Section 236(g) of such Act is amended by inserting before the period at the end of the third sentence the following: "or any agency of the United States: *Provided*, That such moneys shall to the maximum extent feasible be invested in such bonds or other obligations the proceeds of which will be used to directly support the residential mortgage market".

(d) Section 238(b) of such Act is amended by inserting before the period at the end of the sixth sentence the following: "or any agency of the United States: *Provided*, That such moneys shall to the maximum extent feasible be invested in such bonds or other obligations the proceeds of which will be used to directly support the residential mortgage market".

82 Stat. 487.
12 USC 1715z-3.

(e) Section 519(c) of such Act is amended by inserting before the period at the end of the first sentence the following: "or any agency of the United States: *Provided*, That such moneys shall to the maximum extent feasible be invested in such bonds or other obligations the proceeds of which will be used to directly support the residential mortgage market".

79 Stat. 471.
12 USC 1735c.

ASSISTANCE UNDER SECTION 236 AND RENT SUPPLEMENT PROGRAMS FOR EXISTING PROJECTS FINANCED UNDER CERTAIN STATE OR LOCAL PROGRAMS

SEC. 118. (a) Section 236(b) of the National Housing Act is amended by striking out "which prior to completion of construction or rehabilitation is approved for receiving the benefits of this section" and inserting in lieu thereof the following: "which may involve either new or existing construction and which is approved for receiving the benefits of this section".

Ante, p. 1772.

(b) The second sentence of section 101(b) of the Housing and Urban Development Act of 1965 is amended by striking out "which prior to completion of construction or rehabilitation is approved for receiving the benefits of this section" and inserting in lieu thereof the following: "which may involve either new or existing construction and which is approved for receiving the benefits of this section".

82 Stat. 503.
12 USC 1701s.

LAND DEVELOPMENT PLANNING

SEC. 119. Section 1003(b)(3) of the National Housing Act is amended by inserting before the period at the end thereof the following: "; except that, in the case of land development covered by a mortgage with respect to which an insurance commitment is issued under this title before the expiration of one year after the date of enactment of the Housing and Urban Development Act of 1970, the requirement of this paragraph shall be applicable only if there is actually in existence on the date the commitment is issued a comprehensive plan which covers, or comprehensive planning being carried on for, the area in which the land is situated".

79 Stat. 463.
12 USC 1749cc.

OCCUPANCY PREFERENCE IN FHA RENTAL HOUSING FOR MILITARY PERSONNEL

SEC. 120. (a) Section 101(c)(2) of the Housing and Urban Development Act of 1965 is amended by (1) striking out the word "or" between paragraphs (D) and (E), (2) striking out the period at the end of paragraph (E) and inserting in lieu thereof "; or", and (3) adding after paragraph (E) the following:

79 Stat. 451.

"(F) a family whose head, or spouse, is a member of the Armed Forces of the United States who is serving on active duty."

(b) Paragraph (B) of section 101(e)(1) of such Act is amended by striking out the period and inserting in lieu thereof the following: "or is a member of the Armed Forces of the United States serving on active duty."

(c) Section 7 of the Department of Housing and Urban Development Act (as amended by section 905 of this Act) is amended by adding at the end thereof the following new subsection:

79 Stat. 669;
82 Stat. 544.
42 USC 3535.

52 Stat. 9.
12 USC 1707.
79 Stat. 451.
12 USC 1701s.

“(m) Whenever he shall determine that, because of location or other considerations, any rental housing project assisted under title II of the National Housing Act or title I of the Housing and Urban Development Act of 1965 could ordinarily be expected substantially to serve the family housing needs of lower income military personnel serving on active duty, the Secretary is authorized to provide for or approve such preference or priority of occupancy of such project by such military personnel as he shall determine is appropriate to assure that the project will serve their needs on a continuing basis not withstanding the frequency with which individual members of such personnel may be transferred or reassigned to new duty stations.”

STATE FUNDING OF SECTION 236 INTEREST REDUCTION PAYMENTS

82 Stat. 498;
83 Stat. 379.
12 USC 1715z-1.

SEC. 121. (a) Section 236 of the National Housing Act is amended by adding at the end thereof the following new subsection:

“(n) The Secretary is authorized to enter into agreements with any State or agency thereof under which such State or agency thereof contracts to make interest reduction payments, subject to all the terms and conditions specified in this section and in rules, regulations and procedures adopted by the Secretary under this section, with respect to all or a part of a project covered by a mortgage insured under this section. Any funds provided by a State or agency thereof for the purpose of making interest reduction payments shall be administered, disbursed and accounted for by the Secretary in accordance with the agreements entered into by the Secretary with the State or agency thereof and for such fees as shall be specified therein. Before entering into any agreements pursuant to this subsection the Secretary shall require assurances satisfactory to him that the State or agency thereof is able to provide sufficient funds for the making of interest reduction payments for the full period specified in the interest reduction contract.”

(b) The first sentence of section 236(i)(1) of such Act is amended by inserting “by the Secretary” immediately following “entered into”.

TITLE II—URBAN RENEWAL AND HOUSING ASSISTANCE PROGRAMS

URBAN RENEWAL GRANT AUTHORITY

63 Stat. 416;
83 Stat. 385.
42 USC 1453.

SEC. 201. Section 103(b) of the Housing Act of 1949 is amended—

(1) by striking out “and by \$1,700,000,000 on July 1, 1970” in the first sentence and inserting in lieu thereof “by \$1,700,000,000 on July 1, 1970, and by \$1,500,000,000 on July 1, 1971”; and

(2) by striking out “beginning July 1, 1969, and July 1, 1970” in the second sentence and inserting in lieu thereof “commencing after June 30, 1969 and ending prior to July 1, 1974”.

PUBLIC HOUSING ANNUAL CONTRIBUTIONS

83 Stat. 388.
42 USC 1410.

SEC. 202. The first sentence of section 10(e) of the United States Housing Act of 1937 is amended by striking out “and \$170,000,000 on July 1, 1970” and inserting in lieu thereof “\$320,000,000 on July 1, 1970, and \$225,000,000 on July 1, 1971”.

USE OF PUBLIC HOUSING CONTRACT AUTHORITY FOR LOW-RENT HOUSING IN
PRIVATE ACCOMMODATIONS

SEC. 203. The first sentence of section 10(e) of the United States Housing Act of 1937 is amended by striking out "*Provided further*" and inserting in lieu thereof "*Provided further, That at least 30 per centum of the total amount of contracts for annual contributions entered into in any fiscal year pursuant to the new authority granted under section 202 of the Housing and Urban Development Act of 1970 or under any law subsequently enacted shall be entered into with respect to units of low-rent housing in private accommodations provided under section 23: And provided further*".

52 Stat. 820;
79 Stat. 487.
42 USC 1410.

TERM AND RENEWAL OF CONTRACTS FOR LOW-RENT HOUSING IN PRIVATE
ACCOMMODATIONS

SEC. 204. (a) (1) Section 23(a) (3) of the United States Housing Act of 1937 is amended by striking out "an existing" and inserting in lieu thereof "a".

79 Stat. 455.
42 USC 1421b.

(2) Section 10(c) of such Act is amended by striking out "existing" in the last proviso.

50 Stat. 892;
79 Stat. 487.

(b) The last sentence of section 23(d) of such Act is amended—

82 Stat. 505.

(1) by striking out "not less than twelve months nor more than sixty months" and inserting in lieu thereof "not less than twelve months nor more than one hundred and twenty months"; and

(2) by inserting before the period at the end thereof the following: " : *Provided, That no renewal of such a contract shall result in a total term exceeding two hundred and forty months (or one hundred and eighty months in the case of an existing structure)*".

AUTHORIZATION FOR COLLEGE HOUSING DEBT SERVICE GRANTS

SEC. 205. Section 401(f) (2) of the Housing Act of 1950 is amended by inserting before the period at the end thereof the following: " , and by \$12,000,000 on July 1, 1971".

82 Stat. 604;
83 Stat. 390.
12 USC 1749.

EXPENSES IN CONNECTION WITH THE SALE OF SURPLUS FEDERAL LANDS
TO LOCAL URBAN RENEWAL AGENCIES

SEC. 206. The last sentence of section 108 of the Housing Act of 1949 is amended by inserting "net" immediately before "proceeds".

63 Stat. 419.
42 USC 1458.

CONGREGATE HOUSING FOR THE DISPLACED, ELDERLY, AND HANDICAPPED

SEC. 207. Section 15 of the United States Housing Act of 1937 is amended by adding at the end thereof a new paragraph as follows:

50 Stat. 895;
82 Stat. 504.
42 USC 1415.

"(12) The Secretary shall encourage public housing agencies, in providing housing predominantly for displaced, elderly, or handicapped families, to design, develop, or otherwise acquire such housing to meet the special needs of the occupants and, wherever practicable, for use in whole or in part as congregate housing: *Provided, That not more than 10 per centum of the total amount of contracts for annual contributions entered into in any fiscal year pursuant to the new authority granted under section 202 of the Housing and Urban Development Act of 1970 or under any law subsequently enacted shall be entered into with respect to units in congregate housing. As used in this paragraph, the term 'congregate housing' means low-rent housing (A) in which some or all of the dwelling units do not have kitchen facilities, and (B) connected with which there is a central dining facility to provide wholesome and economical meals for elderly families*

"Congregate housing."

under terms and conditions prescribed by the public housing agency to permit a generally self-supporting operation. Expenditures incurred by a public agency in the operation of a central dining facility in connection with congregate housing (other than the cost of providing food and service) shall be considered one of the costs of administration of the project."

PUBLIC HOUSING RENT REQUIREMENTS

SEC. 208. (a) Section 2(1) of the United States Housing Act of 1937 is amended by adding at the end of the second paragraph the following: "In defining income for purposes of applying the one-fourth of family income limitation set forth above, the Secretary shall consider income from all sources of each member of the family residing in the household who is at least eighteen years of age; except that (A) nonrecurring income, as determined by the Secretary, and the income of full-time students shall be excluded; (B) an amount equal to the sum of (i) \$300 for each dependent, (ii) \$300 for each secondary wage earner, (iii) 5 per centum of the family's gross income (10 per centum in the case of elderly families), and (iv) those medical expenses of the family properly considered extraordinary shall be deducted; and (C) the Secretary may allow further deductions in recognition of unusual circumstances."

Effective date.

(b) The income definition contained in the last sentence of the second paragraph of section 2(1) of the Housing Act of 1937, as added by subsection (a) of this section, shall be effective at the first annual reexamination of the tenant's income subsequent to March 24, 1971.

PUBLIC HOUSING COST LIMITS

SEC. 209. (a) The first sentence of section 15(5) of the United States Housing Act of 1937 is amended by striking out all that follows "based" and inserting in lieu thereof the following: "shall not exceed by more than 10 per centum the appropriate prototype cost for the area. Prototype costs shall be determined at least annually by the Secretary on the basis of his estimate of the construction and equipment costs of new dwelling units of various sizes and types in the area suitable for occupancy by persons assisted under this Act. The Secretary in determining the area's prototype costs shall take into account the extra durability required for economical maintenance of assisted housing, and the provision of amenities designed to guarantee safe and healthy family life and neighborhood environment. Further, in developing such prototypes, emphasis should be given to encouraging good design as an essential component of such housing and to producing housing which will be of such quality as to reflect the architectural standards of the neighborhood and community. The prototype costs for any area shall become effective upon the date of publication in the Federal Register."

63 Stat. 424;
75 Stat. 164;
83 Stat. 389.
42 USC 1415.

Publication in
Federal Register.

Effective date.

(b) This section becomes effective on such date as the Secretary of Housing and Urban Development prescribes, but not later than one hundred and twenty days following the date of enactment of this Act.

AMENDMENT OF CONTRACTS TO ASSURE LOW-RENT CHARACTER OF PROJECTS

SEC. 210. The third sentence of section 10(a) of the United States Housing Act of 1937 is amended by striking out the period and inserting in lieu thereof the following: "": *Provided further*, That the Authority is authorized to amend or supersede annual contributions contracts to provide payments annually (within the limitations prescribed by this Act) which the Authority determines are required (1) to assure the low-rent character of the projects involved, and (2) to

63 Stat. 430;
82 Stat. 505.
42 USC 1410.

achieve and maintain adequate operating and maintenance services and reserve funds including payment of outstanding debts."

POLICY STATEMENT

SEC. 211. Section 1 of the United States Housing Act of 1937 is amended by adding at the end thereof the following: "It is the sense of the Congress that no person should be barred from serving on the board of directors or similar governing body of a local public housing agency because of his tenancy in a low-rent housing project."

50 Stat. 888;
73 Stat. 679.
42 USC 1401.

RELOCATION PAYMENTS

SEC. 212. (a) Section 114(b)(1) of the Housing Act of 1949 is amended by inserting before the semicolon the following: " : *Provided further*, That the Secretary may authorize payment to displaced business concerns of fixed amounts in lieu of their total certified actual moving expenses where he determines that it is impractical for a displaced business concern to calculate the amount of such expenses".

78 Stat. 788.
42 USC 1465.

(b) The last sentence of section 114(b) of such Act is amended by striking out "certified actual".

EARLY CLOSEOUT OF URBAN RENEWAL PROJECTS

SEC. 213. (a) Section 106(i) of the Housing Act of 1949 is amended to read as follows:

82 Stat. 522.
42 USC 1456.

"(i) Upon determination of the Secretary that the local public agency does not expect to be able in the reasonably near future, due to circumstances beyond its control, to dispose of urban renewal project land acquired in accordance with the urban renewal plan and that all other project activities are completed except local grant-in-aid activities designated in the third proviso to section 110(d) under the conditions specified therein, and that a closeout of the urban renewal project pursuant to this subsection would be in the financial interest of the Federal Government, the urban renewal project may be deemed completed, net project cost may be computed, and the capital grant paid. To facilitate these actions, the Secretary may pay to the local public agency a grant, in addition to the capital grant otherwise payable, equal to one-third (or one-fourth in the case of projects funded on the three-fourths capital grant basis) of the estimated disposition proceeds of such land as accepted by the Secretary. No local grant-in-aid shall be required on account of this additional grant. The approval of the Secretary shall be obtained prior to the disposition of such land by the local public agency and net proceeds realized from the disposition of such land after project closeout shall be paid to the Secretary by the local public agency."

(b) Section 110(f) of such Act is amended by striking out "or for subsequent disposition or retention as provided under section 106(i)".

42 USC 1460.

RELEASE FROM CERTAIN PROJECT OBLIGATIONS

SEC. 214. Notwithstanding any other provision of this Act or title I of the Housing Act of 1949, as amended, the Secretary of Housing and Urban Development is authorized and directed to release the City of Stanton, Texas, and the Urban Renewal Agency of the City of Stanton, Texas, from the obligations of their agreement with the Department of Housing and Urban Development entered into in connection with the closeout of projects numbered Tex. R-45 and Tex.

63 Stat. 414;
68 Stat. 622;
82 Stat. 518.
42 USC 1450.

R-81 and to close out those projects, effective as of the original date of closeout, on the basis of the authority granted under section 213 of this Act.

URBAN RENEWAL PROJECT IN MONROE, WISCONSIN

SEC. 215. Notwithstanding the date of commencement of construction of streets and highways in the tornado urban renewal area in Monroe, Wisconsin, local expenditures made in connection therewith shall, to the extent otherwise eligible, be counted as a local grant-in-aid to the tornado urban renewal project (Wisconsin R-27) in accordance with the provisions of title I of the Housing Act of 1949.

68 Stat. 622.
42 USC 1450.

TITLE III—MODEL CITIES AND METROPOLITAN DEVELOPMENT PROGRAMS

AUTHORIZATION FOR MODEL CITIES PROGRAM

SEC. 301. (a) Section 111(b) of the Demonstration Cities and Metropolitan Development Act of 1966 is amended—

80 Stat. 1260;
83 Stat. 391.
42 USC 3311.

(1) by striking out “and” the third time it appears; and
(2) by inserting before the period at the end thereof the following: “, and not to exceed \$200,000,000 for the fiscal year ending June 30, 1972”.

(b) Section 111(c) of such Act is amended by striking out “1971” and inserting in lieu thereof “1972”.

(c) Section 111 of such Act is further amended by striking out “and administrative expenses” each place it appears.

AUTHORIZATION FOR COMPREHENSIVE PLANNING GRANTS

SEC. 302. The fifth sentence of section 701(b) of the Housing Act of 1954 is amended by striking out “and not to exceed \$390,000,000 prior to July 1, 1971” and inserting in lieu thereof “and not to exceed \$420,000,000 prior to July 1, 1972”.

82 Stat. 529;
83 Stat. 391.
40 USC 461.

NEW COMMUNITY LAND DEVELOPMENT

SEC. 303. (a) Section 407(d) of the Housing and Urban Development Act of 1968 is amended by striking out “\$250,000,000” and inserting in lieu thereof “\$500,000,000”.

82 Stat. 516.
42 USC 3906.

(b) Section 412(d) of such Act is amended by striking out “July 1, 1971” and inserting in lieu thereof “July 1, 1974”.

83 Stat. 391.
42 USC 3911.

(c) Section 408 of such Act is amended—

42 USC 3907.

(1) by striking out “qualified”; and

(2) by striking out all that follows “guaranteed obligation” and inserting in lieu thereof a period.

COMMUNITY FACILITIES GRANTS

SEC. 304. (a) Section 708(a) of the Housing and Urban Development Act of 1965 is amended by adding at the end thereof the following new sentence: “In addition, there is authorized to be appropriated for the fiscal year commencing July 1, 1971, not to exceed \$50,000,000 for grants under section 703.”

Ante, p. 886.

(b) Section 708(b) of such Act is amended by striking out “1971” and inserting in lieu thereof “1972”.

EXTENSION OF URBAN INFORMATION AND TECHNICAL
ASSISTANCE SERVICES AUTHORIZATION

SEC. 305. Section 906 of the Demonstration Cities and Metropolitan Development Act of 1966 is amended by striking out "July 1, 1971" and inserting in lieu thereof "July 1, 1972".

83 Stat. 394.
42 USC 3356.

TITLE IV—CONSOLIDATION OF OPEN-SPACE LAND
PROGRAMS

SEC. 401. Effective July 1, 1971, title VII of the Housing Act of 1961 is amended to read as follows:

Effective date.
75 Stat. 183.
42 USC 1500.

"TITLE VII—OPEN-SPACE LAND

"FINDINGS AND PURPOSE

"SEC. 701. (a) The Congress finds that the rapid expansion of the Nation's urban areas and the rapid growth of population within such areas has resulted in severe problems of urban and suburban living for the preponderant majority of the Nation's present and future population, including the lack of valuable open-space land for recreational and other purposes.

"(b) The Congress further finds that there is a need for the additional provision of parks and other open space in the built-up portions of urban areas especially in low income neighborhoods and communities and a need for greater and better coordinated State and local efforts to make available and improve open-space land throughout entire urban areas.

"(c) The Congress further finds that there is a need for timely action to preserve and restore areas, sites, and structures of historic or architectural value in order that these remaining evidences of our history and heritage shall not be lost or destroyed through the expansion and development of the Nation's urban areas.

"(d) It is the purpose of this title to help curb urban sprawl and prevent the spread of urban blight and deterioration, to encourage more economic and desirable urban development, to assist in preserving areas and properties of historic or architectural value, and to help provide necessary recreational, conservation, and scenic areas by assisting State and local public bodies in taking prompt action to (1) provide, preserve, and develop open-space land in a manner consistent with the planned long-range development of the Nation's urban areas, (2) acquire, improve, and restore areas, sites, and structures of historic or architectural value, and (3) develop and improve open space and other public urban land, in accordance with programs to encourage and coordinate local public and private efforts toward this end.

"GRANTS FOR ACQUISITION AND FOR DEVELOPMENT OF OPEN-SPACE LAND

"SEC. 702. (a) The Secretary is authorized to make grants to States and local public bodies to help finance (1) the acquisition of title to, or other interest in, open-space land in urban areas and (2) the development of open-space or other land in urban areas for open-space uses. The amount of any such grant shall not exceed 50 per centum of the eligible project cost, as approved by the Secretary, of such acquisition or development. Not more than 50 per centum of the non-Federal share of such eligible project cost may, to the extent authorized in regulations established by the Secretary, be made up by donations of land or materials.

Prohibitions.

“(b) No grants under this title shall be made to (1) defray ordinary State or local governmental expenses, (2) help finance the acquisition by a public body of land located outside the urban area for which it exercises (or participates in the exercise of) responsibilities consistent with the purpose of this title, (3) acquire and clear developed land in built-up urban areas unless the local governing body determines that adequate open-space land cannot be effectively provided through the use of existing undeveloped land, or (4) provide assistance for historic and architectural preservation purposes, except for districts, sites, buildings, structures, and objects which the Secretary of the Interior determines meet the criteria used in establishing the National Register.

“(c) The Secretary may set such further terms and conditions for assistance under this title as he determines to be desirable.

Review.

“(d) The Secretary shall consult with the Secretary of the Interior on the general policies to be followed in reviewing applications for grants under this title. To assist the Secretary in such review, the Secretary of the Interior shall furnish him (1) appropriate information on the status of national and statewide recreation and historic preservation planning as it affects the areas to be assisted with such grants, and (2) the current listing of any districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, and culture which may be contained on a National Register maintained by the Secretary of the Interior pursuant to other provisions of law. The Secretary shall provide current information to the Secretary of the Interior from time to time on significant program developments.

Technical assistance.

“(e) The Secretary may provide such technical assistance to States and local public bodies as may be required to effectively carry out activities under this section.

“PLANNING REQUIREMENTS

“SEC. 703. The Secretary shall make grants under section 702 only if he finds that such assistance is needed for carrying out a unified or officially coordinated program, meeting criteria established by him, for the provision and development of open-space land which is a part of, or is consistent with, the comprehensively planned development of the urban area.

“CONVERSIONS TO OTHER USES

“SEC. 704. No open-space land for the acquisition of which a grant has been made under section 702 shall be converted to uses not originally approved by the Secretary without his prior approval. Prior approval will be granted only upon satisfactory compliance with regulations established by the Secretary. Such regulations shall require findings that (1) there is adequate assurance of the substitution of other open-space land of as nearly as feasible equivalent usefulness, location, and fair market value at the time of the conversion; (2) the conversion and substitution are needed for orderly growth and development; and (3) the proposed uses of the converted and substituted land are in accord with the then applicable comprehensive plan for the urban area, meeting criteria established by the Secretary.

“CONVERSIONS OF LAND INVOLVING HISTORIC OR ARCHITECTURAL PURPOSES

“SEC. 705. No open-space land involving historic or architectural purposes for which assistance has been granted under this title shall be converted to use for any other purpose without the prior approval of the Secretary of the Interior.

“ACQUISITION OF INTERESTS TO GUIDE URBAN DEVELOPMENT

“SEC. 706. In order to encourage the acquisition of interests in undeveloped or predominantly undeveloped land which, if withheld from commercial, industrial, and residential development, would have special significance in helping to shape economic and desirable patterns of urban growth (including growth outside of existing urban areas which is directly related to the development of new communities or the expansion and revitalization of existing communities), the Secretary may make grants to State and local public bodies for the acquisition of such interests in an amount not to exceed 75 per centum of the cost of such acquisition. In the case of any interests acquired pursuant to this section, the Secretary may approve the subsequent conversion or disposition of the land involved without regard to other requirements of this title but subject to such terms and conditions as he determines equitable and appropriate with respect to the control of future use and the application or sharing of the proceeds or value realized upon sale or disposition.

“LABOR STANDARDS

“SEC. 707. (a) The Secretary shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed with the assistance of grants under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended. The Secretary shall not approve any such grant without first obtaining adequate assurance that these labor standards will be maintained upon the construction work.

49 Stat. 1011.
40 USC 276a.

“(b) The Secretary of Labor shall have, with respect to the labor standards specified in subsection (a), the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267; 5 U.S.C. 133z-15), and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276c).

5 USC app.
63 Stat. 108.

“AUTHORIZATION

“SEC. 708. There are authorized to be appropriated for purposes of making grants under this title not to exceed \$560,000,000 prior to July 1, 1972. Any amounts appropriated under this section shall remain available until expended.

“DEFINITIONS

“SEC. 709. As used in this title—

“(1) The term ‘open-space land’ means any land located in an urban area which has value for (A) park and recreational purposes, (B) conservation of land and other natural resources, or (C) historic, architectural, or scenic purposes.

“(2) The term ‘urban area’ means any area which is urban in character, including those surrounding areas which, in the judgment of the Secretary, form an economic and socially related region, taking into consideration such factors as present and future population trends and patterns of urban growth, location of transportation facilities and systems, and distribution of industrial, commercial, residential, governmental, institutional, and other activities.

“(3) The term ‘State’ means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the territories and possessions of the United States.

"(4) The term 'local public body' means any public body (including a political subdivision) created by or under the laws of a State or two or more States, or a combination of such bodies, and includes Indian tribes, bands, groups, and nations (including Alaska Indians, Aleuts, and Eskimos) of the United States.

"(5) The term 'open-space uses' means any use of open-space land for (A) park and recreational purposes, (B) conservation of land and other natural resources, or (C) historic, architectural or scenic purposes."

TITLE V—RESEARCH AND TECHNOLOGY

RESEARCH AND DEMONSTRATIONS

SEC. 501. The Secretary of Housing and Urban Development is authorized and directed to undertake such programs of research, studies, testing, and demonstration relating to the mission and programs of the Department as he determines to be necessary and appropriate. In order to carry out activities under this section there are authorized to be appropriated such sums as may be necessary. All funds so appropriated shall remain available until expended unless specifically limited.

GENERAL PROVISIONS

SEC. 502. (a) The Secretary shall require, to the greatest extent feasible, the employment of new and improved technologies, methods, and materials in housing construction, rehabilitation, and maintenance under programs administered by him with a view to reducing costs, and shall encourage and promote the acceptance and application of such advanced technology, methods, and materials by all segments of the housing industry, communities, industries engaged in urban development activities, and the general public. To the extent feasible, in connection with the construction, major rehabilitation, or maintenance of any housing assisted under section 501, the Secretary shall assure that there is no restraint by contract, building code, zoning ordinance, or practice against the employment of new or improved technologies, techniques, materials, and methods or of preassembled products which may reduce the cost or improve the quality of such construction, rehabilitation, and maintenance, and therefore stimulate expanded production of housing, except where such restraint is necessary to insure safe and healthful working and living conditions.

(b) To encourage large-scale experimentation in the use of new technologies, methods, and materials, with a view toward the ultimate mass production of housing and related facilities, the Secretary shall wherever feasible conduct programs under section 501 in which qualified organizations, public and private, will submit plans for development and production of housing and related facilities using such new advances on Federal land which has been made available or acquired by the Secretary for the purpose of this subsection or on other land where (1) local building regulations permit such experimental construction, or (2) necessary variances from building regulations can be granted. The Secretary may utilize the funds and authority available to him under the provisions of section 501 to assist in the implementation of plans which he approves.

(c) Notwithstanding any other provision of law, the Secretary is authorized, in connection with projects under this title, to acquire, use and dispose of any land and other property required for the project as he deems necessary. Notwithstanding the provisions of the Federal Property and Administrative Services Act of 1949, any land which

is excess property within the meaning of such Act and which is determined by the Secretary to be suitable in furtherance of the purposes of subsection (b) may be transferred to the Secretary upon his request.

(d) In order to effectively carry out his activities under section 501, the Secretary is authorized to provide such advice and technical assistance as may be required and to pay for the cost of writing and publishing reports on activities and undertakings financed under section 501, as well as reports on similar activities and undertakings, not so financed, which are of significant value in furthering the purposes of that section. He may disseminate (without regard to the provisions of section 3204 of title 39, United States Code, or section 4154 of such title with respect to any period before the effective date of such section 3204 as provided in section 15(a) of the Postal Reorganization Act) any reports, data, or information acquired or held under this title, including related data and information otherwise available to the Secretary through the operation of the programs and activities of the Department of Housing and Urban Development, in such form as he determines to be most useful to departments, establishments, and agencies of Federal, State, and local governments, to industry, and to the general public.

Technical assistance; reports.

Ante, p. 752.

74 Stat. 661.

Ante, p. 787.

(e) The Secretary is authorized to carry out the functions authorized in section 501 either directly or, without regard to section 3709 of the Revised Statutes, by contract or by grant. Advance and progress payments may be made under such contracts or grants without regard to the provisions of section 3648 of the Revised Statutes and such contracts or grants may be made for work to continue for not more than four years from the date thereof.

Contract authority.

41 USC 5.

31 USC 529.

(f) In carrying out activities under section 501, the Secretary shall utilize to the fullest extent feasible the available facilities of other Federal departments and agencies, and shall consult with, and make recommendations to, such departments and agencies. The Secretary may enter into working agreements with such departments and agencies and contract or make grants on their behalf or have such departments and agencies contract or make grants on his behalf. The Secretary is authorized to make or accept reimbursement for the cost of such activities. The Secretary is further authorized to undertake activities under this title under cooperative agreements with industry and labor, agencies of State or local governments, educational institutions, and other organizations. He may enter into contracts with and receive funds from such agencies, institutions, and organizations, and may exercise any of the other powers vested in him by section 502(c) of the Housing Act of 1948.

62 Stat. 1284.
12 USC 1701c.

(g) The Secretary is authorized to request and receive such information or data as he deems appropriate from private individuals and organizations, and from public agencies. Any such information or data shall be used only for the purposes for which it is supplied, and no publication shall be made by the Secretary whereby the information or data furnished by any particular person or establishment can be identified, except with the consent of such person or establishment.

REPEAL OF EXISTING RESEARCH AUTHORITIES

SEC. 503. Effective July 1, 1971, the following provisions of law are repealed; except that such repeal shall not affect contracts, commitments, reservations, or other obligations entered into pursuant to such provisions prior to that date:

- (1) title III of the Housing Act of 1948;
- (2) section 314 of the Housing Act of 1954;
- (3) section 602 of the Housing Act of 1956;

63 Stat. 431.
12 USC 1701e.
68 Stat. 629.
42 USC 1452a.
70 Stat. 1113.
12 USC 1701d-3.

75 Stat. 165.
42 USC 1436.

79 Stat. 474,
42 USC 1456
note.

80 Stat. 1286,
1287.

42 USC 3372,
3373.

82 Stat. 607.

- (4) section 207 of the Housing Act of 1961;
- (5) section 301 of the Housing and Urban Development Act of 1965;
- (6) sections 1010 and 1011 of the Demonstration Cities and Metropolitan Development Act of 1966; and
- (7) section 1714(b) of the Housing and Urban Development Act of 1968.

EXPERIMENTAL HOUSING ALLOWANCE PROGRAM

SEC. 504. (a) In carrying out activities under section 501, the Secretary shall undertake on an experimental basis a program to demonstrate the feasibility of providing families of low income with housing allowances to assist them in obtaining rental housing of their choice in existing standard housing units. For this purpose, the Secretary is authorized to pay and to contract to pay, subject to the limitations of this section, monthly housing allowances to such families in localities determined by the Secretary to have an adequate supply of such housing units.

Payments.

(b) The housing allowance provided to any family of low income shall not exceed the difference between 25 per centum of the family's income and the maximum fair market rental established in the locality by the Secretary for dwelling units of similar size in projects receiving annual payments under contracts authorized by section 101 (a) of the Housing and Urban Development Act of 1965. The Secretary shall make the payment of any such allowance to any such family conditional upon an agreement by the family that the allowance will be used solely for the payment of rent for occupancy in existing standard housing.

Ante, p. 1771.

Contract authority.

(c) The Secretary is authorized to contract with public or private organizations to provide the services required in the selection of families of low income for the distribution of monthly housing allowance payments to such families. In contracting with such organizations, the Secretary is authorized (without limiting his authority under any other provision of law) to delegate to such organizations the authority to make the ministerial findings necessary to enable the Secretary to make such payments to families selected by such organizations.

(d) The Secretary is authorized to pay and to contract to pay (in an aggregate amount not to exceed \$10,000,000 in each of the fiscal years 1972 and 1973) monthly housing allowance payments to families of low income pursuant to this section. There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to make payments under this subsection.

Report to Congress.

(e) The Secretary shall, as early as practicable in the calendar years 1972 and 1973 make a report to the respective Committees on Banking and Currency of the Senate and House of Representatives with respect to the administration of the program authorized by this section, together with any recommendations that he may deem appropriate.

Definitions.

(f) As used in this section—

79 Stat. 457,
42 USC 1402.

(1) The term "families of low income" has the same meaning as in section 2(2) of the United States Housing Act of 1937.

(2) The term "existing standard housing" means a rental unit which meets standards prescribed by the Secretary.

Time limitation.

(g) No housing allowance payments pursuant to this section shall be made after June 30, 1973.

DEMONSTRATIONS WITH RESPECT TO ABANDONED PROPERTIES

SEC. 505. (a) In carrying out activities under section 501, the Secretary may undertake programs to demonstrate the most feasible means of providing assistance to localities in which a substantial number of structures are abandoned or are threatened with abandonment for the purpose of arresting the process of housing abandonment in its incipency or in restoring viability to blighted areas in which abandonment is pervasive. For this purpose, the Secretary is authorized to make grants, subject to the limitations of this section, to assist local public bodies in planning and implementing demonstration projects for prompt and effective action in alleviating and preventing such abandonment in designated demonstration areas.

Grants.

(b) In administering this section, the Secretary shall give preference to those demonstration projects which in his judgment can reasonably be expected to arrest the process of abandonment in the demonstration area within a period of two years and which provide for innovative approaches to combating the problem of housing abandonment. Such projects may include, but shall not be limited to (1) acquisition by negotiated purchase, lease, receivership, tax lien proceedings, or other means authorized by law and satisfactory to the Secretary, of real property within the demonstration area or areas which is abandoned, deteriorated, or in violation of applicable code standards; (2) the repair of streets, sidewalks, parks, playgrounds, publicly owned utilities, public buildings to meet needs consistent with the revitalization and continued use of the area; (3) the demolition of structures determined to be structurally unsound or unfit for human habitation or which contribute adversely to the physical or social environment of the locality involved; (4) the establishment of recreational or community facilities including public playgrounds; (5) the improvement of garbage and trash collection, street cleaning and other essential services necessary to the revitalization and maintenance of the area; (6) the rehabilitation of privately and publicly owned real property by the locality; and (7) the establishment and operation of locally controlled, nonprofit housing management corporations and municipal repair programs.

Conditions.

(c) Subject to such conditions as the Secretary may prescribe, real property held as part of a project assisted under this section may be made available to (1) a limited dividend corporation, nonprofit corporation, or association, cooperative or public body or agency, or other approved purchaser or lessee, or (2) a purchaser who would be eligible for a mortgage insured under section 221 (d) (3) or (d) (4), section 221 (h) (1), section 235 (i) or (j) (1), or section 236 of the National Housing Act, for purchase or lease at fair market value for use by such purchaser or lessee, as, or in the provision of, new or rehabilitated housing for occupancy by families or individuals of low or moderate income.

68 Stat. 601;
80 Stat. 1268.
12 USC 1715L.
82 Stat. 477,
498.
12 USC 1715z,
1715z-1.
Appropriation.

(d) Grants under this section shall be in amounts which do not exceed 90 per centum of the net project cost as determined by the Secretary. There are authorized to be appropriated for demonstration grants under this section not to exceed \$20,000,000 for the fiscal year ending June 30, 1971. Any amounts appropriated shall remain available until expended and any amount authorized but not appropriated may be appropriated for any succeeding fiscal year commencing prior to July 1, 1972. Not more than one-third of the aggregate amount of grants made in any fiscal year under this section shall be made with respect to projects undertaken by one locality.

(e) The provisions of sections 106, 114, and 115 of Title I of the Housing Act of 1949, and section 312 of the Housing Act of 1964, may

42 USC 1456,
1465, 1466.
42 USC 1452b.

apply to projects assisted under this Act as if such projects were being carried out in urban renewal areas as part of urban renewal projects within the meaning of section 110 of the Housing Act of 1949.

68 Stat. 626.
42 USC 1460.
Report to Con-
gress.

(f) The Secretary shall report annually to the Congress with respect to the status of demonstration projects funded by him and shall make such recommendations to the Congress as he deems necessary to further the purposes of this section.

TITLE VI—CRIME INSURANCE

FINDINGS AND PURPOSE

SEC. 601. Section 1102(b) of the Housing and Urban Development Act of 1968 is amended by striking out “and” immediately before “(2)”, and by inserting before the period at the end thereof the following: “; and (3) provide direct insurance through the facilities of the Federal Government in the case of properties for which statewide programs and the Federal reinsurance program either do not make crime insurance available or offer such insurance to property owners only at prohibitive cost”.

82 Stat. 556.
12 USC 1749bbb
note.

AMENDMENTS TO TITLE XII OF THE NATIONAL HOUSING ACT

12 USC 1749bbb. SEC. 602. (a) Section 1201 of the National Housing Act is amended to read as follows:

“PROGRAM AUTHORITY

“SEC. 1201. (a) The Secretary is authorized to establish and carry out the programs provided for in parts A, B, C, and D of this title.

“(b) (1) The powers of the Secretary under this title shall terminate on April 30, 1975, except to the extent necessary—

12 USC 1749bbb-
9.
12 USC 1749bbb-
11.

“(A) to continue reinsurance and direct insurance in accordance with the provisions of sections 1223(b) and 1231(c) until April 30, 1978;

“(B) to process, verify, and pay claims for reinsured losses and directly insured losses and perform other necessary functions in connection therewith; and

“(C) to complete the liquidation and termination of the reinsurance and direct insurance programs.

“(2) On April 30, 1978, or as soon thereafter as possible, the Secretary shall submit to the Congress, for its approval, a plan for the liquidation and termination of the reinsurance and direct insurance programs.”

Definitions,
12 USC 1749bbb-
2.

(b) Section 1203(a) of such Act is amended by redesignating paragraphs (1) through (13) as paragraphs (4) through (16), respectively, and by inserting immediately after and below “the term—” the following new paragraphs:

“(1) ‘affordable rate’ means such premium rate as the Secretary determines would permit the purchase of a specific type of insurance coverage by a reasonably prudent person in similar circumstances with due regard to the costs and benefits involved;

“(2) ‘crime insurance’ means insurance against losses resulting from robbery, burglary, larceny, and similar crimes, and may include broad form personal theft insurance, mercantile open stock insurance, mercantile robbery and mercantile safe burglary insurance, storekeepers burglary and robbery insurance, office burglary and robbery insurance, and may include business interruption insurance as the Secretary may designate; the term does not include automobile insurance or losses resulting from embezzlement;

“(3) ‘directly insured losses’ means losses on direct insurance claims and all direct expenses incurred in connection therewith, including but not limited to expenses for processing, verifying, and paying such losses;”

(c) Section 1221 (a) (2) of such Act is amended by striking out “section 1203 (a) (10)” each place it appears and inserting in lieu thereof “section 1203 (a) (13)”. <sup>82 Stat. 560.
12 USC 1749bbb-7.</sup>

(d) Title XII of such Act is amended by redesignating part C and sections 1231 through 1241 as part D and sections 1241 through 1251, respectively, and by inserting after part B the following new part: ^{12 USC 1749bbb-11.}

“PART C—FEDERAL INSURANCE AGAINST BURGLARY AND THEFT

“REVIEW AND PROGRAM AUTHORITY

“SEC. 1231. (a) The Secretary shall conduct a continuing review of the market availability situation in each of the several States to determine whether crime insurance is available at affordable rates either through the normal insurance market or through a suitable program adopted under State law.

“(b) Upon determining pursuant to subsection (a) that, at any time on or after August 1, 1971, a critical market unavailability situation for crime insurance then exists in any State and has not been met through appropriate State action, the Secretary is authorized to make crime insurance available at affordable rates within such State through the facilities of the Federal Government. Such insurance shall be provided upon such terms and conditions, and subject to such deductibles and other restrictions and limitations, as the Secretary deems appropriate, but no such insurance shall be made available to a property which the Secretary determines to be uninsurable or to a property with respect to which reasonable protective measures to prevent loss, consistent with standards established by the Secretary, have not been adopted.

“(c) Notwithstanding any other provision of this title, direct insurance may be continued for the term of the policies written prior to the date of termination of the Secretary’s direct insurance authority under this part, for as long as the insured pays the required direct insurance premiums; except that direct insurance under this part for any risk shall be terminated after notice whenever the Secretary determines that the standard lines of crime insurance otherwise have become available to such property at affordable rates.

“USE OF EXISTING FACILITIES AND SERVICES

“SEC. 1232. In carrying out his responsibilities under this part, the Secretary may utilize—

“(1) insurance companies and other insurers, insurance agents and brokers, and insurance adjustment organizations, as fiscal agents of the United States,

“(2) officers and employees of the Department of Housing and Urban Development, and such other officers and employees of any executive agency (as defined in section 105 of title 5 of the United States Code) as the Secretary and the head of any such agency may from time to time agree upon, on a reimbursement or other basis, or

“(3) both the alternatives specified in paragraphs (1) and (2), or any combination thereof.

80 Stat. 379.

“ESTABLISHMENT OF AFFORDABLE RATES

“SEC. 1233. In estimating the affordable rates for the various crime insurance coverages offered from time to time under this part, the Secretary shall consult with appropriate State insurance authorities and other knowledgeable persons and is authorized to take into consideration the nature and degree of the risks involved, the protective devices employed, the extent of anticipated losses, the prevailing rates for similar coverages in adjacent or comparable areas and territories, the economic importance of the various individual coverages and the type of property involved, and the relative abilities of the particular classes and types of insureds to pay the full estimated costs of such coverages. Nothing in this section shall be construed to prohibit or require either the adoption of uniform national rates or the periodic modification of currently estimated affordable rates for any particular line or subline of coverage, class, State, territory, or risk on the basis of additional information or actual loss experience.

“REPORTS ON OPERATIONS

Reports to Congress.

“SEC. 1234. The Secretary shall include in his reports to the Congress on the program authorized by this title full and complete information on his operations and activities under this part, together with such recommendations with respect thereto as he may deem appropriate.”

- 82 Stat. 561.
12 USC 1749bbb-
8. (e) Section 1222(a) of such Act is amended by striking out “section 1233” and inserting in lieu thereof “section 1243”.
- 12 USC 1749bbb-
14. (f) Section 1244(c) of such Act (as redesignated by subsection (d) of this section) is amended by striking out “section 1232” and inserting in lieu thereof “section 1242”.
- 12 USC 1749bbb-
11. (g) Section 1241(a) of such Act (as so redesignated) is amended by inserting “or direct insurance” after “reinsurance”, and by inserting “or property owners” after “insurers”.
- (h) Section 1241(b) of such Act (as so redesignated) is amended by inserting “or direct insurance” after “reinsurance”.
- 12 USC 1749bbb-
12. (i) Section 1242(a) of such Act (as so redesignated) is amended—
- (1) by striking out “the reinsurance program” and inserting in lieu thereof “the reinsurance and direct insurance programs”;
 - (2) by inserting “or direct insurance” after “reinsurance” in paragraphs (1), (2), and (4);
 - (3) by inserting “or property owner” after “any insurer” where it first appears in paragraph (4); and
 - (4) by inserting “or directly insured” after “reinsured” in paragraph (4).
- 12 USC 1749bbb-
13. (j) Section 1243 of such Act (as so redesignated) is amended—
- (1) by inserting “and direct insurance” after “reinsurance” in subsection (a)(1) and each place it appears in subsection (b)(1);
 - (2) by striking out “part B” in subsection (b)(1) and inserting in lieu thereof “parts B and C”; and
 - (3) by redesignating clauses (4) and (5) of subsection (b) as clauses (5) and (6), and inserting after clause (3) a new clause as follows:
- “(4) such amounts which are hereby authorized to be appropriated as may be necessary from time to time to reimburse the fund for losses and expenses (including administrative expenses) incurred in carrying out the program authorized under part C;”.

(k) Section 1244(a) of such Act (as so redesignated) is amended by striking out "Any insurer or pool acquiring reinsurance" and inserting in lieu thereof "Any insurer, pool, or property owner acquiring reinsurance or direct insurance".

82 Stat. 565.
12 USC 1749bbb-
14.

(l) Section 1244(c) of such Act (as so redesignated) is amended by inserting "or direct insurance" after "reinsurance".

REVIEW OF STATEWIDE PLANS

SEC. 603. Title XII of the National Housing Act is amended by inserting after section 1214 a new section as follows:

82 Stat. 556.
12 USC 1749bbb.

"OFFICE OF REVIEW AND COMPLIANCE

"SEC. 1215. The Secretary, through an Office of Review and Compliance under the Federal Insurance Administrator, shall periodically review each plan under this part and the methods and practices by which such plan is being actually carried out in the areas and communities where it is intended to operate, in order to assure that such plan is effectively making essential property insurance readily available in such areas and communities and is otherwise carrying out the purposes of this title, and in order to identify any aspects of the operation or administration of such plan which may require revision, modification, or other action to carry out such purposes."

CONFORMING AMENDMENT

SEC. 604. Clause (2) of the first sentence of section 520(b) of the National Housing Act is amended by inserting "and directly insured" after "reinsured" wherever it appears.

79 Stat. 473;
82 Stat. 566.
12 USC 1735d.

TITLE VII—URBAN GROWTH AND NEW COMMUNITY DEVELOPMENT

SHORT TITLE AND STATEMENT OF PURPOSE

SEC. 701. (a) This title may be cited as the "Urban Growth and New Community Development Act of 1970".

Citation of title.

(b) It is the policy of the Congress and the purpose of this title to provide for the development of a national urban growth policy and to encourage the rational, orderly, efficient, and economic growth, development, and redevelopment of our States, metropolitan areas, cities, counties, towns, and communities in predominantly rural areas which demonstrate a special potential for accelerated growth; to encourage the prudent use and conservation of our natural resources; and to encourage and support development which will assure our communities of adequate tax bases, community services, job opportunities, and well-balanced neighborhoods in socially, economically, and physically attractive living environments.

PART A—DEVELOPMENT OF A NATIONAL URBAN GROWTH POLICY

FINDINGS AND DECLARATION OF POLICY

SEC. 702. (a) The Congress finds that the rapid growth of urban population and uneven expansion of urban development in the United States, together with a decline in farm population, slower growth in rural areas, and migration to the cities, has created an imbalance between the Nation's needs and resources and seriously threatens our physical environment, and that the economic and social development

of the Nation, the proper conservation of our natural resources, and the achievement of satisfactory living standards depend upon the sound, orderly, and more balanced development of all areas of the Nation.

(b) The Congress further finds that Federal programs affect the location of population, economic growth, and the character of urban development; that such programs frequently conflict and result in undesirable and costly patterns of urban development which adversely affect the environment and wastefully use our natural resources; and that existing and future programs must be interrelated and coordinated within a system of orderly development and established priorities consistent with a national urban growth policy.

(c) To promote the general welfare and properly apply the resources of the Federal Government in strengthening the economic and social health of all areas of the Nation and more adequately protect the physical environment and conserve natural resources, the Congress declares that the Federal Government, consistent with the responsibilities of State and local government and the private sector, must assume responsibility for the development of a national urban growth policy which shall incorporate social, economic, and other appropriate factors. Such policy shall serve as a guide in making specific decisions at the national level which affect the pattern of urban growth and shall provide a framework for development of interstate, State, and local growth and stabilization policy.

(d) The Congress further declares that the national urban growth policy should—

(1) favor patterns of urbanization and economic development and stabilization which offer a range of alternative locations and encourage the wise and balanced use of physical and human resources in metropolitan and urban regions as well as in smaller urban places which have a potential for accelerated growth;

(2) foster the continued economic strength of all parts of the United States, including central cities, suburbs, smaller communities, local neighborhoods, and rural areas;

(3) help reverse trends of migration and physical growth which reinforce disparities among States, regions, and cities;

(4) treat comprehensively the problems of poverty and employment (including the erosion of tax bases, and the need for better community services and job opportunities) which are associated with disorderly urbanization and rural decline;

(5) develop means to encourage good housing for all Americans without regard to race or creed;

(6) refine the role of the Federal Government in revitalizing existing communities and encouraging planned, large-scale urban and new community development;

(7) strengthen the capacity of general governmental institutions to contribute to balanced urban growth and stabilization; and

(8) facilitate increased coordination in the administration of Federal programs so as to encourage desirable patterns of urban growth and stabilization, the prudent use of natural resources, and the protection of the physical environment.

URBAN GROWTH REPORT

SEC. 703. (a) In order to assist in the development of a national urban growth policy, the President shall utilize the capacity of his office, adequately organized and staffed for the purpose, through an identified unit of the Domestic Council, and of the departments and agencies within the executive branch to collect, analyze, and evaluate such statistics, data, and other information (including demographic,

economic, social, land use, environmental, and governmental information) as will enable him to transmit to the Congress, during the month of February in every even-numbered year beginning with 1972, a Report on Urban Growth for the preceding two calendar years which shall include—

(1) information and statistics describing characteristics of urban growth and stabilization and identifying significant trends and developments;

(2) a summary of significant problems facing the United States as a result of urban growth trends and developments;

(3) an evaluation of the progress and effectiveness of Federal efforts designed to meet such problems and to carry out the national urban growth policy;

(4) an assessment of the policies and structure of existing and proposed interstate planning and developments affecting such policy;

(5) a review of State, local, and private policies, plans, and programs relevant to such policy;

(6) current and foreseeable needs in the areas served by policies, plans, and programs designed to carry out such policy, and the steps being taken to meet such needs; and

(7) recommendations for programs and policies for carrying out such policy, including such legislation and administrative actions as may be deemed necessary and desirable.

(b) The President may transmit from time to time to the Congress supplementary reports on urban growth which shall include such supplementary and revised recommendations as may be appropriate.

Supplementary reports, transmitted to Congress.

(c) To assist in the preparation of the Report on Urban Growth and any supplementary reports, the President may establish an advisory board, or seek the advice from time to time of temporary advisory boards, the members of whom shall be drawn from among private citizens familiar with the problems of urban growth and from among Federal officials, Governors of States, mayors, county officials, members of State and local legislative bodies, and others qualified to assist in the preparation of such reports.

Advisory board, establishment.

PART B—DEVELOPMENT OF NEW COMMUNITIES

FINDINGS AND PURPOSE

SEC. 710. (a) The Congress finds that this Nation is likely to experience during the remaining years of this century a population increase of about seventy-five million persons.

(b) The Congress further finds that continuation of established patterns of urban development, together with the anticipated increase in population, will result in (1) inefficient and wasteful use of land resources which are of national economic and environmental importance; (2) destruction of irreplaceable natural and recreational resources and increasing pollution of air and water; (3) diminished opportunity for the private homebuilding industry to operate at its highest potential capacity in providing good housing needed to serve the expanding population and to replace substandard housing; (4) costly and inefficient public facilities and services at all levels of government; (5) unduly limited options for many of our people as to where they may live, and the types of housing and environment in which they may live; (6) failure to make the most economic use of present and potential resources of many of the Nation's smaller cities and towns, including those in rural and economically depressed areas, and decreasing employment and business opportunities for their

residents; (7) further lessening of employment and business opportunities for the residents of central cities and of the ability of such cities to retain a tax base adequate to support vital services for all their citizens, particularly the poor and disadvantaged; (8) further separation of people within metropolitan areas by income and by race; (9) further increases in the distances between the places where people live and where they work and find recreation; and (10) increased cost and decreased effectiveness of public and private facilities for urban transportation.

(c) The Congress further finds that better patterns of urban development and revitalization are essential to accommodate future population growth; to prevent further deterioration of the Nation's physical and social environment; and to make positive contributions to improving the overall quality of life within the Nation.

New community
development.

(d) The Congress further finds that the national welfare requires the encouragement of well-planned, diversified, and economically sound new communities, including major additions to existing communities, as one of several essential elements of a consistent national program for bettering patterns of development and renewal.

(e) The Congress further finds that desirable new community development on a significant national scale has been prevented by difficulties in (1) obtaining adequate financing at moderate cost for enterprises which involve large initial capital investment, extensive periods before investment can be returned, and irregular patterns of return; (2) the timely assembly of sufficiently large sites in economically favorable locations at reasonable cost; and (3) making necessary arrangements, among all private and public organizations involved, for providing site and related improvements (including streets, sewer and water facilities, and other public and community facilities) in a timely and coordinated manner.

Federal financial
assistance.

(f) It is, therefore, the purpose of this part to provide private developers and State and local public bodies and agencies (including regional or metropolitan public bodies and agencies) with financial and other assistance necessary for encouraging the orderly development of well-planned, diversified, and economically sound new communities, including major additions to existing communities, and to do so in a manner which will rely to the maximum extent on private enterprise; strengthen the capacity of State and local governments to deal with local problems; preserve and enhance both the natural and urban environment; increase for all persons, particularly members of minority groups, the available choices of locations for living and working, thereby providing a more just economic and social environment; encourage the fullest utilization of the economic potential of older central cities, smaller towns, and rural communities; assist in the efficient production of a steady supply of residential, commercial, and industrial building sites at reasonable cost; increase the capability of all segments of the home-building industry, including both small and large producers, to utilize improved technology in producing the large volume of well-designed, inexpensive housing needed to accommodate population growth; help create neighborhoods designed for easier access between the places where people live and the places where they work and find recreation; and encourage desirable innovation in meeting domestic problems whether physical, economic, or social. It is also the purpose of this part to improve the organizational capacity of the Federal Government to carry out programs of assistance for the development of new communities and the revitalization of the Nation's urban areas.

DEFINITIONS

SEC. 711. As used in this part—

(a) The term “new community development program” means a program which is intended to result in a newly built community or a major addition to an existing community and which meets the eligibility standards set forth in section 712.

(b) The term “private new community developer” means any private entity organized in a form satisfactory to the Secretary for carrying out one or more new community development programs.

(c) The term “State land development agency” means any State or local public body or agency with authority to act as developer in carrying out one or more new community development programs.

(d) The term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of any of the foregoing.

(e) The term “local public body or agency” means any public body or agency, including a political subdivision, created by or under the laws of a State or two or more States, or a combination of such bodies or agencies.

(f) The term “land development” means the process of clearing and grading land, making, installing, or constructing waterlines and water supply installations, sewerlines and sewage disposal installations, steam, gas, and electric lines and installations, roads, streets, curbs, gutters, sidewalks, storm drainage facilities, and other installations or work, whether on or off the site, which the Secretary deems necessary or desirable to prepare land for residential, commercial, industrial, or other uses, or to provide facilities for public or common use. The term “land development” includes the construction of public facilities, but does not include the construction of any other building unless it is (1) needed in connection with a water supply or sewage disposal installation or a steam, gas, or electric line or installation, or (2) is to be owned and maintained by residents of the new community under joint or cooperative arrangements approved by the Secretary.

(g) The term “actual cost” means the costs (exclusive of rebates or discounts) incurred by a new community developer in carrying out the land development assisted under this Act. These costs may include amounts paid for labor, materials, construction contracts, land planning, engineers’ and architect’s fees, surveys, taxes, and interest during development, organizational and legal expenses, such allocation of general overhead expenses as are acceptable to the Secretary, and other items of expense incidental to development which may be approved by the Secretary. If the Secretary determines that there is an identity of interest between the developer and a contractor, there may be included as a part of actual cost an allowance for the contractor’s profit or risk an amount deemed reasonable by the Secretary.

(h) The term “Secretary” means the Secretary of Housing and Urban Development.

(i) The term “Community Development Corporation” means the corporation established within the Department of Housing and Urban Development under section 729.

ELIGIBLE NEW COMMUNITY DEVELOPMENT

SEC. 712. (a) A new community development program is eligible for assistance under this part only if the Secretary determines that the program (or the new community it contemplates)—

(1) will provide an alternative to disorderly urban growth, helping preserve or enhance desirable aspects of the natural and urban environment or so improving general and economic conditions in established communities as to help reverse migration from existing cities or rural areas;

(2) will be economically feasible in terms of economic base or potential for economic growth;

(3) will contribute to the welfare of the entire area which will be substantially affected by the program and of which the land to be developed is a part;

(4) is consistent with comprehensive planning, physical and social, determined by the Secretary to provide an adequate basis for evaluating the new community development program in relation to other plans (including State, local, and private plans) and activities involving area population, housing and development trends, and transportation, water, sewerage, open space, recreation, and other relevant facilities;

(5) has received all governmental reviews and approvals required by State or local law, or by the Secretary;

(6) will contribute to good living conditions in the community, and that such community will be characterized by well balanced and diversified land use patterns and will include or be served by adequate public, community, and commercial facilities (including facilities needed for education, health and social services, recreation, and transportation) deemed satisfactory by the Secretary;

(7) makes substantial provision for housing within the means of persons of low and moderate income and that such housing will constitute an appropriate proportion of the community's housing supply; and

(8) will make significant use of advances in design and technology with respect to land utilization, materials and methods of construction, and the provision of community facilities and services.

(b) A new community development program approved for assistance under this part shall be undertaken by a private new community developer or State land development agency approved by the Secretary on the basis of financial, technical, and administrative ability which demonstrates capacity to carry out the program with reasonable assurance of its completion.

GUARANTEES

SEC. 713. (a) The Secretary (acting through the Community Development Corporation) is authorized to guarantee, and enter into commitments to guarantee, the bonds, debentures, notes, and other obligations issued by or on behalf of private new community developers and State land development agencies for the purpose of financing real property acquisition and land development and to compensate for the use of real property or the removal of liens or encumbrances on such property, pursuant to the new community development programs approved by the Secretary. The Secretary may make such guarantees and enter into such commitments upon such terms and conditions as he may prescribe consistent with the limitations and conditions contained in section 716; except that no obligation of any State land development agency shall be guaranteed under this section if the income from such obligation is exempt from Federal taxation. The

Prohibition.

Grants.

Secretary is authorized to make grants to any State land development agency the obligations of which are guaranteed under this section in amounts estimated by him not to exceed the difference between the interest paid on such obligations and the interest on similar obligations the income from which is exempt from Federal taxation.

(b) The full faith and credit of the United States is pledged to the payment of all guarantees made under this section with respect to principal, interest, and any redemption premiums. Any such guarantee made by the Secretary shall be conclusive evidence of the eligibility of the obligations for such guarantee, and the validity of any guarantee so made shall be incontestable in the hands of a holder of the guaranteed obligation.

(c) The outstanding bonds, debentures, notes or other obligations guaranteed under this section with respect to a single new community development program shall involve a principal obligation in an amount (1) in the case of a State land development agency, not exceeding 100 per centum of the sum of the Secretary's estimate of the value of the real property before development and his estimate of the actual cost of the land development, or (2) in the case of a private new community developer, not exceeding the sum of 80 per centum of the Secretary's estimate of the value of the real property before development and 90 per centum of his estimate of the actual cost of the land development.

(d) The outstanding principal obligations guaranteed under this section with respect to a single new community development program shall at no time exceed \$50,000,000.

Limitations.

(e) The aggregate of the outstanding principal obligations guaranteed under this section shall at no time exceed \$500,000,000.

LOANS

SEC. 714. (a) The Secretary (acting through the Community Development Corporation) is authorized, subject to the limitations and conditions contained in section 716, to make and enter into agreements to make loans to or on behalf of private new community developers and State land development agencies for the purpose of assisting them to make interest payments on indebtedness incurred by them to finance new community development programs approved by him. Loans under this section shall be in amounts which do not exceed the amount of interest the Secretary estimates is payable on indebtedness attributable to land acquisition or land development and shall be made only with respect to interest payments on indebtedness outstanding during an initial development period (not to exceed fifteen years) which the Secretary estimates to be prior to the time when land marketing activity is of sufficient volume to permit continued development under the new community development program without the benefit of further loans under this section.

(b) The Secretary shall require that loans under this section shall be repaid, with interest and on terms and conditions satisfactory to him, commencing at such time as development progress and marketing under the new community development program permit such repayment, but not later than fifteen years after the date the loan is made. Such loans shall bear interest at a rate specified by the Secretary which shall not be less than a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans, plus one-eighth of 1 per centum.

Repayment.

Interest rate.

Limitations.

(c) The principal amount of the loans outstanding at any time under this section with respect to a single new community development program shall not exceed \$20,000,000.

(d) The aggregate principal amount of the loans outstanding under this section shall at no time exceed \$240,000,000.

PUBLIC SERVICE GRANTS

Appropriation.

SEC. 715. In addition to providing assistance under the preceding sections, the Secretary (acting through the Community Development Corporation) may make public service grants (in such amounts and on such terms and conditions as he deems appropriate) to a State land development agency or to the State or local public body having responsibility for providing the services involved to cover the cost of providing during an initial period (not exceeding three years) essential public services (including educational, health, and safety services) which the Secretary deems necessary adequately to serve the needs of the residents of the development prior to completion of permanent arrangements for the provision of such services. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

LIMITATIONS ON GUARANTEES AND LOANS

SEC. 716. (a) No guarantee or loan shall be made under this part unless the Secretary has determined that the new community development program represents an acceptable financial risk to the United States, taking into consideration (1) the financial and security interests of the United States, including the manner in which the developer proposes to finance and schedule land acquisition, land development, and marketing, and (2) the public purposes of this part and the special problems involved in financing new communities, including (i) the large amount of initial capital required to finance sound new communities, (ii) the extended period before initial returns can be expected, and (iii) the irregular pattern of cash returns characteristic of this type of development.

(b) The Secretary shall take such steps as he considers reasonable to assure that bonds, debentures, notes, and other obligations guaranteed, or with respect to which interest loans are made, under this part will—

(1) be issued to investors approved by, or meeting requirements prescribed by, the Secretary, or if an offering to the public is contemplated, be underwritten upon terms and conditions approved by the Secretary;

(2) bear interest at a rate satisfactory to the Secretary;

(3) contain or be subject to repayment, maturity, and other provisions satisfactory to the Secretary; and

(4) contain or be subject to provisions with respect to the protection of the security interests of the United States, including any provisions deemed appropriate by the Secretary relating to subrogation, liens, and releases of liens, payment of taxes, cost certification procedures, escrow or trusteeship requirements or other matters.

REVOLVING FUND

Establishment.

SEC. 717. (a) The Secretary is authorized to establish a revolving fund to provide for (1) the timely payment of any liabilities incurred as the result of guarantees or grants under section 713; (2) making loans authorized under this part; (3) payment of obligations issued to the Secretary of the Treasury under subsection (b) of this section; and (4) any other program expenditures, including administrative

and nonadministrative expenses. Such revolving fund shall be comprised of (1) receipts from fees and charges; (2) recoveries under security, subrogation, and other rights; (3) repayments, interest income, and any other receipts obtained in connection with guarantees or loans made under this part; (4) proceeds of the obligations issued to the Secretary of the Treasury pursuant to subsection (b) of this section; and (5) such sums, which are hereby authorized to be appropriated, as may be required for the payment of the obligations issued to the Secretary of the Treasury for the purpose of making grants to State land development agencies under section 713, and for other purposes under this part. Money in the revolving fund not currently needed for the purpose of this part shall be kept in cash on hand or on deposit, or invested in obligations of the United States or guaranteed thereby, or in obligations, participations, or other instruments which are lawful investments for fiduciary, trust, or public funds.

(b) The Secretary may issue obligations to the Secretary of the Treasury in an amount sufficient to enable the Secretary to carry out the functions authorized by this part. The obligations issued under this subsection shall have such maturities and bear such rate or rates of interest as shall be determined by the Secretary of the Treasury. The Secretary of the Treasury is authorized and directed to purchase any obligations so issued, and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, and the purposes for which securities may be issued under that Act are extended to include purchases of the obligations, hereunder.

40 Stat. 288.
31 USC 774.

(c) Notwithstanding any other provision of law relating to the acquisition, handling, improvement, or disposal of real and other property by the United States, the Secretary shall have power, for the protection of the interests of the fund authorized under this section, to pay out of such fund all expenses or charges in connection with the acquisition, handling, improvement, or disposal of any property, real or personal, acquired by him as a result of recoveries under security, subrogation, or other rights.

Expenses, payment.

SUPPLEMENTARY GRANTS FOR PUBLIC FACILITIES

SEC. 718. (a) The Secretary is authorized to make supplementary grants to any State or local public body or agency carrying out a new community assistance project, as defined in subsection (c), if the Secretary determines that such project is necessary or desirable for carrying out a new community development program. In no case shall any grant under this section exceed 20 per centum of the cost of the new community assistance project for which the grant is made; and in no case shall the total Federal contributions to the cost of such project be more than 80 per centum.

(b) In carrying out his authority under this section, the Secretary shall, with respect to any new community assistance project assisted by grants administered by a Federal department or agency other than the Department of Housing and Urban Development, consult with such department or agency concerning the project; and he shall, for the purpose of subsection (a), accept the certification of such department or agency as to the cost of such project.

(c) For the purposes of this section, a "new community assistance project" is a project assisted by grants under section 3 of the Urban Mass Transportation Act of 1964; section 120(a) of title 23, United States Code; section 19 of the Airport and Airway Development Act of 1970; title VI of the Public Health Service Act; title II of the Library Services and Construction Act; section 5 of the Land and Water Conservation Fund Act of 1965; title VII of the Housing Act

"New community assistance project."

Ante, p. 962.

82 Stat. 835.

Ante, p. 230.

42 USC 291.

20 USC 355a.

16 USC 460l-8.

Ante, p. 1781.
 42 USC 3102,
 3103.
 33 USC 466e.
 7 USC 1926.
 20 USC 713, 714.
 42 USC 3131.

of 1961; section 702 or 703 of the Housing and Urban Development Act of 1965; section 8 of the Federal Water Pollution Control Act; section 306(a)(2) of the Consolidated Farmers Home Administration Act; section 103 or 104 of the Higher Education Facilities Act of 1963; or section 101(a)(1) of the Public Works and Economic Development Act of 1965 with respect to projects of a type eligible for assistance under any of the other provisions of law listed in this subsection.

Appropriation.

(d) There are authorized to be appropriated for supplementary grants under this section not to exceed \$36,000,000 for the fiscal year ending June 30, 1971, not to exceed \$66,000,000 for each of the fiscal years ending June 30, 1972, and June 30, 1973, and not to exceed such sums as may be necessary for any fiscal year commencing after June 30, 1973. Any amount so appropriated shall remain available until expended, and any amounts authorized for any fiscal year but not appropriated may be appropriated for any succeeding fiscal year. In addition, the amounts authorized to be appropriated for grants under section 412 of the Housing and Urban Development Act of 1968 and the amounts appropriated thereunder shall be available for carrying out this section and shall remain available until appropriated and expended.

82 Stat. 516;
 83 Stat. 391.
 42 USC 3911.

TECHNICAL ASSISTANCE

SEC. 719. The Secretary is authorized to provide, either directly or by contract or other arrangements, technical assistance to private new community developers and State land development agencies, or State and local public bodies and agencies to assist them in connection with planning and carrying out new community development programs.

SPECIAL PLANNING ASSISTANCE

SEC. 720. (a) The Secretary may, until June 30, 1975, enter into agreements with private new community developers and State land development agencies to provide financial assistance, in amounts, not exceeding two-thirds of the estimated cost of such work, for planning new community development programs, including planning work which he determines will have special value in assuring that new community development programs (1) will be fully responsive to social or environmental problems related to the public purposes of new community development, or (2) will adequately provide for, or encourage the use of, new or advanced technology in support of program objectives.

(b) The Secretary shall enter into agreements under this section only with respect to new community development programs which had been approved or are being actively considered for approval, having met such initial feasibility criteria as the Secretary may have prescribed, and, in the case of private new community developers, only with respect to planning work which the Secretary determines is in excess of that which would ordinarily be needed to establish final market, financial, and engineering feasibility for programs or projects of similar size and scope not subject to the special purposes of this part. The financial assistance extended pursuant to such agreements shall be subject to such terms and conditions, which, in the case of private new community developers, may include provisions for repayment where appropriate, as the Secretary may prescribe.

Appropriation.

(c) There are authorized to be appropriated for financial assistance under this section not to exceed \$5,000,000, which limit shall be increased by \$5,000,000 on July 1, 1971. Any amount appropriated under this section shall remain available until expended.

FEES AND CHARGES

SEC. 721. The Secretary is authorized to establish and collect fees for guarantees under this part, and may make such charges in connection with guarantees, loans, and technical and other assistance under this part as he considers reasonable for the analysis of applications, appraisals, inspections, and other activities related to such assistance. On or before March 1, 1973, the Secretary shall make a report to the Congress concerning the fees and charges for guarantees under this part that he estimates will be adequate to provide income sufficient for a self-supporting guarantee program and concerning the relationship of other charges to costs incurred under this part.

Report to Congress.

ENCOURAGEMENT OF SMALL BUILDERS

SEC. 722. The Secretary shall adopt such requirements as he deems necessary to assure that new community assistance under this part will (1) help maintain a diversified, local homebuilding industry; (2) increase the capability of all segments of the homebuilding industry, including both small and large producers, to participate, through an increased supply of building sites at reasonable costs and through improved technology, in producing the needed, large volume of well-designed, inexpensive housing; and (3) encourage broad participation by the homebuilding industry, particularly small builders.

NEW COMMUNITY DEMONSTRATION PROJECTS

SEC. 723. Upon specific authorization by the President and under applicable Federal law respecting the use of federally owned lands, the Secretary, utilizing funds made available for the purpose by the Congress, is authorized to plan and carry out large-scale projects demonstrating the development of new communities, which shall be designed to contribute to the achievement of the purposes of this part and serve as models for new community developments which could feasibly be carried out by other public and private developers.

REAL PROPERTY TAXATION

SEC. 724. Nothing in this part shall be construed to exempt any real property that may be acquired and held by the Secretary as a result of the exercise of lien or subrogation rights from real property taxation to the same extent, according to its value, as other real property is taxed.

AUDIT BY GENERAL ACCOUNTING OFFICE

SEC. 725. Insofar as they relate to any guarantees, loans, or grants made pursuant to this part, the financial transactions of recipients of Federal assistance may be audited by the General Accounting Office under such rules and regulations as may be prescribed by the Comptroller General of the United States. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, and all other papers, things, or property belonging to or in use by such recipients pertaining to such financial transactions and necessary to facilitate the audit.

Records, access.

GENERAL PROVISIONS

SEC. 726. In the performance of, and with respect to, the functions, powers, and duties vested in him by this part, the Secretary, in addition to any authority otherwise vested in him, shall—

Powers.

(1) have the functions, powers, and duties (including the

authority to issue rules and regulations) set forth in section 402, except subsections (c) (2), (c) (4), (d), and (f), of the Housing Act of 1950: *Provided*, That subsection (a) (1) of section 402 shall not apply with respect to functions, powers, and duties under section 719 of this part;

(2) have the power, notwithstanding any other provision of law, in connection with any assistance under this part, whether before or after any default, to provide by contract for the extinguishment upon default of any redemption, equitable, legal, or other right, title, or interest of the private new community developer or State land development agency in any mortgage, deed, trust, or other instrument held by or on behalf of the Secretary for the protection of the security interests of the United States; and

(3) have the power to foreclose on any property or commence any action to protect or enforce any right conferred upon him by law, contract, or other agreement, and bid for and purchase at any foreclosure or other sale any property in connection with which he has provided assistance pursuant to this part. In the event of any such acquisition, the Secretary may, notwithstanding any other provision of law relating to the acquisition, handling, or disposal of real property by the United States, complete, administer, remodel and convert, dispose of, lease, and otherwise deal with, such property. Notwithstanding any other provision of law, the Secretary shall also have power to pursue to final collection by way of compromise or otherwise all claims acquired by him in connection with any security, subrogation, or other rights obtained by him in administering this part.

TECHNICAL AND CONFORMING PROVISIONS

SEC. 727. (a) No bonds, debentures, notes, or other obligations shall be guaranteed under title IV of the Housing and Urban Development Act of 1968 after the effective date of this part except pursuant to an offer or commitment to guarantee, or a project approval, made before that date: *Provided*, That a new community developer whose new community development project has, as of the effective date of this part, been approved by the Secretary under title IV shall be eligible with respect to obligations thereafter issued by him for guarantee assistance as authorized either by title IV or by this part, and such guarantee assistance may be given without a further determination by the Secretary under sections 712 and 716(a) of this part. If the Secretary finds that an applicant for title IV assistance has submitted complete financial and internal development plans and related materials pursuant to section 404 of such title IV, or major elements of such plans or materials, the Secretary may accept such plans and materials or major elements, respectively, as fully or partially satisfying the requirement under this part for the submission of a new community development program. All receipts, funds, or other assets and all liabilities of the revolving fund established pursuant to section 407 of the Housing and Urban Development Act of 1968 (including liabilities arising under guarantees made pursuant to such title IV and this section) shall become and be assets and liabilities of the revolving fund established pursuant to this part, as if such assets and liabilities had been received or incurred pursuant to this part, and shall be paid over, held, and accounted for accordingly.

(b) Section 202(b)(4) of the Housing Amendments of 1955 is amended by adding before the period at the end thereof "or under part B of the Urban Growth and New Community Development Act of 1970".

64 Stat. 78;
73 Stat. 681.
12 USC 1749a.

82 Stat. 513.
42 USC 3901.

42 USC 3903.

42 USC 3906.

75 Stat. 174;
82 Stat. 518.
42 USC 1492.

(c) The first paragraph of section 24 of the Federal Reserve Act is amended by inserting the following before the period at the end of the fourth sentence thereof: "or under part B of the Urban Growth and New Community Development Act of 1970".

69 Stat. 633;
82 Stat. 518.
12 USC 371.

(d) The twelfth paragraph of section 5(c) of the Homeowners' Loan Act of 1933 is amended by adding in the last sentence immediately after "under title IV of the Housing and Urban Development Act of 1968" the words "or under part B of the Urban Growth and New Community Development Act of 1970".

82 Stat. 518.
12 USC 1464.

(e) Section 701 of the Housing Act of 1954 is amended by—

82 Stat. 526.
40 USC 461.

(1) striking out the word "approved" in subsection (a) (4) and adding before the semicolon at the end of such subsection "or under part B of the Urban Growth and New Community Development Act of 1970";

(2) inserting in subsection (b) after "(2) areas described in" the following: "subsection (a) (4) or"; and

(3) striking out the "No" at the beginning of the third sentence of subsection (b) and inserting in lieu thereof "Except for planning for areas described in subsection (a) (4), no".

(f) All laborers and mechanics employed by contractors or subcontractors in land development assisted under this part shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5). No assistance shall be extended under this part for any land development without first obtaining adequate assurance that these labor standards will be maintained upon the construction work involved in such program. The Secretary of Labor shall have, with respect to the labor standards specified in this section, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267), and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c).

Laborers and
mechanics, wages.

49 Stat. 1011.

5 USC app.
63 Stat. 108.

(g) With respect to any obligation issued by or on behalf of any State land development agency for which the issuer has elected to receive the benefits of the guarantees provided under this part, the interest paid on such obligation and received by the purchaser thereof (or his successor in interest) shall be included in gross income for the purposes of chapter 1 of the Internal Revenue Code of 1954.

68A Stat. 3.
26 USC 1.

JOINT FUNDING

SEC. 728. Funds made available under any Federal assistance program for projects or activities approved as part of, or pursuant to, a new community development program may be used jointly with funds made available for such projects or activities under any other Federal assistance program, subject to regulations prescribed by the President. Such regulations may include provisions for common technical or administrative requirements where varying or conflicting provisions of law would otherwise apply, for establishing joint management funds and common non-Federal shares, and for special agreements, or delegations of authority, among different Federal agencies in connection with the supervision or administration of assistance. Such regulations shall in any case include appropriate criteria and procedures to assure that any special authorities conferred, which are not otherwise provided for by law, shall be employed only as necessary to promote effective and efficient administration and in a manner consistent with the protection of the Federal interest and program purposes or statutory requirements of a substantive nature. For purposes of this section, the term "Federal assistance program" has the same meaning as under the Intergovernmental Cooperation Act of 1968.

82 Stat. 1100.
42 USC 4201.

COMMUNITY DEVELOPMENT CORPORATION

Establishment.

SEC. 729. (a) There is hereby created within the Department of Housing and Urban Development a body corporate to be known as the Community Development Corporation which shall carry out its functions subject to the direction and supervision of the Secretary.

Membership.

(b) The Corporation shall have a Board of Directors (hereinafter referred to as the "Board") which shall consist of five members as follows:

(1) the Secretary, who shall be Chairman of the Board;

(2) one person, to be appointed by the President by and with the advice and consent of the Senate, who shall serve at the pleasure of the President, shall be the General Manager of the Corporation, serving as its chief executive officer under the Board's general direction, and shall receive compensation at the rate provided for positions at level IV of the Executive Schedule (5 U.S.C. 5315); and

83 Stat. 864.

(3) three persons, to be appointed by the Secretary, who shall serve at his pleasure, but not more than one such person shall be selected from among officers or employees of the Department of Housing and Urban Development.

Compensation;
travel expenses.

Members of the Board who are regular, full-time officers or employees of the Federal Government shall receive no additional compensation for their services as Board members. Other members shall receive for their services as members, when engaged in the performance of their duties, the per diem equivalent to the rate for level IV of the Federal Executive Salary Schedule under section 5315 of title 5 of the United States Code. Each member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of such title for persons in the Government service employed intermittently.

80 Stat. 499;
83 Stat. 190.

Functions.

(c) The functions of the Secretary with respect to guarantees and loans in aid of new community development under this part shall be administered through the Community Development Corporation, and the Corporation shall perform such additional functions, powers, and duties as the Secretary may prescribe from time to time.

PART C—DEVELOPMENT OF RATIONAL URBAN GROWTH PATTERNS

STATE AND REGIONAL PLANNING

82 Stat. 526.
40 USC 461.

SEC. 735. Section 701 of the Housing Act of 1954 is amended by adding at the end thereof the following new subsection:

"(j) In carrying out the provisions of this section relating to planning for States, regions, or other multijurisdictional areas whose development has significance for purposes of national growth and urban development objectives, the Secretary shall encourage the formulation of plans and programs which will include the studies, criteria, standards, and implementing procedures necessary for effectively guiding and controlling major decisions as to where growth should take place within such States, regions, or areas. Such plans and programs shall take account of the availability of and need for conserving land and other irreplaceable natural resources; of projected changes in size, movement, and composition of population; of the necessity for expanding housing and employment opportunities; of the opportunities, requirements, and possible locations for, new communities and large-scale projects for expanding or revitalizing existing communities; and of the need for methods of achieving modernization, simplification, and improvements in governmental structures, systems, and procedures related to growth objectives. If the Secretary determines that

activities otherwise eligible for assistance under this section are necessary to the development or implementation of such plans and programs, he may make grants in support of such activities to any governmental agency or organization of public officials which he determines is capable of carrying out the planning work involved in an effective and efficient manner and may make such grants in an amount equal to not more than 75 per centum of the cost of such activities."

PART D—DEVELOPMENT OF INNER CITY AREAS

PURPOSE

SEC. 740. It is the purpose of this part to provide our cities, which urgently need to augment their inventories of housing (particularly housing for low and moderate income families) and to find sites for essential public facilities and additional sources of employment, but have virtually no vacant land upon which to build, with a program which will make possible the more rational use of urban land and space that is currently occupied by industrial or commercial uses which though not physically blighted are functionally obsolete or uneconomic, or of land and space that is not usable in its present state because of natural hazards or inadequate development, so that in appropriate cases major rebuilding projects (including new communities in town) may be undertaken without major residential clearance activities and with minimal displacement.

AMENDMENTS TO TITLE I OF THE HOUSING ACT OF 1949

SEC. 741. (a) The proviso in section 103(a)(1) of such Act is amended by inserting after "open land" the following: "(other than land within the purview of section 110(c)(1)(v)),".

63 Stat. 416;
82 Stat. 522.
42 USC 1453.

(c) Section 110(c)(7) of such Act is amended to read as follows: "(7) Construction of foundations and platforms necessary for the development of air rights sites in accordance with the provisions of clause (iv) or (v) of paragraph (1) of this subsection."

78 Stat. 788;
82 Stat. 524.
42 USC 1460.

TITLE VIII—FARM HOUSING

HOUSING AND RELATED FACILITIES FOR DOMESTIC FARM LABOR

SEC. 801. (a) That part of the text of subsection (a) of section 514 of the Housing Act of 1949 which precedes the first numbered paragraph is amended to read as follows: "The Secretary is authorized to insure and make commitments to insure loans made by lenders other than the United States to the owner of any farm or any association of farmers for the purpose of providing housing and related facilities for domestic farm labor, or to any State (or political subdivision thereof), or any broad-based public or private nonprofit organization or any nonprofit organization of farmworkers incorporated within the State for the purpose of providing housing and related facilities for domestic farm labor any place within the State where a need exists. All such loans shall be made in accordance with terms and conditions substantially identical with those specified in section 502, except that—"

75 Stat. 186.
42 USC 1484.

(b) Section 110(c)(1) of such Act is amended—

(1) by inserting before the first proviso the following: ", or (v) land or space which is vacant, unused, underused, or inappropriately used (including infrequently used rail yards and rail storage facilities, and excessive or vacated railroad rights-of-way; air rights over streets, expressways, railroads, waterways,

70 Stat. 1097;
78 Stat. 787.
42 USC 1460.

and similar locations; land which is occupied by functionally obsolete nonresidential buildings or is used for low-utility purposes or is covered by shallow water or is subject to periodic flooding or consists of unused or underused slips or dock areas or other waterfront property; which land or space the Secretary determines may be developed (at a cost reasonably related to the public purpose to be served) without major residential clearance activities, and with full consideration to the preservation of beneficial aspects of the urban and natural environment, for such uses as are consistent with emphasis on housing for low- and moderate-income families, including the provision of schools, hospitals, parks, and other essential public facilities, and, where appropriate, all uses associated with new communities in town or similar large scale undertakings related to inner city needs, including concentrated sources of employment"; and

(2) by striking "clauses (iii) and (iv)" in the first proviso and inserting in lieu thereof "clauses (iii), (iv), and (v)".

(b) Section 514(a) of such Act is amended by striking out in paragraph (2) "5 per centum" and inserting in lieu thereof "1 per centum".

(c) Paragraphs (1) and (2) of section 514(f), and paragraph (1) of section 516(g) are amended by inserting "(including household furnishings)" after "structures", each place the term appears.

(d) Section 516 of such Act is amended—

(1) by striking out that part of the text of subsection (a) which precedes the first numbered paragraph and inserting in lieu thereof the following: "Upon the application of any State or political subdivision thereof, or any broad-based public or private nonprofit organization incorporated within the State, or any nonprofit organization of farmworkers incorporated within the State, the Secretary is authorized to provide financial assistance for the provision of low-rent housing and related facilities (which may be located any place within the State) for domestic farm labor, if he finds that—";

(2) by striking out in paragraph (2) of subsection (a) "one-third" and inserting in lieu thereof "10 per centum";

(3) by inserting after "thereof" in paragraph (3) of subsection (a) the following: ", and such housing and facilities shall be durable and suitable for year-around occupancy or use, unless the Secretary finds that there is no need for such year-around occupancy or use in that area;" and

(4) by striking out in subsection (b) "two-thirds" and inserting in lieu thereof "90 per centum".

RURAL HOUSING LOANS ON NONFARM LEASEHOLDS

SEC. 802. Section 501(b) (2) of the Housing Act of 1949 is amended by striking out "this title, the terms 'owner', 'farm', and 'mortgage' shall be deemed to include, respectively, the lessee of, the land included in" and inserting in lieu thereof the following: "sections 502 and 504, the terms 'owner' and 'mortgage' shall be deemed to include, respectively, the lessee of".

MISCELLANEOUS FARM HOUSING AMENDMENTS

SEC. 803. (a) The second sentence of section 504(a) of the Housing Act of 1949 is amended by striking out "in excess of \$1,500" and inserting in lieu thereof "in excess of \$2,500, or in excess of such larger amount not exceeding \$3,500 as the Secretary determines to be necessary in the case of repairs or improvements involving water supply, septic tank, or bathroom or kitchen plumbing facilities".

70 Stat. 1097;
78 Stat. 787.
42 USC 1460.
75 Stat. 186.
42 USC 1484.

78 Stat. 798.
42 USC 1486.

75 Stat. 186.
42 USC 1471.

63 Stat. 434;
80 Stat. 1282.
42 USC 1474.

(b) Section 508(b) of such Act is amended by striking out “shall” wherever it appears in the first and second sentences and inserting in lieu thereof “may”.

63 Stat. 436.
42 USC 1478.

(c) Section 515(b)(1) of such Act is amended by striking out “\$300,000” and inserting in lieu thereof “\$750,000”.

76 Stat. 671;
78 Stat. 796.
42 USC 1485.
79 Stat. 499.
42 USC 1487.

(d) Section 517(j)(3) of such Act is amended by inserting after “collections” the following: “or necessary to obtain credit reports on applicants or borrowers”.

(e) Section 520 of such Act is amended by striking out “5,500” and inserting in lieu thereof “10,000”.

79 Stat. 502.
42 USC 1490.

TITLE IX—MISCELLANEOUS

LIABILITY OF FNMA TO UNITED STATES

SEC. 901. (a) In accordance with the provisions of section 303(a) of the National Housing Act concerning payment of a prescribed part of the general surplus and reserves of the corporation, the Federal National Mortgage Association shall pay to the Secretary of the Treasury \$52,386,117.

68 Stat. 613;
82 Stat. 537.
12 USC 1718.

(b) In accordance with the provisions of section 309(c) of the National Housing Act as it existed prior to September 1, 1968, the Federal National Mortgage Association shall pay to the Secretary of the Treasury the remaining income tax equivalent of \$16,479,604, plus interest (1) on \$2,977,442 at the rate of 6 per centum from September 16, 1967, until the date of payment; (2) on \$13,442,424 at the rate of 6 per centum from September 16, 1968, until the date of payment; and (3) on \$59,738 at 6 per centum from November 16, 1968, until the date of payment.

Income tax, pay-
ment.
12 USC 1723a.

(c) The receipt by the Secretary of the Treasury of the amounts required to be paid by subsections (a) and (b) of this section shall constitute a full and final settlement of all matters affected by such subsections. The United States shall be made a party defendant in any case against any person who is, has been, or may be a director, officer, employee, or agent of the Federal National Mortgage Association because of any action taken pursuant to subsection (a) or (b) of this section, and any judgment awarded the Federal National Mortgage Association shall be paid in the same manner as a judgment against the United States.

(d) Section 302(a) of the National Housing Act, as amended, is further amended by adding at the end thereof the following new paragraph:

68 Stat. 613;
82 Stat. 536.
12 USC 1717.

“(3) The partition transaction effected pursuant to the foregoing paragraph constitutes a reorganization within the meaning of section 368(a)(1)(E) of the Internal Revenue Code of 1954; and for the purposes of such Code, no gain or loss is recognized by the previously existing body corporate by reason of the partition, and the basis and holding period of the assets of the corporation immediately following such partition are the same as the basis and holding period of such assets immediately prior to such partition.”

68A Stat. 120.
26 USC 368.

(e) Section 810(a) of the Housing and Urban Development Act of 1968 is amended by adding at the end thereof the following sentence: “For the purposes of the Internal Revenue Code of 1954, no gain or loss is recognized by the holders of such stock on such change, and the basis and holding period of such stock in the hands of the stockholders immediately after such change are the same as the basis and holding period of such stock in their hands immediately prior to such change.”

82 Stat. 545.
12 USC 1716b
note.
68A Stat. 3.
26 USC 1.

PURCHASE OF FNMA STOCK

68 Stat. 613;
75 Stat. 176;
79 Stat. 501.
12 USC 1718.

SEC. 902. Section 303(b) of the National Housing Act is amended—

- (1) by striking out “shall accumulate” and inserting in lieu thereof “may accumulate”;
- (2) by striking out “and other”;
- (3) by striking out “nor less than 1 per centum”; and
- (4) by inserting “with the approval of the Secretary of Housing and Urban Development” immediately after “as determined from time to time by the corporation”.

ADVICE AND ASSISTANCE WITH RESPECT TO HOUSING FOR LOW- AND MODERATE-INCOME FAMILIES

82 Stat. 490.
12 USC 1701x.

SEC. 903. (a) Subsection (a) of section 106 of the Housing and Urban Development Act of 1968 is amended to read as follows:

“(a) (1) The Secretary is authorized to provide, or contract with public or private organizations to provide, information, advice, and technical assistance, including but not limited to—

“(i) the assembly, correlation, publication, and dissemination of information with respect to the construction, rehabilitation, and operation of low- and moderate-income housing;

“(ii) the provision of advice and technical assistance to public bodies or to nonprofit or cooperative organizations with respect to the construction, rehabilitation, and operation of low- and moderate-income housing, including assistance with respect to self-help and mutual self-help programs;

50 Stat. 888.
42 USC 1430.
48 Stat. 1246.
12 USC 1701 and
note.

“(iii) counseling on household management, self-help, budgeting, money management, child care, and related counseling services which would assist low- and moderate-income families receiving assistance under the United States Housing Act of 1937 or the National Housing Act in improving their living conditions and housing opportunities, and in meeting the responsibilities of homeownership.

Appropriation.

“(2) There is authorized to be appropriated for the purposes of this subsection, without fiscal year limitation, not to exceed \$5,000,000. Any amounts so appropriated shall remain available until expended.”

(b) The first sentence of section 106(b) (1) of such Act is amended by striking out “any federally assisted program” and inserting in lieu thereof “section 235 of the National Housing Act or any other federally assisted program”.

50 Stat. 888.
42 USC 1402.

(c) Section 2(6) of the United States Housing Act of 1937 is amended by adding at the end thereof the following: “The term also means the financing of tenant programs and services for families residing in low-rent housing projects, particularly where there is maximum feasible participation of the tenants in the development and operation of such tenant programs and services. As used in this paragraph, the term ‘tenant programs and services’ includes the development and maintenance of tenant organizations which participate in the management of low-rent housing projects; the training of tenants to manage and operate such projects and the utilization of their services in project management and operation; counseling on household management, housekeeping, budgeting, money management, child care, and similar matters; advice as to resources for job training and placement, education, welfare, health, and other community services; services which are directly related to meeting tenant needs and providing a wholesome living environment; and referral to appropriate agencies when necessary for the provision of such services. To the

maximum extent available and appropriate, existing public and private agencies in the community shall be used for the provision of such services."

(d) Section 15(10) of the United States Housing Act of 1937 is repealed.

Repeal.
82 Stat. 503.
42 USC 1415.

TRAINING IN HOUSING MANAGEMENT

SEC. 904. Section 803 of the Housing Act of 1964 is amended by redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and inserting after subsection (a) a new subsection as follows:

83 Stat. 393.
20 USC 803.

"(b) Grants may be made under subsection (a) to support (1) the training of persons, especially persons of low income, in acquiring the skills needed in the management of housing for low- and moderate-income persons, and (2) research and the dissemination of information with respect to the problems involved in the management of housing for low- and moderate-income persons."

GENERAL ADMINISTRATIVE POWERS OF THE SECRETARY

SEC. 905. Section 7 of the Department of Housing and Urban Development Act is amended by adding at the end thereof the following new subsections:

Ante, p. 1775.

"(h) Except as such authority is otherwise expressly provided in any other Act administered by the Secretary, such financial transactions of the Secretary as the making of loans or grants (and vouchers approved by the Secretary in connection with such financial transactions) shall be final and conclusive upon all officers of the Government. Funds made available to the Secretary pursuant to any provision of law for such financial transactions shall be deposited in a checking account or accounts with the Treasurer of the United States. Such funds and any receipts and assets obtained or held by the Secretary in connection with such financial transactions shall be available, in such amounts as may from year to year be authorized by the Congress, for the administrative expenses of the Secretary in connection with such financial transactions. Notwithstanding the provisions of any other law, the Secretary may, with the approval of the Comptroller General, consolidate into one or more accounts for banking and checking purposes all cash obtained or held in connection with such financial transactions, including amounts appropriated, from whatever source derived.

"(i) Except as such authority is otherwise expressly provided in any other Act administered by the Secretary, the Secretary is authorized to—

"(1) foreclose on any property or commence any action to protect or enforce any right conferred upon him by any law, contract, or other agreement, and bid for and purchase at any foreclosure or any other sale any property in connection with which he has made a loan or grant. In the event of any such acquisition, the Secretary may, notwithstanding any other provision of law relating to the acquisition, handling, or disposal of real property by the United States, complete, administer, remodel and convert, dispose of, lease, and otherwise deal with, such property: *Provided*, That any such acquisition of real property shall not deprive any State or political subdivision thereof of its civil or criminal jurisdiction in and over such property or impair the civil rights under the State or local laws of the inhabitants on such property: *Provided further*, That section 3709 of the Revised Statutes shall not apply to any contract for services or

41 USC 5.

supplies on account of any property so acquired or owned if the amount of such contract does not exceed \$2,500;

"(2) enter into agreements to pay annual sums in lieu of taxes to any State or local taxing authority with respect to any real property so acquired or owned;

"(3) sell or exchange at public or private sale, or lease, real or personal property, and sell or exchange any securities or obligations, upon such terms as he may fix;

"(4) obtain insurance against loss in connection with property and other assets held;

"(5) consent to the modification, with respect to the rate of interest, time of payment of any installment of principal or interest, security, or any other term of any contract or agreement to which he is a party or which has been transferred to him; and

"(6) include in any contract or instrument such other covenants, conditions, or provisions as he may deem necessary.

Fees.

"(j) Notwithstanding any other provision of law the Secretary is authorized to establish fees and charges, chargeable against program beneficiaries and project participants, which shall be adequate to cover over the long run, costs of inspection, project review and financing service, audit by Federal or federally authorized auditors, and other beneficial rights, privileges, licenses, and services. Such fees and charges heretofore or hereafter collected shall be considered nonadministrative and shall remain available for operating expenses of the Department in providing similar services on a consolidated basis.

Gifts, acceptance.

"(k) (1) The Secretary is authorized to accept and utilize voluntary and uncompensated services and accept, hold, administer, and utilize gifts and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Department. Gifts and bequests of money and the proceeds from sales of other property received as gifts or bequests shall be deposited in the Treasury in a separate fund and shall be disbursed upon order of the Secretary. Property accepted pursuant to this paragraph, and the proceeds thereof, shall be used as nearly as possible in accordance with the terms of the gift or bequest.

Property, taxable status.

"(2) For the purpose of Federal income, estate, and gift taxes, property accepted under paragraph (1) shall be considered as a gift or bequest to or for use of the United States.

Moneys, investment.

"(3) Upon the request of the Secretary, the Secretary of the Treasury may invest and reinvest in securities of the United States or in securities guaranteed as to principal and interest by the United States any moneys contained in the fund provided for in paragraph (1). Income accruing from such securities and from any other property held by the Secretary pursuant to paragraph (1) shall be deposited to the credit of the fund and shall be disbursed upon order of the Secretary.

Consultants.

"(1) The Secretary is authorized to appoint, without regard to the civil service laws, such advisory committees as shall be appropriate for the purpose of consultation with and advice to the Department in performance of its functions. Members of such committees, other than those regularly employed by the Federal Government, while attending meetings of such committees or otherwise serving at the request of the Secretary, may be paid compensation at rates not exceeding those authorized for individuals under subsection (e) of this section, and while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently."

Compensation; travel expenses.

INCREASED FEES FOR CONSULTANT SERVICES

SEC. 906. Section 7(e) of the Department of Housing and Urban Development Act is amended by striking out everything after the word "rates" and inserting in lieu thereof the following: "for individuals not to exceed the per diem equivalent to the highest rate for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code."

79 Stat. 669.
42 USC 3535.

Ante, p. 198-1.

SAVINGS AND LOAN ASSOCIATIONS

SEC. 907. (a) Section 12(b) of the Federal Home Loan Bank Act (12 U.S.C. 1432(b)) is amended by adding at the end a new sentence as follows: "This authority extends to the acquisition, holding, and disposition of loans, or interests therein, having the benefit of any guaranty under section 221 or 222 of the Foreign Assistance Act of 1961, as amended by section 105 of the Foreign Assistance Act of 1969 or as hereafter amended or extended, or of any commitment or agreement for any such guaranty."

82 Stat. 609.

83 Stat. 807.
22 USC 2181,
2182.

(b) Section 5(c) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(c)) is amended by inserting after the period following "section 224 of such Act, or any commitment or agreement with respect to such loans, or interests therein, made pursuant to either of such sections" a new sentence as follows: "This authority extends to the acquisition, holding, and disposition of loans, or interests therein, having the benefit of any guaranty under section 221 or 222 of the Foreign Assistance Act of 1961, as amended by section 105 of the Foreign Assistance Act of 1969 or as hereafter amended or extended, or of any commitment or agreement for any such guaranty."

48 Stat. 132;
82 Stat. 609.

(c) The first sentence of section 5(c) of the Home Owners' Loan Act of 1933 is amended by striking out "15" and inserting in lieu thereof "20".

FINANCIAL INSTITUTIONS SUPERVISORY ACT OF 1966

SEC. 908. Title IV of the Financial Institutions Supervisory Act of 1966 (80 Stat. 1056) is repealed.

Repeal.

INTERSTATE LAND SALES FULL DISCLOSURE ACT

SEC. 909. Section 1406(5) of the Interstate Land Sales Full Disclosure Act is amended by inserting after the first comma the following: "the existence of any unusual conditions relating to noise or safety which affect the subdivision and are known to the developer,".

82 Stat. 593.
15 USC 1705.

ELIGIBILITY OF AMERICAN SAMOA BANKS FOR FEDERAL DEPOSIT INSURANCE

SEC. 910. (a) Subsection (a) of section 3 of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1813 (a)), is further amended by inserting the words "American Samoa," after the word "Guam," each place it appears therein.

64 Stat. 873;
70 Stat. 908.

(b) Subsection (d) of section 3 of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1813(d)), is further amended by inserting the words "American Samoa," after the word "Guam,".

(c) Subsection (e) of section 3 of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1813(e)), is further amended by inserting the words "American Samoa," after the word "Guam,".

(d) Paragraph (5) of subsection (1) of section 3 of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1813(1)(5)), is further amended by inserting the words "American Samoa," after the word "Guam,".

74 Stat. 546.

64 Stat. 873;
70 Stat. 908.

(e) Subsection (m) of section 3 of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1813(m)), is further amended by inserting the words "of American Samoa," after the word "Guam,".

(f) Subsection (o) of section 3 of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1813(o)), is further amended by inserting the words "American Samoa," after the word "Guam,".

74 Stat. 547.

(g) Paragraph (4) of subsection (a) of section 7 of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1817(a)(4)), is further amended by inserting the words "American Samoa," after the word "Guam,".

(h) Subparagraph (B) of paragraph (5) of subsection (b) of section 7 of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1817(b)(5)(B)), is further amended by inserting the words "American Samoa," after the word "Guam,".

SURETY BOND GUARANTEES

79 Stat. 482.
15 USC 692.

SEC. 911. (a) Title IV of the Small Business Investment Act of 1958 is amended—

(1) by striking out the title heading and inserting in lieu thereof the following:

"TITLE IV—GUARANTEES

"PART A—LEASE GUARANTEES";

(2) by striking out "this title", wherever it appears in sections 401 and 402, and inserting in lieu thereof "this part";

Revolving fund,
establishment.

(3) by amending section 403 thereof to read as follows:

"SEC. 403. There is hereby established a revolving fund for use by the Administration in carrying out the provisions of this part and part B of this title. Initial capital for such fund shall consist of not to exceed \$10,000,000 transferred from the fund established under section 4(c) of the Small Business Act: *Provided*, That the last sentence of such section 4(c) shall not apply to any amounts so transferred. Into the fund established by this section there shall be deposited all receipts from the guarantee programs authorized by this title. Moneys in such fund not needed for the payment of current operating expenses or for the payment of claims arising under such programs may be invested in bonds or other obligations of, or bonds or other obligations guaranteed as to principal and interest by, the United States; except that moneys provided as initial capital for such fund shall not be so invested but shall be returned to the fund established by section 4(c) of the Small Business Act, in such amounts and at such times as the Administration determines to be appropriate, whenever the level of the fund herein established is sufficiently high to permit the return of such moneys without danger to the solvency of the programs under this title. The Administration shall pay into miscellaneous receipts of the Treasury, as of the close of each fiscal year, interest on the net outstanding disbursements of the initial capital from the fund, at rates determined by the Secretary of the Treasury, taking into consideration the average yield on outstanding long-term, interest-bearing marketable public debt obligations of the United States as of the month of June preceding such fiscal year."; and

80 Stat. 132.
15 USC 633.

(4) by adding at the end thereof the following:

"PART B—SURETY BOND GUARANTEES

"DEFINITIONS

"SEC. 410. As used in this part—

"(1) The term 'bid bond' means a bond conditioned upon the bidder on a contract entering into the contract, if he receives the award thereof, and furnishing the prescribed payment bond and performance bond.

"(2) The term 'payment bond' means a bond conditioned upon the payment by the principal of money to persons under contract with him.

"(3) The term 'performance bond' means a bond conditioned upon the completion by the principal of a contract in accordance with its terms.

"(4) The term 'surety' means the person who (A) under the terms of a bid bond, undertakes to pay a sum of money to the obligee in the event the principal breaches the conditions of the bond, (B) under the terms of a performance bond, undertakes to incur the cost of fulfilling the terms of a contract in the event the principal breaches the conditions of the contract, or (C) under the terms of a payment bond, undertakes to make payment to all persons supplying labor and material in the prosecution of the work provided for in the contract if the principal fails to make prompt payment.

"(5) The term 'obligee' means (A) in the case of a bid bond, the person requesting bids for the performance of a contract, or (B) in the case of a payment bond or performance bond, the person who has contracted with a principal for the completion of the contract and to whom the obligation of the surety runs in the event of a breach by the principal of the conditions of a payment bond or performance bond.

"(6) The term 'principal' means (A) in the case of a bid bond, a person bidding for the award of a contract, or (B) the person primarily liable to complete a contract for the obligee, or to make payments to other persons in respect of such contract, and for whose performance of his obligation the surety is bound under the terms of a payment or performance bond. A principal may be a prime contractor or a subcontractor.

"(7) The term 'prime contractor' means the person with whom the obligee has contracted to perform the contract.

"(8) The term 'subcontractor' means a person who has contracted with a prime contractor or with another subcontractor to perform a contract.

"AUTHORITY OF THE ADMINISTRATION

"SEC. 411. (a) The Administration may, in consultation with the Secretary of Housing and Urban Development and upon such terms and conditions as it may prescribe, guarantee and enter into commitments to guarantee any surety against loss, as hereinafter provided, as the result of the breach of the terms of a bid bond, payment bond, or performance bond by a principal on any contract up to \$500,000 in amount, subject to the following conditions:

Sureties.

"(1) The person who would be the principal of the bond is a small business concern.

"(2) The bond is required in order for such person to bid on a contract, or to serve as a prime contractor or subcontractor thereon.

"(3) Such person is not able to obtain such bond on reasonable terms and conditions without a guarantee under this section.

Liability, limitation; conditions.

"(4) The Administration determines that there is a reasonable

expectation that such person will perform the covenants and conditions of the contract with respect to which the bond is required.

“(5) The contract meets requirements established by the Administration for feasibility of successful completion and reasonableness of cost.

“(6) The terms and conditions of any bond guaranteed under the authority of this part are reasonable in light of the risks involved and the extent of the surety’s participation.

“(b) Any contract of guarantee under this section shall obligate the Administration to pay to the surety a sum not to exceed 90 per centum of the loss incurred by the surety in fulfilling the terms of his contract as the result of the breach by the principal of the terms of a bid bond, performance bond, or payment bond.

Fee.

“(c) The Administration shall fix a uniform annual fee which it deems reasonable and necessary for any guarantee issued under this section, to be payable at such time and under such conditions as may be determined by the Administration. Such fee shall be subject to periodic review in order that the lowest fee that experience under the program shows to be justified will be placed into effect. The Administration shall also fix such uniform fees for the processing of applications for guarantees under this section as it determines are reasonable and necessary to pay administrative expenses incurred in connection therewith. Any contract of guarantee under this section shall obligate the surety to pay the Administration such portions of the bond fee as the Administration determines to be reasonable in the light of the relative risks and costs involved.

79 Stat. 483.
15 USC 693.

“(d) The provisions of section 402 shall apply in the administration of this section.”

(b)(1) The Secretary of Housing and Urban Development is authorized to take such steps and carry out such activities as he determines to be necessary or desirable to provide, either directly or by contract or other arrangement, technical assistance to any contractor or subcontractor for whom a bid, payment, or performance bond is guaranteed under part B of title IV of the Small Business Investment Act of 1958 in connection with any construction contract, in order to assist such contractor or subcontractor in obtaining or carrying out such contract.

Ante, p. 1813.

(2) There are authorized to be appropriated for each of the first three fiscal years ending after the date of the enactment of this Act such sums, not to exceed \$1,500,000, as may be necessary to enable the Secretary to carry out his functions under paragraph (1).

EQUITY SKIMMING

SEC. 912. Whoever, with intent to defraud, willfully engages in a pattern or practice of—

(1) purchasing one- to four-family dwellings which are subject to a loan in default at time of purchase or in default within one year subsequent to the purchase and the loan is secured by a mortgage or deed of trust insured or held by the Secretary of Housing and Urban Development or guaranteed by the Veterans’ Administration, or the loan is made by the Veterans’ Administration,

(2) failing to make payments under the mortgage or deed of trust as the payments become due, and

(3) applying or authorizing the application of rents from such dwellings for his own use,

Penalty.

shall be fined not more than \$5,000 or imprisoned not more than three years, or both. This section shall apply to a purchaser of such a dwelling, or a beneficial owner under any business organization or trust

purchasing such dwelling, or to an officer, director, or agent of any such purchaser. Nothing in this section shall apply to the purchaser of only one such dwelling.

REGULATION OF SAVINGS AND LOAN ASSOCIATIONS IN THE DISTRICT OF COLUMBIA

SEC. 913. The Home Owners' Loan Act of 1933 is amended by adding immediately after section 7 the following new section:

48 Stat. 128.
12 USC 1461.

"SEC. 8. (a) Without regard to any provision of law other than this section, and without limitation on any other power or function now or hereafter vested in or exercisable by the Federal Home Loan Bank Board by or under this Act or otherwise, the Board shall, with respect to all incorporated or unincorporated building, building or loan, building and loan, or homestead associations, and similar institutions, of or transacting or doing business in the District of Columbia, or maintaining any office in the District of Columbia (other than Federal savings and loan associations), have the same powers and functions as to examination, operation, and regulation as are now or hereafter vested in or exercisable by it with respect to Federal savings and loan associations by or under section 5 of this Act or otherwise, and all of the provisions of subsection (d) of section 5 of this Act as now or hereafter in force shall be applicable with respect to such associations or institutions.

80 Stat. 1028.
12 USC 1464.

"(b) Any such association or institution incorporated under the laws of, or organized in, the District of Columbia shall have in addition to any existing statutory authority such statutory authority as is from time to time vested in Federal savings and loan associations.

"(c) Charters, certificates of incorporation, articles of incorporation, constitutions, bylaws, or other organic documents of associations or institutions referred to in subsection (b) of this section may, without regard to anything contained therein or otherwise, hereafter be amended in such manner and to such extent and upon such vote or votes if any as the Federal Home Loan Bank Board may by regulation or otherwise provide.

"(d) Nothing herein shall cause, or permit the Federal Home Loan Bank Board to cause, District of Columbia associations to be or become Federal savings and loan associations, or require the Board to impose on District of Columbia associations the same regulations as are imposed on Federal savings and loan associations."

MATURITY OF CERTAIN HOME LOAN BANK ADVANCES TO SAVINGS AND LOAN ASSOCIATIONS

SEC. 914. Section 11(g) of the Federal Home Loan Bank Act is amended by striking out "one year" each place it appears and inserting in lieu thereof "five years".

64 Stat. 257.
12 USC 1431.

CRIMINAL PENALTY FOR FRAUD OR FALSE STATEMENTS TO INFLUENCE CERTAIN INSURED INSTITUTIONS AND FEDERAL AGENCIES

SEC. 915. Section 1014 of title 18 of the United States Code is amended by striking out "or an insured State-chartered credit union" and inserting in lieu thereof "an insured State-chartered credit union, any institution the accounts of which are insured by the Federal Savings and Loan Insurance Corporation, any bank the deposits of which are insured by the Federal Deposit Insurance Corporation, any member of the Federal Home Loan Bank System, the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, or the Administrator of the National Credit Union Administration".

Ante, p. 1017.

UNPLEDGED DEPOSITS IN BANK FOR SAVINGS AND LOAN ASSOCIATIONS,
CHICAGO, ILLINOIS

SEC. 916. Unpledged deposits in the Bank For Savings and Loan Associations, Chicago, Illinois, maintained by any institution which is a member of a Federal Home Loan Bank or is an insured institution as defined in section 401(a) of the National Housing Act, shall be considered assets for purposes of meeting the liquidity requirements of section 5A(b) of the Federal Home Loan Bank Act (12 U.S.C. 1425a (b)).

48 Stat. 1255.
12 USC 1724.

82 Stat. 856.

INFORMATION AND ADVICE TO NONPROFIT PROJECT SPONSORS

SEC. 917. Section 4 of the Department of Housing and Urban Development Act is amended by adding at the end thereof the following new subsection:

79 Stat. 668.
42 USC 3533.

“(d) There shall be in the Department an Assistant to the Secretary, designated by the Secretary, who shall be responsible for providing information and advice to nonprofit organizations desiring to sponsor housing projects assisted under programs administered by the Department.”

ANNUAL REPORT ON PROGRAM ADMINISTRATION AND MANAGEMENT

SEC. 918. Section 5 of the Housing and Urban Development Act of 1968 is amended by striking out “in the calendar year 1969 and in the calendar year 1970” and inserting in lieu thereof “in each calendar year”.

82 Stat. 477.
12 USC 1701c
note.

DISPOSITION OF SURPLUS LAND FOR LOW AND MODERATE INCOME HOUSING AND RELATED FACILITIES

SEC. 919. (a) Section 414(a) of the Housing and Urban Development Act of 1969 is amended—

83 Stat. 400.
40 USC 484b.

- (1) by striking out “rental or cooperative” in the first sentence;
- (2) by striking out the period at the end of the first sentence and inserting after “income” the following: “, and for related public facilities and for related commercial and industrial facilities approved by the Secretary.”; and
- (3) by inserting “235 or” between “section” and “236” in clause (C).

(b) Section 414(b) of such Act is amended—

- (1) by striking out “rental or cooperative” in the first sentence;
- (2) by inserting “and related facilities” between “housing” and “to” in the first sentence;
- (3) by inserting “and the Administrator of General Services” after “Secretary” in the second sentence, and by striking out “has” before “approved” in the second sentence and inserting in lieu thereof “have”; and
- (4) by inserting “and the Committees on Government Operations” after “Currency” in the third sentence, and by striking out “he approves” in the third sentence and inserting in lieu thereof “he and the Administrator of General Services approve”.

SAVINGS AND LOAN HOLDING COMPANIES

SEC. 920. Section 408(d)(4)(B) of the Savings and Loan Holding Company Amendments of 1967 is amended by inserting before the semicolon at the end thereof the following: “: *Provided, however,* That with the prior written approval of the Corporation, a subsidiary

82 Stat. 5, 9.
12 USC 1730a.

insured institution may make a loan, discount, or extension of credit to a third party on the security of property acquired from a wholly owned affiliate service corporation. The Corporation shall grant approval of any application for approval under this subdivision if, in the opinion of the Corporation, such a loan, discount, or extension of credit would not be detrimental to the interests of savings account holders in the insured institution, or to the insurance risk of the Corporation with respect to such institution, and would not be a means of facilitating the sale of (1) property purchased from any savings and loan holding company or any affiliate thereof other than such service corporation, or (2) property heretofore owned, legally or beneficially, by any savings and loan holding company or affiliate thereof”.

TIMBER FOR HOUSING NEEDS

SEC. 921. Section 2(a) of the Act of April 12, 1926, as amended (16 U.S.C. 617(a)), is amended by striking out “1971” and inserting in lieu thereof “1973”.

82 Stat. 966.

Approved December 31, 1970.

Public Law 91-610

AN ACT

To extend for one additional year the authorization for programs under the Vocational Rehabilitation Act.

December 31, 1970
[H. R. 19401]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) Section 1(b)(1) of the Vocational Rehabilitation Act is amended by striking out “and” and by inserting before the period at the end thereof the following: “, and for the fiscal year ending June 30, 1972, the sum of \$700,000,000”.

Vocational Re-
habilitation Act,
amendment.
79 Stat. 1282;
82 Stat. 298.
29 USC 31.

(b) Section 1(b)(2) of such Act is amended by striking out “and” and by inserting before the period at the end thereof the following: “, and for the fiscal year ending June 30, 1972, the sum of \$10,000,000”.

(c) Section 1(b)(3) of such Act is amended by striking out “and” where it appears after “\$115,000,000,” and by inserting before the period at the end thereof the following: “, and for the fiscal year ending June 30, 1972, the sum of \$140,000,000”.

(d) Section 1(b)(4) of such Act is amended by striking out “1972” and inserting “1973”.

SEC. 2. Section 4(a) of the Vocational Rehabilitation Act is amended by striking out “1972” and inserting “1973” in lieu thereof.

29 USC 34.

SEC. 3. (a) Section 12(i) of the Vocational Rehabilitation Act is amended by striking out “and” where it appears before “\$30,000,000”, and by inserting the following before the semicolon which follows “1971”: “, and \$30,000,000 for the fiscal year ending June 30, 1972”.

29 USC 41a.

(b) Such section is further amended by striking out “1973”, and inserting “1974” in lieu thereof.

SEC. 4. (a) Section 13(a)(1) of the Vocational Rehabilitation Act is amended by striking out “1971”, and inserting “1972” in lieu thereof.

29 USC 41b.

(b) Section 13(f) of such Act is amended by striking out “and” where it appears after “1970,” and by inserting “and \$30,000,000 for the fiscal year ending June 30, 1972,” immediately after “1971,”.

SEC. 5. Section 15(a)(2) of the Vocational Rehabilitation Act is amended by inserting “\$100,000,000 for the fiscal year ending June 30, 1972,” immediately after “1971,”.

29 USC 42-1.

Approved December 31, 1970.

Public Law 91-611

December 31, 1970
[H. R. 19877]

AN ACT

Authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.

River and Harbor
and Flood Control
acts, 1970.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—RIVERS AND HARBORS

59 Stat. 10.

SEC. 101. The following works of improvement of rivers and harbors and other waterways for navigation, flood control, and other purposes are hereby adopted and authorized to be prosecuted by the Secretary of the Army, acting through the Chief of Engineers, in accordance with the plans and subject to the conditions recommended by the Chief of Engineers in the respective reports hereinafter designated. The provisions of section 1 of the River and Harbor Act approved March 2, 1945 (Public Law Numbered 14, Seventy-ninth Congress), shall govern with respect to projects authorized in this title; and the procedures therein set forth with respect to plans, proposals, or reports for works of improvement for navigation or flood control and for irrigation and purposes incidental thereto, shall apply as if herein set forth in full.

NAVIGATION

Pleasant Bay, Massachusetts: House Document Numbered 91-430, at an estimated cost of \$10,221,000;

Baltimore Harbor and Channels, Maryland and Virginia: Chief of Engineers report dated September 21, 1970, except that not to exceed \$40,000,000 is authorized for initiation and partial accomplishment of such project, and except that construction shall not be initiated until approved by the Secretary of the Army and the President;

Atlantic Intracoastal Waterway Bridges, Virginia and North Carolina: Chief of Engineers report dated November 24, 1970, at an estimated cost of \$11,220,000, except that construction shall not be initiated until approved by the Secretary of the Army and the President;

Manteo (Shallowbag) Bay, North Carolina: House Document Numbered 91-303, at an estimated cost of \$10,769,000;

Pamlico River and Morehead City Harbor, North Carolina: Report of the Chief of Engineers dated November 23, 1970, at an estimated cost of \$2,642,000, except that construction shall not be initiated until approved by the Secretary of the Army and the President;

Port Sutton, Tampa Harbor, Florida: House Document Numbered 91-150 maintenance;

Tampa Harbor, Florida: House Document Numbered 91-401, except that not to exceed \$40,000,000 is authorized for initiation and partial accomplishment of such project; after the date of enactment of this Act the Secretary of the Army, acting through the Chief of Engineers, shall maintain the Port Sutton Terminal Channel and the East Bay Channel and Turning Basin;

Freeport Harbor, Texas: Chief of Engineers report dated November 23, 1970, at an estimated cost of \$13,710,000, except that construction shall not be initiated until approved by the Secretary of the Army and the President;

Coos Bay, Oregon: House Document Numbered 91-151, at an estimated cost of \$9,100,000;

Nawiliwili Harbor, Kauai, Hawaii: Chief of Engineers report dated November 24, 1970, at an estimated cost of \$1,952,000, except that construction shall not be initiated until approved by the Secretary of the Army and the President.

BEACH EROSION

Lido Key, Florida: House Document Numbered 91-320, at an estimated cost of \$240,000; the Secretary of the Army, acting through the Chief of Engineers, is authorized to reimburse or credit local interests for work performed by them subsequent to July 1, 1968, and in accordance with the recommended plan of improvement.

SEC. 102. The Secretary of the Army is hereby authorized and directed to cause an immediate study to be made under the direction of the Chief of Engineers of a navigation channel, having a depth of seventeen feet at mean low water, and a width of one hundred feet, extending a distance of approximately two and one-half miles from deep water in Saint Georges Creek, Maryland, to the Harry Lundberg School of Seamanship at Piney Point, Maryland, and terminating in a turning basin at that location. Such project because of its immediate and long-range value to the United States Merchant Marine and to national defense, is hereby authorized, at an estimated cost of \$475,000, as determined to be feasible and justified by the Chief of Engineers and Secretary of the Army with the approval of the President, unless within the first period of ninety calendar days of continuous session of the Congress after the date on which the report is submitted to it, such report is disapproved by the Congress. The requirements for cooperation shall include provisions that local interests shall furnish all lands, easements, and rights-of-way for construction and future maintenance of the project; hold and save the United States free from damages, and bear the cost of all spoil disposal areas.

Navigation channel, study.

Appropriation.

Report to Congress.

SEC. 103. The costs of operation and maintenance of the general navigation features of small boat harbor projects authorized between January 1, 1970, and December 31, 1970, under the authority of this Act, section 201 of the Flood Control Act of 1965, or section 107 of the River and Harbor Act of 1960, shall be borne by the United States.

79 Stat. 1073.
42 USC 1962d-5.
74 Stat. 486.
33 USC 577.
64 Stat. 168.

SEC. 104. The proviso in section 6 of the Act of July 3, 1930, as amended (48 Stat. 948; 33 U.S.C. 569a), is amended to read as follows: "*Provided*, That individuals so engaged may be paid at rates not to exceed the daily equivalent of the rate for GS-18 for each day of their services."

Ante, p. 198-1.

SEC. 105. The civilian members of the Board on Coastal Engineering Research authorized by the Act of November 7, 1963 (33 U.S.C. 426-2) may be paid at rates not to exceed the daily equivalent of the rate for GS-18 for each day of attendance at Board meetings, not to exceed thirty days per year, in addition to the traveling and other necessary expenses connected with their duties on the Board in accordance with the provisions of 5 U.S.C. 5703 (b), (d), and 5707.

Board on Coastal Engineering Research, compensation.
77 Stat. 305.

SEC. 106. The Secretary of the Army is hereby authorized and directed to cause surveys to be made at the following locations and subject to all applicable provisions of section 110 of the River and Harbor Act of 1950:

80 Stat. 499;
83 Stat. 190.
Surveys.

64 Stat. 168.

Shooters Island, New York, possible removal and utilization for fill and widening of Arthur Kill.

Elk River, Maryland.

Stillpond Creek, Kent County, Maryland.

Patapsco River, Brooklyn, Maryland.

Kanawha and James Rivers, with a view to determining the advisability of providing a waterway connecting the Kanawha River, West Virginia, and James River, Virginia, by canals and appurtenant facilities.

Ventura Marina to Ventura Keys, Ventura County, California.

Harbors and rivers in American Samoa and the territory of Guam, in the interests of navigation, flood control, and related water resources purposes.

Kaneohe Bay, Oahu, Hawaii, with a view of recommending improvements in the interests of pollution abatement, navigation, recreation, and overall bay development.

Wailua, Kauai, Hawaii (beach erosion).

West Hawaii, Kona area, Hawaii, Hawaii (beach erosion).

Maunalua Bay, Oahu, Hawaii (beach erosion).

Hanauma Bay, Oahu, Hawaii (beach erosion).

Kaaawa area, Oahu, Hawaii (beach erosion).

Hauula area, Oahu, Hawaii (beach erosion).

Mokuleia area, Oahu, Hawaii (beach erosion).

Keehi Lagoon area, Oahu, Hawaii (beach erosion).

Sandy Beach Park, Oahu, Hawaii (beach erosion).

Ewa Beach, Oahu, Hawaii (beach erosion).

Maile-Waianae coast area, Oahu, Hawaii (beach erosion).

Great Lakes and
Saint Lawrence
Seaway, survey.

SEC. 107. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to conduct a survey of the Great Lakes and Saint Lawrence Seaway to determine the feasibility of means of extending the navigation season in accordance with the recommendations of the Chief of Engineers in his report entitled "Great Lakes and Saint Lawrence Seaway—Navigation Season Extension."

Navigation sea-
son, extension.

(b) The Secretary of the Army, acting through the Chief of Engineers, in cooperation with the Departments of Transportation, Interior, and Commerce, including specifically the Coast Guard, the Saint Lawrence Seaway Development Corporation, and the Maritime Administration; the Environmental Protection Agency; other interested Federal agencies, and non-Federal public and private interests, is authorized and directed to undertake a program to demonstrate the practicability of extending the navigation season on the Great Lakes and Saint Lawrence Seaway. Such program shall include, but not be limited to, ship voyages extending beyond the normal navigation season; observation and surveillance of ice conditions and ice forces; environmental and ecological investigations; collection of technical data related to improved vessel design; ice control facilities, and aids to navigation; physical model studies; and coordination of the collection and dissemination of information to shippers on weather and ice conditions. The Secretary of the Army, acting through the Chief of Engineers, shall submit a report describing the results of the program to the Congress not later than July 30, 1974. There is authorized to be appropriated to the Secretary of the Army not to exceed \$6,500,000 to carry out this subsection.

Report to Con-
gress.

Appropriation.

Shippers and
vessels, insurance
rates, study.

(c) The Secretary of Commerce, acting through the Maritime Administration, in consultation with other interested Federal agencies, representatives of the merchant marine, insurance companies, industry, and other interested organizations, shall conduct a study of ways and means to provide reasonable insurance rates for shippers and vessels engaged in waterborne commerce on the Great Lakes and the Saint Lawrence Seaway beyond the present navigation season, and shall submit a report, together with any legislative recommendations, to Congress by June 30, 1971.

Report to Con-
gress.

Cuyahoga River
Basin, Ohio, study.

SEC. 108. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to investigate, study, and undertake measures in the interests of water quality, environmental quality, recreation, fish and wildlife, and flood control, for the Cuyahoga River Basin, Ohio. Such measures shall include, but not be limited to, clearing, snagging, and removal of debris from the river's bed and banks; dredging and structural works to improve streamflow and water quality; and bank stabilization by vegetation and other means. In carrying out such studies and investigations the Secretary of the Army, acting through the Chief of Engineers, shall cooperate with interested Federal and State agencies.

Federal and State
agencies, coopera-
tion.

(b) Prior to initiation of measures authorized by this section, such non-Federal public interests as the Secretary of the Army, acting through the Chief of Engineers, may require shall agree to such conditions of cooperation as the Secretary of the Army, acting through the Chief of Engineers, determines appropriate, except that such conditions shall be similar to those required for similar project purposes in other Federal water resources projects.

SEC. 109. (f) Section 110 of the River and Harbor Act of 1958 (72 Stat. 297) is amended to read as follows:

Illinois and
Mississippi Canal,
additional funds.
76 Stat. 1179.

“(f) There is hereby authorized to be appropriated the sum of \$2,000,000 to carry out the provisions of this section and, upon completion of transfer to the State of Illinois of all right, title, and interest of the United States in and to the canal, an additional sum of \$6,528,000 to be expended for the repair, modification, and maintenance of bridges, title transfer, modification or rehabilitation of hydraulic structures, fencing, clearing auxiliary ditches, and for the repair and modification of other canal property appurtenances, notwithstanding subsection (b) of this section.”

SEC. 110. The project for the Trinity River and tributaries, Texas, authorized in section 301 of the River and Harbor Act of 1965 (79 Stat. 1073) is hereby modified to provide that not to exceed \$75,000 of the costs incurred in 1968 and 1969 by the Trinity River Authority of Texas for aerial photography and mosaic preparation furnished to and accepted by the Secretary of the Army, acting through the Chief of Engineers, shall be credited as a part of the local contribution required of such authority for such project.

Trinity River
and tributaries,
Tex.

SEC. 111. In all cases where real property shall be taken by the United States for the public use in connection with any improvement of rivers, harbors, canals, or waterways of the United States, and in all condemnation proceedings by the United States to acquire lands or easements for such improvements, the compensation to be paid for real property taken by the United States above the normal high water mark of navigable waters of the United States shall be the fair market value of such real property based upon all uses to which such real property may reasonably be put, including its highest and best use, any of which uses may be dependent upon access to or utilization of such navigable waters. In cases of partial takings of real property, no depreciation in the value of any remaining real property shall be recognized and no compensation shall be paid for any damages to such remaining real property which result from loss of or reduction of access from such remaining real property to such navigable waters because of the taking of real property or the purposes for which such real property is taken. The compensation defined herein shall apply to all acquisitions of real property after the date of enactment of this Act, and to the determination of just compensation in any condemnation suit pending on the date of enactment hereof.

Real property,
compensation.

Restriction.

SEC. 112. (a) Subsection (a) of section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) is amended by striking out “\$10,000,000” and inserting in lieu thereof “\$25,000,000”. Subsection (b) of such section 107 is amended by striking out “\$500,000” and inserting in lieu thereof “\$1,000,000”.

79 Stat. 1095.

(b) Section 3 of the Act entitled “An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property”, approved August 13, 1946, as amended (33 U.S.C. 426g), is amended (1) by striking out “\$10,000,000” and inserting in lieu thereof “\$25,000,000”, and (2) by striking out “\$500,000” and inserting in lieu thereof “\$1,000,000”.

(c) The amendments made by this section shall not apply to any project under contract for construction on the date of enactment of this Act.

SEC. 113. The New York Harbor Collection and Removal of Drift project is hereby modified substantially in accordance with the plans on file in the Office, Chief of Engineers, subject to the approval of such plans and recommendations for requirements of local cooperation by the Secretary of the Army and the President. Any disposal of materials in carrying out this project shall be in accordance with Federal and State laws and regulations with respect to the control of air and water pollution.

SEC. 114. The project for Santa Barbara Harbor, California, authorized by the River and Harbor Act approved March 2, 1945, is hereby modified to provide that the dredging and maintenance of such project shall be the responsibility of the United States.

SEC. 115. The multiple-purpose plan for improvement of the Arkansas River and tributaries, authorized by the River and Harbor Act of July 24, 1946, as amended and modified, is hereby further modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to construct a bridge and necessary approach facilities across Spaniard Creek, Muskogee County, Oklahoma, as a replacement for the former bridge which was removed in connection with the construction of Lock and Dam Numbered 16. Appropriate non-Federal interests as determined by the Secretary of the Army, acting through the Chief of Engineers, shall own, operate, and maintain the bridge and approach facilities after completion of construction.

SEC. 116. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to undertake measures to clear the channel of the North Branch of the Chicago River, Illinois, of fallen trees, roots, and other debris and objects which contribute to flooding, unsightliness, and pollution of the river.

(b) Prior to initiation of measures authorized by this section, such non-Federal interests as the Secretary of the Army, acting through the Chief of Engineers, may require shall agree to such conditions of cooperation as the Secretary of the Army, acting through the Chief of Engineers, determines appropriate, except that such conditions shall be similar to those required for similar project purposes in other Federal water resources projects.

(c) There is authorized to be appropriated to the Secretary of the Army not to exceed \$200,000 for the Federal share of the project.

SEC. 117. The project for Port Orford, Oregon, authorized by the River and Harbor Act of 1965 in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 62, Eighty-eighth Congress, is hereby modified to provide for maintenance of a suitable channel to the existing port facilities, not exceeding the sixteen-foot natural depth available at the time of project authorization, subject to the conditions that local interests agree to (1) provide without cost to the United States all necessary lands, easements, and rights-of-way; and (2) hold and save the United States free from damages due to the work. No such dredging shall be performed within fifty feet of the docks.

SEC. 118. The project for the Ouachita and Black Rivers, Arkansas and Louisiana, authorized by the River and Harbor Act of 1960, is hereby modified to provide for the acquisition of lands for establishment of national wildlife refuges, under the provisions of Public Law 85-624 and section 6(c) of Public Law 89-72, at an estimated additional Federal cost of \$13,500,000, substantially in accordance with the report of the Chief of Engineers dated November 25, 1970, subject to approval by the Secretary of the Army and the President.

SEC. 119. The Chief of Engineers, for the purpose of determining Federal and non-Federal cost sharing, relating to proposed construction of small-boat navigation projects, shall consider charter fishing craft as commercial vessels.

59 Stat. 10.
33 USC 544b,
603a.

Spaniard Creek,
Okla., bridge con-
struction.
60 Stat. 634.

Chicago River,
Ill., channel
clearance.

Appropriation.

Port Orford,
Ore., project.
79 Stat. 1089.

74 Stat. 480.

72 Stat. 563.
16 USC 661 note.
79 Stat. 216.
16 USC 460l-
17.

Charter fishing
craft.

SEC. 120. Paragraph (1) of subsection (p) of section 11 of the Federal Water Pollution Control Act, as amended, is amended by inserting after the word "size", in the first sentence thereof, a new clause as follows: "but not including any barge that is not self-propelled and that does not carry oil as cargo or fuel,"

Ante, p. 97.

SEC. 121. The Secretary of the Army, acting through the Chief of Engineers, in cooperation with the Secretary of Housing and Urban Development shall investigate the I-K Street slide area in Anchorage, Alaska, with a view of determining the practicability and the feasibility of corrective measures that would permit federal mortgage insurance under the National Housing Act for homes and multifamily structures in the area and shall report thereon to the Congress.

Anchorage, Alaska, investigation.

SEC. 122. Not later than July 1, 1972, the Secretary of the Army, acting through the Chief of Engineers, after consultation with appropriate Federal and State officials, shall submit to Congress, and not later than ninety days after submission, promulgate guidelines designed to assure that possible adverse economic, social and environmental effects relating to any proposed project have been fully considered in developing such project, and that the final decisions on the project are made in the best over all public interest, taking into consideration the need for flood control, navigation and associated purposes, and the cost of eliminating or minimizing such adverse affects and the following:

48 Stat. 1246.
12 USC 1701
and note.
Report to Congress.

Adverse environmental effects,
report to Congress.

- (1) Air, noise, and water pollution;
- (2) destruction or disruption of man-made and natural resources, esthetic values, community cohesion and the availability of public facilities and services;
- (3) adverse employment effects and tax and property value losses;
- (4) injurious displacement of people, businesses, and farms; and
- (5) disruption of desirable community and regional growth.

Such guidelines shall apply to all projects authorized in this Act and proposed projects after the issuance of such guidelines.

SEC. 123. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to construct, operate, and maintain, subject to the provisions of subsection (c), contained spoil disposal facilities of sufficient capacity for a period not to exceed ten years, to meet the requirements of this section. Before establishing each such facility, the Secretary of the Army shall obtain the concurrence of appropriate local governments and shall consider the views and recommendations of the Administrator of the Environmental Protection Agency and shall comply with requirements of section 21 of the Federal Water Pollution Control Act, and of the National Environmental Policy Act of 1969. Section 9 of the River and Harbor Act of 1899 shall not apply to any facility authorized by this section.

Contained spoil disposal facilities.

(b) The Secretary of the Army, acting through the Chief of Engineers, shall establish the contained spoil disposal facilities authorized in subsection (a) at the earliest practicable date, taking into consideration the views and recommendations of the Administrator of the Environmental Protection Agency as to those areas which, in the Administrator's judgment, are most urgently in need of such facilities and pursuant to the requirements of the National Environmental Policy Act of 1969 and the Federal Water Pollution Control Act.

Ante, p. 107.
83 Stat. 852.
42 USC 4321 and
note.
30 Stat. 1151.
33 USC 401.

(c) Prior to construction of any such facility, the appropriate State or States, interstate agency, municipality, or other appropriate political subdivision of the State shall agree in writing to (1) furnish all lands, easements, and rights-of-way necessary for the construction, operation, and maintenance of the facility; (2) contribute to the United States 25 per centum of the construction costs, such amount

to be payable either in cash prior to construction, in installments during construction, or in installments, with interest at a rate to be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction is initiated, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations, which are neither due or callable for redemption for fifteen years from date of issue; (3) hold and save the United States free from damages due to construction, operation, and maintenance of the facility; and (4) except as provided in subsection (f), maintain the facility after completion of its use for disposal purposes in a manner satisfactory to the Secretary of the Army.

Waiver.

(d) The requirement for appropriate non-Federal interest or interests to furnish an agreement to contribute 25 per centum of the construction costs as set forth in subsection (c) shall be waived by the Secretary of the Army upon a finding by the Administrator of the Environmental Protection Agency that for the area to which such construction applies, the State or States involved, interstate agency, municipality, and other appropriate political subdivision of the State and industrial concerns are participating in and in compliance with an approved plan for the general geographical area of the dredging activity for construction, modification, expansion, or rehabilitation of waste treatment facilities and the Administrator has found that applicable water quality standards are not being violated.

(e) Notwithstanding any other provision of law, all costs of disposal of dredged spoil from the project for the Great Lakes connecting channels, Michigan, shall be borne by the United States.

Title retention.

(f) The participating non-Federal interest or interests shall retain title to all lands, easements, and rights-of-way furnished by it pursuant to subsection (c). A spoil disposal facility owned by a non-Federal interest or interests may be conveyed to another party only after completion of the facility's use for disposal purposes and after the transferee agrees in writing to use or maintain the facility in a manner which the Secretary of the Army determines to be satisfactory.

Use charges.

(g) Any spoil disposal facilities constructed under the provisions of this section shall be made available to Federal licensees or permittees upon payment of an appropriate charge for such use. Twenty-five per centum of such charge shall be remitted to the participating non-Federal interest or interests except for those excused from contributing to the construction costs under subsections (d) and (e).

Applicability.

(h) This section, other than subsection (i), shall be applicable only to the Great Lakes and their connecting channels.

Navigable waters,
etc., extension,
study.

(i) The Chief of Engineers, under the direction of the Secretary of the Army, is hereby authorized to extend to all navigable waters, connecting channels, tributary streams, other waters of the United States and waters contiguous to the United States, a comprehensive program of research, study, and experimentation relating to dredged spoil. This program shall be carried out in cooperation with other Federal and State agencies, and shall include, but not be limited to, investigations on the characteristics of dredged spoil, and alternative methods of its disposal. To the extent that such study shall include the effects of such dredge spoil on water quality, the facilities and personnel of the Environmental Protection Agency shall be utilized.

Citation of title.

SEC. 124. Title I of this Act may be cited as the "River and Harbor Act of 1970".

TITLE II—FLOOD CONTROL

SEC. 201. Sections 201 and 202 and the last three sentences in section 203 of the Flood Control Act of 1968 shall apply to all projects authorized in this title. The following works of improvement for the benefit of navigation and the control of destructive floodwaters and

other purposes are hereby adopted and authorized to be prosecuted by the Secretary of the Army, acting through the Chief of Engineers, in accordance with the plans and subject to the conditions recommended to be the Chief of Engineers in the respective reports hereinafter designated.

ARKANSAS RIVER BASIN

The project for flood protection and other purposes on the Deep Fork River in the vicinity of Arcadia, Oklahoma, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 91-299, at an estimated cost of \$24,900,000.

ARKANSAS-RED RIVER BASIN

The project for water quality control in the Arkansas-Red River Basin, Texas, Oklahoma, and Kansas, designated as Part I, authorized by the Flood Control Act of 1966, is hereby modified to include Part II of such project, substantially in accordance with the recommendations of the Chief of Engineers in his report dated May 6, 1970, except that the amount authorized for Part I shall be utilized for initiation and partial accomplishment of Parts I and II. Construction shall not be initiated until approved by the Secretary of the Army and the President.

80 Stat. 1420.

LOWER MISSISSIPPI RIVER BASIN

The project for flood control and improvement of the lower Mississippi River, adopted by the Act of May 15, 1928 (45 Stat. 534), as amended and modified, is hereby further modified and expanded to include the project for flood protection within the areas of eastern Rapides and south-central Avoyelles Parishes, Louisiana, that are drained by the Bayou des Glaives diversion channel, and Lake Long, and their tributaries, substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 91-113, at an estimated cost of \$15,333,000.

33 USC 702a
et seq.

MISSOURI RIVER BASIN

The project for flood protection and other purposes in the Blue River Basin, vicinity of Kansas City, Missouri and Kansas, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 91-332, except that not to exceed \$40,000,000 is authorized for initiation and partial accomplishment of the project. Construction of the Tomahawk Creek Reservoir shall not be initiated until the Secretary of the Army has been assured by the Chief of Engineers that the most feasible combination of improvements having the most favorable impact upon the environment and future development of the Tomahawk Creek Watershed has been assured.

The project for Oahe Dam and Reservoir, Missouri River, North Dakota, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 91-23, at an estimated cost of \$732,000.

Oahe Dam and
Reservoir.

RED RIVER OF THE NORTH

The project for flood protection and other purposes on Wild Rice River, Minnesota, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 366, Ninetieth Congress, at an estimated cost of \$8,359,000.

The project for flood protection and other purposes on the Sheyenne River, North Dakota, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 91-330, at an estimated cost of \$20,000,000.

SOURIS RIVER BASIN

The project for Burlington Dam and Reservoir on the Souris River, North Dakota, for flood protection and other purposes, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 91-321, at an estimated cost of \$29,240,000.

SANTA BARBARA COUNTY COASTAL STREAMS

The project for flood protection on Atascadero Creek and its tributaries of Goleta, California, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 91-392, at an estimated cost of \$13,830,000.

SABINE RIVER BASIN

The project for flood protection and other purposes in the Sabine River Basin, Texas and Louisiana, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 91-429, except that not to exceed \$40,000,000 is authorized for initiation and partial accomplishment of the project.

UPPER MISSISSIPPI RIVER BASIN

The project for flood protection on the Mississippi River at Davenport, Iowa, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in his report dated December 4, 1970, at an estimated cost of \$12,263,000. Construction shall not be initiated until approved by the Secretary of the Army and by the President.

OHIO RIVER BASIN

The project for flood protection on Mill Creek, Ohio, is hereby authorized, substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 91-413, at an estimated cost of \$32,642,000.

GREAT LAKES BASIN

Mich.

The project for flood protection along Red Run Drain and Lower Clinton River, Michigan, is hereby authorized, substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 91-431, except that not to exceed \$40,000,000 is authorized for initiation and partial accomplishment of the project.

Ellicott Creek,
N.Y.

The project for the Sandridge Dam and Reservoir, Ellicott Creek, New York, for flood protection and other purposes is hereby authorized, substantially in accordance with the recommendations of the Chief of Engineers in his report dated November 25, 1970, at an estimated cost of \$19,070,000. Construction shall not be initiated until approved by the Secretary of the Army and the President. Prior to the commencement of this project, including, but not limited to, acquisition of real property, the Secretary of the Army, acting through the Chief of Engineers, shall investigate all possible alternative methods, including, but not limited to, possible relocation of elements

Study, report to
Congress.

of the project, installation of channels, provision of levees and flood-walls, decreasing of size of project facilities, rerouting of streams, raising or lowering pools, and deepening channels and movement on the stream, or any combination of the foregoing that can accomplish the purposes of this project and shall report his findings and determinations to the Congress.

COMMONWEALTH OF PUERTO RICO

The project for flood protection and other purposes for Portugues Dam and Reservoir, Puerto Rico, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 91-422, at an estimated cost of \$11,110,000.

The project for flood protection and other purposes for Cerrillos Dam and Reservoir, Puerto Rico, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 91-422, at an estimated cost of \$16,351,000.

The project for flood protection and other purposes for channel improvement at Ponce, Puerto Rico, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 91-422, at an estimated cost of \$14,295,000.

SACRAMENTO RIVER BASIN

The project for flood protection and other purposes on Cottonwood Creek, California, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in his report dated December 14, 1970, except that not to exceed \$40,000,000 is authorized for initiation and partial accomplishment of the project. Construction shall not be initiated until approved by the Secretary of the Army and the President.

SAN JOAQUIN RIVER BASIN

The project for Merced County Streams, California, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in his report dated November 25, 1970, at an estimated cost of \$37,260,000. Construction shall not be initiated until approved by the Secretary of the Army and the President.

KANEOHE-KAILUA AREA, OAHU, HAWAII

The project for flood protection in the Kaneohe-Kailua area on the east coast of the island of Oahu, Hawaii, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in his report dated November 23, 1970, at an estimated cost of \$7,249,000. Construction shall not be initiated until approved by the Secretary of the Army and the President.

SEC. 202. (a) The plan for flood protection in the Big Sandy River Basin, Kentucky, West Virginia, and Virginia, included in the comprehensive plan for flood control in the Ohio River Basin, authorized by the Flood Control Act, approved June 22, 1936 (49 Stat. 1570), as amended and modified, is hereby further modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to relocate Levisa Fork of the Big Sandy River at Pikeville, Kentucky, and to construct related drainage facilities, in connection with the city of Pikeville's model city program. Such channel relocation shall be accomplished by excavation of an open cut to connect the points of the horseshoe bend in Levisa Fork at Pikeville, and the open cut shall be designed and constructed to such dimensions and grades as will permit

Ohio River
Basin, project
modification.

relocation of the river with the Chesapeake and Ohio Railway on the left descending bank and the United States Highway Numbered 23 on the right descending bank of such open cut. Spoil material from the open cut shall be utilized for filled areas included in the model city plan.

Participating
agencies, agree-
ment.

50 Stat. 877.
33 USC 701c.

(b) The work authorized by this section shall not be commenced until an agreement satisfactory to the Secretary of the Army, acting through the Chief of Engineers, has been entered into with the Department of Housing and Urban Development, the State Highway Department of Kentucky, the Federal Highway Administration, the Appalachian Regional Commission, the Chesapeake and Ohio Railway Company, the city of Pikeville, and other participating agencies, relative to the financial responsibility of each participant in the model city project; and appropriate non-Federal interests have furnished the cooperation required by section 3 of the Flood Control Act, approved June 22, 1936 (49 Stat. 1570), as amended. Financial participation of the Department of the Army shall be based upon an equitable distribution of costs among the participants.

43 USC 1501
note.
Puerto Rico.

SEC. 203. The Secretary of the Army, acting through the Chief of Engineers, is authorized to cooperate and participate with concerned Federal, State, and local agencies in preparing the general plan for the development of the water resources of the western United States authorized by the Colorado River Basin Project Act (82 Stat. 885).

Reports to Con-
gress.

SEC. 204. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to cooperate with the Commonwealth of Puerto Rico, political subdivisions thereof, and appropriate agencies and instrumentalities thereof, in the preparation of plans for the development, utilization, and conservation of water and related land resources of drainage basins and coastal areas in the Commonwealth of Puerto Rico, and to submit to Congress reports and recommendations with respect to appropriate participation by the Department of the Army in carrying out such plans. Such plans that may be recommended to the Congress shall be harmonious components of overall development plans being formulated by the Commonwealth and shall be fully coordinated with all interested Federal agencies.

(b) The Secretary of the Army, acting through the Chief of Engineers, shall consider plans to meet the needs of the Commonwealth for protection against floods, wise use of flood plain lands, improvement of navigation facilities, regional water supply and waste management systems, outdoor recreational facilities, the enhancement and control of water quality, enhancement and conservation of fish and wildlife, beach erosion control, and other measures for environmental enhancement.

East Grand
Forks, Minn.

64 Stat. 170.
33 USC 701c
note.

SEC. 205. Notwithstanding the first proviso in section 201 of the Acts entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes" approved June 30, 1948 (62 Stat. 1171), and May 17, 1950 (64 Stat. 63), the authorization in section 203 of the Act of June 30, 1948, and section 204 of the Act of May 17, 1950, of the project for local protection at East Grand Forks, Minnesota, shall expire on April 17, 1975, unless local interests shall before such date furnish assurances satisfactory to the Secretary of the Army that the required local cooperation in such project will be furnished.

Wolf Creek Park
area, Tex.

SEC. 206. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to elevate, relocate, or make such other changes as may be necessary to insure that the road located in the Wolf Creek Park area, running in an east-west direction and crossing Wolf Creek, Harris Branch, and Strain Branch in the Navarro Mills Reservoir, Texas, will at all times be above elevation four hundred and forty-three feet above mean sea level.

SEC. 207. Paragraph (2) under the heading "Lower Mississippi River Basin" in section 203 of the Flood Control Act of 1966 (Public Law 89-789) is amended by striking out "Baton Rouge, Louisiana," and inserting in lieu thereof "Cairo, Illinois."

80 Stat. 1420.

SEC. 208. Subsection (b) of the first section of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property," approved August 13, 1946 (33 U.S.C. 426e(b)), is amended by inserting "(1)" after "except that", by striking out "and, further, that" and inserting "(2)" in lieu thereof, and by inserting before the period at the end thereof a comma and the following: "and (3) Federal participation in the cost of a project providing hurricane protection may be, in the discretion of the Secretary of the Army, acting through the Chief of Engineers, not more than 70 per centum of the total cost exclusive of land costs."

70 Stat. 702;
76 Stat. 1178.

SEC. 209. It is the intent of Congress that the objectives of enhancing regional economic development, the quality of the total environment, including its protection and improvement, the well-being of the people of the United States, and the national economic development are the objectives to be included in federally financed water resource projects, and in the evaluation of benefits and cost attributable thereto, giving due consideration to the most feasible alternative means of accomplishing these objectives.

SEC. 210. The project for the western Kentucky tributaries (Obion Creek), Kentucky, authorized as part of the comprehensive plan for the lower Mississippi Basin in the Flood Control Act of 1965, is hereby modified to provide that the Secretary of the Army, acting through the Chief of Engineers, shall, after the date of enactment of this Act, relocate at Federal expense all transmission lines (both gas and electric) in western Kentucky required to be relocated by this project or, at his discretion, reimburse or credit local interests for such relocations made by them.

Obion Creek, Ky.

79 Stat. 1076.

SEC. 211. (a) Section 3013 of title 10, United States Code, is amended by striking out "four Assistant Secretaries" and inserting in lieu thereof the following: "five Assistant Secretaries", and by adding at the end thereof the following: "One of the Assistant Secretaries shall be the Assistant Secretary of the Army for Civil Works. He shall have as his principal duty the overall supervision of the functions of the Department of the Army relating to programs for conservation and development of the national water resources including flood control, navigation, shore protection, and related purposes."

81 Stat. 523.

(b) Paragraph (15) of section 5315 of title 5, United States Code, is amended by striking out "(4)" and inserting in lieu thereof "(5)".

82 Stat. 1312.

SEC. 212. The Secretary of the Army, acting through the Chief of Engineers, is authorized, in the interests of flood control and related purposes, to remove logjams in the lower Guadalupe River, Texas. Prior to the undertaking of the work authorized by this section, appropriate non-Federal interests shall agree to furnish without cost to the United States lands, easements, and rights-of-way necessary for the work, to hold and save the United States free from damages due to the work and to perform all such work thereafter.

Guadalupe River,
Tex.

SEC. 213. The Secretary of the Army, acting through the Chief of Engineers, is authorized to resolve the seepage and drainage problem in the vicinity of the town of Niobrara, Nebraska, that may be related to operation of Gavins Point Dam and Lewis and Clark Lake project, Nebraska and South Dakota, subject to a determination by the Chief of Engineers with the approval of the Secretary of the Army, of the most feasible solution thereto. There is authorized to be appropriated to the Secretary not to exceed \$7,800,000, to carry out this section.

Niobrara, Nebr.

Appropriation.

Coal River
Basin, W. Va.

SEC. 214. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to perform dredging operations in the Coal River Basin, West Virginia, for the purpose of improving the channel capacities in the interest of flood control. Such operations shall be performed on an interim basis pending completion of the Kanawha River Basin comprehensive study being undertaken by Federal and State agencies and implementation of the pertinent study recommendations by the Secretary of the Army. Appropriate non-Federal public interests as determined by the Secretary of the Army, acting through the Chief of Engineers, shall, prior to initiation of dredging operations, agree to furnish the necessary lands, disposal areas, easements, and rights-of-way, and hold and save the United States free from damages due to the dredging operations.

Klamath River,
Calif.

80 Stat. 1421.

SEC. 215. The project for flood protection on the Klamath River at and in the vicinity of Klamath, California, authorized by the Flood Control Act of 1966 (80 Stat. 1205), is hereby modified to require the Secretary of the Army, acting through the Chief of Engineers, to provide, as an essential part of the project, bank protection works extending approximately two miles downstream from the project to protect the north bank of the river from erosion due to Klamath River flows. Non-Federal interests shall furnish lands and interests therein necessary for the works, hold and save the United States free from damages due to the works, and operate and maintain the works after completion.

Project review;
report to Congress.

SEC. 216. The Secretary of the Army, acting through the Chief of Engineers, is authorized to review the operation of projects the construction of which has been completed and which were constructed by the Corps of Engineers in the interest of navigation, flood control, water supply, and related purposes, when found advisable due the significantly changed physical or economic conditions, and to report thereon to Congress with recommendations on the advisability of modifying the structures or their operation, and for improving the quality of the environment in the overall public interest.

Surveys; reports
to Congress.

SEC. 217. The Secretary of the Army is hereby authorized and directed to cause surveys for flood control and allied purposes, including channel and major drainage improvements, and floods aggravated by or due to wind or tidal effects, to be made under the direction of the Chief of Engineers, in drainage areas of the United States and its territorial possessions, which include the localities specifically named in this section. After the regular or formal reports made on any survey authorized by this section are submitted to Congress, no supplemental or additional report or estimate shall be made unless authorized by law except that the Secretary of the Army may cause a review of any examination or survey to be made and a report thereon submitted to Congress, if such review is required by the national defense or by changed physical or economic conditions.

Great Swamp, New River Basin, South Carolina.

Streams flowing through West Brazoria County Drainage District Numbered 11 in Brazoria County, Texas.

Vermilion River, Ohio.

Huron River, Ohio.

Black River, Lorain County, Ohio.

Black Creek, Clay County, Florida.

Grand Lake, St. Marys, Ohio.

Coody Creek, Muskogee, Oklahoma.

Kapaa Stream, Kauai, Hawaii.

Waikomo Stream, Kauai, Hawaii.

Hanalei River, Kauai, Hawaii.

Waikane Stream, Oahu, Hawaii.

Moanalua Stream, Oahu, Hawaii.

Waihee Stream, Oahu, Hawaii.
 Waikele Stream, Oahu, Hawaii.
 Kamananui Stream, Oahu, Hawaii.
 Kahana Stream, Oahu, Hawaii.
 Waolani Stream, Oahu, Hawaii.
 Kaaawa Stream, Oahu, Hawaii.
 Makaha Stream, Oahu, Hawaii.
 Olowalu Stream, Maui, Hawaii.
 Palai, Four Mile Creek, Hawaii, Hawaii.
 Kona, Hawaii, Hawaii.

SEC. 218. The Claremont Dam and Reservoir, New Hampshire, authorized by the Flood Control Act approved June 28, 1938 as a part of the comprehensive plan for flood control and other purposes for the Connecticut River Basin, is not authorized after the date of enactment of this Act.

Claremont Dam
and Reservoir,
N.H., authoriza-
tion termination.
52 Stat. 1216.

SEC. 219. The Secretary of the Army, acting through the Chief of Engineers, is hereby authorized to provide bank revetment works along the Ohio River at Newburgh, Indiana, to protect public and private property and facilities threatened by erosion.

Ohio River, New-
burgh, Ind.

SEC. 220. In addition to previous authorizations, there is hereby authorized to be appropriated the sum of \$1,400,000 for the prosecution of the Comprehensive Plan for the Upper Mississippi River Basin, approved in the Act of June 28, 1938, as amended and supplemented by subsequent acts of Congress.

Upper Missis-
sippi River Basin.

SEC. 221. (a) After the date of enactment of this Act, the construction of any water resources project by the Secretary of the Army, acting through the Chief of Engineers, or by a non-Federal interest where such interest will be reimbursed for such construction under the provisions of section 215 of the Flood Control Act of 1968 or under any other provision of law, shall not be commenced until each non-Federal interest has entered into a written agreement with the Secretary of the Army to furnish its required cooperation for the project.

52 Stat. 1218.
Written agree-
ment requirement.

(b) A non-Federal interest shall be a legally constituted public body with full authority and capability to perform the terms of its agreement and to pay damages, if necessary, in the event of failure to perform.

82 Stat. 747.
42 USC 1962d-5a.

(c) Every agreement entered into pursuant to this section shall be enforceable in the appropriate district court of the United States.

(d) After commencement of construction of a project, the Chief of Engineers may undertake performance of those items of cooperation necessary to the functioning of the project for its purposes, if he has first notified the non-Federal interest of its failure to perform the terms of its agreement and has given such interest a reasonable time after such notification to so perform.

Non-Federal in-
terest.

(e) The Secretary of the Army, acting through the Chief of Engineers, shall maintain a continuing inventory of agreements and the status of their performance, and shall report thereon annually to the Congress.

Inventory, re-
port to Congress.

(f) This section shall not apply to any project the construction of which was commenced before January 1, 1972.

SEC. 222. The Secretary of the Interior in financing the relocation of the existing Placer County Road from Auburn to Foresthill, California, as part of the construction of the Auburn Dam and Reservoir on the Auburn-Folsom South Unit of the Central Valley Project, California, may provide for the cost of construction of a two-lane river level bridge across the North Fork of the American River with a substructure and deck truss capable of supporting a four-lane bridge.

Bridge, Ameri-
can River, Calif.

SEC. 223. Section 204 of the Flood Control Act of 1950 is amended by adding at the end of the authorizations set forth under the center heading "COLUMBIA RIVER BASIN" the following new paragraph:

Railroad em-
ployee compensa-
tion.
64 Stat. 178.

Appropriation.

Ohio River
Basin, project
modification.

80 Stat. 1422.

Study, report to
Congress.

Study, report to
Congress.

Missouri River
Basin, project
modification.

"The Secretary of the Army, acting through the Chief of Engineers, is authorized to pay to those railroad employees suffering long-term economic injury through reduction of income as the result of the relocation of rail transportation facilities due to the construction of Libby Dam, Montana, such sums as he determines equitable to compensate such employees for such injury. There is authorized to be appropriated to carry out this paragraph, not to exceed \$900,000."

SEC. 224. That the plan for flood protection in the Big Sandy River Basin, Kentucky, West Virginia, and Virginia included in the comprehensive plan for flood control in the Ohio River Basin, authorized by the Flood Control Act, approved June 22, 1936 (49 Stat. 1570), as amended and modified is hereby further modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to provide the towns of Williamson and Matewan, West Virginia, with comprehensive flood protection by a combination of local flood protection works and residential flood proofing and to initiate advanced engineering design and construction thereof as described by the Chief of Engineers in Report on Tug Fork, July 1970, at a total cost not to exceed \$10,000,000, except that no funds shall be appropriated to carry out this section until such modification is approved by the Appalachian Regional Commission and the President.

SEC. 225. Subsection (b) of section 206 of the Flood Control Act of 1960, as amended (33 U.S.C. 709a), is further amended by striking out "\$7,000,000" and inserting in lieu thereof "\$11,000,000."

SEC. 226. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to review and study the operation of the Fort Randall multiple-purpose project, South Dakota, with a view to determining the advisability of modifying the project facilities or the regulation of the impounded waters, or both, and report thereon to the Congress.

SEC. 227. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to review and study the operation of the Summersville Lake multiple-purpose project, Gauley River, West Virginia, with a view to determining the advisability of modifying the project facilities or the regulation of the impounded waters, or both, and report thereon to the Congress.

SEC. 228. The comprehensive plan for flood control and other purposes in the Missouri River Basin, as authorized by the Act of June 28, 1938 (52 Stat. 1215), and as modified and expanded by subsequent Acts, is further modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to construct a bridge across the Missouri River at an appropriate location midway between Bismarck, North Dakota, and Mobridge, South Dakota, in accordance with such plans as determined to be satisfactory by the Secretary of the Army so as to provide adequate crossing facilities over such river for highway traffic in the area. Prior to construction the Secretary of the Army, acting through the Chief of Engineers, shall enter into an agreement with appropriate non-Federal interests as determined by him, which shall provide that after construction such non-Federal interests shall own, operate toll free, and maintain such bridge and approach facilities.

SEC. 229. The comprehensive plan for flood control and other purposes in the Missouri River Basin, as authorized by the Act of June 28, 1938 (52 Stat. 1215), and as modified and expanded by subsequent Acts, is further modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to construct a bridge over the Little Missouri River at the Garrison Reservoir in the vicinity of Eagle Bay in Dunn County, North Dakota, in accordance with such plans as are determined to be satisfactory by the Secretary of the Army in

order to provide adequate crossing facilities over such river for highway traffic in the area. Prior to construction the Secretary of the Army, acting through the Chief of Engineers, shall enter into an agreement with appropriate non-Federal interests as determined by him, which shall provide that after construction such non-Federal interests shall own, operate toll free, and maintain such bridges and approach facilities.

SEC. 230. The project for the Perry Dam and Reservoir, Delaware River, Kansas, authorized as a unit of the comprehensive plan for flood control and other purposes, Missouri River Basin, by the Flood Control Act approved September 3, 1954, is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to pave, with a bituminous surface, approximately five miles of Road "B", a segment of the relocation of FAS 328 from United States Route 24 to Kansas Route 92, Jefferson County, Kansas.

Missouri River
Basin, project
modification.

68 Stat. 1261.

SEC. 231. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to cooperate with the Commonwealth of Kentucky, political subdivisions thereof, appropriate agencies and instrumentalities thereof, the Forest Service, Department of Agriculture, and the Bureau of Outdoor Recreation, Department of the Interior, with a view to determining the feasibility and desirability of establishing a national recreation area generally encompassing in whole or in part the Kentucky River navigation project and reservoir projects in the upper Kentucky and Licking River Basins and adjacent and intervening areas, and to submit to the Congress reports and recommendations with respect to appropriate participation by the Department of the Army in carrying out such recommendations.

Feasibility
study, report to
Congress.

(b) Such studies shall review the reports of the Chief of Engineers contained in House Document 423, Eighty-seventh Congress, and the investigation authorized by the Flood Control Act of 1936, Public Law 783, Seventy-fourth Congress, and other appropriate reports, and shall consider plans to meet the needs of the Commonwealth for improvement of navigation facilities, outdoor recreational facilities, enhancement and conservation of fish and wildlife, and other measures for environmental enhancement.

49 Stat. 1570.
33 USC 701a.

(c) Such plans which may be recommended to the Congress shall be harmonious components of overall development plans being formulated by the Commonwealth and shall be fully coordinated with all interested Federal agencies.

SEC. 232. The project for Libby Dam, Kootenai River, Montana, authorized by the Flood Control Act approved May 17, 1950 (64 Stat. 170), is hereby modified to provide that the Secretary of the Army, acting through the Chief of Engineers is authorized and directed, as part of the relocation of municipal facilities of Rexford, Montana, to design and construct a central sewage collection and sewage treatment facility.

Libby Dam, Koo-
tenai River, Mont.,
project modifica-
tion.

33 USC 701-1
note.

SEC. 233. The Chief of Engineers, under the direction of the Secretary of the Army, is hereby authorized and directed to review and study the effects of strip mining operations upon navigable rivers and their tributaries, including water resource projects under his jurisdiction, and report on such studies to the Committees on Public Works of the Senate and the House of Representatives, within one year from the date of enactment of this Act, with recommendations as to measures necessary to mitigate any adverse conditions due to strip mining practices.

Strip mining; re-
port to congress-
sional committees.

SEC. 234. Section 207 of the Flood Control Act of 1962 (Public Law 87-874), is amended by changing the period after the word "necessary", to a comma, and inserting the following: "including but not limited to prohibitions of dumping and unauthorized disposal in any manner of refuse, garbage, rubbish, trash, debris, or litter of any kind at such

76 Stat. 1195.
16 USC 460d.

Enforcement.

82 Stat. 1115.

Susquehanna
River Basin, study.

Report to Con-
gress.

water resource development projects, either into the waters of such projects or onto any land federally owned and administered by the Chief of Engineers. Any violation of such rules and regulations shall be punished by a fine of not more than \$500 or imprisonment for not more than six months, or both. Any persons charged with the violation of such rules and regulations may be tried and sentenced in accordance with the provisions of section 3401 of title 18 of the United States Code. All persons designated by the Chief of Engineers for that purpose shall have the authority to issue a citation for violation of the regulations adopted by the Secretary of the Army, requiring the appearance of any person charged with violation to appear before the United States magistrate, within whose jurisdiction the water resource development project is located, for trial; and upon sworn information of any competent person any United States magistrate in the proper jurisdiction shall issue process for the arrest of any person charged with the violation of said regulations; but nothing herein contained shall be construed as preventing the arrest by any officer of the United States, without process, of any person taken in the act of violating said regulations."

SEC. 235. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed, as part of the comprehensive study of the water and related resources of the Susquehanna River Basin, to investigate and study, in cooperation with the Administrator of the Environmental Protection Agency and other interested departments, agencies, and instrumentalities of the Federal Government and of the governments of States and their political subdivisions, the availability, quality, and use of waters within the basin with a view toward assisting in the preparation of a comprehensive plan for the development, conservation, and use of such waters. The Environmental Protection Agency shall have the responsibility in carrying out this section for those aspects of the development, conservation, and use of such waters which are essentially within its jurisdiction.

(b) In connection with such investigations and studies the Secretary of the Army, acting through the Chief of Engineers, and in cooperation with the Environmental Protection Agency and all other interested Federal agencies, shall make such studies and develop such plans as deemed necessary for the construction, operation, and maintenance of facilities in selected regions of the basin, including augmentation of streamflows by releases of stored waters.

(c) Such facilities may include, but shall not be limited to, water conveyance systems; regional waste treatment, interceptor, and holding facilities; water treatment facilities; and facilities and methods for recharging ground water reservoirs.

(d) The Secretary of the Army, acting through the Chief of Engineers, shall submit to the Congress any and all parts of plans prepared pursuant to this section, which are approved by the Susquehanna River Basin Commission as in accordance with its comprehensive plan for the immediate and longrange development and use of the water resources of the basin, including all recommendations of the Environmental Protection Agency with respect to matters under its jurisdiction, and shall include recommendations for authorization and appropriate financial participation and cooperation by the States, political subdivisions thereof, and other local interests.

(e) In determining the need for storage for regulation of streamflow and water release, the Secretary of the Army, acting through the Chief of Engineers, shall not be limited by the provisions of section 3(b)(1) and (4) of the Federal Water Pollution Control Act, but may include recommendations, if appropriate, which are consistent with section 8 of the Federal Water Pollution Control Act and other like project purposes of water resources projects.

SEC. 236. Title II of this Act may be cited as the "Flood Control Act of 1970".

Approved December 31, 1970.

70 Stat. 498;
75 Stat. 204;
79 Stat. 903.
33 USC 466a.
80 Stat. 1248.
33 USC 466e.
Citation of title.

Public Law 91-612

AN ACT

For the relief of Elmer M. Grade and for other purposes.

December 31, 1970
[H. R. 6114]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any funds in the Treasury not otherwise appropriated, to Elmer M. Grade, of Annandale, Virginia, the sum of \$900 in full settlement of all his claims against the United States for reimbursement of expenses arising in connection with the sale of his Denver, Colorado, residence pursuant to his change of official station as an employee of the United States Department of Labor.

Elmer M. Grade,
relief; and passen-
ger vessels, fire
retardant materials.

SEC. 2. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with such claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

SEC. 3. Section 4 of Public Law 89-777 (80 Stat. 1356 et seq.), as amended by Public Law 90-435 (82 Stat. 449), is further amended by changing the first sentence of the language of that section which amends subsection 5(b) of the Act of May 27, 1936 (49 Stat. 1384), to read: "After November 1, 1970, no passenger vessel of the United States of one hundred gross tons or over, having berth or stateroom accommodations for fifty or more passengers, shall be granted a certificate of inspection by the Coast Guard unless the vessel is constructed of fire retardant material, except that this requirement shall not apply until November 1, 1973, with respect to a vessel operating solely on the inland rivers."

46 USC 369.

Exception.

Approved December 31, 1970.

Public Law 91-613

AN ACT

To amend the definition of "metal bearing ores" in the Tariff Schedules of the United States.

December 31, 1970
[H. R. 6049]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That headnote 2(a) of part 1 of schedule 6 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting "manganese," after "copper,".

"Metal bearing
ores,"

77A Stat. 253;
79 Stat. 939.

Approved December 31, 1970.

Public Law 91-614

AN ACT

December 31, 1970
[H. R. 16199]

To establish a working capital fund for the Department of the Treasury; to amend the Internal Revenue Code of 1954 to accelerate the collection of estate and gift taxes, to continue excise taxes on passenger automobiles and communications services; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Excise, Estate,
and Gift Tax Ad-
justment Act of
1970.

SECTION 1. SHORT TITLE, ETC.

(a) **SHORT TITLE.**—This Act may be cited as the “Excise, Estate, and Gift Tax Adjustment Act of 1970”.

(b) Wherever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954,

68A Stat. 3.
26 USC 1.

TITLE I—ESTATE AND GIFT TAXES**SEC. 101. ESTATE TAX.**

(a) **ALTERNATE VALUATION.**—Section 2032 (relating to alternate valuation) is amended—

(1) by striking out “1 year” each place it appears and inserting in lieu thereof “6 months”; and

(2) by striking out “1-year” and inserting in lieu thereof “6-month”.

(b) **TIME FOR FILING ESTATE TAX RETURNS.**—Section 6075(a) (relating to time for filing estate tax returns) is amended by striking out “15 months” and inserting in lieu thereof “9 months”.

70 Stat. 1075.

(c) **CERTAIN REQUESTS SUBJECT TO POWER OF APPOINTMENT.**—Section 2055(b) (2) (C) is amended by striking out “one year” and inserting in lieu thereof “6 months”.

(d) **DISCHARGE OF FIDUCIARY FROM PERSONAL LIABILITY FOR ESTATE TAX.**—

68A Stat. 401.

(1) Section 2204 (relating to discharge of executor from personal liability) is amended—

(A) by striking out “EXECUTOR” in the heading of such section and inserting in lieu thereof “FIDUCIARY”; and

(B) by striking out “If the executor” and inserting in lieu thereof “(a) **GENERAL RULE.**—If the executor”;

(C) by amending the last sentence thereof to read as follows: “The executor, on payment of the amount of which he is notified (other than any amount the time for payment of which is extended under section 6161, 6163, or 6166), and on furnishing any bond which may be required for any amount for which the time for payment is extended, shall be discharged from personal liability for any deficiency in tax thereafter found to be due and shall be entitled to a receipt or writing showing such discharge.”; and

(D) by adding at the end thereof the following new subsection:

“(b) **FIDUCIARY OTHER THAN THE EXECUTOR.**—If a fiduciary (not including a fiduciary in respect of the estate of a nonresident decedent) other than the executor makes written application to the Secretary or his delegate for determination of the amount of any estate tax for which the fiduciary may be personally liable, and for discharge from personal liability therefor, the Secretary or his delegate upon the discharge of the executor from personal liability under subsection (a),

Post, p. 1838.
78 Stat. 129.
72 Stat. 1681.

or upon the expiration of 6 months after the making of such application by the fiduciary, if later, shall notify the fiduciary (1) of the amount of such tax for which it has been determined the fiduciary is liable, or (2) that it has been determined that the fiduciary is not liable for any such tax. Such application shall be accompanied by a copy of the instrument, if any, under which such fiduciary is acting, a description of the property held by the fiduciary, and such other information for purposes of carrying out the provisions of this section as the Secretary or his delegate may require by regulations. On payment of the amount of such tax for which it has been determined the fiduciary is liable (other than any amount the time for payment of which has not been extended under section 6161, 6163, or 6166), and on furnishing any bond which may be required for any amount for which the time for payment has been extended, or on receipt by him of notification of a determination that he is not liable for any such tax, the fiduciary shall be discharged from personal liability for any deficiency in such tax thereafter found to be due and shall be entitled to a receipt or writing evidencing such discharge."

Post, p. 1838.
78 Stat. 129.
72 Stat. 1681.
26 USC 6161,
6163, 6166.

(2) Sections 6040(2), 6314(c)(2), 6324(a)(3), and 6504(9) are each amended by striking out "executor" each place it appears in the heading and text of such sections and inserting in lieu thereof "fiduciary".

68A Stat. 744;
78 Stat. 73.
80 Stat. 1132.

(3) The table of sections for subchapter C of chapter 11 is amended by striking out

"Sec. 2204. Discharge of executor from personal liability."

and inserting in lieu thereof:

"Sec. 2204. Discharge of fiduciary from personal liability."

(e) DISCHARGE OF EXECUTOR FROM PERSONAL LIABILITY FOR DECEDENT'S INCOME AND GIFT TAXES.—

(1) Chapter 71 (relating to transferees and fiduciaries) is amended by adding at the end thereof the following new section:

68A Stat. 841.

"SEC. 6905. DISCHARGE OF EXECUTOR FROM PERSONAL LIABILITY FOR DECEDENT'S INCOME AND GIFT TAXES.

"(a) DISCHARGE OF LIABILITY.—In the case of liability of a decedent for taxes imposed by subtitle A or by chapter 12, if the executor makes written application (filed after the return with respect to such taxes is made and filed in such manner and such form as may be prescribed by regulations of the Secretary or his delegate) for release from personal liability for such taxes, the Secretary or his delegate may notify the executor of the amount of such taxes. The executor, upon payment of the amount of which he is notified, or 1 year after receipt of the application if no notification is made by the Secretary or his delegate before such date, shall be discharged from personal liability for any deficiency in such tax thereafter found to be due and shall be entitled to a receipt or writing showing such discharge.

"(b) DEFINITION OF EXECUTOR.—For purposes of this section, the term 'executor' means the executor or administrator of the decedent appointed, qualified, and acting within the United States.

"Executor."

"(c) CROSS REFERENCE.—

"For discharge of executor from personal liability for taxes imposed under chapter 11, see section 2204."

(2) The table of sections for chapter 71 is amended by adding at the end thereof the following:

"Sec. 6905. Discharge of executor from personal liability for decedent's income and gift taxes."

(f) **REDUCTION OF PERIOD FOR DISCHARGE OF EXECUTOR FROM PERSONAL LIABILITY.**—Effective with respect to the estates of decedents dying after December 31, 1973, sections 2204 and 6905 are each amended by striking out “1 year” and inserting in lieu thereof “9 months”.

Ante, pp. 1836,
1837.

68A Stat. 324;
76 Stat. 1041.
26 USC 1223.

(g) **HOLDING PERIOD OF PROPERTY.**—Section 1223 (relating to holding period of property) is amended by redesignating paragraph (11) as paragraph (12) and by inserting after paragraph (10) the following new paragraph:

“(11) In the case of a person acquiring property from a decedent or to whom property passed from a decedent (within the meaning of section 1014(b)), if—

68A Stat. 296.

“(A) the basis of such property in the hands of such person is determined under section 1014, and

“(B) such property is sold or otherwise disposed of by such person within 6 months after the decedent’s death, then such person shall be considered to have held such property for more than 6 months.”

72 Stat. 1684.

(h) **EXTENSION OF TIME.**—The first sentence of paragraph (1) of subsection (a) of section 6161 (relating to extension of time for paying tax) is amended by striking out “6 months” and inserting in lieu thereof “6 months (12 months in the case of estate tax)”.

80 Stat. 1107.

(i) **PLACE FOR FILING RETURNS.**—

(1) Paragraph (3) of section 6091(b) (relating to place for filing returns or other documents) is amended to read as follows:

“(3) **ESTATE TAX RETURNS.**—

“(A) **GENERAL RULE.**—Except as provided in subparagraph (B), returns of estate tax required under section 6018 shall be made to the Secretary or his delegate—

“(i) in the internal revenue district in which was the domicile of the decedent at the time of his death, or

“(ii) at a service center serving the internal revenue district referred to in clause (i), as the Secretary or his delegate may by regulations designate.

80 Stat. 1574.

“(B) **EXCEPTION.**—If the domicile of the decedent was not in an internal revenue district, or if he had no domicile, the estate tax return required under section 6018 shall be made at such place as the Secretary or his delegate may by regulations designate.”

(2) Paragraph (4) of section 6091(b) is amended to read as follows:

“(4) **HAND-CARRIED RETURNS.**—Notwithstanding paragraph (1), (2), or (3), a return to which paragraph (1)(A), (2)(A), or (3)(A) would apply, but for this paragraph, which is made to the Secretary or his delegate by hand-carrying shall, under regulations prescribed by the Secretary or his delegate, be made in the internal revenue district referred to in paragraph (1)(A)(i), (2)(A)(i), or (3)(A)(i), as the case may be.”

(j) **EFFECTIVE DATE.**—The amendments made by this section (other than subsection (f)) shall apply with respect to decedents dying after December 31, 1970.

SEC. 102. GIFT TAX.

(a) **AMENDMENTS TO SUBCHAPTER A OF CHAPTER 12.**—

(1) **SECTION 2501.**—

(A) Paragraph (1) of subsection (a) of section 2501 is amended to read as follows:

“(1) **GENERAL RULE.**—For the first calendar quarter of calendar year 1971 and each calendar quarter thereafter a tax, computed

as provided in section 2502, is hereby imposed on the transfer of property by gift during such calendar quarter by any individual, resident or nonresident."

(B) Paragraph (4) of such subsection is amended by striking out "calendar year" and inserting in lieu thereof "calendar quarter".

80 Stat. 1574.
26 USC 2501.

(2) SECTION 2502.—

68A Stat. 403.

(A) So much of subsection (a) of section 2502 as precedes the rate schedule is amended to read as follows:

"(a) COMPUTATION OF TAX.—The tax imposed by section 2501 for each calendar quarter shall be an amount equal to the excess of—

Ante, p. 1838.

"(1) a tax, computed in accordance with the rate schedule set forth in this subsection, on the aggregate sum of the taxable gifts for such calendar quarter and for each of the preceding calendar years and calendar quarters, over

"(2) a tax, computed in accordance with such rate schedule, on the aggregate sum of the taxable gifts for each of the preceding calendar years and calendar quarters."

(B) Subsections (b) and (c) of section 2502 are amended to read as follows:

"(b) CALENDAR QUARTER.—Wherever used in this title in connection with the gift tax imposed by this chapter, the term 'calendar quarter' includes only the first calendar quarter of the calendar year 1971 and succeeding calendar quarters.

"(c) PRECEDING CALENDAR YEARS AND QUARTERS.—Wherever used in this title in connection with the gift tax imposed by this chapter—

"(1) The term 'preceding calendar years' means calendar years 1932 and 1970 and all calendar years intervening between calendar year 1932 and calendar year 1970. The term 'calendar year 1932' includes only the portion of such year after June 6, 1932.

"(2) The term 'preceding calendar quarters' means the first calendar quarter of calendar year 1971 and all calendar quarters intervening between such calendar quarter and the calendar quarter for which the tax is being computed."

(3) SECTION 2503.—

(A) Subsection (a) of section 2503 is amended to read as follows:

"(a) GENERAL DEFINITION.—The term 'taxable gifts' means, in the case of gifts made after December 31, 1970, the total amount of gifts made during the calendar quarter, less the deductions provided in subchapter C (sec. 2521 and following). In the case of gifts made before January 1, 1971, such term means the total amount of gifts made during the calendar year, less the deductions provided in subchapter C."

(B) The heading and first sentence of subsection (b) of section 2503 are amended to read as follows:

"(b) EXCLUSIONS FROM GIFTS.—In computing taxable gifts for the calendar quarter, in the case of gifts (other than gifts of future interests in property) made to any person by the donor during the calendar year 1971 and subsequent calendar years, \$3,000 of such gifts to such person less the aggregate of the amounts of such gifts to such person during all preceding calendar quarters of the calendar year shall not, for purposes of subsection (a), be included in the total amount of gifts made during such quarter."

(4) SECTION 2504.—

(A) Section 2504 is amended to read as follows:

“SEC. 2504. TAXABLE GIFTS FOR PRECEDING YEARS AND QUARTERS.

Post, P. 1841.

“(a) **IN GENERAL.**—In computing taxable gifts for preceding calendar years or calendar quarters for the purpose of computing the tax for any calendar quarter, there shall be treated as gifts such transfers as were considered to be gifts under the gift tax laws applicable to the years or calendar quarters in which the transfers were made and there shall be allowed such deductions as were provided for under such laws; except that the specific exemption in the amount, if any, allowable under section 2521 shall be applied in all computations in respect of previous calendar years or calendar quarters for the purpose of computing the tax for any calendar year or calendar quarter.

“(b) **EXCLUSIONS FROM GIFTS FOR PRECEDING YEARS AND QUARTERS.**—In the case of gifts made to any person by the donor during preceding calendar years and calendar quarters, the amount excluded, if any, by the provisions of gift tax laws applicable to the years and calendar quarters in which the gifts were made shall not, for purposes of subsection (a), be included in the total amount of the gifts made during such years and calendar quarters.

Ante, P. 1839.

“(c) **VALUATION OF CERTAIN GIFTS FOR PRECEDING CALENDAR YEARS AND QUARTERS.**—If the time has expired within which a tax may be assessed under this chapter or under corresponding provisions of prior laws on the transfer of property by gift made during a preceding calendar year or calendar quarter, as defined in section 2502(c), and if a tax under this chapter or under corresponding provisions of prior laws has been assessed or paid for such preceding calendar year or calendar quarter, the value of such gift made in such preceding calendar year or calendar quarter shall, for purposes of computing the tax under this chapter for any calendar quarter, be the value of such gift which was used in computing the tax for the last preceding calendar year or calendar quarter for which a tax under this chapter or under corresponding provisions of prior laws was assessed or paid.

“(d) **NET GIFTS.**—The term ‘net gifts’ as used in corresponding provisions of prior laws shall be read as ‘taxable gifts’ for purposes of this chapter.”

(B) The table of sections for subchapter A of chapter 12 is amended by striking out the item relating to section 2504 and inserting in lieu thereof the following:

“Sec. 2504. Taxable gifts for preceding years and quarters.”

(b) AMENDMENTS TO SUBCHAPTER B OF CHAPTER 12.—

68A Stat. 406.
26 USC 2512.

(1) **SECTION 2512.**—Subsection (b) of section 2512 is amended by striking out “calendar year” and inserting in lieu thereof “calendar quarter”.

(2) **SECTION 2513.**—

(A) Section 2513 is amended by striking out “calendar year” each place it appears and inserting in lieu thereof “calendar quarter”.

(B) Subparagraph (A) of subsection (b) (2) of section 2513 is amended to read as follows:

“(A) the consent may not be signified after the 15th day of the second month following the close of such calendar quarter, unless before such 15th day no return has been filed for such calendar quarter by either spouse, in which case the consent may not be signified after a return for such calendar quarter is filed by either spouse;”.

(C) Subparagraph (B) of subsection (b)(2) of section 2513 is amended by striking out "such year" and inserting in lieu thereof "such calendar quarter".

68A Stat. 406.
26 USC 2513.

(D) Subsection (c) of section 2513 is amended by striking out "15th day of April following the close of such year" and inserting in lieu thereof "15th day of the second month following the close of such calendar quarter".

(E) Subsection (d) of section 2513 is amended by striking out "such year" and inserting in lieu thereof "such calendar quarter".

(3) SECTION 2515.—Subsection (c) of section 2515 is amended by striking out "calendar year" and inserting in lieu thereof "calendar quarter".

(c) AMENDMENTS TO SUBCHAPTER C OF CHAPTER 12.—

(1) SECTION 2521.—Section 2521 is amended to read as follows:

"SEC. 2521. SPECIFIC EXEMPTION.

"In computing taxable gifts for a calendar quarter, there shall be allowed as a deduction in the case of a citizen or resident an exemption of \$30,000, less the aggregate of the amounts claimed and allowed as a specific exemption in the computation of gift taxes for the calendar year 1932 and all calendar years and calendar quarters intervening between that calendar year and the calendar quarter for which the tax is being computed under the laws applicable to such years or calendar quarters."

(2) SECTION 2522.—Section 2522 is amended by striking out "year" each place it appears and inserting in lieu thereof "quarter".

(3) SECTION 2523.—Subsection (a) of section 2523 is amended by striking out "year" each place it appears and inserting in lieu thereof "quarter".

(d) MISCELLANEOUS AMENDMENTS.—

(1) Paragraph (2) of subsection (d) of section 1015 (relating to increased basis for gift tax paid) is amended—

72 Stat. 1640.

(A) by striking out "calendar year" the first place it appears therein and inserting in lieu thereof "calendar quarter (or calendar year if the gift was made before January 1, 1971)", and

(B) by striking out "calendar year" every other place it appears therein and inserting in lieu thereof "calendar quarter or year".

(2) SECTION 2012.

(A) Paragraph (1) of subsection (b) of section 2012 (relating to credit for gift tax) and paragraph (1) of subsection (d) of such section are each amended by striking out "the year" and inserting in lieu thereof "the calendar quarter (or calendar year if the gift was made before January 1, 1971)".

(B) Subsection (d) of section 2012 is amended by striking out "such year" each place it appears therein and inserting in lieu thereof "such quarter or year".

(3) Section 6019 (relating to gift tax returns) is amended to read as follows:

"SEC. 6019. GIFT TAX RETURNS.

"(a) IN GENERAL.—Any individual who in any calendar quarter makes any transfers by gift (other than transfers which under section 2503(b) are not to be included in the total amount of gifts for such

Ante, p. 1839.

quarter and other than qualified charitable transfers) shall make a return for such quarter with respect to the gift tax imposed by subtitle B.

“(b) **QUALIFIED CHARITABLE TRANSFERS.**—

“(1) **RETURN REQUIREMENT.**—A return shall be made of any qualified charitable transfer—

“(A) for the first calendar quarter, in the calendar year in which the transfer is made, for which a return is required to be filed under subsection (a), or

“(B) if no return is required to be filed under subparagraph (A), for the fourth calendar quarter in the calendar year in which such transfer is made.

A return made pursuant to the provisions of this paragraph shall be deemed to be a return with respect to any transfer reported as a qualified charitable transfer for the calendar quarter in which such transfer was made.

“(2) **DEFINITION OF QUALIFIED CHARITABLE TRANSFER.**—For purposes of this section, the term ‘qualified charitable transfer’ means a transfer by gift with respect to which a deduction is allowable under section 2522 in an amount equal to the amount transferred.

“(c) **TENANCY BY THE ENTIRETY.**—

“For provisions relating to requirement of return in the case of election as to the treatment of gift by creation of tenancy by the entirety, see section 2515(c).”

(4) Subsection (b) of section 6075 (relating to time for filing gift tax returns) is amended to read as follows:

Ante, p. 1841.

“(b) **GIFT TAX RETURNS.**—Returns made under section 6019 (relating to gift taxes) shall be filed on or before the 15th day of the second month following the close of the calendar quarter.”

(5) Paragraph (1) of subsection (c) of section 6212 (relating to notice of deficiency) is amended by striking out “calendar year” and inserting in lieu thereof “calendar quarter”.

(6) Subsection (b) of section 6214 (relating to determination by Tax Court) is amended to read as follows:

“(b) **JURISDICTION OVER OTHER YEARS AND QUARTERS.**—The Tax Court in redetermining a deficiency of income tax for any taxable year or of gift tax for any calendar year or calendar quarter shall consider such facts with relation to the taxes for other years or calendar quarters as may be necessary correctly to redetermine the amount of such deficiency, but in so doing shall have no jurisdiction to determine whether or not the tax for any other year or calendar quarter has been overpaid or underpaid.”

80 Stat. 1132.

(7) Subsection (b) of section 6324 (relating to lien for gift tax) is amended by striking out “calendar year” and inserting in lieu thereof “period for which the return was filed”.

(8) Paragraph (2) of section 6501(e) (relating to limitations on assessment and collection) is amended by striking out “during the year” and inserting in lieu thereof “during the period for which the return was filed”.

(9) Section 6512 (relating to limitations in case of petition to Tax Court) is amended by striking out “the same calendar year” each place it appears therein and inserting in lieu thereof “the same calendar year or calendar quarter”.

(e) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to gifts made after December 31, 1970.

TITLE II—CONTINUATION OF EXCISE TAXES ON PAS-
SENGER AUTOMOBILES AND COMMUNICATIONS
SERVICES

SEC. 201. RATES OF TAX.

(a) PASSENGER AUTOMOBILES.—

(1) IN GENERAL.—Section 4061(a)(2)(A) (relating to tax on passenger automobiles, etc.) is amended to read as follows:

83 Stat. 660.
26 USC 4061.

“(A) Articles enumerated in subparagraph (B) are tax-
able at whichever of the following rates is applicable:

“If the article is sold—	The tax rate is—
Before January 1, 1973.....	7 percent.
During 1973.....	6 percent.
During 1974, 1975, 1976, or 1977.....	5 percent.
During 1978.....	4 percent.
During 1979.....	3 percent.
During 1980.....	2 percent.
During 1981.....	1 percent.

The tax imposed by this subsection shall not apply with re-
spect to articles enumerated in subparagraph (B) which are
sold by the manufacturer, producer, or importer, after De-
cember 31, 1981.”

(2) CONFORMING AMENDMENT.—Section 6412(a)(1) (relat-
ing to the floor stocks refunds on passenger automobiles, etc.)
is amended by striking out “January 1, 1971, January 1, 1972,
January 1, 1973, or January 1, 1974”, and inserting in lieu thereof
“January 1 of 1973, 1974, 1978, 1979, 1980, 1981, or 1982”.

79 Stat. 141;
83 Stat. 660.

(b) COMMUNICATIONS SERVICES.—

(1) CONTINUATION OF TAX.—Section 4251(a)(2) (relating to
tax on certain communications services) is amended by striking
out the table and inserting in lieu thereof the following table:

“Amounts paid pursuant to bills first rendered—	Percent—
Before January 1, 1973.....	10
During 1973.....	9
During 1974.....	8
During 1975.....	7
During 1976.....	6
During 1977.....	5
During 1978.....	4
During 1979.....	3
During 1980.....	2
During 1981.....	1”.

(2) CONFORMING AMENDMENT.—Section 4251(b) (relating to
termination of tax) is amended by striking out “January 1, 1974”,
and inserting in lieu thereof “January 1, 1982”.

(3) REPEAL OF SUBCHAPTER B OF CHAPTER 33.—Section 105
(b)(3) of the Revenue and Expenditure Control Act of 1968
(82 Stat. 266) is amended to read as follows:

26 USC 4251
note.

“(3) REPEAL OF SUBCHAPTER B OF CHAPTER 33.—Effective with
respect to amounts paid pursuant to bills first rendered on or after
January 1, 1982, subchapter B of chapter 33 (relating to the tax
on communications) is repealed. For purposes of the preceding
sentence, in the case of communications services rendered before
November 1, 1981, for which a bill has not been rendered before
January 1, 1982, a bill shall be treated as having been first ren-
dered on December 31, 1981. Effective January 1, 1982, the table
of subchapters for chapter 33 is amended by striking out the item
relating to such subchapter B.”

79 Stat. 145.

TITLE III—TECHNICAL EXCISE TAX CHANGES

SEC. 301. CONSTRUCTIVE SALE PRICE.

72 Stat. 1279;
83 Stat. 725.
26 USC 4216.

(a) DETERMINATION OF CONSTRUCTIVE SALE PRICE.—Section 4216(b) (relating to constructive sale price) is amended by adding at the end thereof the following new paragraphs:

Ante, p. 1843.

“(5) CONSTRUCTIVE SALE PRICE IN THE CASE OF AUTOMOBILES, TRUCKS, ETC.—In the case of articles the sale of which is taxable under section 4061(a) (relating to automobiles, trucks, etc.), for purposes of paragraph (1), if—

68 A Stat. 369.

“(A) the manufacturer, producer, or importer of the article regularly sells such article to a distributor which is a member of the same affiliated group of corporations (as defined in section 1504(a)) as the manufacturer, producer, or importer, and

“(B) such distributor regularly sells such article to one or more independent retailers,
the constructive sale price of such article shall be 98½ percent of the lowest price for which such distributor regularly sells such article in arm’s-length transactions to such independent retailers. The price determined under this paragraph shall not be adjusted for any exclusion (except for the tax imposed on such article) or readjustments under subsections (a) and (f) and under section 6416(b) (1).

“(6) DEFINITION OF LOWEST PRICE.—For purposes of paragraphs (1), (3), and (5), the lowest price shall be determined—

“(A) without requiring that any given percentage of sales be made at that price, and

“(B) without including any fixed amount to which the purchaser has a right as a result of contractual arrangements existing at the time of the sale.”

(b) CONFORMING AMENDMENTS.—

(1) The first sentence of paragraph (3) of section 4216(b) is amended by striking out “paragraph (4)” and inserting in lieu thereof “paragraphs (4) and (5)”.

(2) Paragraphs (3) and (4) of section 4216(b) are amended—

(A) by striking out “Fair market price” in the heading and inserting in lieu thereof “Constructive sale price”;

(B) by striking out “fair market price” each place it appears in the text and inserting in lieu thereof “constructive sale price”; and

(C) by striking out “paragraph (1) (C)” and inserting in lieu thereof “paragraph (1)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to articles sold after December 31, 1970; except that section 4216 (b) (6) of the Internal Revenue Code of 1954 (as added by subsection (a)) shall also apply to (1) the application of paragraph (1) of such section 4216(b) to articles sold after June 30, 1962, and before January 1, 1971, and (2) the application of paragraph (3) of such section 4216(b) to articles sold after December 31, 1969, and before January 1, 1971.

SEC. 302. CREDITS IN THE CASE OF CERTAIN FURTHER MANUFACTURING.

(a) IN GENERAL.—

(1) Section 6416(b)(3) (relating to tax-paid articles used for further manufacture) is amended—

72 Stat. 1306.
26 USC 6416.

(A) by striking out “to a second manufacturer or producer, such tax shall be deemed to be an overpayment by such second manufacturer or producer if” and inserting in lieu thereof “and such article is sold to a subsequent manufacturer or producer before being used, such tax shall be deemed to be an overpayment by such subsequent manufacturer or producer if”; and

(B) by striking out “the second manufacturer” each place it appears in subparagraphs (A), (B), (C), (E), and (F) and inserting in lieu thereof “the subsequent manufacturer”.

74 Stat. 38;
75 Stat. 126.

(2) Section 6416(c) (relating to credit for tax paid on tires or inner tubes) is amended by striking out the last sentence thereof.

79 Stat. 154.

(b) CONFORMING AMENDMENT.—Section 6416(b)(2) (relating to specified uses and resales) is amended by striking out subparagraph (E).

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) of this section shall apply only with respect to claims for credit or refund filed after the date of the enactment of this Act, but only if the filing of the claim is not barred on the day after the date of the enactment of this Act by any law or rule of law.

SEC. 303. CERTAIN CAMPER UNITS.

(a) GENERAL RULE.—Section 4063(a)(1)(B) (relating to exemptions for camper coaches, etc.) is amended by inserting “or camping accommodations” after “living quarters”.

79 Stat. 157.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) of this section shall apply with respect to sales made on or after the date of the enactment of this Act.

SEC. 304. NEW CAR LABELS TO SHOW RATE OF APPLICABLE FEDERAL MANUFACTURERS EXCISE TAX.

(a) GENERAL RULE.—In the case of any new automobile distributed in commerce after March 31, 1971, on the sale of which by the manufacturer, producer, or importer tax was imposed by section 4061(a) of the Internal Revenue Code of 1954, any person required by section 3 of the Automobile Information Disclosure Act (15 U.S.C., sec. 1232) to affix a label to such new automobile shall include in such label a clear, distinct, and legible endorsement stating—

Ante, p. 1843.

72 Stat. 326.

- (1) that Federal excise tax was imposed on such sale, and
- (2) the percentage rate at which such tax was imposed.

(b) PENALTY.—Any person required by subsection (a) of this section to endorse any label who willfully fails to endorse clearly, distinctly, and legibly such label as required by subsection (a), or who makes a false endorsement of such label, shall be fined not more than \$1,000. Such failure or false endorsement with respect to each automobile shall constitute a separate offense.

SEC. 305. CHANGE IN TAX ON NON-TURBINE-POWERED AIRCRAFT.

Ante, p. 243.

(a) **EXEMPTION OF FIRST 2,500 POUNDS.**—Section 4491(a)(2) (relating to tax on use of civil aircraft) is amended by striking out clause (A) and inserting in lieu thereof “(A) in the case of an aircraft (other than a turbine-engine-powered aircraft), 2 cents a pound for each pound of the maximum certificated takeoff weight in excess of 2,500 pounds, or”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on July 1, 1971.

TITLE IV—TREASURY DEPARTMENT WORKING CAPITAL FUND

SEC. 401. ESTABLISHMENT OF FUND.

There is hereby established a working capital fund for the Department of the Treasury, which shall be available, without fiscal year limitation, for expenses and equipment necessary for maintenance and operation of such administrative services as the Secretary of the Treasury, with the approval of the Director of the Office of Management and Budget, determines may be performed more advantageously and more economically as central services. The capital of the fund shall not exceed \$1,000,000 and shall consist of the amount of the fair and reasonable value of such supply inventories, equipment, and other assets and inventories on order, pertaining to the services to be carried on by the fund, as the Secretary of the Treasury may transfer to the fund, less the related liabilities and unpaid obligations, together with any appropriations made for the purpose of providing capital. The fund shall be reimbursed, or credited with advance payments, from applicable appropriations and funds of the Department of the Treasury, other Federal agencies, and other sources authorized by law, for supplies and services at rates which will recover the expense of operations, including accrual of annual leave and depreciation of plant and equipment of the fund. The fund shall also be credited with other receipts from sale or exchange of property or in payment for loss or damage to property held by the fund. There shall be transferred into the Treasury as miscellaneous receipts, as of the close of each fiscal year, earnings which the Secretary of the Treasury determines to be excess to the needs of the fund. There are hereby authorized to be appropriated such amounts as may be necessary to provide capital for the fund.

TITLE V—CARRY FORWARD IN COMPUTING MINIMUM TAX ON TAX PREFERENCES

SEC. 501. 7-YEAR CARRY FORWARD.

83 Stat. 580.

(a) **IN GENERAL.**—Section 56 (relating to imposition of minimum tax for tax preferences) is amended—

(1) by striking out paragraph (2) of subsection (a) and inserting in lieu thereof the following:

“(2) the sum of—

“(A) the taxes imposed by this chapter for the taxable year (computed without regard to this part and without regard to the taxes imposed by sections 531 and 541) reduced by the sum of the credits allowable under—

“(i) section 33 (relating to foreign tax credit),

“(ii) section 37 (relating to retirement income), and

“(iii) section 38 (relating to investment credit); and

68A Stat. 179.
78 Stat. 79.

76 Stat. 962.

“(B) the tax carry overs to the taxable year.”; and

(2) by adding at the end of such section the following new subsection:

“(c) TAX CARRY OVERS.—If for any taxable year—

“(1) the taxes imposed by this chapter (computed without regard to this part and without regard to the taxes imposed by sections 531 and 541) reduced by the sum of the credits allowable under—

“(A) section 33 (relating to foreign tax credit),

“(B) section 37 (relating to retirement income), and

“(C) section 38 (relating to investment credit), exceed

“(2) the sum of the items of tax preference in excess of \$30,000,

68A Stat. 179.
78 Stat. 79.
26 USC 531, 541.

76 Stat. 962.

then the excess of the taxes described in paragraph (1) over the sum described in paragraph (2) shall be a tax carry over to each of the 7 taxable years following such year. The entire amount of the excess for a taxable year shall be carried to the first of such 7 taxable years, and then to each of the other such taxable years to the extent that such excess is not used to reduce the amount subject to tax under subsection (a) for a prior taxable year to which excess may be carried.”

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to taxable years ending after December 31, 1969. In the case of a taxable year beginning in 1969 and ending in 1970, the excess referred to in section 56(c) of the Internal Revenue Code of 1954 (as added by subsection (a)) shall be an amount equal to the excess determined under such section (without regard to the sentence) multiplied by a fraction—

(1) the numerator of which is the number of days in the taxable year occurring after December 31, 1969, and

(2) the denominator of which is the number of days in the entire taxable year.

Approved December 31, 1970.

Public Law 91-615

AN ACT

To amend the Tariff Schedules of the United States to provide that imported articles which are exported and thereafter reimported to the United States for failure to meet sample or specifications shall, in certain instances, be entered free of duty upon such reimportation.

December 31, 1970
[H. R. 9183]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That schedule 8, part 1, subpart A of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting after item 801.00 the following new item:

Reimported
articles.
Duty free entry.
77A Stat. 405.

“ 801.10	Articles, previously imported, with respect to which the duty was paid upon such previous importation if (1) exported within three years after the date of such previous importation, (2) reimported without having been advanced in value or imported in condition by any process of manufacture or other means while abroad, (3) reimported for the reason that such articles do not conform to sample or specifications, and (4) reimported by or for the account of the person who imported them into, and exported them from, the United States.		Free
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SEC. 2. The amendment made by the first section of this Act shall apply will respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of enactment of this Act and which had not previously been so entered or withdrawn before such date.

Approved December 31, 1970.

Public Law 91-616

December 31, 1970
[S. 3835]

AN ACT

To provide a comprehensive Federal program for the prevention and treatment of alcohol abuse and alcoholism.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Comprehensive
Alcohol Abuse and
Alcoholism Pre-
vention, Treatment,
and Rehabilitation
Act of 1970.

SHORT TITLE

SECTION 1. This Act may be cited as the "Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970".

TITLE I—NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

ESTABLISHMENT OF THE INSTITUTE

SEC. 101. (a) There is established in the National Institute of Mental Health, the National Institute on Alcohol Abuse and Alcoholism (hereafter in this Act referred to as the "Institute") to administer the programs and authorities assigned to the Secretary of Health, Education, and Welfare (hereafter in this Act referred to as the "Secretary") by this Act and part C of the Community Mental Health Centers Act. The Secretary, acting through the Institute, shall, in carrying out the purposes of section 301 of the Public Health Service Act with respect to alcohol abuse and alcoholism, develop and conduct comprehensive health, education, training, research, and planning programs for the prevention and treatment of alcohol abuse and alcoholism and for the rehabilitation of alcohol abusers and alcoholics.

82 Stat. 1006;
Ante, p. 59.
42 USC 2688e.
58 Stat. 691;
79 Stat. 448.
42 USC 241.

(b) The Institute shall be under the direction of a Director who shall be appointed by the Secretary.

REPORTS BY THE SECRETARY

SEC. 102. The Secretary shall—

Reports to
President and
Congress.

(1) submit an annual report to Congress which shall include a description of the actions taken, services provided, and funds expended under this Act and part C of the Community Mental Health Centers Act, an evaluation of the effectiveness of such actions, services, and expenditures of funds, and such other information as the Secretary considers appropriate;

(2) submit to Congress on or before the expiration of the one-year period beginning on the date of enactment of this Act a report (A) containing current information on the health consequences of using alcoholic beverages, and (B) containing such recommendations for legislation and administrative action as he may deem appropriate;

(3) submit such additional reports as may be requested by the President of the United States or by Congress; and

(4) submit to the President of the United States and to Congress such recommendations as will further the prevention, treatment, and control of alcohol abuse and alcoholism.

TITLE II—ALCOHOL ABUSE AND ALCOHOLISM PREVENTION, TREATMENT, AND REHABILITATION PROGRAMS FOR FEDERAL CIVILIAN EMPLOYEES

ALCOHOL ABUSE AND ALCOHOLISM AMONG FEDERAL CIVILIAN EMPLOYEES

SEC. 201. (a) The Civil Service Commission shall be responsible for developing and maintaining, in cooperation with the Secretary and with other Federal agencies and departments, appropriate prevention, treatment, and rehabilitation programs and services for alcohol abuse and alcoholism among Federal civilian employees, consistent with the purposes of this Act. Such policies and services shall make optimal use of existing governmental facilities, services, and skills.

(b) The Secretary, acting through the Institute, shall be responsible for fostering similar alcohol abuse and alcoholism prevention, treatment, and rehabilitation programs and services in State and local governments and in private industry.

(c) (1) No person may be denied or deprived of Federal civilian employment or a Federal professional or other license or right solely on the ground of prior alcohol abuse or prior alcoholism.

(2) This subsection shall not apply to employment (A) in the Central Intelligence Agency, the Federal Bureau of Investigation, the National Security Agency, or any other department or agency of the Federal Government designated for purposes of national security by the President, or (B) in any position in any department or agency of the Federal Government, not referred to in clause (A), which position is determined pursuant to regulations prescribed by the head of such agency or department to be a sensitive position.

(d) This title shall not be construed to prohibit the dismissal from employment of a Federal civilian employee who cannot properly function in his employment.

TITLE III—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

PART A—FORMULA GRANTS

AUTHORIZATION

SEC. 301. There are authorized to be appropriated \$40,000,000 for the fiscal year ending June 30, 1971, \$60,000,000 for the fiscal year ending June 30, 1972, \$80,000,000 for the fiscal year ending June 30, 1973, for grants to States to assist them in planning, establishing, maintaining, coordinating, and evaluating projects for the development of more effective prevention, treatment, and rehabilitation programs to deal with alcohol abuse and alcoholism. For purposes of this part, the term "State" includes the District of Columbia, the Virgin Islands, the Commonwealth of Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands, in addition to the fifty States.

Appropriation.

"State."

STATE ALLOTMENT

SEC. 302. (a) For each fiscal year the Secretary shall, in accordance with regulations, allot the sums appropriated for such year pursuant to section 301 among the States on the basis of the relative population, financial need, and need for more effective prevention, treatment, and rehabilitation of alcohol abuse and alcoholism; except that no such allotment to any State (other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands) for any fiscal year shall be less than \$200,000.

(b) Any amount so allotted to a State (other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands) and remaining unobligated at the end of such year shall remain available to such State, for the purposes for which made, for the next fiscal year (and for such year only), and any such amount shall be in addition to the amounts allotted to such State for such purpose for such next fiscal year; except that any such amount, remaining unobligated at the end of the sixth month following the end of such year for which it was allotted, which the Secretary determines will remain unobligated by the close of such next fiscal year, may be reallocated by the Secretary, to be available for the purposes for which made until the close of such next fiscal year, to other States which have need therefor, on such basis as the Secretary deems equitable and consistent with the purposes of this part, and any amount so reallocated to a State shall be in addition to the amounts allotted and available to the States for the same period. Any amount allotted under subsection (a) to the Virgin Islands, American Samoa, Guam, or the Trust Territory of the Pacific Islands for a fiscal year and remaining unobligated at the end of such year shall remain available to it, for the purposes for which made, for the next two fiscal years (and for such years only), and any such amount shall be in addition to the amounts allotted to it for such purpose for each of such next two fiscal years; except that any such amount, remaining unobligated at the end of the first of such next two years, which the Secretary determines will remain unobligated at the close of the second of such next two years, may be reallocated by the Secretary, to be available for the purposes for which made until the close of the second of such next two years, to any other of such four States which have need therefor, on such basis as the Secretary deems equitable and consistent with the purposes of this part, and any amount so reallocated to a State shall be in addition to the amounts allotted and available to the State for the same period.

(c) At the request of any State, a portion of any allotment or allotments of such State under this part shall be available to pay that portion of the expenditures found necessary by the Secretary for the proper and efficient administration during such year of the State plan approved under this part, except that not more than 10 per centum of the total of the allotments of such State for a year, or \$50,000, whichever is the least, shall be available for such purpose for such year.

STATE PLANS

SEC. 303. (a) Any State desiring to participate in this part shall submit a State plan for carrying out its purposes. Such plan must—

(1) designate a single State agency as the sole agency for the administration of the plan, or designate such agency as the sole agency for supervising the administration of the plan;

(2) contain satisfactory evidence that the State agency designated in accordance with paragraph (1) (hereafter in this section referred to as the "State agency") will have authority to carry out such plan in conformity with this part;

(3) provide for the designation of a State advisory council which shall include representatives of nongovernmental organizations or groups, and of public agencies concerned with the prevention and treatment of alcohol abuse and alcoholism, to consult with the State agency in carrying out the plan;

(4) set forth, in accordance with criteria established by the Secretary, a survey of need for the prevention and treatment of alcohol abuse and alcoholism, including a survey of the health

facilities needed to provide services for alcohol abuse and alcoholism and a plan for the development and distribution of such facilities and programs throughout the State;

(5) provide such methods of administration of the State plan, including methods relating to the establishment and maintenance of personnel standards on a merit basis (except that the Secretary shall exercise no authority with respect to the selection, tenure of office, or compensation of any individual employed in accordance with such methods), as are found by the Secretary to be necessary for the proper and efficient operation of the plan;

(6) provide that the State agency will make such reports, in such form and containing such information, as the Secretary may from time to time reasonably require, and will keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports;

(7) provide that the Comptroller General of the United States or his duly authorized representatives shall have access for the purpose of audit and examination to the records specified in paragraph (6);

(8) provide that the State agency will from time to time, but not less often than annually, review its State plan and submit to the Secretary any modifications thereof which it considers necessary;

(9) provide reasonable assurance that Federal funds made available under this part for any period will be so used as to supplement and increase, to the extent feasible and practical, the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this part, and will in no event supplant such State, local, and other non-Federal funds; and

(10) contain such additional information and assurance as the Secretary may find necessary to carry out the provisions and purposes of this part.

(b) The Secretary shall approve any State plan and any modification thereof which complies with the provisions of subsection (a).

State plans,
approval.

PART B—PROJECT GRANTS AND CONTRACTS

GRANTS AND CONTRACTS FOR THE PREVENTION AND TREATMENT OF ALCOHOL ABUSE AND ALCOHOLISM

SEC. 311. Section 247 of part C of the Community Mental Health Centers Act is amended to read as follows:

82 Stat. 1009;
Ante, p. 59.
42 USC 2688j-2.

“GRANTS AND CONTRACTS FOR THE PREVENTION AND TREATMENT OF ALCOHOL ABUSE AND ALCOHOLISM

“SEC. 247. (a) The Secretary, acting through the National Institute on Alcohol Abuse and Alcoholism, may make grants to public and private nonprofit agencies, organizations, and institutions and may enter into contracts with public and private agencies, organizations, and institutions, and individuals—

“(1) to conduct demonstration, service, and evaluation projects,

“(2) to provide education and training,

“(3) to provide programs and services in cooperation with schools, courts, penal institutions, and other public agencies, and

“(4) to provide counseling and education activities on an individual or community basis,

for the prevention and treatment of alcohol abuse and alcoholism and for the rehabilitation of alcohol abusers and alcoholics.

“(b) Projects for which grants or contracts are made under this section shall, whenever possible, be community based, provide a comprehensive range of services, and be integrated with, and involve the active participation of, a wide range of public and nongovernmental agencies, organizations, institutions, and individuals.

Applications.

“(c) (1) In administering the provisions of this section, the Secretary shall require coordination of all applications for programs in a State.

Filing.

“(2) Each applicant from within a State, upon filing its application with the Secretary for a grant or contract under this section, shall submit a copy of its application for review by the State agency designated under section 303 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, if such agency exists. Such State agency shall be given not more than thirty days from the date of receipt of the application to submit to the Secretary, in writing, an evaluation of the project set forth in the application. Such evaluation shall include comments on the relationship of the project to other projects pending and approved and to the State comprehensive plan for treatment and prevention of alcohol abuse and alcoholism under such section 303. The State shall furnish the applicant a copy of any such evaluation.

Approval, criteria.

“(3) Approval of any application for a grant or contract by the Secretary, including the earmarking of financial assistance for a program or project, may be granted only if the application substantially meets a set of criteria established by the Secretary that—

“(A) provide that the activities and services for which assistance under this section is sought will be substantially administered by or under the supervision of the applicant;

“(B) provide for such methods of administration as are necessary for the proper and efficient operation of such programs or projects;

“(C) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant; and

“(D) provide reasonable assurance that Federal funds made available under this section for any period will be so used as to supplement and increase, to the extent feasible and practical, the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this section, and will in no event supplant such State, local, and other non-Federal funds.

Appropriation.

“(d) To carry out the purposes of this section, there are authorized to be appropriated \$30,000,000 for the fiscal year ending June 30, 1971, \$40,000,000 for the fiscal year ending June 30, 1972, and \$50,000,000 for the fiscal year ending June 30, 1973.”

PART C—ADMISSION TO HOSPITALS

ADMISSION OF ALCOHOL ABUSERS AND ALCOHOLICS TO PRIVATE AND PUBLIC HOSPITALS

SEC. 321. (a) Alcohol abusers and alcoholics shall be admitted to and treated in private and public general hospitals, which receive Federal funds for alcoholic treatment programs, on the basis of medical need and shall not be discriminated against solely because of their alcoholism. No hospital that violates this section shall receive Federal financial assistance under the provisions of this Act; except that the Secretary shall not terminate any such Federal assistance until the

Noncompliance,
Federal assistance,
termination.

Secretary has advised the appropriate person or persons of the failure to comply with this section, and has provided an opportunity for correction or a hearing.

Hearing opportunity.

(b) Any action taken by the Secretary pursuant to this section shall be subject to such judicial review as is provided by section 404 of the Community Mental Health Centers Act.

Judicial review.

77 Stat. 298.
42 USC 2694.

PART D—GENERAL

COMPREHENSIVE STATE HEALTH PLANS

SEC. 331. Section 314(d) (2) of the Public Health Service Act is amended—

Ante, p. 1241.

- (1) by striking out “and” at the end of subparagraph (J);
- (2) by striking out the period at the end of subparagraph (K) and inserting in lieu thereof “; and”; and
- (3) by adding after subparagraph (K) the following new subparagraph:
“(L) provide for services for the prevention and treatment of alcohol abuse and alcoholism, commensurate with the extent of the problem.”

SPECIALIZED FACILITIES

SEC. 332. Section 243(a) of the Community Mental Health Centers Act is amended (1) by inserting “or leasing” after “construction”, and (2) by inserting “facilities for emergency medical services, intermediate care services, or outpatient services, and” immediately before “post-hospitalization treatment facilities”.

82 Stat. 1008.
42 USC 2688h.

CONFIDENTIALITY OF RECORDS

SEC. 333. The Secretary may authorize persons engaged in research on, or treatment with respect to, alcohol abuse and alcoholism to protect the privacy of individuals who are the subject of such research or treatment by withholding from all persons not connected with the conduct of such research or treatment the names or other identifying characteristics of such individuals. Persons so authorized to protect the privacy of such individuals may not be compelled in any Federal, State, or local civil, criminal, administrative, legislative, or other proceeding to identify such individuals.

Research and treatment populations.

TITLE IV—THE NATIONAL ADVISORY COUNCIL ON ALCOHOL ABUSE AND ALCOHOLISM

ESTABLISHMENT OF COUNCIL

SEC. 401. (a) Section 217(a) of the Public Health Service Act is amended—

64 Stat. 446.
42 USC 218.

- (1) in the first sentence thereof, by inserting “the National Advisory Council on Alcohol Abuse and Alcoholism,” immediately after “the National Advisory Mental Health Council,”;
- (2) in the second sentence thereof, by (A) inserting “the National Advisory Council on Alcoholic Abuse and Alcoholism,” immediately after “the National Advisory Mental Health Council,” and (B) inserting “alcohol abuse and alcoholism,” immediately after “psychiatric disorders,”; and
- (3) in the fourth sentence, (A) by inserting “(other than the members of the National Advisory Council on Alcohol Abuse and Alcoholism)” after “the terms of the members”; (B) by striking

out “and” before “(2)”; and (C) by striking out the period at the end and inserting a semicolon and “and (3) the terms of the members of the National Council on Alcohol Abuse and Alcoholism first taking office after the date of enactment of this clause, shall expire as follows: Three shall expire four years after such date, three shall expire three years after such date, three shall expire two years after such date, and three shall expire one year after such date, as designated by the Secretary at the time of appointment.”

64 Stat. 446.
42 USC 218.

(b) Section 217(b) of such Act is amended, in the second sentence thereof, by inserting “alcohol abuse and alcoholism,” immediately after “mental health,”.

(c) Section 217 of such Act is further amended by adding at the end thereof the following new subsection:

“(d) The National Advisory Council on Alcohol Abuse and Alcoholism shall advise, consult with, and make recommendations to, the Secretary on matters relating to the activities and functions of the Secretary in the field of alcohol abuse and alcoholism. The Council is authorized (1) to review research projects or programs submitted to or initiated by it in the field of alcohol abuse and alcoholism and recommend to the Secretary any such projects which it believes show promise of making valuable contributions to human knowledge with respect to the cause, prevention, or methods of diagnosis and treatment of alcohol abuse and alcoholism, and (2) to collect information as to studies being carried on in the field of alcohol abuse and alcoholism and, with the approval of the Secretary, make available such information through appropriate publications for the benefit of health and welfare agencies or organizations (public or private) or physicians or any other scientists, and for the information of the general public. The Council is also authorized to recommend to the Secretary, for acceptance pursuant to section 501 of this Act, conditional gifts for work in the field of alcohol abuse and alcoholism; and the Secretary shall recommend acceptance of any such gifts only after consultation with the Council.”

58 Stat. 709;
60 Stat. 425.
42 USC 219.

APPROVAL BY COUNCIL OF CERTAIN GRANTS UNDER PART C OF COMMUNITY MENTAL HEALTH CENTERS ACT

Ante, p. 62.

SEC. 402. Section 266 of the Community Mental Health Centers Act is amended (1) by inserting “(other than part C thereof)” immediately after “this title”, and (2) by adding immediately after the period the following: “Grants under part C of this title for such costs may be made only upon recommendation of the National Advisory Council on Alcohol Abuse and Alcoholism established by such section.”

TITLE V—GENERAL

Separability.

SEC. 501. If any section, provision, or term of this Act is adjudged invalid for any reason, such judgment shall not affect, impair, or invalidate any other section, provision, or term of this Act, and the remaining sections, provisions, and terms shall be and remain in full force and effect.

Recordkeeping.

SEC. 502. (a) Each recipient of assistance under this Act pursuant to grants or contracts entered into under other than competitive bidding procedures shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant or contract, the total cost of the project or undertaking in connection with which

such grant or contract is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary and Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of such recipients that are pertinent to the grants or contracts entered into under the provisions of this Act under other than competitive bidding procedures.

SEC. 503. Payments under this Act may be made in advance or by way of reimbursement and in such installments as the Secretary may determine.

Records, access-
sibility.

Payments.

Approved December 31, 1970.

Public Law 91-617

AN ACT

To provide that the interest on certain insured loans sold out of the Agricultural Credit Insurance Fund shall be included in gross income.

December 31, 1970
[H. R. 15979]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 306(a)(1) of the Consolidated Farmers Home Administration Act of 1961, as amended (7 U.S.C. 1926(a)(1)), is amended by adding at the end thereof the following new sentence: "When any loan made for a purpose specified in this paragraph is sold out of the Agricultural Credit Insurance Fund as an insured loan, the interest or other income thereon paid to an insured holder shall be included in gross income for purposes of chapter 1 of the Internal Revenue Code of 1954."

Agricultural
Credit Insur-
ance Fund.
Insured loans,
interest; tax
treatment.
79 Stat. 931.

(b) The amendment made by subsection (a) shall apply to the insured loans sold out of the Agricultural Credit Insurance Fund after the date of the enactment of this Act.

68A Stat. 3;
83 Stat. 678.
26 USC 1.
Effective date.

Approved December 31, 1970.

Public Law 91-618

AN ACT

To amend the Internal Revenue Code of 1954 to clarify the applicability of the exemption from income taxation of cemetery corporations.

December 31, 1970
[H. R. 16506]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (13) of section 501(c) of the Internal Revenue Code of 1954 (relating to exempt organizations) is amended to read as follows:

Cemetery corpo-
rations.
Income tax ex-
emption.
68A Stat. 164.
26 USC 501.

"(13) Cemetery companies owned and operated exclusively for the benefit of their members or which are not operated for profit; and any corporation chartered solely for the purpose of the disposal of bodies by burial or cremation which is not permitted by its charter to engage in any business not necessarily incident to that purpose and no part of the net earnings of which inures to the benefit of any private shareholder or individual."

SEC. 2. The amendment made by the first section of this Act shall apply to taxable years ending after the date of enactment of this Act.

Effective date.

Approved December 31, 1970.

Public Law 91-619

AN ACT

December 31, 1970
[H. R. 17867]

Making appropriations for Foreign Assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes.

Foreign Assistance and Related Programs Appropriation Act, 1971.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Foreign Assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes, namely:

TITLE I—FOREIGN ASSISTANCE ACT ACTIVITIES

FUNDS APPROPRIATED TO THE PRESIDENT

75 Stat. 424.
22 USC 2151
note.

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, as amended, and for other purposes, to remain available until June 30, 1971, unless otherwise specified herein, as follows:

ECONOMIC ASSISTANCE

Technical assistance: For necessary expenses as authorized by law, \$353,435,000, distributed as follows:

83 Stat. 805.
22 USC 2172.
22 USC 2212.
22 USC 2222.

(1) World-wide, \$166,750,000 (section 212);
(2) Alliance for Progress, \$82,875,000 (section 252(a)); and
(3) Multilateral organizations, \$103,810,000 (section 302(a)), of which not less than \$13,000,000 shall be available only for the United Nations Children's Fund: *Provided*, That no part of this appropriation shall be used to initiate any project or activity which has not been justified to the Congress, except projects or activities relating to the reduction of population growth.

22 USC 2174.

American schools and hospitals abroad: For expenses authorized by section 214(c), \$12,895,000, and the payments due in 1971 and 1972 on loans made for the benefit of the Weizmann Institute of Science and the Bar Ilan University by the Agency for International Development from funds available under title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (Public Law 480), are hereby waived.

80 Stat. 1526.
7 USC 1701.

Indus Basin Development Fund, grants: For expenses authorized by section 302(b) (2), \$4,925,000.

83 Stat. 819.
22 USC 2222.

Indus Basin Development Fund, loans: For expenses authorized by section 302(b) (1), \$6,980,000, to remain available until expended.

81 Stat. 454;
83 Stat. 819.

United Nations Relief and Works Agency (Arab refugees): For expenses authorized by section 302(e), \$1,000,000.

22 USC 2242.

Supporting assistance: For expenses authorized by section 402, \$414,600,000: *Provided*, That no part of this appropriation shall be used to initiate any project or activity which has not been justified to the Congress.

22 USC 2261.

Contingency fund: For expenses authorized by section 451(a), \$15,000,000.

22 USC 2212.
22 USC 2163.

Alliance for Progress, development loans: For expenses authorized by section 252(a), \$287,500,000, together with such amounts as are authorized to be made available under section 203, all such amounts to remain available until expended.

Development loans: For expenses authorized by section 202(a), \$420,000,000, together with such amounts as are authorized to be made available under section 203, all such amounts to remain available until expended.

83 Stat. 805.
22 USC 2162.
22 USC 2163.

Administrative expenses: For expenses authorized by section 637(a), \$51,000,000.

22 USC 2397.

Administrative and other expenses: For expenses authorized by section 637(b) of the Foreign Assistance Act of 1961, as amended, and by section 305 of the Mutual Defense Assistance Control Act of 1951, as amended, \$4,100,000.

75 Stat. 460.

22 USC 1613d.

Unobligated balances as of June 30, 1970, of funds heretofore made available under the authority of the Foreign Assistance Act of 1961, as amended, except as otherwise provided by law, are hereby continued available for the fiscal year 1971, for the same general purposes for which appropriated and amounts certified pursuant to section 1311 of the Supplemental Appropriation Act, 1955, as having been obligated against appropriations heretofore made under the authority of the Foreign Assistance Act of 1961, as amended, for the same general purpose as any of the subparagraphs under "Economic Assistance", are hereby continued available for the same period as the respective appropriations in such subparagraphs for any of the same general purposes: *Provided*, That such purpose relates to a project or program previously justified to Congress and the Committees on Appropriations of the House of Representatives and the Senate are notified prior to the reobligation of funds for such projects or programs.

75 Stat. 424.
22 USC 2151
note.

68 Stat. 830;
73 Stat. 167.
31 USC 200.

Congressional
committees, noti-
fication.

OVERSEAS PRIVATE INVESTMENT CORPORATION

The Overseas Private Investment Corporation is authorized to make such expenditures within the limits of funds available to it and in accordance with law (including not to exceed \$10,000 for entertainment allowances), and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 849), as may be necessary in carrying out the program set forth in the budget for the current fiscal year.

61 Stat. 584.

Overseas Private Investment Corporation, capital: For expenses authorized by section 232, such amounts as are authorized to be made available under said section.

83 Stat. 810.
22 USC 2192.

Overseas Private Investment Corporation, reserves: For expenses authorized by section 235(f), \$18,750,000, to remain available until expended.

22 USC 2195.

SOCIAL DEVELOPMENT ASSISTANCE

INTER-AMERICAN SOCIAL DEVELOPMENT INSTITUTE

The Inter-American Social Development Institute is authorized to make such expenditures within the limits of funds available to it and in accordance with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 849), as may be necessary in carrying out its authorized programs during the current fiscal year: *Provided*, That not to exceed \$10,000,000 shall be available to carry out the authorized programs during the current fiscal year.

MILITARY ASSISTANCE

80 Stat. 802;
83 Stat. 819.
22 USC 2312.

Military assistance: For expenses authorized by section 504(a) of the Foreign Assistance Act of 1961, as amended, including administrative expenses and purchase of passenger motor vehicles for replacement only for use outside of the United States, \$350,000,000: *Provided*, That none of the funds contained in this paragraph shall be available for the purchase of new automotive vehicles outside of the United States.

GENERAL PROVISIONS

Flood control
and related proj-
ects.

SEC. 101. None of the funds herein appropriated (other than funds appropriated for "Technical Assistance, Multilateral Organizations" and "Indus Basin Development Fund") shall be used to finance the construction of any new flood control, reclamation, or other water or related land resource project or program which has not met the standards and criteria used in determining the feasibility of flood control, reclamation, and other water and related land resource programs and projects proposed for construction within the United States of America as per memorandum of the President dated May 15, 1962.

Reports to Con-
gress.

SEC. 102. Obligations made from funds herein appropriated for engineering and architectural fees and services to any individual or group of engineering and architectural firms on any one project in excess of \$25,000 shall be reported to the Senate and House of Representatives at least twice annually.

Funds, re-
strictions.

SEC. 103. Except for the appropriations entitled "Contingency fund", "Alliance for Progress, development loans", and "Development loans", not more than 20 per centum of any appropriation item made available by this title shall be obligated and/or reserved during the last month of availability.

Military per-
sonnel, recipient
countries, pay-
ment prohibition.

SEC. 104. None of the funds herein appropriated nor any of the counterpart funds generated as a result of assistance hereunder or any prior Act shall be used to pay pensions, annuities, retirement pay, or adjusted service compensation for any persons heretofore or hereafter serving in the armed forces of any recipient country.

Contracts, termi-
nation provision.

75 Stat. 424.
22 USC 2151
note.

SEC. 105. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, as amended, may be used for making payments on any contract for procurement to which the United States is a party entered into after the date of enactment of this Act which does not contain a provision authorizing the termination of such contract for the convenience of the United States.

SEC. 106. None of the funds appropriated or made available under this Act for carrying out the Foreign Assistance Act of 1961, as amended, may be used to make payments with respect to any capital project financed by loans or grants from the United States where the United States has not directly approved the terms of the contracts and the firms to provide engineering, procurement, and construction services on such projects.

SEC. 107. Of the funds appropriated or made available pursuant to this Act not more than \$9,000,000 may be used during the fiscal year ending June 30, 1971, in carrying out research under section 241 of the Foreign Assistance Act of 1961, as amended.

75 Stat. 433;
77 Stat. 382.
22 USC 2201.

SEC. 108. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, as amended, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations.

SEC. 109. None of the funds made available by this Act for carrying out the Foreign Assistance Act of 1961, as amended, may be obligated for financing, in whole or in part, the direct costs of any contract for the construction of facilities and installations in any underdeveloped country, unless the President shall have promulgated regulations designed to assure, to the maximum extent consistent with the national interest and the avoidance of excessive costs to the United States, that none of the funds made available by this Act and thereafter obligated shall be used to finance the direct costs under such contracts for construction work performed by persons other than qualified nationals of the recipient country or qualified citizens of the United States: *Provided, however*, That the President may waive the application of this amendment if it is important to the national interest.

Construction in underdeveloped countries.
75 Stat. 424.
22 USC 2151 note.

Waiver.

SEC. 110. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, as amended, may be used to finance the procurement of iron and steel products for use in Vietnam containing any component acquired by the producer of the commodity, in the form in which imported into the country of production, from sources other than the United States or a country designated as a limited free world country by code number 901 in the July 1968 Geographic Code Book compiled by the Agency for International Development, and at a total cost (delivered to the point of production) that amounts to more than 10 per centum of the lowest price (excluding the cost of ocean transportation and marine insurance) at which the supplier makes the commodity available for export sale (whether or not financed by the Agency for International Development).

Vietnam, iron and steel products.

SEC. 111. None of the funds contained in Title I of this Act may be used to carry out the provisions of sections 205 and 251(h) of the Foreign Assistance Act of 1961, as amended.

Restriction.

80 Stat. 797,
799.
22 USC 2165,
2211.

TITLE II—FOREIGN MILITARY CREDIT SALES

FOREIGN MILITARY CREDIT SALES

For expenses not otherwise provided for, necessary to enable the President to carry out the provisions of the Foreign Military Sales Act, \$200,000,000: *Provided, however*, That none of these funds may be obligated or expended until an authorization shall have been enacted into law.

82 Stat. 1320.
22 USC 2751 note.

TITLE III—FOREIGN ASSISTANCE (OTHER)

PEACE CORPS

SALARIES AND EXPENSES

For expenses necessary to enable the President to carry out the provisions of the Peace Corps Act (75 Stat. 612), as amended, including purchase of not to exceed five passenger motor vehicles for use outside the United States, \$90,000,000, of which \$30,000,000 shall be available for administrative expenses.

22 USC 2501 note.

DEPARTMENT OF THE ARMY—CIVIL FUNCTIONS

RYUKYU ISLANDS, ARMY, ADMINISTRATION

For expenses, not otherwise provided for, necessary to meet the responsibilities and obligations of the United States in connection with the government of the Ryukyu Islands, as authorized by the Act of July 12, 1960 (74 Stat. 461), as amended (81 Stat. 363); serv-

80 Stat. 416.

40 USC 255.

31 USC 529.

70A Stat. 269.

ices as authorized by 5 U.S.C. 3109, of individuals not to exceed 10 in number; not to exceed \$4,000 for contingencies for the High Commissioner, to be expended in his discretion; hire of passenger motor vehicles and aircraft; purchase of two passenger motor vehicles for replacement only; and construction, repair, and maintenance of buildings, utilities, facilities, and appurtenances, \$6,476,000, of which not to exceed \$3,107,000, shall be available for administrative and information expenses: *Provided*, That expenditures, from this appropriation may be made outside the continental United States when necessary to carry out its purposes, without regard to sections 355 and 3648, Revised Statutes, as amended, section 4774(d) of title 10, United States Code, civil service or classification laws, or provisions of law prohibiting payment of any person not a citizen of the United States: *Provided further*, That funds appropriated hereunder may be used, insofar as practicable, and under such rules and regulations as may be prescribed by the Secretary of the Army to pay ocean transportation charges from United States ports, including territorial ports, to ports in the Ryukyus for the movement of supplies donated to, or purchased by, United States voluntary nonprofit relief agencies registered with and recommended by the Advisory Committee on Voluntary Foreign Aid or of relief packages consigned to individuals residing in such areas: *Provided further*, That the President may transfer to any other department or agency any function or functions provided for under this appropriation, and there shall be transferred to any such department or agency, without reimbursement and without regard to the appropriation from which procured, such property as the Director of the Bureau of the Budget shall determine to relate primarily to any function or functions so transferred: *Provided further*, That reimbursement shall be made to the applicable military appropriation for the pay and allowances of any military personnel performing services primarily for the purposes of this appropriation.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

ASSISTANCE TO REFUGEES IN THE UNITED STATES

76 Stat. 121.
22 USC 2601
note.

For expenses necessary to carry out the provisions of the Migration and Refugee Assistance Act of 1962 (Public Law 87-510), relating to aid to refugees within the United States, including hire of passenger motor vehicles, and services as authorized by section 3109 of title 5 United States Code, \$112,000,000: *Provided*, That funds from this appropriation shall be used to reimburse the Secretary of State to cover the costs incurred by the Department of State in connection with the movement of refugees from Cuba to the United States.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

60 Stat. 999.
80 Stat. 510.

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross and assistance to refugees, including contributions to the Intergovernmental Committee for European Migration and the United Nations High Commissioner for Refugees; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801-1158); allowances as authorized by 5 U.S.C. 5921-5925; hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109; \$5,649,000, of which not to exceed \$5,014,000 shall remain available

until December 31, 1971: *Provided*, That no funds herein appropriated shall be used to assist directly in the migration to any nation in the Western Hemisphere of any person not having a security clearance based on reasonable standards to insure against Communist infiltration in the Western Hemisphere.

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

ASIAN DEVELOPMENT BANK

For payment of the fifth installment subscription on paid-in capital stock to the Asian Development Bank, \$20,000,000, to remain available until expended.

SUBSCRIPTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment of the third installment of the United States share of the 1969–1971 increase in the resources of the International Development Association, \$160,000,000, to remain available until expended.

INTERNATIONAL MONETARY FUND

INCREASE IN QUOTA, INTERNATIONAL MONETARY FUND

To finance an increase in the quota of the United States in the International Monetary Fund, \$1,540,000,000 to remain available until expended.

TITLE IV—EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is hereby authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, except as hereinafter provided.

61 Stat. 584.
31 USC 849.

LIMITATION ON PROGRAM ACTIVITY

Not to exceed \$4,075,483,000 (of which not to exceed \$2,775,000,000 shall be for equipment and services loans) shall be authorized during the current fiscal year for other than administrative expenses.

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$6,613,000 (to be computed on an accrual basis) shall be available during the current fiscal year for administrative expenses, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, and not to exceed \$12,000 for entertainment allowances for members of the Board of Directors: *Provided*, That (1) fees or dues to international organizations of credit institutions engaged in financing foreign trade, (2) necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the acquisition, operation, maintenance, improvement, or disposition of any real or personal property belonging to the Bank or in which it has an interest, including expenses

80 Stat. 416.

of collections of pledged collateral, or the investigation or appraisal of any property in respect to which an application for a loan has been made, and (3) expenses (other than internal expenses of the Bank) incurred in connection with the issuance and servicing of guarantees, insurance, and reinsurance, shall be considered as nonadministrative expenses for the purposes hereof.

TITLE V—GENERAL PROVISIONS

Publicity or
propaganda.

SEC. 501. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

Inspector Gen-
eral, Foreign
Assistance.

SEC. 502. No part of any appropriation contained in this Act shall be used for expenses of the Inspector General, Foreign Assistance, after the expiration of the thirty-five day period which begins on the date the General Accounting Office or any committee of the Congress, or any duly authorized subcommittee thereof, charged with considering foreign assistance legislation, appropriations, or expenditures, has delivered to the Office of the Inspector General, Foreign Assistance, a written request that it be furnished any document, paper, communication, audit, review, finding, recommendation, report, or other material in the custody or control of the Inspector General, Foreign Assistance, relating to any review, inspection, or audit arranged for, directed, or conducted by him, unless and until there has been furnished to the General Accounting Office or to such committee or subcommittee, as the case may be, (A) the document, paper, communication, audit, review, finding, recommendation, report, or other material so requested or (B) a certification by the President, personally, that he has forbidden the furnishing thereof pursuant to such request and his reason for so doing.

Fiscal year
limitation.

SEC. 503. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Short title.

This Act may be cited as the "Foreign Assistance and Related Programs Appropriation Act, 1971."

Approved December 31, 1970.

Public Law 91-620

AN ACT

December 31, 1970
[H. R. 11547]

To amend the Consolidated Farmers Home Administration Act of 1961, as amended, to increase the loan limitation on certain loans.

Consolidated
Farmers Home Ad-
ministration Act of
1961, amendment.
75 Stat. 308.
7 USC 1925.
7 USC 1922.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Consolidated Farmers Home Administration Act of 1961, as amended, is further amended by changing the figure "\$60,000" in section 305 (a) to "\$100,000".

SEC. 2. Section 302 of the Act, as amended, is amended by inserting after the word "background" the phrase ", except with respect to veterans as defined in section 333 (e), a farm background shall not be required as a condition precedent to obtaining any loan,".

7 USC 1983.

SEC. 3. Section 333 (e) of the Act, as amended, is amended by deleting the word "or" following the word "nation" and inserting in lieu thereof a comma, and by inserting after the words "Korean conflict" the words "or the Vietnam era".

Approved December 31, 1970.

Public Law 91-621

AN ACT

To clarify the status and benefits of commissioned officers of the National Oceanic and Atmospheric Administration, and for other purposes.

December 31, 1970
[H. R. 212]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Definitions listed in section 101 of title 10, United States Code, apply to this Act, except as noted below:

(1) "active duty" means full-time duty in the active service of a uniformed service;

(2) "Administration" means the National Oceanic and Atmospheric Administration;

(3) "grade" means a step or degree, in a graduated scale of office or rank, that is established and designated as a grade by law or regulation;

(4) "officer" means a commissioned officer;

(5) "Secretary" means the Secretary of Commerce;

(6) "Secretary concerned" is defined in section 101 of title 37, United States Code;

(7) "uniformed services" is defined in section 101 of title 37, United States Code.

National Oceanic
and Atmospheric
Administration.
Commissioned
officers.
70 A Stat. 3.
Definitions.

76 Stat. 451;
80 Stat. 1121.

SEC. 2. Each officer retired pursuant to any provision of law shall be placed on the retired list with the highest grade satisfactorily held by him while on active duty including active duty pursuant to recall, under permanent or temporary appointment, and he shall receive retired pay based on such highest grade: *Provided*, That his performance of duty in such highest grade has been satisfactory, as determined by the Secretary of the department or departments under whose jurisdiction the officer served, and, unless retired for disability, his length of service in such highest grade is no less than that required by the Secretary of officers retiring under permanent appointment in that grade.

Retirement.

SEC. 3. Active service of officers of the Administration shall be deemed to be active military service in the armed forces of the United States for the purposes of all rights, privileges, immunities, and benefits now or hereafter provided by—

(1) laws administered by the Veterans' Administration;

(2) laws administered by the Interstate Commerce Commission; and

(3) the Soldiers' and Sailors' Civil Relief Act of 1940, as amended.

In the administration of these laws and regulations, with respect to the National Oceanic and Atmospheric Administration, the authority vested in the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force and their respective departments shall be exercised by the Secretary of Commerce.

54 Stat. 1178.
50 USC app. 501.
Secretary of
Commerce, author-
ity.

SEC. 4. (a) Commissioned officers, ships' officers, and members of crews of vessels of the Administration shall be permitted to purchase commissary and quartermaster supplies as far as available from the armed forces at the prices charged officers and enlisted men of those services.

Commissary
privileges.

(b) The Secretary may purchase ration supplies for messes, stores, uniforms, accouterments, and related equipment for sale aboard ship and shore stations of the Administration to members of the uniformed services and to personnel assigned to such ships or shore stations. Sales shall be in accordance with regulations prescribed by the Secretary, and proceeds therefrom shall, as far as is practicable, fully reimburse the appropriations charged without regard to fiscal year.

Widows, rights.

(c) Rights extended to members of the uniformed services in this section are extended to their widows and to such others as are designated by the Secretary concerned.

SEC. 5. (a) All statutes that applied to commissioned officers of the Coast and Geodetic Survey on July 12, 1965, shall apply to officers of the Environmental Science Services Administration on that date and subsequent thereto, unless amended or repealed, and service as a commissioned officer in the Coast and Geodetic Survey shall constitute service as a commissioned officer in the Environmental Science Services Administration.

(b) All statutes that applied to commissioned officers of the Coast and Geodetic Survey on July 12, 1965, and to commissioned officers of the Environmental Science Services Administration subsequent to that date shall apply to officers of the National Oceanic and Atmospheric Administration on October 3, 1970, and subsequent thereto, unless amended or repealed, and service as a commissioned officer in the Coast and Geodetic Survey or the Environmental Science Services Administration shall constitute service as a commissioned officer in the National Oceanic and Atmospheric Administration.

(c) The enactment of this Act does not increase or decrease the pay or allowances of any person.

(d) A reference to a law replaced by this Act, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding provisions enacted by this Act.

(e) An order, rule, or regulation in effect under a law replaced by this Act continues in effect under the corresponding provisions enacted by this Act until repealed, amended, or superseded.

(f) An inference of a legislative construction is not to be drawn by reason of the location in the United States Code of a provision enacted by this Act or by reason of the caption or catchline thereof.

Separability.

(g) If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.

72 Stat. 1106.

SEC. 6. (a) Title 38, United States Code, is amended as follows:

(1) Section 101(21)(C) of such title 38 is amended by inserting the words "the National Oceanic and Atmospheric Administration or its predecessor organization" after "officer of" in the first line;

(2) Section 101(25)(F) of such title 38 is amended by inserting "the National Oceanic and Atmospheric Administration or its predecessor organization" after "concerning"; and

72 Stat. 1231.

(3) Section 3105 of such title 38 is amended by striking "Coast and Geodetic Survey" and substituting "National Oceanic and Atmospheric Administration".

Effective date.

(b) The effective date of an award by the Veterans' Administration of disability compensation or dependency and indemnity compensation arising from an injury or death occurring prior to enactment of this Act and based on a claim filed by an individual who first became

eligible for veterans' benefits by reason of the amendments made by the foregoing subsections shall be the date following the date of his discharge or release, or the first day of the month in which death occurred: *Provided*, That application therefor is filed within six months after the effective date of this Act.

SEC. 7. (a) Section 216 of title II of the National Housing Act, as amended, is amended to read as follows:

65 Stat. 315.
12 USC 1715g.

“WAIVER OF OCCUPANCY REQUIREMENTS FOR SERVICEMEN

“SEC. 216. The Secretary is hereby authorized to insure any mortgage otherwise eligible for insurance under any of the provisions of this Act without regard to any requirement that the mortgagor be the occupant of the property at the time of insurance, where the Secretary is satisfied that the inability of the mortgagor to occupy the property is by reason of his entry on active duty in a uniformed service subsequent to the filing of an application for insurance and the mortgagor expresses an intent to occupy the property upon his release from active duty.”

(b) Section 222 of title II of the National Housing Act, as amended, is amended to read as follows:

68 Stat. 603;
83 Stat. 384.
12 USC 1715m.

“MORTGAGE INSURANCE FOR SERVICEMEN

“SEC. 222. (a) The purpose of this section is to aid in the provision of housing accommodations for servicemen in the armed forces of the United States Coast Guard and their families, and servicemen in the United States National Oceanic and Atmospheric Administration and their families by supplementing the insurance of mortgages under section 203 of this title with a system of mortgage insurance specially designed to assist the financing required for the construction or purchase of dwellings by those persons. As used in this section, a ‘serviceman’ means a person to whom the Secretary of Defense (or any officer or employee designated by him), the Secretary of Transportation (or any officer or employee designated by him), or the Secretary of Commerce (or any officer or employee designated by him), as the case may be, has issued a certificate hereunder indicating that such person requires housing, is serving on active duty in the armed forces of the United States, in the United States Coast Guard, or in the United States National Oceanic and Atmospheric Administration and has served on active duty for more than two years, but a certificate shall not be issued hereunder to any person ordered to active duty for training purposes only. The Secretary of Defense, the Secretary of Transportation, and the Secretary of Commerce, respectively, are authorized to prescribe rules and regulations governing the issuance of such certificates and may withhold issuance of more than one such certificate to a serviceman whenever in his discretion issuance is not justified due to circumstances resulting from military assignment, or, in the case of the United States Coast Guard or the United States National Oceanic and Atmospheric Administration, other assignment.

48 Stat. 1248.
12 USC 1709.

“Serviceman,”

Rules and regulations.

“(b) To be eligible for insurance under this section a mortgage shall—

“(1) meet the requirements of section 203(b), 203(i), 221(d)(2), or 234(c), except as such requirements are modified by this section;

12 USC 1715l,
1715y.

71 Stat. 295;
83 Stat. 383.
12 USC 1709.
73 Stat. 659.
12 USC 1715^l.

“(2) involve a principal obligation (including such initial service charges, appraisal, inspection, and other fees as the Secretary shall approve) in an amount not to exceed \$33,000, except that in the case of a mortgage meeting the requirements of section 203(i) or section 221(d)(2) such principal obligation shall not exceed the maximum limits prescribed for such section;

“(3) have a principal obligation not in excess of the sum of (i) 97 per centum of \$15,000 of the appraised value of the property as of the date the mortgage is accepted for insurance, (ii) 90 per centum of such value in excess of \$15,000 but not in excess of \$25,000, and (iii) 85 per centum of such value in excess of \$25,000; and

“(4) be executed by a mortgagor who at the time of application for insurance is certified as a ‘serviceman’ and who at the time of insurance is the owner of the property and either occupies the property or certifies that his failure to do so is the result of his military assignment, or, in the case of the United States Coast Guard or the United States National Oceanic and Atmospheric Administration, other assignment.

“The period of ownership by a serviceman.”

“(c) The Secretary may prescribe the manner in which a mortgage may be accepted for insurance under this section. Premiums fixed by the Secretary under section 203 with respect to, or payable during, the period of ownership by a serviceman of the property involved shall not be payable by the mortgage but shall be paid not less frequently than once each year, upon request of the Secretary to the Secretary of Defense, the Secretary of Transportation, or the Secretary of Commerce, as the case may be, from the respective appropriations available for pay and allowances of persons eligible for mortgage insurance under this section. As used herein, ‘the period of ownership by a serviceman’ means the period, for which premiums are fixed, prior to the date that the Secretary of Defense (or any officer or employee or other person designated by him), the Secretary of Transportation (or any officer or employee or other person designated by him), or the Secretary of Commerce (or any officer or employee or other person designated by him), as the case may be, furnishes the Secretary with a certification that such ownership (as defined by the Secretary), has terminated.

52 Stat. 12.
12 USC 1710.

“(d) Any mortgagee under a mortgage insured under this section is entitled to the benefits of the insurance as provided in section 204(a) with respect to mortgages insured under section 203.

“(e) The provisions of subsections (b), (c), (d), (e), (f), (g), (h), (j), and (k) of section 204 shall apply to mortgages insured under this section, except that as applied to those mortgages (1) all references to the Fund, or Mutual Mortgage Insurance Fund, shall refer to the General Insurance Fund, and (2) all references to section 203 shall refer to this section.

“(f) The Secretary is authorized to transfer to this section the insurance on any mortgage covering a single-family dwelling or a one-family unit in a condominium project insured under this Act, if the mortgage indebtedness thereof has been assumed by a serviceman who at the time of assumption is the owner of the property and either occupies the property or certifies that his failure to do so is the result of his military assignment, or, in the case of the United States Coast Guard or the United States National Oceanic and Atmospheric Administration, other assignment.

“(g) Where a serviceman dies while on active duty in the armed forces of the United States or in the United States Coast Guard or in the United States National Oceanic and Atmospheric Administration, leaving a surviving widow as owner of the property, the period of ownership by the serviceman (within the meaning of subsection (c) of this section) shall extend for two years beyond the date of the serviceman’s death or until the date the widow disposes of the property, whichever date occurs first. The Secretary of Defense or the Secretary of Transportation, or the Secretary of Commerce, as the case may be, shall notify such widow promptly following the serviceman’s death of the additional costs to be borne by the mortgagor following termination of the two-year period.”

SEC. 8. All provisions of law inconsistent with this Act are hereby repealed.

Repeal.

Approved December 31, 1970.

Public Law 91-622

JOINT RESOLUTION

Authorizing a grant to defray a portion of the cost of expanding the United Nations headquarters in the United States.

December 31, 1970
[S. J. Res. 173]

Whereas the Congress authorized the United States to join with other governments in the founding of the United Nations;

Whereas the Congress unanimously, in H. Con. Res. 75 (79th Congress), invited the United Nations to establish its headquarters in the United States, which invitation was accepted by the United Nations;

59 Stat., pt. 2,
p. 848.

Whereas the United States has continued to serve as host to the United Nations;

Whereas the membership of the United Nations has increased substantially and the organization has outgrown its existing facilities;

Whereas the General Assembly of the United Nations in December 1969 authorized the construction, subject to suitable financing arrangements, of an additional headquarters building south of and adjacent to the present headquarters site on land to be made available without charge by the city of New York;

Whereas the total financial burden of expanding its headquarters in New York would severely strain the resources of the United Nations;

Whereas a special contribution by the United States as the host government would constitute a positive act of reaffirmation of faith of the American people in the future of the United Nations: Be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated to the Secretary of State out of any money in the Treasury not otherwise appropriated, a sum not to exceed \$20,000,000, to remain available until expended, for a grant to be made at the discretion of the Secretary of State, to the United Nations to defray a portion of the cost of the expansion and improvement of its headquarters in the city of New York on such terms and conditions as the Secretary of State may determine. Such grant shall not be considered a contribution to the United Nations for purpose of any other applicable law limiting contributions.

United Nations
headquarters.
Expansion grant.

Approved December 31, 1970.

Public Law 91-623

AN ACT

December 31, 1970
[S. 4106]

To amend the Public Health Service Act to authorize the assignment of commissioned officers of the Public Health Service to areas with critical medical manpower shortages, to encourage health personnel to practice in areas where shortages of such personnel exist, and for other purposes.

Emergency
Health Personnel
Act of 1970.
58 Stat. 695;
81 Stat. 539.
42 USC 248.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Health Personnel Act of 1970".

SEC. 2. Part C of title III of the Public Health Service Act is amended by adding after section 328 the following new section:

"ASSIGNMENT OF MEDICAL AND OTHER HEALTH PERSONNEL TO CRITICAL NEED AREAS

"SEC. 329. (a) It shall be the function of an identifiable administrative unit within the Service to improve the delivery of health services to persons living in communities and areas of the United States where health personnel and services are inadequate to meet the health needs of the residents of such communities and areas.

"(b) Upon request of a State or local health agency or other public or nonprofit private health organization, in an area designated by the Secretary as an area with a critical health manpower shortage, to have health personnel of the Service assigned to such area, and upon certification to the Secretary by the State and the district medical societies (or dental societies, or other appropriate health societies as the case may be) for that area, and by the local government for that area, that such health personnel are needed for that area, the Secretary is authorized, whenever he deems such action appropriate, to assign commissioned officers and other personnel of the Service to provide, under regulations prescribed by the Secretary, health care and services for persons residing in such areas. Such care and services shall be provided in connection with (1) direct health care programs carried out by the Service; (2) any direct health care program carried out in whole or in part with Federal financial assistance; or (3) any other health care activity which is in furtherance of the purposes of this section. Any person who receives a service provided under this section shall be charged for such service at a rate established by the Secretary, pursuant to regulations, to recover the reasonable cost of providing such service; except that if such person is determined under regulations of the Secretary to be unable to pay such charge, the Secretary may provide for the furnishing of such service at a reduced rate or without charge. If a Federal agency or a State or local government agency or other third party would be responsible for all or part of the cost of the service provided under this section if such service had not been provided under this section, the Secretary shall collect from such agency or third party the portion of such cost for which it would be so responsible. Any funds collected by the Secretary under this subsection shall be deposited in the Treasury as miscellaneous receipts.

"(c) Commissioned officers and other personnel of the Service assigned to areas designated under subsection (b) shall not be included in determining whether any limitation on the number of personnel which may be employed by the Department of Health, Education, and Welfare has been exceeded.

"(d) Notwithstanding any other provision of law, the Secretary, to the extent feasible, may make such arrangements as he determines necessary to enable officers and other personnel of the Service in providing care and services under subsection (b) to utilize the health facilities of the area to be served. If there are no such facilities in such

Facilities,
utilization.

area, the Secretary may arrange to have such care and services provided in the nearest health facilities of the Service or the Secretary may lease or otherwise provide facilities in such area for the provision of such care and services.

“(e) (1) There is established a council to be known as the National Advisory Council on Health Manpower Shortage Areas (hereinafter in this section referred to as the ‘Council’). The Council shall be composed of fifteen members appointed by the Secretary as follows:

National Advisory Council on Health Manpower Shortage Areas, establishment, membership.

“(A) Four members shall be appointed from the general public, representing the consumers of health care.

“(B) Three members shall be appointed from the medical, dental, and other health professions and health teaching professions.

“(C) Three members shall be appointed from State health or health planning agencies.

“(D) Three members shall be appointed from the Service, at least two of whom shall be commissioned officers of the Service.

“(E) One member shall be appointed from the National Advisory Council on Comprehensive Health Planning.

“(F) One member shall be appointed from the National Advisory Council on Regional Medical Programs.

The Council shall consult with, advise, and make recommendations to, the Secretary with respect to his responsibilities in carrying out this section.

“(2) Members of the Council shall be appointed for a term of three years and shall not be removed, except for cause. Members may be reappointed to the Council.

Term.

“(3) Appointed members of the Council, while attending meetings or conferences thereof or otherwise serving on the business of the Council, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding \$100 per day, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703(b) of title 5 of the United States Code for persons in the Government service employed intermittently.

Compensation.

80 Stat. 499;
83 Stat. 190.

“(f) It shall be the function of the Secretary—

“(1) to establish guidelines with respect to how the Service shall be utilized in areas designated under this section;

“(2) to select commissioned officers of the Service and other personnel for assignment to the areas designated under this section; and

“(3) to determine which communities or areas may receive assistance under this section taking into consideration—

“(A) the need of the community or area for health services provided under this section;

“(B) the willingness of the community or area and the appropriate governmental agencies therein to assist and cooperate with the Service in providing effective health services to residents of the community or area;

“(C) the recommendations of any agency or organization which may be responsible for the development, under section 314(b), of a comprehensive plan covering all or any part of the area or community involved; and

“(D) recommendations from the State medical, dental, and other health associations and from other medical personnel of the community or area considered for assistance under this section.

Appropriation.

"(g) To carry out the purposes of this section, there are authorized to be appropriated \$10,000,000 for the fiscal year ending June 30, 1971; \$20,000,000 for the fiscal year ending June 30, 1972; and \$30,000,000 for the fiscal year ending June 30, 1973."

58 Stat. 683;
81 Stat. 539.
42 USC 202.

SEC. 4. Title II of the Public Health Service Act is amended by adding after section 223 the following new section:

"DEFENSE OF CERTAIN MALPRACTICE AND NEGLIGENCE SUITS

62 Stat. 933,
983; 80 Stat. 306.

"SEC. 223. (a) The remedy against the United States provided by sections 1346(b) and 2672 of title 28, or by alternative benefits provided by the United States where the availability of such benefits precludes a remedy under section 1346(b) of title 28, for damage for personal injury, including death, resulting from the performance of medical, surgical, dental, or related functions, including the conduct of clinical studies or investigation, by any commissioned officer or employee of the Public Health Service while acting within the scope of his office or employment, shall be exclusive of any other civil action or proceeding by reason of the same subject-matter against the officer or employee (or his estate) whose act or omission gave rise to the claim.

"(b) The Attorney General shall defend any civil action or proceeding brought in any court against any person referred to in subsection (a) of this section (or his estate) for any such damage or injury. Any such person against whom such civil action or proceeding is brought shall deliver within such time after date of service or knowledge of service as determined by the Attorney General, all process served upon him or an attested true copy thereof to his immediate superior or to whomever was designated by the Secretary to receive such papers and such person shall promptly furnish copies of the pleading and process therein to the United States attorney for the district embracing the place wherein the proceeding is brought, to the Attorney General, and to the Secretary.

Civil action,
removal from
State to district
court.

"(c) Upon a certification by the Attorney General that the defendant was acting in the scope of his employment at the time of the incident out of which the suit arose, any such civil action or proceeding commenced in a State court shall be removed without bond at any time before trial by the Attorney General to the district court of the United States of the district and division embracing the place wherein it is pending and the proceeding deemed a tort action brought against the United States under the provisions of title 28 and all references thereto. Should a United States district court determine on a hearing on a motion to remand held before a trial on the merit that the case so removed is one in which a remedy by suit within the meaning of subsection (a) of this section is not available against the United States, the case shall be remanded to the State Court: *Provided*, That where such a remedy is precluded because of the availability of a remedy through proceedings for compensation or other benefits from the United States as provided by any other law, the case shall be dismissed, but in the event the running of any limitation of time for commencing, or filing an application or claim in, such proceedings for compensation or other benefits shall be deemed to have been suspended during the pendency of the civil action or proceeding under this section.

62 Stat. 869.
28 USC 1.

Claims, settle-
ment.

"(d) The Attorney General may compromise or settle any claim asserted in such civil action or proceeding in the manner provided in section 2677 of title 28 and with the same effect.

80 Stat. 307.

"(e) For purposes of this section, the provisions of section 2680(h)

of title 28 shall not apply to assault or battery arising out of negligence in the performance of medical, surgical, dental, or related functions, including the conduct of clinical studies or investigations.

62 Stat. 985.

“(f) The Secretary or his designee may, to the extent that he deems appropriate, hold harmless or provide liability insurance for any officer or employee of the Public Health Service for damage for personal injury, including death, negligently caused by such officer or employee while acting within the scope of his office or employment and as a result of the performance of medical, surgical, dental, or related functions, including the conduct of clinical studies or investigations, if such employee is assigned to a foreign country or detailed to a State or political subdivision thereof or to a non-profit institution, and if the circumstances are such as are likely to preclude the remedies of third persons against the United States described in section 2679(b) of title 28, for such damage or injury.”

Liability insurance.

80 Stat. 307.

Approved December 31, 1970.

Public Law 91-624

AN ACT

To grant the consent of Congress to the city of Boston to construct, maintain, and operate a causeway and fixed-span bridge in Fort Point Channel, Boston, Massachusetts.

December 31, 1970
[H. R. 17750]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby given to the city of Boston to construct, maintain, and operate a causeway and a fixed-span bridge in and over the water of the Fort Point Channel, Boston, Massachusetts, lying between the northeasterly side of the Summer Street highway bridge and the easterly side of the Dorchester Avenue highway bridge.

Fort Point
Channel bridge,
Boston, Mass.
Construction,
maintenance.

SEC. 2. Work shall not be commenced on such bridge and causeway until the location and plans therefor are submitted to and approved by the Secretary of Transportation.

SEC. 3. Any project heretofore authorized by an Act of Congress, insofar as such project relates to the above-described portions of Fort Point Channel, is hereby abandoned.

SEC. 4. In approving the location and plans of any bridge, the Secretary of Transportation may impose any specific conditions relating to the maintenance and operation of the structure which may be deemed necessary in the interest of public navigation.

Approved December 31, 1970.

Public Law 91-625

AN ACT

To designate the lake formed by the waters impounded by the Libby Dam, Montana, as “Lake Koocanusa”.

December 31, 1970
[H. R. 7334]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the lake formed by the waters impounded by the Libby Dam in the State of Montana shall hereafter be known as Lake Koocanusa and any law, regulation, document, or record of the United States in which such lake is designated or referred to shall be held to refer to such lake under and by the name of “Lake Koocanusa”.

Lake Koocanusa,
Mont.
Designation.

Approved December 31, 1970.

Public Law 91-626

AN ACT

December 31, 1970
[S. 4571]

To amend the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended, and for other purposes.

Central Intelligence Agency Retirement Act of 1964 for Certain Employees, amendments.

"Child;"

Child's annuity.

Prior service, credit for participants.
83 Stat. 847.

Commencement date.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That—

SECTION 1. Section 204(b) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended (78 Stat 1043; 50 U.S.C. 403 note), is amended by striking subsection (3) and inserting the following in lieu thereof:

"(3) 'Child', for the purposes of sections 221 and 232 of this Act means an unmarried child, including (i) an adopted child, and (ii) a stepchild or recognized natural child who lived with the participant in a regular parent-child relationship, under the age of eighteen years or such unmarried child regardless of age who because of physical or mental disability incurred before age eighteen is incapable of self-support, or such unmarried child between eighteen and twenty-two years of age who is a student regularly pursuing a full-time course of study or training in residence in a high school, trade school, technical or vocational institute, junior college, college, university, or comparable recognized educational institution. A child whose twenty-second birthday occurs prior to July 1 or after August 31 of any calendar year and while he is regularly pursuing such a course of study or training shall be deemed for the purposes of this paragraph and section 221(e) of this Act to have attained the age of twenty-two on the first day of July following such birthday. A child who is a student shall not be deemed to have ceased to be a student during any interim between school years if the interim does not exceed five months and if he shows to the satisfaction of the Director that he has a bona fide intention of continuing to pursue a course of study or training in the same or different school during the school semester (or other period into which the school year is divided) immediately following the interim. The term 'child', for purposes of section 241, shall include an adopted child and a natural child, but shall not include a stepchild."

SEC. 2. Section 221(e) of the Central Intelligence Agency Retirement Act (50 U.S.C. 403 note) is amended to read as follows:

"(e) The commencing date of an annuity payable to a child under paragraph (c) or (d) of this section, or (c) or (d) of section 232, shall be deemed to be the day after the annuitant or participant dies, with payment beginning on that day or beginning or resuming on the first day of the month in which the child later becomes or again becomes a student as described in section 204(b)(3), provided the lump-sum credit, if paid, is returned to the fund. Such annuity shall terminate on the last day of the month before (1) the child's attaining age eighteen unless he is then a student as described or incapable of self-support, (2) his becoming capable of self-support after attaining age eighteen unless he is then such a student, (3) his attaining age twenty-two if he is then such a student and not incapable of self-support, (4) his ceasing to be such a student after attaining age eighteen unless he is then incapable of self-support, (5) his marriage, or (6) his death, whichever first occurs."

SEC. 3. Section 221 of the Central Intelligence Agency Retirement Act (50 U.S.C. 403 note) is amended by deleting the last two sentences of paragraph (f), and adding the following new paragraphs (i), (j), and (k):

"(i) Except as otherwise provided, the annuity of a participant shall commence on the day after separation from the service. or on the day

after salary ceases and the participant meets the service and the age or disability requirements for title thereto. The annuity of a participant under section 234 shall commence on the day after the occurrence of the event on which payment thereof is based. An annuity otherwise payable from the fund allowed on or after date of enactment of this provision shall commence on the day after the occurrence of the event on which payment thereof is based.

“(j) An annuity payable from the fund on or after date of enactment of this provision shall terminate (1) in the case of a retired participant, on the day death or any other terminating event occurs, or (2) in the case of a survivor, on the last day of the month before death or any other terminating event occurs.

Termination.

“(k) The annuity computed under this section is reduced by 10 per centum of a special contribution described by section 252(b) remaining unpaid for civilian service for which retirement deductions have not been made, unless the participant elects to eliminate the service involved for the purpose of annuity computation.”.

10 percent annuity reduction.

SEC. 4. Section 236 of the Central Intelligence Agency Retirement Act (50 U.S.C. 403 note) is amended by deleting the words “nor a total of four hundred” and substituting the words “nor a total of eight hundred”.

Retirements, limitation.
78 Stat. 1049.

SEC. 5. Section 252 of the Central Intelligence Agency Retirement Act (50 U.S.C. 403 note) is amended by deleting paragraph (c) (1); renumbering paragraphs (c) (2) and (c) (3) to read (c) (3) and (c) (4); and inserting the following new paragraphs (c) (1) and (c) (2):

“(c) (1) If an officer or employee under some other Government retirement system becomes a participant in the system by direct transfer, the Government’s contributions (including interest accrued thereon computed at the rate of 3 per centum a year compounded annually) under such retirement system on behalf of the officer or employee shall be transferred to the fund and such officer or employee’s total contributions and deposits (including interest accrued thereon), except voluntary contributions, shall be transferred to his credit in the fund effective as of the date such officer or employee becomes a participant in the system. Each such officer or employee shall be deemed to consent to the transfer of such funds and such transfer shall be a complete discharge and acquittance of all claims and demands against the other Government retirement fund on account of service rendered prior to becoming a participant in the system.

Government contributions, transfer.

“(c) (2) If a participant in the system becomes an employee under another Government retirement system by direct transfer to employment covered by such system, the Government’s contributions (including interest accrued thereon computed at the rate of 3 per centum a year compounded annually) to the fund on his behalf shall be transferred to the fund of the other system and his total contributions and deposits, including interest accrued thereon, except voluntary contributions, shall be transferred to his credit in the fund of such other retirement system effective as of the date he becomes eligible to participate in such other retirement system. Each such officer or employee shall be deemed to consent to the transfer of such funds and such transfer shall be a complete discharge and acquittance of all claims and demands against the fund on account of service rendered prior to his becoming eligible for participation in such other system.”.

SEC. 6. Section 252 of the Central Intelligence Agency Retirement Act (50 U.S.C. 403 note) is amended by adding the following new paragraph (g):

Prior service credit, survivor contributions.

“(g) For the purpose of survivor annuity, special contributions authorized by paragraph (b) of this section may also be made by the survivor of a participant.”.

Approved December 31, 1970.

Public Law 91-627

AN ACT

December 31, 1970
[H. R. 380]

To amend section 7 of the Act of August 9, 1946 (60 Stat. 968).

Yakima Tribes.
Non-members,
inheritance.
25 USC 607.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the Act of August 9, 1946 (60 Stat. 968), is amended to read as follows:

“SEC. 7. (a) A person who is not an enrolled member of the Yakima Tribes with one-fourth degree or more blood of such tribes shall not be entitled to receive by devise or inheritance any interest in trust or restricted land within the Yakima Reservation or within the area ceded by the Treaty of June 9, 1855 (12 Stat. 1951), if, while the decedent's estate is pending before the Examiner of Inheritance, the Yakima Tribes pay to the Secretary of the Interior, on behalf of such person, the fair market value of such interest as determined by the Secretary of the Interior after appraisal. The interest for which payment is made shall be held by the Secretary in Trust for the Yakima Tribes.

“(b) On request of the Yakima Tribes the Examiner of Inheritance shall keep an estate pending for not less than two years from the date of decedent's death.

“(c) When a person who is prohibited by subsection (a) from acquiring any interest by devise or inheritance is a surviving spouse of the decedent, a life estate in one-half of the interest acquired by the Yakima Tribes shall, on the request of such spouse, be reserved for that spouse and the value of such life estate so reserved shall be reflected in the Secretary's appraisal under subsection (a).”

SEC. 2. The provisions of section 7 of the Act of August 9, 1946, as amended by this Act, shall apply to all estates pending before the Examiner of Inheritance on the date of this Act, and to all future estates, but shall not apply to any estate heretofore closed.

Approved December 31, 1970.

Public Law 91-628

AN ACT

December 31, 1970
[H. R. 14683]

To designate as the John H. Overton Lock and Dam the lock and dam authorized to be constructed on the Red River near Alexandria, Louisiana.

John H. Overton
Lock and Dam,
Alexandria, La.
Designation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the lock and dam authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731) for construction on the Red River at about mile 70.3 near Alexandria, Louisiana, shall be known and designated as the John H. Overton Lock and Dam. Any law, regulation, map, document, or record of the United States in which such lock and dam are referred to as lock and dam numbered 2 of the Red River below the Fulton, Arkansas, project, or in any other manner, shall be held to refer to such lock and dam as the John H. Overton Lock and Dam.

Approved December 31, 1970.

Public Law 91-629

AN ACT

To amend the Act of October 15, 1966 (80 Stat. 953; 20 U.S.C. 65a), relating to the National Museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purposes of said Act.

December 31, 1970
[S. 704]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2(b) of the National Museum Act of 1966 (20 U.S.C. 65a) is amended to read:

Smithsonian In-
stitution.
Appropriation in-
crease.
80 Stat. 953.

“(b) There are hereby authorized to be appropriated to the Smithsonian Institution such sums as may be necessary to carry out the purposes of this Act: *Provided*, That no more than \$1,000,000 shall be appropriated annually through fiscal year 1974, of which \$300,000, annually, shall be allocated and used as follows:

“(A) 33⅓ per centum shall be available for the purposes of clause (2) of subsection (a);

“(B) 33⅓ per centum shall be available for transfer to the National Endowment for the Arts for assistance to museums under section 5(c) of the National Foundation on the Arts and Humanities Act of 1965; and

82 Stat. 185.
20 USC 954.

“(C) 33⅓ per centum shall be available for transfer to the National Endowment for the Humanities for assistance to museums under section 7(c) of the National Foundation on the Arts and Humanities Act of 1965.”

79 Stat. 850.
20 USC 956.

SEC. 2. Section 2(a) (2) of the National Museum Act of 1966 (20 U.S.C. 65a(2)) is amended to read as follows:

“(2) prepare and carry out programs by grant, contract, or directly for training career employees in museum practices in cooperation with museums, their professional organizations, and institutions of higher education either at the Smithsonian Institution or at the cooperating museum, organization, or institutions;”.

Approved December 31, 1970.

Public Law 91-630

AN ACT

To permit certain Federal employment to be counted toward retirement.

December 31, 1970
[S. 2984]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 115 of the Social Security Amendments of 1954 is hereby repealed.

SEC. 2. (a) The repeal of such section 115, made by the first section of this Act, shall not apply in the case of a person who, on the date of enactment of this Act, is receiving or is entitled to receive benefits under any retirement system established by the United States or any instrumentality thereof unless he requests, in writing, the office which administers his retirement system to apply it in his case.

Federal retire-
ment.
Covered em-
ployment.
Repeal.
68 Stat. 1087.
42 USC 410 note.

(b) Any additional benefits payable pursuant to a request made under subsection (a) of this section shall commence on the first of the month following enactment of this Act.

Effective date.

Approved December 31, 1970.

Public Law 91-631

December 31, 1970
[S. 719]

AN ACT

To establish a national mining and minerals policy.

Mining and
Minerals Policy
Act of 1970.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Mining and Minerals Policy Act of 1970".

SEC. 2. The Congress declares that it is the continuing policy of the Federal Government in the national interest to foster and encourage private enterprise in (1) the development of economically sound and stable domestic mining, minerals, metal and mineral reclamation industries, (2) the orderly and economic development of domestic mineral resources, reserves, and reclamation of metals and minerals to help assure satisfaction of industrial, security and environmental needs, (3) mining, mineral, and metallurgical research, including the use and recycling of scrap to promote the wise and efficient use of our natural and reclaimable mineral resources, and (4) the study and development of methods for the disposal, control, and reclamation of mineral waste products, and the reclamation of mined land, so as to lessen any adverse impact of mineral extraction and processing upon the physical environment that may result from mining or mineral activities.

"Minerals."

For the purpose of this Act "minerals" shall include all minerals and mineral fuels including oil, gas, coal, oil shale and uranium.

Report to Con-
gress.

It shall be the responsibility of the Secretary of the Interior to carry out this policy when exercising his authority under such programs as may be authorized by law other than this Act. For this purpose the Secretary of the Interior shall include in his annual report to the Congress a report on the state of the domestic mining, minerals, and mineral reclamation industries, including a statement of the trend in utilization and depletion of these resources, together with such recommendations for legislative programs as may be necessary to implement the policy of this Act.

Approved December 31, 1970.

Public Law 91-632

December 31, 1970
[H. J. Res. 1162]

JOINT RESOLUTION

To amend Public Law 403, Eightieth Congress, of January 28, 1948, providing for membership and participation by the United States in the South Pacific Commission.

South Pacific
Commission,
U.S. participa-
tion.

79 Stat. 281.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(a) of Public Law 403, Eightieth Congress, entitled "Joint resolution providing for membership and participation by the United States in the South Pacific Commission and authorizing an appropriation therefor" as amended (22 U.S.C. 280b) is hereby amended to read as follows:

"(a) such sums as may be required annually not to exceed \$250,000 per fiscal year for the payment by the United States of its proportionate share of the expenses of the Commission and its auxiliary and subsidiary bodies, in accordance with article XIV of the agreement establishing the South Pacific Commission, as amended."

Approved December 31, 1970.

Public Law 91-633

AN ACT

To name a Federal building in Memphis, Tennessee, for the late Clifford Davis.

December 31, 1970
[H. R. 19890]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal building located at 167 North Main Street, Memphis, Tennessee, shall hereafter be known and designated as the "Clifford Davis Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such Federal building shall be held to be a reference to the "Clifford Davis Federal Building".

Clifford Davis
Federal Building.
Designation.

Approved December 31, 1970.

Public Law 91-634

AN ACT

To designate the lake formed by the waters impounded by the Butler Valley Dam, California, as "Blue Lake".

December 31, 1970
[H. R. 19855]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the lake formed by the waters impounded by the Butler Valley Dam in the State of California, located on the Mad River, shall hereafter be known as Blue Lake and any law, regulation, document, or record of the United States in which such lake is designated or referred to shall be held to refer to such lake under and by the name of "Blue Lake".

Blue Lake,
Calif.
Designation.

Approved December 31, 1970.

Public Law 91-635

AN ACT

To extend until December 31, 1972, the suspension of duty on electrodes for use in producing aluminum.

December 31, 1970
[H. R. 16940]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the matter appearing in the effective period column for item 909.25 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by striking out "12/31/70" and inserting in lieu thereof "12/31/72".

Certain elec-
trodes.
Duty suspension,
extension.
83 Stat. 36.

SEC. 2. The amendment made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

Approved December 31, 1970.

Public Law 91-636

December 31, 1970
[H. R. 8933]

AN ACT

To provide that the lock and dam referred to as the "Jackson lock and dam" on the Tombigbee River, Alabama, shall hereafter be known as the Coffeerville lock and dam.

Coffeerville
lock and dam, Ala.
Designation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Jackson lock and dam on the Tombigbee River, Alabama, shall hereafter be known and designated as the "Coffeerville lock and dam". Any law, regulation, map, or record of the United States in which such lock and dam is referred to shall be held and considered to refer to such lock and dam by the name of the "Coffeerville lock and dam".

Approved December 31, 1970.

Public Law 91-637

December 31, 1970
[H. R. 12564]

AN ACT

To rename a pool of the Cross Florida Barge Canal "Lake Ocklawaha".

Lake Ocklawaha.
Designation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Rodman Pool, or impoundage, of the Cross Florida Barge Canal shall, after the date of enactment of this Act, be known and designated as "Lake Ocklawaha". Any law, regulation, map, document, or record of the United States in which such pool, reservoir, or impoundage is referred to shall be held and considered to refer to such pool, reservoir, or impoundage as "Lake Ocklawaha."

Approved December 31, 1970.

Public Law 91-638

December 31, 1970
[H. R. 13862]

AN ACT

To authorize the naming of the reservoir to be created by the Little Goose lock and dam, Snake River, Washington, in honor of the late Doctor Enoch A. Bryan.

Lake Bryan.
Designation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the reservoir to be created by the Little Goose lock and dam on the Snake River in Washington shall be known and designated as Lake Bryan. Any law, regulation, document, or record of the United States in which such reservoir is designated or referred to under the name of Little Goose Reservoir, shall be held to refer to such body of water under and by the name of Lake Bryan.

Approved December 31, 1970.

Public Law 91-639

AN ACT

To change the name of the West Branch Dam and Reservoir, Mahoning River, Ohio, to the Michael J. Kirwan Dam and Reservoir. December 31, 1970
[H. R. 18858]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the West Branch Dam and Reservoir, Mahoning River, Ohio, authorized by section 203 of the River and Harbor Act of 1958 (72 Stat. 297), shall hereafter be known as the Michael J. Kirwan Dam and Reservoir, and any law, regulation, document, or record of the United States in which such project is designated or referred to shall be held to refer to such project under and by the name of "Michael J. Kirwan Dam and Reservoir".

Michael J.
Kirwan Dam and
Reservoir.
Designation.

Approved December 31, 1970.

Public Law 91-640

AN ACT

To officially designate the Totten Trail Pumping Station.

December 31, 1970
[H. R. 3107]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the pumping station at the Snake Creek arm of the reservoir formed by Garrison Dam, North Dakota, shall hereafter be known as the Totten Trail Pumping Station.

Totten Trail
Pumping Station.
Designation.

SEC. 2. Any laws, regulations, documents, or records of the United States in which such pumping station is designated or referred to shall be held to refer to such pumping station under and by the name of "Totten Trail Pumping Station".

Approved December 31, 1970.

Public Law 91-641

JOINT RESOLUTION

To extend the time for the proclamation of marketing quotas for burley tobacco for the three marketing years beginning October 1, 1971.

December 31, 1970
[S. J. Res. 249]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, the Secretary of Agriculture may defer until March 1, 1971, any proclamation under section 312 of the Agricultural Adjustment Act of 1938, as amended, with respect to national marketing quotas for burley tobacco for the three marketing years beginning October 1, 1971.

Tobacco market-
ing quotas.

69 Stat. 557.
7 USC 1312.

Approved December 31, 1970.

Public Law 91-642

AN ACT

December 31, 1970
[H. R. 17473]

To extend the period for filing certain manufacturers claims for floor stocks refunds under section 209(b) of the Excise Tax Reduction Act of 1965, and for other purposes.

Taxes.
Floor stock re-
funds.
Claims, filing
extension.
79 Stat. 142.
26 USC 6412
note.

Moving ex-
penses.
83 Stat. 580.
26 USC 217 note.
Martha W. Brice
estate.
68A Stat. 373.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in applying section 209(b)(1)(A) of the Excise Tax Reduction Act of 1965 (relating to floor stocks refunds with respect to certain manufacturers excise taxes), a claim for credit or refund filed by the manufacturer, producer, or importer with the Secretary of the Treasury or his delegate on or before the ninetieth day after the date of the enactment of this Act shall be treated as satisfying the requirement of such section 209(b)(1)(A) of filing on or before February 10, 1966, or on or before August 10, 1966, as the case may be.

SEC. 2. Section 231(d)(1) of the Tax Reform Act of 1969 is amended by striking out "July 1, 1970" and inserting in lieu thereof "January 1, 1971".

SEC. 3. For purposes of the tax imposed by section 2001 of the Internal Revenue Code of 1954 (relating to the estate tax), the value of the taxable estate of Martha W. Brice, who died on November 2, 1969, shall be determined by deducting from the value of the gross estate of the said Martha W. Brice (in addition to any other deductions and exemptions allowed by part IV of subchapter A of chapter II of such Code) an amount equal to any amounts transferred, prior to the time prescribed by law (including any extensions thereof) for the filing of an estate tax return for such estate, from the proceeds of such estate to a charitable use specified by item III of the will of the said Martha W. Brice, executed on July 3, 1969.

Approved December 31, 1970.

Public Law 91-643

JOINT RESOLUTION

January 1, 1971
[H. J. Res. 1416]

Fixing the time of assembly of the Ninety-second Congress.

Ninety-second
Congress.

Resolved by the Senate and House of Representatives of the United States of America in Congress Assembled, That the Ninety-second Congress shall assemble at noon on January 21, 1971.

Approved January 1, 1971.

Public Law 91-644

AN ACT

January 2, 1971
[H. R. 17825]

To amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes.

Omnibus Crime
Control Act of
1970.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Omnibus Crime Control Act of 1970".

TITLE I—OMNIBUS CRIME CONTROL AND SAFE STREETS ACT AMENDMENTS

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

SEC. 2. Section 101 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

"SEC. 101.(a) There is hereby established within the Department of Justice under the general authority of the Attorney General, a Law Enforcement Assistance Administration (hereinafter referred to in this title as 'Administration') composed of an Administrator of Law Enforcement Assistance and two Associate Administrators of Law Enforcement Assistance, who shall be appointed by the President, by and with the advice and consent of the Senate. Beginning after the end of the term of either of the present incumbents, one of the Associate Administrators shall be a member of a political party other than that of the President.

82 Stat. 198.
42 USC 3711.

"(b) The Administrator shall be the executive head of the agency and shall exercise all administrative powers, including the appointment and supervision of Administration personnel. All of the other functions, powers, and duties created and established by this title shall be exercised by the Administrator with the concurrence of either one or both of the two Associate Administrators."

PLANNING GRANTS

SEC. 3. (a) The third sentence of section 203(a) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows: "The State planning agency and any regional planning units within the State shall, within their respective jurisdictions, be representative of the law enforcement agencies, units of general local government, and public agencies maintaining programs to reduce and control crime."

42 USC 3723.

(b) Subsection (c) of section 203 of such Act is amended by inserting the following after the period at the end of the first sentence: "The Administration may waive this requirement, in whole or in part, upon a finding that the requirement is inappropriate in view of the respective law enforcement planning responsibilities exercised by the State and its units of general local government and that adherence to the requirement would not contribute to the efficient development of the State plan required under this part. In allocating funds under this subsection, the State planning agency shall assure that major cities and counties within the State receive planning funds to develop comprehensive plans and coordinate functions at the local level."

(c) Subsection (c) of section 203 is amended further by striking out the word "the preceding sentence" and inserting in lieu thereof "this subsection".

(d) Section 204 of such Act is amended by striking the second sentence.

42 USC 3724.

GRANTS FOR LAW ENFORCEMENT PURPOSES

82 Stat. 199.
42 USC 3731.

SEC. 4. Part C of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended as follows:

(1) Section 301(b)(4) is amended to read as follows:

“(4) Constructing buildings or other physical facilities which would fulfill or implement the purpose of this section, including local correctional facilities, centers for the treatment of narcotic addicts, and temporary courtroom facilities in areas of high crime incidence.”

(2) Subsection (b) of section 301 is amended by adding at the end thereof the following new paragraphs:

“(8) The establishment of a Criminal Justice Coordinating Council for any unit of general local government or any combination of such units within the State, having a population of two hundred and fifty thousand or more, to assure improved planning and coordination of all law enforcement activities.

“(9) The development and operation of community based delinquent prevention and correctional programs, emphasizing halfway houses and other community based rehabilitation centers for initial preconviction or postconviction referral of offenders; expanded probationary programs, including paraprofessional and volunteer participation; and community service centers for the guidance and supervision of potential repeat youthful offenders.”

(3) Subsection (c) of section 301 is amended to read as follows:

“(c) The portion of any Federal grant made under this section for the purposes of paragraph (5) or (6) of subsection (b) of this section may be up to 75 per centum of the cost of the program or project specified in the application for such grant. The portion of any Federal grant made under this section for the purposes of paragraph (4) of subsection (b) of this section may be up to 50 per centum of the cost of the program or project specified in the application for such grant. The portion of any Federal grant made under this section to be used for any other purpose set forth in this section may be up to 75 per centum of the cost of the program or project specified in the application for such grant. No part of any grant made under this section for the purpose of renting, leasing, or constructing buildings or other physical facilities shall be used for land acquisition. In the case of a grant under this section to an Indian tribe or other aboriginal group, if the Administration determines that the tribe or group does not have sufficient funds available to meet the local share of the cost of any program or project to be funded under the grant, the Administration may increase the Federal share of the cost thereof to the extent it deems necessary. Effective July 1, 1972, at least 40 per centum of the non-Federal funding of the cost of any program or project to be funded by a grant under this section shall be of money appropriated in the aggregate, by State or individual unit of government, for the purpose of the shared funding of such programs or projects.”

(4) Subsection (d) of section 301 is amended to read as follows:

“(d) Not more than one-third of any grant made under this section may be expended for the compensation of police and other regular law enforcement personnel. The amount of any such grant expended for the compensation of such personnel shall not exceed the amount of State or local funds made available to increase such compensation. The limitations contained in this subsection shall not apply to the

compensation of personnel for time engaged in conducting or undergoing training programs or to the compensation of personnel engaged in research, development, demonstration or other short-term programs."

(5) Section 303 is amended by inserting immediately after the first sentence the following new sentence: "No State plan shall be approved as comprehensive unless the Administration finds that the plan provides for the allocation of adequate assistance to deal with law enforcement problems in areas characterized by both high crime incidence and high law enforcement activity."

82 Stat. 201.
42 USC 3733.

(6) Paragraph (2) of Section 303 is amended by striking out the semicolon and inserting in lieu thereof the following: "except that each such plan shall provide that beginning July 1, 1972, at least the per centum of Federal assistance granted to the State planning agency under this part for any fiscal year which corresponds to the per centum of the State and local law enforcement expenditures funded and expended in the immediately preceding fiscal year by units of general local government will be made available to such units or combinations of such units in the immediately following fiscal year for the development and implementation of programs and projects for the improvement of law enforcement, and that with respect to such programs or projects the State will provide in the aggregate not less than one-fourth of the non-Federal funding. Per centum determinations under this paragraph for law enforcement funding and expenditures for such immediately preceding fiscal year shall be based upon the most accurate and complete data available for such fiscal year or for the last fiscal year for which such data are available. The Administration shall have the authority to approve such determinations and to review the accuracy and completeness of such data;"

(7) Section 305 is amended to read as follows:

42 USC 3735.

"SEC. 305. Where a State has failed to have a comprehensive State plan approved under this title within the period specified by the Administration for such purpose, the funds allocated for such State under paragraph (1) of section 306(a) of this title shall be available for reallocation by the Administration under paragraph (2) of section 306(a)."

(8) Section 306 is amended to read as follows:

42 USC 3736.

"SEC. 306. (a) The funds appropriated each fiscal year to make grants under this part shall be allocated by the Administration as follows:

"(1) Eighty-five per centum of such funds shall be allocated among the States according to their respective populations for grants to State planning agencies.

"(2) Fifteen per centum of such funds, plus any additional amounts made available by virtue of the application of the provisions of sections 305 and 509 of this title to the grant of any State, may, in the discretion of the Administration, be allocated among the States for grants to State planning agencies, units of general local government, or combinations of such units, according to the criteria and on the terms and conditions the Administration determines consistent with this title.

Supra.
42 USC 3757.

Any grant made from funds available under paragraph (2) of this subsection may be up to 75 per centum of the cost of the program or project for which such grant is made. No part of any grant under such paragraph for the purpose of renting, leasing, or constructing buildings or other physical facilities shall be used for land acquisition. In the case of a grant under such paragraph to an Indian tribe or

other aboriginal group, if the Administration determines that the tribe or group does not have sufficient funds available to meet the local share of the costs of any program or project to be funded under the grant, the Administration may increase the Federal share of the cost thereof to the extent it deems necessary. The limitations on the expenditure of portions of grants for the compensation of personnel in subsection (d) of section 301 of this title shall apply to a grant under such paragraph. Effective July 1, 1972, at least 40 per centum of the non-Federal funding of the cost of any program or project to be funded by a grant under such paragraph shall be of money appropriated in the aggregate, by State or individual unit of government, for the purpose of the shared funding of such programs or projects.

Ante, p. 1882.

“(b) If the Administration determines, on the basis of information available to it during any fiscal year, that a portion of the funds allocated to a State for that fiscal year for grants to the State planning agency of the State will not be required by the State, or that the State will be unable to qualify to receive any portion of the funds under the requirements of this part, that portion shall be available for reallocation to other States under paragraph (1) of subsection (a) of this section.”

TRAINING, EDUCATION, RESEARCH, DEMONSTRATION, AND SPECIAL GRANTS

SEC. 5. Part D of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended as follows:

82 Stat. 203.
42 USC 3741.
42 USC 3746.

(1) Section 406 is amended—

(A) by striking “in areas directly related to law enforcement or preparing for employment in law enforcement” in the first sentence of subsection (b) and inserting in lieu thereof “in areas related to law enforcement or suitable for persons employed in law enforcement”;

(B) by striking out “tuition and fees” in the first sentence of subsection (c) and inserting in lieu thereof “tuition, books, and fees”; and

(C) by inserting at the end thereof the following new subsections:

“(d) Full-time teachers or persons preparing for careers as full-time teachers of courses related to law enforcement or suitable for persons employed in law enforcement, in institutions of higher education which are eligible to receive funds under this section, shall be eligible to receive assistance under subsections (b) and (c) of this section as determined under regulations of the Administration.

“(e) The Administration is authorized to make grants to or enter into contracts with institutions of higher education, or combinations of such institutions, to assist them in planning, developing, strengthening, improving, or carrying out programs or projects for the development or demonstration of improved methods of law enforcement education, including—

“(1) planning for the development or expansion of undergraduate or graduate programs in law enforcement;

“(2) education and training of faculty members;

“(3) strengthening the law enforcement aspects of courses leading to an undergraduate, graduate, or professional degree; and

“(4) research into, and development of, methods of educating students or faculty, including the preparation of teaching materials and the planning of curriculums.

The amount of a grant or contract may be up to 75 per centum of the total cost of programs and projects for which a grant or contract is made.

“(f) The Administration is authorized to enter into contracts to make, and make, payments to institutions of higher education for grants not exceeding \$50 per week to persons enrolled on a full-time basis in undergraduate or graduate degree programs who are accepted for and serve in full-time internships in law enforcement agencies for not less than eight weeks during any summer recess or for any entire quarter or semester on leave from the degree program.”

(2) Part D is further amended by inserting after section 406 the following new sections:

“SEC. 407. The Administration is authorized to develop and support regional and national training programs, workshops, and seminars to instruct State and local law enforcement personnel in improved methods of crime prevention and reduction and enforcement of the criminal law. Such training activities shall be designed to supplement and improve, rather than supplant, the training activities of the State and units of general local government, and shall not duplicate the activities of the Federal Bureau of Investigation under section 404 of this title.”

“SEC. 408. (a) The Administration is authorized to establish and support a training program for prosecuting attorneys from State and local offices engaged in the prosecution of organized crime. The program shall be designed to develop new or improved approaches, techniques, systems, manuals, and devices to strengthen prosecutive capabilities against organized crime.

“(b) While participating in the training program or traveling in connection with participation in the training program, State and local personnel shall be allowed travel expenses and a per diem allowance in the same manner as prescribed under section 5703(b) of title 5, United States Code, for persons employed intermittently in the Government service.

“(c) The cost of training State and local personnel under this section shall be provided out of funds appropriated to the Administration for the purpose of such training.”

Enforcement personnel, training programs.

82 Stat. 204.
42 USC 3744.
Prosecuting attorneys, training programs.

Travel expenses.

80 Stat. 499;
83 Stat. 190.

GRANTS FOR CORRECTIONAL INSTITUTIONS AND FACILITIES

SEC. 6. (a) Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting immediately after part D the following:

82 Stat. 197.
42 USC 3701.

“PART E—GRANTS FOR CORRECTIONAL INSTITUTIONS AND FACILITIES

“SEC. 451. It is the purpose of this part to encourage States and units of general local government to develop and implement programs and projects for the construction, acquisition, and renovation of correctional institutions and facilities, and for the improvement of correctional programs and practices.

“SEC. 452. A State desiring to receive a grant under this part for any fiscal year shall, consistent with the basic criteria which the Administration establishes under section 454 of this title, incorporate its application for such grant in the comprehensive State plan submitted to the Administration for that fiscal year in accordance with section 302 of this title.

42 USC 3732.

"SEC. 453. The Administration is authorized to make a grant under this part to a State planning agency if the application incorporated in the comprehensive State plan—

"(1) sets forth a comprehensive statewide program for the construction, acquisition, or renovation of correctional institutions and facilities in the State and the improvement of correctional programs and practices throughout the State;

"(2) provides satisfactory assurances that the control of the funds and title to property derived therefrom shall be in a public agency for the uses and purposes provided in this part and that a public agency will administer those funds and that property;

"(3) provides satisfactory assurances that the availability of funds under this part shall not reduce the amount of funds under part C of this title which a State would, in the absence of funds under this part, allocate for purposes of this part;

"(4) provides satisfactory emphasis on the development and operation of community-based correctional facilities and programs, including diagnostic services, halfway houses, probation, and other supervisory release programs for preadjudication and postadjudication referral of delinquents, youthful offenders, and first offenders, and community-oriented programs for the supervision of parolees;

"(5) provides for advanced techniques in the design of institutions and facilities;

"(6) provides, where feasible and desirable, for the sharing of correctional institutions and facilities on a regional basis;

"(7) provides satisfactory assurances that the personnel standards and programs of the institutions and facilities will reflect advanced practices;

"(8) provides satisfactory assurances that the State is engaging in projects and programs to improve the recruiting, organization, training, and education of personnel employed in correctional activities, including those of probation, parole, and rehabilitation; and

"(9) complies with the same requirements established for comprehensive State plans under paragraphs (1), (3), (4), (5), (7), (8), (9), (10), (11) and (12) of section 303 of this title.

"SEC. 454. The Administration shall, after consultation with the Federal Bureau of Prisons, by regulation prescribe basic criteria for applicants and grantees under this part.

"SEC. 455. (a) The funds appropriated each fiscal year to make grants under this part shall be allocated by the Administration as follows:

"(1) Fifty per centum of the funds shall be available for grants to State planning agencies.

"(2) The remaining fifty per centum of the funds may be made available, as the Administration may determine, to State planning agencies, units of general local government, or combinations of such units, according to the criteria and on the terms and conditions the Administration determines consistent with this part.

Any grant made from funds available under this part may be up to 75 per centum of the cost of the program or project for which such grant is made. No funds awarded under this part may be used for land acquisition.

“(b) If the Administration determines, on the basis of information available to it during any fiscal year, that a portion of the funds granted to an applicant for that fiscal year will not be required by the applicant or will become available by virtue of the application of the provisions of section 509 of this title, that portion shall be available for reallocation under paragraph (2) of subsection (a) of this section.”

82 Stat. 206.
42 USC 3757.

(b) Section 601 of such Act is amended by inserting at the end thereof the following new subsection:

42 USC 3781.

“(1) The term ‘correctional institution or facility’ means any place for the confinement or rehabilitation of juvenile offenders or individuals charged with or convicted of criminal offenses.”

“Correctional
institution or
facility.”

(c) Part E and part F of title I of such Act are redesignated as part F and part G, respectively.

82 Stat. 205.
42 USC 3751,
3781.

ADMINISTRATIVE PROVISIONS

SEC. 7. Part F of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (as redesignated by section 6(c) of this Act) is amended as follows:

Supra.

(1) Section 505 is amended by striking “section 5315” and inserting “section 5314” and by striking “(90)” and inserting “(55)”.

82 Stat. 805.

(2) Section 506 is amended by striking “section 5316” and inserting “section 5315” and by striking “(126)” and inserting “(90)”.

(3) Section 508 is amended by inserting the following before the period at the end of the section: “, and to receive and utilize, for the purposes of this title, property donated or transferred for the purposes of testing by any other Federal agencies, States, units of general local government, public or private agencies or organizations, institutions of higher education, or individuals.”

42 USC 3756.

(4) Section 515 is amended by inserting at the end thereof the following new sentence: “Funds appropriated for the purposes of this section may be expended by grant or contract, as the Administration may determine to be appropriate.”

42 USC 3763.

(5) Section 516(a) is amended by striking out the period and inserting in lieu thereof the following: “, and may be used to pay the transportation and subsistence expenses of persons attending conferences or other assemblages notwithstanding the provisions of the Joint Resolution entitled ‘Joint Resolution to prohibit expenditure of any moneys for housing, feeding, or transporting conventions or meetings’, approved February 2, 1935 (31 U.S.C. sec. 551).”

42 USC 3764.

(6) Section 517 is amended to read as follows:

“SEC. 517. (a) The Administration may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates of compensation for individuals not to exceed the daily equivalent of the rate authorized for GS-18 by section 5332 of title 5, United States Code.

49 Stat. 19.
82 Stat. 207.
42 USC 3765.

“(b) The Administration is authorized to appoint, without regard to the civil service laws, technical or other advisory committees to advise the Administration with respect to the administration of this title as it deems necessary. Members of those committees not otherwise in the employ of the United States, while engaged in advising the Administration or attending meetings of the committees, shall be compensated at rates to be fixed by the Administration but not to exceed the daily equivalent of the rate authorized for GS-18 by section 5332 of title 5 of the United States Code and while away from home or regular place of business they may be allowed travel expenses, includ-

80 Stat. 416.

Ante, p. 198-1.

80 Stat. 499;
83 Stat. 190.

Reports to Presi-
dent and Congress.
82 Stat. 208.
42 USC 3767.

ing per diem in lieu of subsistence, as authorized by section 5703 of such title 5 for persons in the Government service employed intermittently."

(7) Section 519 is amended to read as follows:

"SEC. 519. (a) On or before December 31 of each year, the Administration shall report to the President and to the Congress on activities pursuant to the provisions of this title during the preceding fiscal year.

"(b) Not later than May 1, 1971, the Administration shall submit to the President and to the Congress recommendations for legislation to assist in the purposes of this title with respect to promoting the integrity and accuracy of criminal justice data collection, processing, and dissemination systems funded in whole or in part by the Federal Government, and protecting the constitutional rights of all persons covered or affected by such systems."

Appropriation.
42 USC 3768.

(8) Section 520 is amended to read as follows:

"SEC. 520. There is authorized to be appropriated \$650,000,000 for the fiscal year ending June 30, 1971, of which \$120,000,000 shall be for the purposes of part E; \$1,150,000,000 for the fiscal year ending June 30, 1972, and \$1,750,000,000 for the fiscal year ending June 30, 1973. Funds appropriated for any fiscal year may remain available for obligation until expended. Beginning in the fiscal year ending June 30, 1972, and in each fiscal year thereafter there shall be allocated for the purposes of part E an amount equal to not less than 20 per centum of the amount allocated for the purposes of Part C."

Ante, p. 1882.
Recordkeeping.
42 USC 3769.

(9) Section 521 is amended by inserting at the end thereof the following new subsection:

"(c) The provisions of this section shall apply to all recipients of assistance under this Act, whether by direct grant or contract from the Administration or by subgrant or subcontract from primary grantees or contractors of the Administration."

80 Stat. 460.

SEC. 8. (a) Section 5314 of title 5, United States Code, is amended by striking "(1) Deputy Attorney General," and renumbering "(2)" through "(54)" respectively "(1)" through "(53)".

80 Stat. 460;
83 Stat. 864.
5 USC 5313 and
note.

(b) Section 5313 of title 5, United States Code, is amended by adding at the end thereof "(20) Deputy Attorney General."

DEFINITIONS

SEC. 9. Section 601 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

82 Stat. 209.
42 USC 3781.
"Law enforce-
ment."

(1) Subsection (a) is amended to read as follows: "‘Law enforcement’ means any activity pertaining to crime prevention, control or reduction or the enforcement of the criminal law, including, but not limited to police efforts to prevent, control, or reduce crime or to apprehend criminals, activities of courts having criminal jurisdiction and related agencies, activities of corrections, probation, or parole authorities, and programs relating to the prevention, control, or reduction of juvenile delinquency or narcotic addiction."

(2) Subsection (d) is amended by striking out "or" the second place it appears and by striking out the period and inserting in lieu thereof the following: ", or, for the purpose of assistance eligibility, any agency of the District of Columbia government or the United States Government performing law enforcement functions in and for the District of Columbia and funds appropriated by the Congress for the activities of such agencies may be used to provide the non-Federal share of the cost of programs or projects funded under this title; provided, however, that such assistance eligibility of any agency of the United States Government shall be for the sole purpose of

facilitating the transfer of criminal jurisdiction from the United States District Court for the District of Columbia to the Superior Court of the District of Columbia pursuant to the District of Columbia Court Reform and Criminal Procedure Act of 1970.”

SEC. 10. Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting immediately after part G (as redesignated by section 6(c) of this Act) the following:

Ante, p. 473.

Ante, pp. 1885, 1887.

“PART H—CRIMINAL PENALTIES

“SEC. 651. Whoever embezzles, willfully misapplies, steals, or obtains by fraud any funds, assets, or property which are the subject of a grant or contract or other form of assistance pursuant to this title, whether received directly or indirectly from the Administration, shall be fined not more than \$10,000 or imprisoned for not more than five years, or both.

“SEC. 652. Whoever knowingly and willfully falsifies, conceals, or covers up by trick, scheme, or device, any material fact in any application for assistance submitted pursuant to this title or in any records required to be maintained pursuant to this title shall be subject to prosecution under the provisions of section 1001 of title 18, United States Code.

62 Stat. 749.

“SEC. 653. Any law enforcement program or project underwritten, in whole or in part, by any grant, or contract or other form of assistance pursuant to this title, whether received directly or indirectly from the Administration, shall be subject to the provisions of section 371 of title 18, United States Code.”

62 Stat. 701.

SEC. 11. Section 5108(c) of title 5 of the United States Code is amended by inserting at the end thereof the following new paragraph:

Ante, p. 1619.

“(10) the Law Enforcement Assistance Administration may place a total of twenty positions in GS-16, 17, and 18.”

SEC. 12. Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting after part H (as designated by section 10 of this Act) the following new part:

Supra.

PART I—ATTORNEY GENERAL'S ANNUAL REPORT ON FEDERAL LAW ENFORCEMENT AND CRIMINAL JUSTICE ACTIVITIES

SEC. 670. The Attorney General, in consultation with the appropriate officials in the agencies involved, within 90 days of the end of each fiscal year shall submit to the President and to the Congress an Annual Report on Federal Law Enforcement and Criminal Justice Assistance Activities setting forth the programs conducted, expenditures made, results achieved, plans developed, and problems discovered in the operations and coordination of the various Federal assistance programs relating to crime prevention and control, including, but not limited to, the Juvenile Delinquency Prevention and Control Act of 1968, the Narcotics Addict Rehabilitation Act 1968, the Gun Control Act 1968, the Criminal Justice Act of 1964, title XI of the Organized Crime Control Act of 1970 (relating to the regulation of explosives), and title III of the Omnibus Crime Control and Safe Streets Act of 1968 (relating to wiretapping and electronic surveillance).

82 Stat. 462.
42 USC 3801
note.
82 Stat. 1213.
18 USC 921 note.
Ante, p. 916.
Ante, p. 952.
82 Stat. 211.
18 USC 2510.

TITLE II—STRICTER SENTENCES

SEC. 13. Section 924(c) of title 18, United States Code, is amended to read as follows:

82 Stat. 1224.

“(c) Whoever—

“(1) uses a firearm to commit any felony for which he may be prosecuted in a court of the United States, or

“(2) carries a firearm unlawfully during the commission of any felony for which he may be prosecuted in a court of the United States.

shall, in addition to the punishment provided for the commission of such felony, be sentenced to a term of imprisonment for not less than one year nor more than ten years. In the case of his second or subsequent conviction under this subsection, such person shall be sentenced to a term of imprisonment for not less than two nor more than twenty-five years and, notwithstanding any other provision of law, the court shall not suspend the sentence in the case of a second or subsequent conviction of such person or give him a probationary sentence, nor shall the term of imprisonment imposed under this subsection run concurrently with any term of imprisonment imposed for the commission of such felony.”

TITLE III—CRIMINAL APPEALS

62 Stat. 844;
82 Stat. 237.

SEC. 14. (a) Section 3731 of title 18, United States Code, is amended—

(1) by striking out the first eight paragraphs and inserting in lieu thereof the following:

“In a criminal case an appeal by the United States shall lie to a court of appeals from a decision, judgment, or order of a district court dismissing an indictment or information as to any one or more counts, except that no appeal shall lie where the double jeopardy clause of the United States Constitution prohibits further prosecution.

“An appeal by the United States shall lie to a court of appeals from a decision or order of a district courts suppressing or excluding evidence or requiring the return of seized property in a criminal proceeding, not made after the defendant has been put in jeopardy and before the verdict or finding on an indictment or information, if the United States attorney certifies to the district court that the appeal is not taken for purpose of delay and that the evidence is a substantial proof of a fact material in the proceeding.”;

(2) by striking out the word “or” in the ninth paragraph and inserting in lieu thereof a comma, and inserting “or order” following the word “judgment” in the same paragraph;

(3) by striking out the last two paragraphs and inserting in lieu thereof a new paragraph as follows:

“The provisions of this section shall be liberally construed to effectuate its purposes.”

(b) The amendments made by this section shall not apply with respect to any criminal case begun in any district court before the effective date of this section.

TITLE IV—PROTECTION OF MEMBERS OF CONGRESS

62 Stat. 684.
18 USC 1.

SEC. 15. Part I of title 18 of the United States Code is amended by inserting, immediately after chapter 17, a new chapter as follows:

“Chapter 18.—CONGRESSIONAL ASSASSINATION,
KIDNAPING, AND ASSAULT

“Sec.
”351. Congressional assassination, kidnaping, and assault; penalties.

“§ 351. Congressional assassination, kidnaping, and assault;
penalties

“(a) Whoever kills any individual who is a Member of Congress or a Member-of-Congress-elect shall be punished as provided by sections 1111 and 1112 of this title.

62 Stat. 756,
18 USC 1111,
1112.

“(b) Whoever kidnaps any individual designated in subsection (a) of this section shall be punished (1) by imprisonment for any term of years or for life, or (2) by death or imprisonment for any term of years or for life, if death results to such individual.

“(c) Whoever attempts to kill or kidnap any individual designated in subsection (a) of this section shall be punished by imprisonment for any term of years or for life.

“(d) If two or more persons conspire to kill or kidnap any individual designated in subsection (a) of this section and one or more of such persons do any act to effect the object of the conspiracy, each shall be punished (1) by imprisonment for any term of years or for life, or (2) by death or imprisonment for any term of years or for life, if death results to such individual.

“(e) Whoever assaults any person designated in subsection (a) of this section shall be fined not more than \$5,000, or imprisoned not more than one year, or both; and if personal injury results, shall be fined not more than \$10,000, or imprisoned for not more than ten years, or both.

“(f) If Federal investigative or prosecutive jurisdiction is asserted for a violation of this section, such assertion shall suspend the exercise of jurisdiction by a State or local authority, under any applicable State or local law, until Federal action is terminated.

“(g) Violations of this section shall be investigated by the Federal Bureau of Investigation. Assistance may be requested from any Federal, State, or local agency, including the Army, Navy, and Air Force, any statute, rule, or regulation to the contrary notwithstanding.”

SEC. 16. Paragraph (c), subsection (1), section 2516, title 18, United States Code, is amended by striking the word “or” in the last phrase of the subsection and inserting at the end thereof between the parenthesis and the semicolon “or section 351 (violations with respect to congressional assassination, kidnaping, and assault)”.

82 Stat. 217.

SEC. 17. The table of contents to part I of title 18, United States Code, is amended by inserting after the following chapter reference:

“17. Coins and currency----- 331”
a new chapter reference as follows:

“18. Congressional assassination, kidnaping, and assault----- 351”

TITLE V—PROTECTION OF THE PRESIDENT

SEC. 18. Title 18, United States Code, is amended by adding the following new section after section 1751:

79 Stat. 580.

“§ 1752. Temporary residence of the President

(a) It shall be unlawful for any person or group of persons—
“(1) willfully and knowingly to enter or remain in

“(i) any building or grounds designated by the Secretary of the Treasury as temporary residences of the President or as temporary offices of the President and his staff, or

“(ii) any posted, cordoned off, or otherwise restricted area of a building or grounds where the President is or will be temporarily visiting,

in violation of the regulations governing ingress or egress thereto:

“(2) with intent to impede or disrupt the orderly conduct of Government business or official functions, to engage in disorderly or disruptive conduct in, or within such proximity to, any building or grounds designated in paragraph (1) when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions;

“(3) willfully and knowingly to obstruct or impede ingress or egress to or from any building, grounds, or area designated or enumerated in paragraph (1); or

“(4) willfully and knowingly to engage in any act of physical violence against any person or property in any building, grounds, or area designated or enumerated in paragraph (1).

“(b) Violation of this section, and attempts or conspiracies to commit such violations, shall be punishable by a fine not exceeding \$500 or imprisonment not exceeding six months, or both.

“(c) Violation of this section, and attempts or conspiracies to commit such violations, shall be prosecuted by the United States attorney in the Federal district court having jurisdiction of the place where the offense occurred.

“(d) The Secretary of the Treasury is authorized—

“(1) to designate by regulations the buildings and grounds which constitute the temporary residences of the President and the temporary offices of the President and his staff, and

“(2) to prescribe regulations governing ingress or egress to such buildings and grounds and to posted, cordoned off, or otherwise restricted areas where the President is or will be temporarily visiting.

“(e) None of the laws of the United States or of the several States and the District of Columbia shall be superseded by this section.”

SEC. 19. Section 3056, title 16, United States Code, is amended by designating the present paragraph as “(a)” and adding a new paragraph at the end thereof as follows:

“(b) Whoever knowingly and willfully obstructs, resists, or interferes with an agent of the United States Secret Service engaged in the performance of the protective functions authorized by this section, by the Act of June 6, 1968 (82 Stat. 170), or by section 1752 of title 18, United States Code, shall be fined not more than \$300 or imprisoned not more than one year, or both.”

TITLE VI—WIRETAP COMMISSION

SEC. 20. (a) Title III of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 211) is amended by striking subsection (g) of section 804 and inserting the following:

“(g) (1) The Commission or any duly authorized subcommittee or member thereof may, for the purpose of carrying out the provisions of this title, hold such hearings, sit and act at such times and places, administer such oaths, and require by subpoena or otherwise the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers and documents as the

Former Presidents and families, protection.

65 Stat. 122;

82 Stat. 1198.

18 USC 3056.

Ante, p. 1891.

82 Stat. 224.
18 USC 2510
note.

Commission or such subcommittee or member may deem advisable. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission or before such subcommittee or member. Subpenas may be issued under the signature of the Chairman or any duly designated member of the Commission, and may be served by any person designated by the Chairman or such member.

“(2) In the case of contumacy or refusal to obey a subpoena issued under subsection (1) by any person who resides, is found, or transacts business within the jurisdiction of any district court of the United States, the district court, at the request of the Chairman of the Commission, shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommittee or member thereof, there to produce evidence if so ordered, or there to give testimony touching the matter under inquiry. Any failure of any such person to obey any such order of the court may be punished by the court as a contempt thereof.

“(3) The Commission shall be ‘an agency of the United States’ under subsection (1), section 6001, title 18, United States Code for the purpose of granting immunity to witnesses.

Ante, p. 926.

“(4) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman, on a reimbursable basis or otherwise, such statistical data, reports, and other information as the Commission deems necessary to carry out its functions under this title. The Chairman is further authorized to call upon the departments, agencies, and other offices of the several States, to furnish, on a reimbursable basis or otherwise, such statistical data, reports, and other information as the Commission deems necessary to carry out its functions under this title.”

(b) Such title is further amended as follows:

(1) in subsection (h) of section 804, strike “one-year” and insert “two-year”, and

82 Stat. 224.
18 USC 2510
note.

(2) in subsection (k) of section 804, strike “six-year” and insert “fifth year”.

(c) Section 1212 of the Organized Crime Control Act of 1970 is hereby repealed.

Repeal.
Ante, p. 961.

Approved January 2, 1971.

Public Law 91-645

JOINT RESOLUTION

Making further continuing appropriations for the fiscal year 1971, and for other purposes.

January 2, 1971
[H. J. Res. 1421]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (c) of section 102 of the joint resolution of June 29, 1970 (Public Law 91-294, as amended), is hereby further amended by striking out “the sine die adjournment of the second session of the Ninety-first Congress” and inserting in lieu thereof “March 30, 1971”: *Provided*, That projects and activities provided for in the Department of Transportation and Related Agencies Appropriation Act, 1971 (H.R. 17755, Ninety-first Congress), may be conducted at a rate for operations, and to the extent and in the manner, provided for in such Act as modified by the House of Representatives on December 15, 1970.

Continuing ap-
propriations, 1971.
Ante, pp. 335,
694, 969.

Approved January 2, 1971.

Public Law 91-646

AN ACT

January 2, 1971
[S. 1]

To provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs.

Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970".

TITLE I—GENERAL PROVISIONS

Definitions.

SEC. 101. As used in this Act—

(1) The term "Federal agency" means any department, agency, or instrumentality in the executive branch of the Government (except the National Capital Housing Authority), any wholly owned Government corporation (except the District of Columbia Redevelopment Land Agency), and the Architect of the Capitol, the Federal Reserve banks and branches thereof.

(2) The term "State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, the Trust Territory of the Pacific Islands, and any political subdivision thereof.

(3) The term "State agency" means the National Capital Housing Authority, the District of Columbia Redevelopment Land Agency, and any department, agency, or instrumentality of a State or of a political subdivision of a State, or any department, agency, or instrumentality of two or more States or of two or more political subdivisions of a State or States.

(4) The term "Federal financial assistance" means a grant, loan, or contribution provided by the United States, except any Federal guarantee or insurance and any annual payment or capital loan to the District of Columbia.

(5) The term "person" means any individual, partnership, corporation, or association.

(6) The term "displaced person" means any person who, on or after the effective date of this Act, moves from real property, or moves his personal property from real property, as a result of the acquisition of such real property, in whole or in part, or as the result of the written order of the acquiring agency to vacate real property, for a program or project undertaken by a Federal agency, or with Federal financial assistance; and solely for the purposes of sections 202(a) and (b) and 205 of this title, as a result of the acquisition of or as the result of the written order of the acquiring agency to vacate other real property, on which such person conducts a business or farm operation, for such program or project.

(7) The term "business" means any lawful activity, excepting a farm operation, conducted primarily—

(A) for the purchase, sale, lease and rental of personal and real property, and for the manufacture, processing, or marketing of products, commodities, or any other personal property;

(B) for the sale of services to the public;

(C) by a nonprofit organization; or

(D) solely for the purposes of section 202(a) of this title, for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display

or displays, whether or not such display or displays are located on the premises on which any of the above activities are conducted.

(8) The term "farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

(9) The term "mortgage" means such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of, real property, under the laws of the State in which the real property is located, together with the credit instruments, if any, secured thereby.

EFFECT UPON PROPERTY ACQUISITION

SEC. 102. (a) The provisions of section 301 of title III of this Act create no rights or liabilities and shall not affect the validity of any property acquisitions by purchase or condemnation.

(b) Nothing in this Act shall be construed as creating in any condemnation proceedings brought under the power of eminent domain, any element of value or of damage not in existence immediately prior to the date of enactment of this Act.

TITLE II—UNIFORM RELOCATION ASSISTANCE

DECLARATION OF POLICY

SEC. 201. The purpose of this title is to establish a uniform policy for the fair and equitable treatment of persons displaced as a result of Federal and federally assisted programs in order that such persons shall not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole.

MOVING AND RELATED EXPENSES

SEC. 202. (a) Whenever the acquisition of real property for a program or project undertaken by a Federal agency in any State will result in the displacement of any person on or after the effective date of this Act, the head of such agency shall make a payment to any displaced person, upon proper application as approved by such agency head, for—

(1) actual reasonable expenses in moving himself, his family, business, farm operation, or other personal property;

(2) actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation, but not to exceed an amount equal to the reasonable expenses that would have been required to relocate such property, as determined by the head of the agency; and

(3) actual reasonable expenses in searching for a replacement business or farm.

(b) Any displaced person eligible for payments under subsection (a) of this section who is displaced from a dwelling and who elects to accept the payments authorized by this subsection in lieu of the payments authorized by subsection (a) of this section may receive a moving expense allowance, determined according to a schedule established by the head of the Federal agency, not to exceed \$300; and a dislocation allowance of \$200.

“Average annual
net earnings.”

(c) Any displaced person eligible for payments under subsection (a) of this section who is displaced from his place of business or from his farm operation and who elects to accept the payment authorized by this subsection in lieu of the payment authorized by subsection (a) of this section, may receive a fixed payment in an amount equal to the average annual net earnings of the business or farm operation, except that such payment shall be not less than \$2,500 nor more than \$10,000. In the case of a business no payment shall be made under this subsection unless the head of the Federal agency is satisfied that the business (1) cannot be relocated without a substantial loss of its existing patronage, and (2) is not a part of a commercial enterprise having at least one other establishment not being acquired by the United States, which is engaged in the same or similar business. For purposes of this subsection, the term “average annual net earnings” means one-half of any net earnings of the business or farm operation, before Federal, State, and local income taxes, during the two taxable years immediately preceding the taxable year in which such business or farm operation moves from the real property acquired for such project, or during such other period as the head of such agency determines to be more equitable for establishing such earnings, and includes any compensation paid by the business or farm operation to the owner, his spouse, or his dependents during such period.

REPLACEMENT HOUSING FOR HOMEOWNER

SEC. 203. (a) (1) In addition to payments otherwise authorized by this title, the head of the Federal agency shall make an additional payment not in excess of \$15,000 to any displaced person who is displaced from a dwelling actually owned and occupied by such displaced person for not less than one hundred and eighty days prior to the initiation of negotiations for the acquisition of the property. Such additional payment shall include the following elements:

(A) The amount, if any, which when added to the acquisition cost of the dwelling acquired by the Federal agency, equals the reasonable cost of a comparable replacement dwelling which is a decent, safe, and sanitary dwelling adequate to accommodate such displaced person, reasonably accessible to public services and places of employment and available on the private market. All determinations required to carry out this subparagraph shall be made in accordance with standards established by the head of the Federal agency making the additional payment.

(B) The amount, if any, which will compensate such displaced person for any increased interest costs which such person is required to pay for financing the acquisition of any such comparable replacement dwelling. Such amount shall be paid only if the dwelling acquired by the Federal agency was encumbered by a bona fide mortgage which was a valid lien on such dwelling for not less than one hundred and eighty days prior to the initiation of negotiations for the acquisition of such dwelling. Such amount shall be equal to the excess in the aggregate interest and other debt service costs of that amount of the principal of the mortgage on the replacement dwelling which is equal to the unpaid balance of the mortgage on the acquired dwelling, over the remainder term of the mortgage on the acquired dwelling, reduced to discounted present value. The discount rate shall be the prevailing interest rate paid on savings deposits by commercial banks in the general area in which the replacement dwelling is located.

(C) Reasonable expenses incurred by such displaced person for evidence of title, recording fees, and other closing costs incident to the purchase of the replacement dwelling, but not including prepaid expenses.

(2) The additional payment authorized by this subsection shall be made only to such a displaced person who purchases and occupies a replacement dwelling which is decent, safe, and sanitary not later than the end of the one year period beginning on the date on which he receives from the Federal agency final payment of all costs of the acquired dwelling, or on the date on which he moves from the acquired dwelling, whichever is the later date.

(b) The head of any Federal agency may, upon application by a mortgagee, insure any mortgage (including advances during construction) on a comparable replacement dwelling executed by a displaced person assisted under this section, which mortgage is eligible for insurance under any Federal law administered by such agency notwithstanding any requirements under such law relating to age, physical condition, or other personal characteristics of eligible mortgagors, and may make commitments for the insurance of such mortgage prior to the date of execution of the mortgage.

REPLACEMENT HOUSING FOR TENANTS AND CERTAIN OTHERS

SEC. 204. In addition to amounts otherwise authorized by this title, the head of the Federal agency shall make a payment to or for any displaced person displaced from any dwelling not eligible to receive a payment under section 203 which dwelling was actually and lawfully occupied by such displaced person for not less than ninety days prior to the initiation of negotiations for acquisition of such dwelling. Such payment shall be either—

(1) the amount necessary to enable such displaced person to lease or rent for a period not to exceed four years, a decent, safe, and sanitary dwelling of standards adequate to accommodate such person in areas not generally less desirable in regard to public utilities and public and commercial facilities, and reasonably accessible to his place of employment, but not to exceed \$4,000, or

(2) the amount necessary to enable such person to make a downpayment (including incidental expenses described in section 203(a)(1)(C)) on the purchase of a decent, safe, and sanitary dwelling of standards adequate to accommodate such person in areas not generally less desirable in regard to public utilities and public and commercial facilities, but not to exceed \$4,000, except that if such amount exceeds \$2,000, such person must equally match any such amount in excess of \$2,000, in making the downpayment.

RELOCATION ASSISTANCE ADVISORY SERVICES

SEC. 205. (a) Whenever the acquisition of real property for a program or project undertaken by a Federal agency in any State will result in the displacement of any person on or after the effective date of this section, the head of such agency shall provide a relocation assistance advisory program for displaced persons which shall offer the services described in subsection (c) of this section. If such agency head determines that any person occupying property immediately adjacent to the real property acquired is caused substantial economic injury because of the acquisition, he may offer such person relocation advisory services under such program.

(b) Federal agencies administering programs which may be of assistance to displaced persons covered by this Act shall cooperate to the maximum extent feasible with the Federal or State agency causing the displacement to assure that such displaced persons receive the maximum assistance available to them.

(c) Each relocation assistance advisory program required by subsection (a) of this section shall include such measures, facilities, or services as may be necessary or appropriate in order to—

(1) determine the need, if any, of displaced persons, for relocation assistance;

(2) provide current and continuing information on the availability, prices, and rentals, of comparable decent, safe, and sanitary sales and rental housing, and of comparable commercial properties and locations for displaced businesses;

(3) assure that, within a reasonable period of time, prior to displacement there will be available in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced, decent, safe, and sanitary dwellings, as defined by such Federal agency head, equal in number to the number of and available to such displaced persons who require such dwellings and reasonably accessible to their places of employment, except that the head of that Federal agency may prescribe by regulation situations when such assurances may be waived;

(4) assist a displaced person displaced from his business or farm operation in obtaining and becoming established in a suitable replacement location;

(5) supply information concerning Federal and State housing programs, disaster loan programs, and other Federal or State programs offering assistance to displaced persons; and

(6) provide other advisory services to displaced persons in order to minimize hardships to such persons in adjusting to relocation.

(d) The heads of Federal agencies shall coordinate relocation activities with project work, and other planned or proposed governmental actions in the community or nearby areas which may affect the carrying out of relocation assistance programs.

HOUSING REPLACEMENT BY FEDERAL AGENCY AS LAST RESORT

SEC. 206. (a) If a Federal project cannot proceed to actual construction because comparable replacement sale or rental housing is not available, and the head of the Federal agency determines that such housing cannot otherwise be made available he may take such action as is necessary or appropriate to provide such housing by use of funds authorized for such project.

(b) No person shall be required to move from his dwelling on or after the effective date of this title, on account of any Federal project, unless the Federal agency head is satisfied that replacement housing, in accordance with section 205(c) (3), is available to such person.

STATE REQUIRED TO FURNISH REAL PROPERTY INCIDENT TO FEDERAL ASSISTANCE (LOCAL COOPERATION)

SEC. 207. Whenever real property is acquired by a State agency and furnished as a required contribution incident to a Federal program or project, the Federal agency having authority over the pro-

gram or project may not accept such property unless such State agency has made all payments and provided all assistance and assurances, as are required of a State agency by sections 210 and 305 of this Act. Such State agency shall pay the cost of such requirements in the same manner and to the same extent as the real property acquired for such project, except that in the case of any real property acquisition or displacement occurring prior to July 1, 1972, such Federal agency shall pay 100 per centum of the first \$25,000 of the cost of providing such payments and assistance.

STATE ACTING AS AGENT FOR FEDERAL PROGRAM

SEC. 208. Whenever real property is acquired by a State agency at the request of a Federal agency for a Federal program or project, such acquisition shall, for the purposes of this Act, be deemed an acquisition by the Federal agency having authority over such program or project.

PUBLIC WORKS PROGRAMS AND PROJECTS OF THE GOVERNMENT OF THE DISTRICT OF COLUMBIA AND OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

SEC. 209. Whenever real property is acquired by the government of the District of Columbia or the Washington Metropolitan Area Transit Authority for a program or project which is not subject to sections 210 and 211 of this title, and such acquisition will result in the displacement of any person on or after the effective date of this Act, the Commissioner of the District of Columbia or the Washington Metropolitan Area Transit Authority, as the case may be, shall make all relocation payments and provide all assistance required of a Federal agency by this Act. Whenever real property is acquired for such a program or project on or after such effective date, such Commissioner or Authority, as the case may be, shall make all payments and meet all requirements prescribed for a Federal agency by title III of this Act.

REQUIREMENTS FOR RELOCATION PAYMENTS AND ASSISTANCE OF FEDERALLY ASSISTED PROGRAM; ASSURANCES OF AVAILABILITY OF HOUSING

SEC. 210. Notwithstanding any other law, the head of a Federal agency shall not approve any grant to, or contract or agreement with, a State agency, under which Federal financial assistance will be available to pay all or part of the cost of any program or project which will result in the displacement of any person on or after the effective date of this title, unless he receives satisfactory assurances from such State agency that—

- (1) fair and reasonable relocation payments and assistance shall be provided to or for displaced persons, as are required to be provided by a Federal agency under sections 202, 203, and 204 of this title;
- (2) relocation assistance programs offering the services described in section 205 shall be provided to such displaced persons;
- (3) within a reasonable period of time prior to displacement, decent, safe, and sanitary replacement dwellings will be available to displaced persons in accordance with section 205(c) (3).

FEDERAL SHARE OF COSTS

SEC. 211. (a) The cost to a State agency of providing payments and assistance pursuant to sections 206, 210, 215, and 305, shall be included as part of the cost of a program or project for which Federal financial assistance is available to such State agency, and such State agency shall be eligible for Federal financial assistance with respect to such payments and assistance in the same manner and to the same extent as other program or project costs, except that, notwithstanding any other law in the case where the Federal financial assistance is by grant or contribution the Federal agency shall pay the full amount of the first \$25,000 of the cost to a State agency of providing payments and assistance for a displaced person under sections 206, 210, 215, and 305, on account of any acquisition or displacement occurring prior to July 1, 1972, and in any case where such Federal financial assistance is by loan, the Federal agency shall loan such State agency the full amount of the first \$25,000 of such cost.

(b) No payment or assistance under section 210 or 305 shall be required or included as a program or project cost under this section, if the displaced person receives a payment required by the State law of eminent domain which is determined by such Federal agency head to have substantially the same purpose and effect as such payment under this section, and to be part of the cost of the program or project for which Federal financial assistance is available.

(c) Any grant to, or contract or agreement with, a State agency executed before the effective date of this title, under which Federal financial assistance is available to pay all or part of the cost of any program or project which will result in the displacement of any person on or after the effective date of this Act, shall be amended to include the cost of providing payments and services under sections 210 and 305. If the head of a Federal agency determines that it is necessary for the expeditious completion of a program or project he may advance to the State agency the Federal share of the cost of any payments or assistance by such State agency pursuant to sections 206, 210, 215, and 305.

ADMINISTRATION—RELOCATION ASSISTANCE IN PROGRAMS RECEIVING
FEDERAL FINANCIAL ASSISTANCE

SEC. 212. In order to prevent unnecessary expenses and duplications of functions, and to promote uniform and effective administration of relocation assistance programs for displaced persons under sections 206, 210, and 215 of this title, a State agency may enter into contracts with any individual, firm, association, or corporation for services in connection with such programs, or may carry out its functions under this title through any Federal or State governmental agency or instrumentality having an established organization for conducting relocation assistance programs. Such State agency shall, in carrying out the relocation assistance activities described in section 206, whenever practicable, utilize the services of State or local housing agencies, or other agencies having experience in the administration or conduct of similar housing assistance activities.

REGULATIONS AND PROCEDURES

SEC. 213. (a) In order to promote uniform and effective administration of relocation assistance and land acquisition of State or local housing agencies, or other agencies having programs or projects by

Federal agencies or programs or projects by State agencies receiving Federal financial assistance, the heads of Federal agencies shall consult together on the establishment of regulations and procedures for the implementation of such programs.

(b) The head of each Federal agency is authorized to establish such regulations and procedures as he may determine to be necessary to assure—

(1) that the payments and assistance authorized by this Act shall be administered in a manner which is fair and reasonable, and as uniform as practicable;

(2) that a displaced person who makes proper application for a payment authorized for such person by this title shall be paid promptly after a move or, in hardship cases, be paid in advance; and

(3) that any person aggrieved by a determination as to eligibility for a payment authorized by this Act, or the amount of a payment, may have his application reviewed by the head of the Federal agency having authority over the applicable program or project, or in the case of a program or project receiving Federal financial assistance, by the head of the State agency.

(c) The head of each Federal agency may prescribe such other regulations and procedures, consistent with the provisions of this Act, as he deems necessary or appropriate to carry out this Act.

ANNUAL REPORT

SEC. 214. The head of each Federal agency shall prepare and submit with respect to the programs and policies established or authorized by this Act, and the President shall submit such reports to the Congress not later than January 15 of each year, beginning January 15, 1972, and ending January 15, 1975, together with his comments or recommendations. Such reports shall give special attention to: (1) the effectiveness of the provisions of this Act assuring the availability of comparable replacement housing, which is decent, safe, and sanitary, for displaced homeowners and tenants; (2) actions taken by the agency to achieve the objectives of the policies of Congress, declared in this Act, to provide uniform and equal treatment, to the greatest extent practicable, for all persons displaced by, or having real property taken for, Federal or federally assisted programs; (3) the views of the Federal agency head on the progress made to achieve such objectives in the various programs conducted or administered by such agency, and among the Federal agencies; (4) any indicated effects of such programs and policies on the public; and (5) any recommendations he may have for further improvements in relocation assistance and land acquisition programs, policies, and implementing laws and regulations.

Report to Congress.

PLANNING AND OTHER PRELIMINARY EXPENSES FOR ADDITIONAL HOUSING

SEC. 215. In order to encourage and facilitate the construction or rehabilitation of housing to meet the needs of displaced persons who are displaced from dwellings because of any Federal or Federal financially assisted project, the head of the Federal agency administering such project is authorized to make loans as a part of the cost of any such project, or to approve loans as a part of the cost of any such project receiving Federal financial assistance, to nonprofit, limited

dividend, or cooperative organizations or to public bodies, for necessary and reasonable expenses, prior to construction, for planning and obtaining federally insured mortgage financing for the rehabilitation or construction of housing for such displaced persons. Notwithstanding the preceding sentence, or any other law, such loans shall be available for not to exceed 80 per centum of the reasonable costs expected to be incurred in planning, and in obtaining financing for, such housing, prior to the availability of such financing, including, but not limited to, preliminary surveys and analyses of market needs, preliminary site engineering, preliminary architectural fees, site acquisition, application and mortgage commitment fees, and construction loan fees and discounts. Loans to an organization established for profit shall bear interest at a market rate established by the head of such Federal agency. All other loans shall be without interest. Such Federal agency head shall require repayment of loans made under this section, under such terms and conditions as he may require, upon completion of the project or sooner, and except in the case of a loan to an organization established for profit, may cancel any part or all of a loan if he determines that a permanent loan to finance the rehabilitation or the construction of such housing cannot be obtained in an amount adequate for repayment of such loan. Upon repayment of any such loan, the Federal share of the sum repaid shall be credited to the account from which such loan was made, unless the Secretary of the Treasury determines that such account is no longer in existence, in which case such sum shall be returned to the Treasury and credited to miscellaneous receipts.

PAYMENTS NOT TO BE CONSIDERED AS INCOME

SEC. 216. No payment received under this title shall be considered as income for the purposes of the Internal Revenue Code of 1954; or for the purposes of determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act or any other Federal law.

68A Stat. 3.
26 USC 1 *et seq.*
49 Stat. 620.
42 USC 1305.

DISPLACEMENT BY CODE ENFORCEMENT, REHABILITATION, AND DEMOLITION PROGRAMS RECEIVING FEDERAL ASSISTANCE

SEC. 217. A person who moves or discontinues his business, or moves other personal property, or moves from his dwelling on or after the effective date of this Act, as a direct result of any project or program which receives Federal financial assistance under title I of the Housing Act of 1949, as amended, or as a result of carrying out a comprehensive city demonstration program under title I of the Demonstration Cities and Metropolitan Development Act of 1966 shall, for the purposes of this title, be deemed to have been displaced as the result of the acquisition of real property.

63 Stat. 414;
82 Stat. 518.
42 USC 1450.
80 Stat. 1255.
42 USC 3301
note.

TRANSFERS OF SURPLUS PROPERTY

SEC. 218. The Administrator of General Services is authorized to transfer to a State agency for the purpose of providing replacement housing required by this title, any real property surplus to the needs of the United States within the meaning of the Federal Property and Administrative Services Act of 1949, as amended. Such transfer shall be subject to such terms and conditions as the Administrator determines necessary to protect the interests of the United States and may be made without monetary consideration, except that such State agency shall pay to the United States all amounts received by such agency from any sale, lease, or other disposition of such property for such housing.

63 Stat. 377.
40 USC 471 note.

DISPLACEMENT BY A SPECIFIC PROGRAM

SEC. 219. Notwithstanding any other provision of this title, a person—

(1) who moves or discontinues his business, moves other personal property, or moves from his dwelling on or after January 1, 1969, and before the 90th day after the date of enactment of this Act as the result of the contemplated demolition of structures or the construction of improvements on real property acquired, in whole or in part, by a Federal agency within the area in New York, New York, bounded by Lexington and Third Avenues and 31st and 32d Streets; and

(2) who has lived on, or conducted a business on, such real property for at least one year prior to the date of enactment of this Act;

may be considered a displaced person for purposes of sections 202 (a) and (b), 204, and 205 of this title, by the head of the agency acquiring the real property if—

(A) the head of the agency determines that such person has suffered undue hardship as the result of displacement from the real property; and

(B) the Federal Government acquired and held such property for at least five years prior to the date of enactment of this Act.

REPEALS

SEC. 220. (a) The following laws and parts of laws are hereby repealed:

(1) The Act entitled “An Act to authorize the Secretary of the Interior to reimburse owners of lands required for development under his jurisdiction for their moving expenses, and for other purposes,” approved May 29, 1958 (43 U.S.C. 1231–1234).

72 Stat. 152.

(2) Paragraph 14 of section 203(b) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473).

76 Stat. 384.

(3) Section 2680 of title 10, United States Code.

76 Stat. 511.

(4) Section 7(b) of the Urban Mass Transportation Act of 1965 (49 U.S.C. 1606(b)).

78 Stat. 305.

(5) Section 114 of the Housing Act of 1949 (42 U.S.C. 1465).

Ante, p. 1779.

(6) Paragraphs (7)(b)(iii) and (8) of section 15 of the United States Housing Act of 1937 (42 U.S.C. 1415, 1415(8)), except the first sentence of paragraph (8).

78 Stat. 795.

(7) Section 2 of the Act entitled “An Act to authorize the Commissioners of the District of Columbia to pay relocation costs made necessary by actions of the District of Columbia government, and for other purposes”, approved October 6, 1964 (78 Stat. 1004; Public Law 88-629; D.C. Code 5-729).

(8) Section 404 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3074).

79 Stat. 486.

(9) Sections 107 (b) and (c) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3307).

80 Stat. 1259.

(10) Chapter 5 of title 23, United States Code.

82 Stat. 830.

(11) Sections 32 and 33 of the Federal-Aid Highway Act of 1968 (Public Law 90-495).

23 USC 501.

(b) Any rights or liabilities now existing under prior Acts or portions thereof shall not be affected by the repeal of such prior Acts or portions thereof under subsection (a) of this section.

82 Stat. 835.
510 note.

EFFECTIVE DATE

SEC. 221. (a) Except as provided in subsections (b) and (c) of this section, this Act and the amendments made by this Act shall take effect on the date of its enactment.

(b) Until July 1, 1972, sections 210 and 305 shall be applicable to a State only to the extent that such State is able under its laws to comply with such sections. After July 1, 1972, such sections shall be completely applicable to all States.

(c) The repeals made by paragraphs (4), (5), (6), (8), (9), (10), (11), and (12) of section 220(a) of this title and section 306 of title III shall not apply to any State so long as sections 210 and 305 are not applicable in such State.

TITLE III—UNIFORM REAL PROPERTY ACQUISITION POLICY

UNIFORM POLICY ON REAL PROPERTY ACQUISITION PRACTICES

SEC. 301. In order to encourage and expedite the acquisition of real property by agreements with owners, to avoid litigation and relieve congestion in the courts, to assure consistent treatment for owners in the many Federal programs, and to promote public confidence in Federal land acquisition practices, heads of Federal agencies shall, to the greatest extent practicable, be guided by the following policies:

(1) The head of a Federal agency shall make every reasonable effort to acquire expeditiously real property by negotiation.

(2) Real property shall be appraised before the initiation of negotiations, and the owner or his designated representative shall be given an opportunity to accompany the appraiser during his inspection of the property.

(3) Before the initiation of negotiations for real property, the head of the Federal agency concerned shall establish an amount which he believes to be just compensation therefor and shall make a prompt offer to acquire the property for the full amount so established. In no event shall such amount be less than the agency's approved appraisal of the fair market value of such property. Any decrease or increase in the fair market value of real property prior to the date of valuation caused by the public improvement for which such property is acquired, or by the likelihood that the property would be acquired for such improvement, other than that due to physical deterioration within the reasonable control of the owner, will be disregarded in determining the compensation for the property. The head of the Federal agency concerned shall provide the owner of real property to be acquired with a written statement of, and summary of the basis for, the amount he established as just compensation. Where appropriate the just compensation for the real property acquired and for damages to remaining real property shall be separately stated.

(4) No owner shall be required to surrender possession of real property before the head of the Federal agency concerned pays the agreed purchase price, or deposits with the court in accordance with section 1 of the Act of February 26, 1931 (46 Stat. 1421; 40 U.S.C. 258a), for the benefit of the owner, an amount not less than the agency's approved appraisal of the fair market value of such property, or the amount of the award of compensation in the condemnation proceeding for such property.

(5) The construction or development of a public improvement shall be so scheduled that, to the greatest extent practicable, no person lawfully occupying real property shall be required to move from a dwelling (assuming a replacement dwelling as required by title II will be available), or to move his business or farm operation, without at least ninety days' written notice from the head of the Federal agency concerned, of the date by which such move is required.

(6) If the head of a Federal agency permits an owner or tenant to occupy the real property acquired on a rental basis for a short term or for a period subject to termination by the Government on short notice, the amount of rent required shall not exceed the fair rental value of the property to a short-term occupier.

(7) In no event shall the head of a Federal agency either advance the time of condemnation, or defer negotiations or condemnation and the deposit of funds in court for the use of the owner, or take any other action coercive in nature, in order to compel an agreement on the price to be paid for the property.

(8) If any interest in real property is to be acquired by exercise of the power of eminent domain, the head of the Federal agency concerned shall institute formal condemnation proceedings. No Federal agency head shall intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his real property.

(9) If the acquisition of only part of a property would leave its owner with an uneconomic remnant, the head of the Federal agency concerned shall offer to acquire the entire property.

BUILDINGS, STRUCTURES, AND IMPROVEMENTS

SEC. 302. (a) Notwithstanding any other provision of law, if the head of a Federal agency acquires any interest in real property in any State, he shall acquire at least an equal interest in all buildings, structures, or other improvements located upon the real property so acquired and which he requires to be removed from such real property or which he determines will be adversely affected by the use to which such real property will be put.

(b) (1) For the purpose of determining the just compensation to be paid for any building, structure, or other improvement required to be acquired by subsection (a) of this section, such building, structure, or other improvement shall be deemed to be a part of the real property to be acquired notwithstanding the right or obligation of a tenant, as against the owner of any other interest in the real property, to remove such building, structure, or improvement at the expiration of his term, and the fair market value which such building, structure, or improvement contributes to the fair market value of the real property to be acquired, or the fair market value of such building, structure, or improvement for removal from the real property, whichever is the greater, shall be paid to the tenant therefor.

(2) Payment under this subsection shall not result in duplication of any payments otherwise authorized by law. No such payment shall be made unless the owner of the land involved disclaims all interest in the improvements of the tenant. In consideration for any such payment, the tenant shall assign, transfer, and release to the United States all his right, title, and interest in and to such improvements. Nothing in this subsection shall be construed to deprive the tenant of any rights to reject payment under this subsection and to obtain payment for such property interests in accordance with applicable law, other than this subsection.

EXPENSES INCIDENTAL TO TRANSFER OF TITLE TO UNITED STATES

SEC. 303. The head of a Federal agency, as soon as practicable after the date of payment of the purchase price or the date of deposit in court of funds to satisfy the award of compensation in a condemnation proceeding to acquire real property, whichever is the earlier, shall reimburse the owner, to the extent the head of such agency deems fair and reasonable, for expenses he necessarily incurred for—

(1) recording fees, transfer taxes, and similar expenses incidental to conveying such real property to the United States;

(2) penalty costs for prepayment of any preexisting recorded mortgage entered into in good faith encumbering such real property; and

(3) the pro rata portion of real property taxes paid which are allocable to a period subsequent to the date of vesting title in the United States, or the effective date of possession of such real property by the United States, whichever is the earlier.

LITIGATION EXPENSES

SEC. 304. (a) The Federal court having jurisdiction of a proceeding instituted by a Federal agency to acquire real property by condemnation shall award the owner of any right, or title to, or interest in, such real property such sum as will in the opinion of the court reimburse such owner for his reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and engineering fees, actually incurred because of the condemnation proceedings, if—

(1) the final judgment is that the Federal agency cannot acquire the real property by condemnation; or

(2) the proceeding is abandoned by the United States.

(b) Any award made pursuant to subsection (a) of this section shall be paid by the head of the Federal agency for whose benefit the condemnation proceedings was instituted.

(c) The court rendering a judgment for the plaintiff in a proceeding brought under section 1346(a)(2) or 1491 of title 28, United States Code, awarding compensation for the taking of property by a Federal agency, or the Attorney General effecting a settlement of any such proceeding, shall determine and award or allow to such plaintiff, as a part of such judgment or settlement, such sum as will in the opinion of the court or the Attorney General reimburse such plaintiff for his reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and engineering fees, actually incurred because of such proceeding.

Ante, p. 449.

REQUIREMENTS FOR UNIFORM LAND ACQUISITION POLICIES; PAYMENTS OF EXPENSES INCIDENTAL TO TRANSFER OF REAL PROPERTY TO STATE; PAYMENT OF LITIGATION EXPENSES IN CERTAIN CASES

SEC. 305. Notwithstanding any other law, the head of a Federal agency shall not approve any program or project or any grant to, or contract or agreement with, a State agency under which Federal financial assistance will be available to pay all or part of the cost of any program or project which will result in the acquisition of real property on and after the effective date of this title, unless he receives satisfactory assurances from such State agency that—

(1) in acquiring real property it will be guided, to the greatest extent practicable under State law, by the land acquisition policies in section 301 and the provisions of section 302, and

(2) property owners will be paid or reimbursed for necessary expenses as specified in sections 303 and 304.

REPEALS

SEC. 306. Sections 401, 402, and 403 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3071-3073), section 35(a) of the Federal-Aid Highway Act of 1968 (23 U.S.C. 141) and section 301 of the Land Acquisition Policy Act of 1960 (33 U.S.C. 596) are hereby repealed. Any rights or liabilities now existing under prior Acts or portions thereof shall not be affected by the repeal of such prior Act or portions thereof under this section.

Approved January 2, 1971.

79 Stat. 485.
82 Stat. 836.
74 Stat. 502.

Public Law 91-647

AN ACT

To improve judicial machinery by providing for the appointment of a circuit executive for each judicial circuit.

January 5, 1971
[H.R. 17901]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 332 of title 28, United States Code, is amended (a) by designating each of the existing paragraphs thereof as subsections (a), (b), (c), and (d), respectively; and (b) by inserting new subsections (e) and (f) to read:

Circuit court
executives.
Appointment.
62 Stat. 902;
77 Stat. 331.

“(e) The judicial council of each circuit may appoint a circuit executive from among persons who shall be certified by the Board of Certification. The circuit executive shall exercise such administrative powers and perform such duties as may be delegated to him by the circuit council. The duties delegated to the circuit executive of each circuit may include but need not be limited to:

Duties.

“(1) Exercising administrative control of all nonjudicial activities of the court of appeals of the circuit in which he is appointed.

“(2) Administering the personnel system of the court of appeals of the circuit.

“(3) Administering the budget of the court of appeals of the circuit.

“(4) Maintaining a modern accounting system.

“(5) Establishing and maintaining property control records and undertaking a space management program.

“(6) Conducting studies relating to the business and administration of the courts within the circuit and preparing appropriate recommendations and reports to the chief judge, the circuit council, and the Judicial Conference.

“(7) Collecting, compiling, and analyzing statistical data with a view to the preparation and presentation of reports based on such data as may be directed by the chief judge, the circuit council, and the Administrative Office of the United States Courts.

“(8) Representing the circuit as its liaison to the courts of the various States in which the circuit is located, the marshal's office, State and local bar associations, civic groups, news media, and other private and public groups having a reasonable interest in the administration of the circuit.

“(9) Arranging and attending meetings of the judges of the circuit and of the circuit council, including preparing the agenda and serving as secretary in all such meetings.

“(10) Preparing an annual report to the circuit and to the Administrative Office of the United States Courts for the preceding calendar year, including recommendations for more expeditious disposition of the business of the circuit.

“All duties delegated to the circuit executive shall be subject to the general supervision of the chief judge of the circuit.

Certification
standards.

“(f) The standards for certification as qualified to be a circuit executive shall be set by a Board of Certification. These standards shall take into account experience in administrative and executive positions, familiarity with court procedures, and special training. The Board of Certification shall consist of five members, three of whom shall be elected by the Judicial Conference of the United States, and at least one of these three shall be selected from among persons experienced in executive recruitment and selection. The additional two members shall be the Director of the Administrative Office of the United States Courts and the Director of the Federal Judicial Center. The members of the Board elected by the Judicial Conference shall each serve for three years except that upon appointment of the first members, one member shall serve for one year, one for two years, and one for three years. The Board shall consider all applicants who apply for certification, shall certify qualified applicants, shall maintain a roster of all persons certified, and shall publish the standards for certification. A person's name shall be removed from the roster after three years unless he is recertified. Three members of the Board shall constitute a quorum for purposes of fixing standards and for certifying applicants, but no action of the Board shall be taken unless three of the members are in agreement. The Director of the Administrative Office of the United States Courts shall provide staff assistance in support of the operation of the Board. Expenses of the Board of Certification shall be borne by the travel and miscellaneous expense funds appropriated to the Federal judiciary. Any member of the Board who is an officer or employee of the United States shall serve without compensation. Other members shall receive the daily equivalent of the rate provided for GS-18 of the General Schedule contained in section 5332 of title 5, United States Code, when actually engaged in service for the Board.

Ante, p. 198-1.

Compensation.

83 Stat. 864.

“Each circuit executive shall be paid at a salary to be established by the Judicial Conference of the United States not to exceed the annual rate of level V of the Executive Schedule pay rates (5 U.S.C. 5316).

“The circuit executive shall serve at the pleasure of the judicial council of the circuit.

“The circuit executive may appoint, with the approval of the council, necessary employees in such number as may be approved by the Director of the Administrative Office of the United States Courts.

“The circuit executive and his staff shall be deemed to be officers and employees of the judicial branch of the United States Government within the meaning of subchapter III of chapter 83 (relating to civil service retirement), chapter 87 (relating to Federal employees' life insurance program), and chapter 89 (relating to Federal employees' health benefits program) of title 5, United States Code.”

80 Stat. 564.

5 USC 8331.

5 USC 8701.

5 USC 8901.

Approved January 5, 1971.

Public Law 91-648

AN ACT

January 5, 1971
[S. 11]

To reinforce the federal system by strengthening the personnel resources of State and local governments, to improve intergovernmental cooperation in the administration of grant-in-aid programs, to provide grants for improvement of State and local personnel administration, to authorize Federal assistance in training State and local employees, to provide grants to State and local governments for training of their employees, to authorize interstate compacts for personnel and training activities, to facilitate the temporary assignment of personnel between the Federal Government, and State and local governments, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intergovernmental Personnel Act of 1970".

Intergovernmental
Personnel Act of
1970.

DECLARATION OF POLICY

SEC. 2. The Congress hereby finds and declares—

That effective State and local governmental institutions are essential in the maintenance and development of the Federal system in an increasingly complex and interdependent society.

That, since numerous governmental activities administered by the State and local governments are related to national purpose and are financed in part by Federal funds, a national interest exists in a high caliber of public service in State and local governments.

That the quality of public service at all levels of government can be improved by the development of systems of personnel administration consistent with such merit principles as—

Personnel
administration
systems.

(1) recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge, and skills, including open consideration of qualified applicants for initial appointment;

(2) providing equitable and adequate compensation;

(3) training employees, as needed, to assure high-quality performance;

(4) retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected;

(5) assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, sex, or religious creed and with proper regard for their privacy and constitutional rights as citizens; and

(6) assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office.

That Federal financial and technical assistance to State and local governments for strengthening their personnel administration in a manner consistent with these principles is in the national interest.

SEC. 3. The authorities provided by this Act shall be administered in such manner as (1) to recognize fully the rights, powers, and responsibilities of State and local governments, and (2) to encourage innovation and allow for diversity on the part of State and local governments in the design, execution, and management of their own systems of personnel administration.

TITLE I—DEVELOPMENT OF POLICIES AND STANDARDS

DECLARATION OF PURPOSE

SEC. 101. The purpose of this title is to provide for intergovernmental cooperation in the development of policies and standards for the administration of programs authorized by this Act.

ADVISORY COUNCIL

SEC. 102. (a) Within one hundred and eighty days following the date of enactment of this Act, the President shall appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, an advisory council on intergovernmental personnel policy. The President may terminate the council at any time after the expiration of three years following its establishment.

Membership.

(b) The advisory council of not to exceed fifteen members, shall be composed primarily of officials of the Federal Government and State and local governments, but shall also include members selected from educational and training institutions or organizations, public employee organizations, and the general public. At least half of the governmental members shall be officials of State and local governments. The President shall designate a Chairman and a Vice Chairman from among the members of the advisory council.

Duties regarding personnel policies.

(c) It shall be the duty of the advisory council to study and make recommendations regarding personnel policies and programs for the purpose of—

(1) improving the quality of public administration at State and local levels of government, particularly in connection with programs that are financed in whole or in part from Federal funds;

(2) strengthening the capacity of State and local governments to deal with complex problems confronting them;

(3) aiding State and local governments in training their professional, administrative, and technical employees and officials;

(4) aiding State and local governments in developing systems of personnel administration that are responsive to the goals and needs of their programs and effective in attracting and retaining capable employees; and

(5) facilitating temporary assignments of personnel between the Federal Government and State and local governments and institutions of higher education.

Ante, p. 198-1.

(d) Members of the advisory council who are not regular full-time employees of the United States, while serving on the business of the council, including travel time, may receive compensation at rates not exceeding the daily rate for GS-18; and while so serving away from their homes or regular places of business, all members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently.

80 Stat. 499;
83 Stat. 190.

REPORTS OF ADVISORY COUNCIL

Report to President and Congress.

SEC. 103. (a) The advisory council on intergovernmental personnel policy shall from time to time report to the President and to the Congress its findings and recommendations.

(b) Not later than eighteen months after its establishment, the advisory council shall submit an initial report on its activities, which shall include its views and recommendations on—

(1) the feasibility and desirability of extending merit policies and standards to additional Federal-State grant-in-aid programs;

(2) the feasibility and desirability of extending merit policies and standards to grant-in-aid programs of a Federal-local character;

(3) appropriate standards for merit personnel administration, where applicable, including those established by regulations with respect to existing Federal grant-in-aid programs; and

(4) the feasibility and desirability of financial and other incentives to encourage State and local governments in the development of comprehensive systems of personnel administration based on merit principles.

(c) In transmitting to the Congress reports of the advisory council, the President shall submit to the Congress proposals of legislation which he deems desirable to carry out the recommendations of the advisory council.

Presidential report to Congress.

TITLE II—STRENGTHENING STATE AND LOCAL PERSONNEL ADMINISTRATION

DECLARATION OF PURPOSE

SEC. 201. The purpose of this title is to assist State and local governments to strengthen their staffs by improving their personnel administration.

STATE GOVERNMENT AND STATEWIDE PROGRAMS AND GRANTS

SEC. 202. (a) The United States Civil Service Commission (hereinafter referred to as the "Commission") is authorized to make grants to a State for up to 75 per centum (or, with respect to fiscal years commencing after the expiration of three years following the effective date of the grant provisions of this Act, for up to 50 per centum) of the costs of developing and carrying out programs or projects, on the certification of the Governor of that State that the programs or projects contained within the State's application are consistent with the applicable principles set forth in clauses (1)–(6) of the third paragraph of section 2 of this Act, to strengthen personnel administration in that State government or in local governments of that State. The authority provided by this section shall be employed in such a manner as to encourage innovation and allow for diversity on the part of State and local governments in the design, execution, and management of their own systems of personnel administration.

Ante, p. 1909.

(b) An application for a grant shall be made at such time or times, and contain such information, as the Commission may prescribe. The Commission may make a grant under subsection (a) of this section only if the application therefor—

Application.

(1) provides for designation, by the Governor or chief executive authority, of the State office that will have primary authority and responsibility for the development and administration of the approved program or project at the State level;

Provisions.

(2) provides for the establishment of merit personnel administration where appropriate and the further improvement of existing systems based on merit principles;

(3) provides for specific personnel administration improvement needs of the State government and, to the extent appropriate, of the local governments in that State, including State personnel administration services for local governments;

(4) provides assurance that the making of a Federal Government grant will not result in a reduction in relevant State or local government expenditures or the substitution of Federal funds for State or local funds previously made available for these purposes; and

(5) sets forth clear and practicable actions for the improvement of particular aspects of personnel administration such as—

Personnel administrative improvement.

(A) establishment of statewide personnel systems of general or special functional coverage to meet the needs of urban, suburban, or rural governmental jurisdictions that are not able to provide sound career services, opportunities for advancement, adequate retirement and leave systems, and other career inducements to well-qualified professional, administrative, and technical personnel;

(B) making State grants to local governments to strengthen their staffs by improving their personnel administration;

(C) assessment of State and local government needs for professional, administrative, and technical manpower, and the initiation of timely and appropriate action to meet such needs;

(D) strengthening one or more major areas of personnel administration, such as recruitment and selection, training and development, and pay administration;

(E) undertaking research and demonstration projects to develop and apply better personnel administration techniques, including both projects conducted by State and local government staffs and projects conducted by colleges or universities or other appropriate nonprofit organizations under grants or contracts;

(F) strengthening the recruitment, selection, assignment, and development of handicapped persons, women, and members of disadvantaged groups whose capacities are not being utilized fully;

(G) training programs related directly to upgrading within the agency for nonprofessional employees who show promise of developing a capacity for assuming professional responsibility;

(H) achieving the most effective use of scarce professional, administrative, and technical manpower; and

(I) increasing intergovernmental cooperation in personnel administration, with respect to such matters as recruiting, examining, pay studies, training, education, personnel interchange, manpower utilization, and fringe benefits.

LOCAL GOVERNMENT PROGRAMS AND GRANTS

SEC. 203. (a) The Commission is authorized to make grants to a general local government, or a combination of general local governments, that serve a population of fifty thousand or more, for up to 75 per centum (or, with respect to fiscal years commencing after the expiration of three years following the effective date of the grant provisions of this Act, for up to 50 per centum) of the costs of developing and carrying out programs or projects, on the certification of the mayor(s), or chief executive officer(s), of the general local govern-

ment or combination of local governments that the programs or projects are consistent with the applicable principles set forth in clauses (1)-(6) of the third paragraph of section 2 of this Act, to strengthen the personnel administration of such governments. Such a grant may not be made—

State grant,
conditions.

(1) if, at the time of submission of an application, the State concerned has an approved plan which, with the agreement of the particular local government concerned, provides for strengthening one or more aspects of personnel administration in that local government, unless the local government concerned has problems which are not met by the previously approved plan and for which, with the agreement of the State government concerned with respect to those aspects of personnel administration covered in the approved plan, it is submitting an application; or

(2) after the State concerned has a statewide plan which has been developed by an appropriate State agency designated or established pursuant to State law which provides such agency with adequate authority, administrative organization, and staffing to develop and administer such a statewide plan, and to provide technical assistance and other appropriate support in carrying out the local components of the plan, and which provides procedures insuring adequate involvement of officials of affected local governments in the development and administration of such a statewide plan, unless the local government concerned has special, unique, or urgent problems which are not met by the approved statewide plan and for which it submits an application for funds to be distributed under section 506(a).

Upon the request of a Governor or chief executive authority, a grant to a general local government or combination of such governments in that State may not be made during a period not to exceed ninety days commencing with the date provided in section 513, or the date on which official regulations for this Act are promulgated, whichever date is later: *Provided*, That the request of the Governor or chief executive authority indicates that he is developing a plan under (1) above, or during a period not to exceed one hundred and eighty days commencing with the date provided in section 513, or the date on which official regulations for this Act are promulgated, whichever date is later, provided the request of the Governor or chief executive authority indicates that he is developing a statewide plan under (2) above.

(b) An application for a grant from a general local government or a combination of general local governments shall be made at such time or times and shall contain such information as the Commission may prescribe. The Commission may make a grant under subsection (a) of this section only if the application therefor meets requirements similar to those established in section 202(b) of this Act for a State application for a grant, unless any such requirement is specifically waived by the Commission, and the requirements of subsection (c) of this section. Such a grant may cover the costs of developing the program or project covered by the application. The Commission may make grants to general local governments, or combinations of such governments, that serve a population of less than fifty thousand, if it finds that such grants will help meet essential needs in programs or projects of national interest and will assist general local governments experiencing special problems in personnel administration related to such programs or projects.

Local govern-
ment grants, condi-
tions.

(c) An application to be submitted to the Commission under subsection (b) of this section shall first be submitted by the general local

Application,
gubernatorial re-
view.

Disapproval, explanation.

government or combination of such governments to the Governor for review, comments, and recommendations. The Governor may refer the application to the State office designated under section 202(b)(1) of this Act for review. Comments and recommendations (if any) made as a result of the review, and a statement by the general local government or combination of such governments that it has considered the comments and recommendations of the Governor shall accompany the application to the Commission. The application need not be accompanied by the comments and recommendations of the Governor if the general local government or combination of such governments certifies to the Commission that the application has been before the Governor for review and comment for a period of sixty days without comment by the Governor. An explanation in writing shall be sent to the Governor of a State by the Commission whenever the Commission does not concur with recommendations of the Governor in approving any local government applications.

INTERGOVERNMENTAL COOPERATION IN RECRUITING AND EXAMINING

SEC. 204. (a) The Commission may join, on a shared-costs basis, with State and local governments in cooperative recruiting and examining activities under such procedures and regulations as may jointly be agreed upon.

Potential employees, certification.

(b) The Commission also may, on the written request of a State or local government and under such procedures as may be jointly agreed upon, certify to such governments from appropriate Federal registers the names of potential employees. The State or local government making the request shall pay the Commission for the costs, as determined by the Commission, of performing the service, and such payments shall be credited to the appropriation or fund from which the expenses were or are to be paid.

TECHNICAL ASSISTANCE

SEC. 205. The Commission may furnish technical advice and assistance, on request, to State and general local governments seeking to improve their systems of personnel administration. The Commission may waive, in whole or in part, payments from such governments for the costs of furnishing such assistance. All such payments shall be credited to the appropriation or fund from which the expenses were or are to be paid.

COORDINATION OF FEDERAL PROGRAMS

SEC. 206. The Commission, after consultation with other agencies concerned, shall—

(1) coordinate the personnel administration support and technical assistance given to State and local governments and the support given State programs or projects to strengthen local government personnel administration, including the furnishing of needed personnel administration services and technical assistance, under authority of this Act with any such support given under other Federal programs; and

(2) make such arrangements, including the collection, maintenance, and dissemination of data on grants for strengthening State and local government personnel administration and on grants to States for furnishing needed personnel administration services and technical assistance to local governments, as needed to avoid duplication and insure consistent administration of related Federal activities.

INTERSTATE COMPACTS

SEC. 207. The consent of the Congress is hereby given to any two or more States to enter into compacts or other agreements, not in conflict with any law of the United States, for cooperative efforts and mutual assistance (including the establishment of appropriate agencies) in connection with the development and administration of personnel and training programs for employees and officials of State and local governments.

TRANSFER OF FUNCTIONS

SEC. 208. (a) There are hereby transferred to the Commission all functions, powers, and duties of—

(1) the Secretary of Agriculture under section 10(e)(2) of the Food Stamp Act of 1964 (7 U.S.C. 2019(e)(2));

Post, p. 2051.

(2) the Secretary of Labor under—

(A) the Act of June 6, 1933, as amended (29 U.S.C. 49 et seq.); and

48 Stat. 113.

(B) section 303(a)(1) of the Social Security Act (42 U.S.C. 503(a)(1));

53 Stat. 1378.

(3) the Secretary of Health, Education, and Welfare under—

(A) sections 134(a)(6) and 204(a)(6) of the Mental Retardation Facilities and Community Health Centers Construction Act of 1963 (42 U.S.C. 2674(a)(6) and 2684(a)(6));

77 Stat. 287, 291.

(B) section 303(a)(6) of the Older Americans Act of 1965 (42 U.S.C. 3023(a)(6));

79 Stat. 222;

(C) sections 314(a)(2)(F) and (d)(2)(F) and 604(a)(8) of the Public Health Service Act (42 U.S.C. 246(a)(2)(F) and (d)(2)(F) and 291d(a)(8)); and

83 Stat. 108.

(D) sections 2(a)(5)(A), 402(a)(5)(A), 505(a)(3)(A), 1002(a)(5)(A), 1402(a)(5)(A), 1602(a)(5)(A), and 1902(a)(4)(A) of the Social Security Act (42 U.S.C. 302(a)(5)(A), 602(a)(5)(A), 705(a)(3)(A), 1202(a)(5)(A), 1352(a)(5)(A), 1382(a)(5)(A), and 1396a(a)(4)(A)); and

80 Stat. 1181;

Ante, p. 1308;

78 Stat. 453.

81 Stat. 895.

(4) any other department, agency, office, or officer (other than the President) under any other provision of law or regulation applicable to a program of grant-in-aid that specifically requires the establishment and maintenance of personnel standards on a merit basis with respect to the program;

insofar as the functions, powers, and duties relate to the prescription of personnel standards on a merit basis.

(b) The Commission shall—

Functions.

(1) provide consultation and technical advice and assistance to State and local governments to aid them in complying with standards prescribed by the Commission under subsection (a) of this section; and

(2) advise Federal agencies administering programs of grants or financial assistance as to the application of required personnel administration standards, and recommend and coordinate the taking of such actions by the Federal agencies as the Commission considers will most effectively carry out the purpose of this title.

(c) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds of any Federal agency employed, used, held, available, or to be made available in connection with the functions, powers, and duties vested in the Commission by this section as the Director of the Management and Budget shall determine shall be transferred to the Commission at such time or times as the Director shall direct.

Personnel, funds, etc., transfer to Commission.

(d) Personnel standards prescribed by Federal agencies under laws and regulations referred to in subsection (a) of this section shall continue in effect until modified or superseded by standards prescribed by the Commission under subsection (a) of this section.

(e) Any standards or regulations established pursuant to the provisions of this section shall be such as to encourage innovation and allow for diversity on the part of State and local governments in the design, execution, and management of their own individual systems of personnel administration.

(f) Nothing in this section or in section 202 or 203 of this Act shall be construed to—

(1) authorize any agency or official of the Federal Government to exercise any authority, direction, or control over the selection, assignment, advancement, retention, compensation, or other personnel action with respect to any individual State or local employee;

(2) authorize the application of personnel standards on a merit basis to the teaching personnel of educational institutions or school systems;

(3) prevent participation by employees or employee organizations in the formulation of policies and procedures affecting the conditions of their employment, subject to the laws and ordinances of the State or local government concerned;

(4) require or request any State or local government employee to disclose his race, religion, or national origin, or the race, religion, or national origin, of any of his forebears;

(5) require or request any State or local government employee, or any person applying for employment as a State or local government employee, to submit to any interrogation or examination or to take any psychological test or any polygraph test which is designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters; or

(6) require or request any State or local government employee to participate in any way in any activities or undertakings unless such activities or undertakings are related to the performance of official duties to which he is or may be assigned or to the development of skills, knowledge, or abilities which qualify him for the performance of such duties.

Effective date.

(g) This section shall become effective sixty days after the date of enactment of this Act.

TITLE III—TRAINING AND DEVELOPING STATE AND LOCAL EMPLOYEES

DECLARATION OF PURPOSE

SEC. 301. The purpose of this title is to strengthen the training and development of State and local government employees and officials, particularly in professional, administrative, and technical fields.

ADMISSION TO FEDERAL EMPLOYEE TRAINING PROGRAMS

SEC. 302. (a) In accordance with such conditions as may be prescribed by the head of the Federal agency concerned, a Federal agency may admit State and local government employees and officials to agency training programs established for Federal professional, administrative, or technical personnel.

(b) Federal agencies may waive, in whole or in part, payments from, or on behalf of, State and local governments for the costs of training provided under this section. Payments received by the Federal agency concerned for training under this section shall be credited to the appropriation or fund used for paying the training costs.

Training costs,
waiver.

(c) The Commission may use appropriations authorized by this Act to pay the initial additional developmental or overhead costs that are incurred by reason of admittance of State and local government employees to Federal training courses and to reimburse other Federal agencies for such costs.

Initial costs,
payment.

GRANTS TO STATE AND LOCAL GOVERNMENTS FOR TRAINING

SEC. 303. (a) If in its judgment training is not adequately provided for under grant-in-aid or other statutes, the Commission is authorized to make grants to State and general local governments for up to 75 per centum (or, with respect to fiscal years commencing after the expiration of three years following the effective date of the grant provisions of this Act, for up to 50 per centum) of the costs of developing and carrying out programs, on the certification of the Governor of that State, or the mayor or chief executive officer of the general local government, that the programs are consistent with the applicable principles set forth in clauses (1)–(6) of the third paragraph of section 2 of this Act, to train and educate their professional, administrative, and technical employees and officials. Such grants may not be used to cover costs of full-time graduate-level study, provided for in section 305 of this Act, or the costs of the construction or acquisition of training facilities. The State and local government share of the cost of developing and carrying out training and education plans and programs may include, but shall not consist solely of, the reasonable value of facilities and of supervisory and other personal services made available by such governments. The authority provided by this section shall be employed in such a manner as to encourage innovation and allow for diversity on the part of State and local governments in developing and carrying out training and education programs for their personnel.

(b) An application for a grant from a State or general local government shall be made at such time or times, and shall contain such information, as the Commission may prescribe. The Commission may make a grant under subsection (a) of this section, only if the application therefor meets requirements established by this subsection unless any requirement is specifically waived by the Commission. Such grant to a State, or to a general local government under subsection (c) of this section, may cover the costs of developing the program covered by the application. The program covered by the application shall—

Application, in-
formation require-
ments.

(1) provide for designation, by the Governor or chief executive authority, of the State office that will have primary authority and responsibility for the development and administration of the program at the State level;

(2) provide, to the extent feasible, for coordination with relevant training available under or supported by other Federal Government programs or grants;

(3) provide for training needs of the State government and of local governments in that State;

(4) provide, to the extent feasible, for intergovernmental cooperation in employee training matters, especially within metropolitan or regional areas; and

(5) provide assurance that the making of a Federal Government grant will not result in a reduction in relevant State or local gov-

Provisions.

ernment expenditures or the substitution of Federal funds for State or local funds previously made available for these purposes.

(c) A grant authorized by subsection (a) of this section may be made to a general local government, or a combination of such governments, that serve a population of fifty thousand or more, for up to 75 per centum (or, with respect to fiscal years commencing after the expiration of three years following the effective date of the grant provisions of this Act, for up to 50 per centum) of the costs of developing and carrying out programs or projects, on the certification of the mayor(s), or chief executive officer(s), of the general local government or combination of local governments that the programs or projects are consistent with the applicable principles set forth in clauses (1)–(6) of the third paragraph of section 2 of this Act, to train and educate their professional, administrative, and technical employees and officials. Such a grant may not be made—

State grant,
conditions.

(1) if, at the time of submission of an application, the State concerned has an approved plan which, with the agreement of the particular local government concerned, provides for strengthening one or more aspects of training in that local government, unless the local government concerned has problems which are not met by the previously approved plan and for which, with the agreement of the State government concerned with respect to those aspects of training covered in the approved plan, it is submitting an application; or

(2) after the State concerned has a statewide plan which has been developed by an appropriate State agency designated or established pursuant to State law which provides such agency with adequate authority, administrative organization, and staffing to develop and administer such a statewide plan, and to provide technical assistance and other appropriate support in carrying out the local components of the plan, and which provides procedures insuring adequate involvement of officials of affected local governments in the development and administration of such a statewide plan, unless the local government concerned has special, unique, or urgent problems which are not met by the approved statewide plan and for which it submits an application for funds to be distributed under section 506(a).

Upon the request of a Governor or chief executive authority, a grant to a general local government or combination of such governments in that State may not be made during a period not to exceed ninety days commencing with the date provided in section 513, or the date on which official regulations for this Act are promulgated, whichever date is later: *Provided*, That the request of the Governor or chief executive authority indicates that he is developing a plan under (1) above, or during a period not to exceed one hundred and eighty days commencing with the date provided in section 513, or the date on which official regulations for this Act are promulgated, whichever date is later, provided the request of the Governor or chief executive authority indicates that he is developing a statewide plan under (2) above. To be approved, an application for a grant under this subsection must meet requirements similar to those established in subsection (b) of this section for State applications, unless any such requirement is specifically waived by the Commission, and the requirements of subsection (d) of this section. The Commission may make grants to general local governments, or combinations of such governments that serve a population of less than fifty thousand if it finds that such grants will help meet essential needs in programs or projects of national interest and will assist general local governments experiencing special needs for personnel training and education related to such programs or projects.

(d) An application to be submitted to the Commission under subsection (c) of this section shall first be submitted by the general local government or combination of such governments to the Governor for review, comments, and recommendations. The Governor may refer the application to the State office designated under section 303(b)(1) of this Act for review. Comments and recommendations (if any) made as a result of the review and a statement by the general local government or combination of such governments that it has considered the comments and recommendations of the Governor shall accompany the application to the Commission. The application need not be accompanied by the comments and recommendations of the Governor if the general local government or combination of such governments certifies to the Commission that the application has been before the Governor for review and comment for a period of sixty days without comment by the Governor. An explanation in writing shall be sent to the Governor of a State by the Commission whenever the Commission does not concur with recommendations of the Governor in approving any local government applications.

Gubernatorial
review.

Disapproval ex-
planation.

GRANTS TO OTHER ORGANIZATIONS

SEC. 304. (a) The Commission is authorized to make grants to other organizations to pay up to 75 per centum (or, with respect to fiscal years commencing after the expiration of three years following the effective date of the grant provisions of this Act, up to 50 per centum) of the costs of providing training to professional, administrative, or technical employees and officials of State or local governments if the Commission—

Conditions.

(1) finds that State or local governments have requested the proposed program;

(2) determines that the capability to provide such training does not exist, or is not readily available, within the Federal or the State or local governments requesting such program or within associations of State or local governments, or if such capability does exist that such government or association is not disposed to provide such training; and

(3) approves the program as meeting such requirements as may be prescribed by the Commission in its regulations pursuant to this Act.

(b) For the purpose of this section "other organization" means—

"Other organi-
zation."

(1) a national, regional, statewide, areawide, or metropolitan organization, representing member State or local governments;

(2) an association of State or local public officials; or

(3) a nonprofit organization one of whose principal functions is to offer professional advisory, research, development, educational or related services to governments.

GOVERNMENT SERVICE FELLOWSHIPS

SEC. 305. (a) The Commission is authorized to make grants to State and general local governments to support programs approved by the Commission for providing Government Service Fellowships for State and local government personnel. The grants may cover—

(1) the necessary costs of the fellowship recipient's books, travel, and transportation, and such related expenses as may be authorized by the Commission;

(2) reimbursement to the State or local government for not to exceed one-fourth of the salary of each fellow during the period of the fellowship; and

(3) payment to the educational institutions involved of such amounts as the Commission determines to be consistent with prevailing practices under comparable federally supported programs for each fellow, less any amount charged the fellow for tuition and nonrefundable fees and deposits.

(b) Fellowships awarded under this section may not exceed two years of full-time graduate-level study for professional, administrative, and technical employees. The regulations of the Commission shall include eligibility criteria for the selection of fellowship recipients by State and local governments.

(c) The State or local government concerned shall—

- (1) select the individual recipients of the fellowships;
- (2) during the period of the fellowship, continue the full salary of the recipient and normal employment benefits such as credit for seniority, leave accrual, retirement, and insurance; and
- (3) make appropriate plans for the utilization and continuation in public service of employees completing fellowships and outline such plans in the application for the grant.

COORDINATION OF FEDERAL PROGRAMS

SEC. 306. The Commission, after consultation with other agencies concerned, shall—

(1) prescribe regulations concerning administration of training for employees and officials of State and local governments provided for in this title, including requirements for coordination of and reasonable consistency in such training programs;

(2) coordinate the training support given to State and local governments under authority of this Act with training support given such governments under other Federal programs; and

(3) make such arrangements, including the collection and maintenance of data on training grants and programs, as may be necessary to avoid duplication of programs providing for training and to insure consistent administration of related Federal training activities, with particular regard to title IX of the Higher Education Act of 1965.

82 Stat. 1043.
20 USC 1134.

TITLE IV—MOBILITY OF FEDERAL, STATE, AND LOCAL EMPLOYEES

DECLARATION OF PURPOSE

SEC. 401. The purpose of this title is to provide for the temporary assignment of personnel between the Federal Government and State and local governments and institutions of higher education.

AMENDMENTS TO TITLE 5, UNITED STATES CODE

80 Stat. 417.
5 USC 3301.

SEC. 402. (a) Chapter 33 of title 5, United States Code, is amended by inserting the following new subchapter at the end thereof:

“SUBCHAPTER VI—ASSIGNMENTS TO AND FROM STATES

“§ 3371. Definitions

“For the purpose of this subchapter—

“(1) ‘State’ means—

“(A) a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and a territory or possession of the United States; and

“(B) an instrumentality or authority of a State or States as defined in subparagraph (A) of this paragraph (1) and a Federal-State authority or instrumentality; and

“(2) ‘local government’ means—

“(A) any political subdivision, instrumentality, or authority of a State or States as defined in subparagraph (A) of paragraph (1); and

“(B) any general or special purpose agency of such a political subdivision, instrumentality, or authority.

“§ 3372. General provisions

“(a) On request from or with the concurrence of a State or local government, and with the consent of the employee concerned, the head of an executive agency may arrange for the assignment of—

“(1) an employee of his agency to a State or local government; and

“(2) an employee of a State or local government to his agency; for work of mutual concern to his agency and the State or local government that he determines will be beneficial to both. The period of an assignment under this subchapter may not exceed two years. However, the head of an executive agency may extend the period of assignment for not more than two additional years.

“(b) This subchapter is authority for and applies to the assignment of—

“(1) an employee of an executive agency to an institution of higher education; and

“(2) an employee of an institution of higher education to an executive agency.

“§ 3373. Assignment of employees to State and local governments

“(a) An employee of an executive agency assigned to a State or local government under this subchapter is deemed, during the assignment, to be either—

“(1) on detail to a regular work assignment in his agency; or

“(2) on leave without pay from his position in the agency.

An employee assigned either on detail or on leave without pay remains an employee of his agency. The Federal Tort Claims Act and any other Federal tort liability statute apply to an employee so assigned. The supervision of the duties of an employee on detail may be governed by agreement between the executive agency and the State or local government concerned.

“(b) The assignment of an employee of an executive agency either on detail or on leave without pay to a State or local government under this subchapter may be made with or without reimbursement by the State or local government for the travel and transportation expenses to or from the place of assignment and for the pay, or supplemental pay, or a part thereof, of the employee during assignment. Any reimbursements shall be credited to the appropriation of the executive agency used for paying the travel and transportation expenses or pay.

“(c) For any employee so assigned and on leave without pay—

“(1) if the rate of pay for his employment by the State or local government is less than the rate of pay he would have received had he continued in his regular assignment in the agency, he is entitled to receive supplemental pay from the agency in an amount equal to the difference between the State or local government rate and the agency rate;

“(2) he is entitled to annual and sick leave to the same extent as if he had continued in his regular assignment in the agency; and

60 Stat. 842.
28 USC 2671.

80 Stat. 592.
5 USC 8701,
8901.

“(3) he is entitled, notwithstanding other statutes—

“(A) to continuation of his insurance under chapter 87 of this title, and coverage under chapter 89 of this title or other applicable authority, so long as he pays currently into the Employee's Life Insurance Fund and the Employee's Health Benefits Fund or other applicable health benefits system (through his employing agency) the amount of the employee contributions;

“(B) to credit the period of his assignment under this subchapter toward periodic step-increases, retention, and leave accrual purposes, and, on payment into the Civil Service Retirement and Disability Fund or other applicable retirement system of the percentage of his State or local government pay, and of his supplemental pay, if any, that would have been deducted from a like agency pay for the period of the assignment and payment by the executive agency into the fund or system of the amount that would have been payable by the agency during the period of the assignment with respect to a like agency pay, to treat his service during that period as service of the type performed in the agency immediately before his assignment; and

5 USC 8501.

“(C) for the purpose of subchapter I of chapter 85 of this title, to credit the service performed during the period of his assignment under this subchapter as Federal service, and to consider his State or local government pay (and his supplemental pay, if any) as Federal wages. To the extent that the service could also be the basis for entitlement to unemployment compensation under a State law, the employee may elect to claim unemployment compensation on the basis of the service under either the State law or subchapter I of chapter 85 of this title.

However, an employee or his beneficiary may not receive benefits referred to in subparagraphs (A) and (B) of this paragraph (3), based on service during an assignment under this subchapter for which the employee or, if he dies without making such an election, his beneficiary elects to receive benefits, under any State or local government retirement or insurance law or program, which the Civil Service Commission determines to be similar. The executive agency shall deposit currently in the Employee's Life Insurance Fund, the Employee's Health Benefits Fund or other applicable health benefits system, respectively, the amount of the Government's contributions on account of service with respect to which employee contributions are collected as provided in subparagraphs (A) and (B) of this paragraph (3).

“(d) (1) An employee so assigned and on leave without pay who dies or suffers disability as a result of personal injury sustained while in the performance of his duty during an assignment under this subchapter shall be treated, for the purpose of subchapter I of chapter 81 of this title, as though he were an employee as defined by section 8101 of this title who had sustained the injury in the performance of duty. When an employee (or his dependents in case of death) entitled by reason of injury or death to benefits under subchapter I of chapter 81 of this title is also entitled to benefits from a State or local government for the same injury or death, he (or his dependents in case of death) shall elect which benefits he will receive. The election shall be made within one year after the injury or death, or such further time as the Secretary of Labor may allow for reasonable cause shown.

When made, the election is irrevocable unless otherwise provided by law.

“(2) An employee who elects to receive benefits from a State or local government may not receive an annuity under subchapter III of chapter 83 of this title and benefits from the State or local government for injury or disability to himself covering the same period of time. This provision does not—

80 Stat. 564.
5 USC 8331.

“(A) bar the right of a claimant to the greater benefit conferred by either the State or local government or subchapter III of chapter 83 of this title for any part of the same period of time;

“(B) deny to an employee an annuity accruing to him under subchapter III of chapter 83 of this title on account of service performed by him; or

“(C) deny any concurrent benefit to him from the State or local government on account of the death of another individual.

“§ 3374. Assignments of employees from State or local governments

“(a) An employee of a State or local government who is assigned to an executive agency under an arrangement under this subchapter may—

“(1) be appointed in the executive agency without regard to the provisions of this title governing appointment in the competitive service for the agreed period of the assignment; or

“(2) be deemed on detail to the executive agency.

“(b) An employee given an appointment is entitled to pay in accordance with chapter 51 and subchapter III of chapter 53 of this title or other applicable law, and is deemed an employee of the executive agency for all purposes except—

5 USC 5101,
5331.

“(1) subchapter III of chapter 83 of this title or other applicable retirement system;

“(2) chapter 87 of this title; and

“(3) chapter 89 of this title or other applicable health benefits system unless his appointment results in the loss of coverage in a group health benefits plan the premium of which has been paid in whole or in part by a State or local government contribution.

“(c) During the period of assignment, a State or local government employee on detail to an executive agency—

“(1) is not entitled to pay from the agency;

“(2) is deemed an employee of the agency for the purpose of chapter 73 of this title, sections 203, 205, 207, 208, 209, 602, 603, 606, 607, 643, 654, 1905, and 1913 of title 18, section 638a of title 31, and the Federal Tort Claims Act and any other Federal tort liability statute; and

“(3) is subject to such regulations as the President may prescribe.

76 Stat. 1121.
62 Stat. 722.
60 Stat. 810.
60 Stat. 842.
28 USC 2671.

The supervision of the duties of such an employee may be governed by agreement between the executive agency and the State or local government concerned. A detail of a State or local government employee to an executive agency may be made with or without reimbursement by the executive agency for the pay, or a part thereof, of the employee during the period of assignment.

“(d) A State or local government employee who is given an appointment in an executive agency for the period of the assignment or who is on detail to an executive agency and who suffers disability or dies as a result of personal injury sustained while in the performance of his duty during the assignment shall be treated, for the purpose of

80 Stat. 531.
5 USC 8101.

subchapter I of chapter 81 of this title, as though he were an employee as defined by section 8101 of this title who had sustained the injury in the performance of duty. When an employee (or his dependents in case of death) entitled by reason of injury or death to benefits under subchapter I of chapter 81 of this title is also entitled to benefits from a State or local government for the same injury or death, he (or his dependents in case of death) shall elect which benefits he will receive. The election shall be made within 1 year after the injury or death, or such further time as the Secretary of Labor may allow for reasonable cause shown. When made, the election is irrevocable unless otherwise provided by law.

“(e) If a State or local government fails to continue the employer’s contribution to State or local government retirement, life insurance, and health benefit plans for a State or local government employee who is given an appointment in an executive agency, the employer’s contributions covering the State or local government employee’s period of assignment, or any part thereof, may be made from the appropriations of the executive agency concerned.

“§ 3375. Travel expenses

“(a) Appropriations of an executive agency are available to pay, or reimburse, a Federal or State or local government employee in accordance with—

80 Stat. 497.
5 USC 5701.

“(1) subchapter I of chapter 57 of this title, for the expenses of—

“(A) travel, including a per diem allowance, to and from the assignment location;

“(B) a per diem allowance at the assignment location during the period of the assignment; and

“(C) travel, including a per diem allowance, while traveling on official business away from his designated post of duty during the assignment when the head of the executive agency considers the travel in the interest of the United States;

80 Stat. 502;
81 Stat. 204.

“(2) section 5724 of this title, for the expenses of transportation of his immediate family and of his household goods and personal effects to and from the assignment location;

“(3) section 5724a(a)(1) of this title, for the expenses of per diem allowances for the immediate family of the employee to and from the assignment location;

“(4) section 5724a(a)(3) of this title, for subsistence expenses of the employee and his immediate family while occupying temporary quarters at the assignment location and on return to his former post of duty; and

“(5) section 5726(c) of this title, for the expenses of nontemporary storage of household goods and personal effects in connection with assignment at an isolated location.

Nonallowable
expenses.

“(b) Expenses specified in subsection (a) of this section, other than those in paragraph (1)(C), may not be allowed in connection with the assignment of a Federal or State or local government employee under this subchapter, unless and until the employee agrees in writing to complete the entire period of his assignment or one year, whichever is shorter, unless separated or reassigned for reasons beyond his control that are acceptable to the executive agency concerned. If the employee violates the agreement, the money spent by the United States for these expenses is recoverable from the employee as a debt due the United States. The head of the executive agency concerned may waive in whole or in part a right of recovery under this subsection with

Expenses re-
coverable by U.S.

Waiver.

respect to a State or local government employee on assignment with the agency.

“(c) Appropriations of an executive agency are available to pay expenses under section 5742 of this title with respect to a Federal or State or local government employee assigned under this subchapter.

80 Stat. 507.

“§ 3376. Regulations

“The President may prescribe regulations for the administration of this subchapter.”

(b) The analysis of chapter 33 of title 5, United States Code, is amended by inserting the following at the end thereof:

“SUBCHAPTER VI—ASSIGNMENTS TO AND FROM STATES

“Sec.

“3371. Definitions.

“3372. General provisions.

“3373. Assignments of employees to State or local governments.

“3374. Assignments of employees from State or local governments.

“3375. Travel expenses.

“3376. Regulations.”

REPEAL OF SPECIAL AUTHORITIES

SEC. 403. The Act of August 2, 1956, as amended (7 U.S.C. 1881–1888), section 553 of the Act of April 11, 1965 as amended (20 U.S.C. 867), and section 314(f) of the Public Health Service Act (42 U.S.C. 246(f)) (less applicability to commissioned officers of the Public Health Service) are hereby repealed.

70 Stat. 934.

Anfe, p. 142.

20 USC 869b.

80 Stat. 1181.

SEC. 404. This title shall become effective sixty days after the date of enactment of this Act.

Effective date.

TITLE V—GENERAL PROVISIONS

DECLARATION OF PURPOSE

SEC. 501. The purpose of this title is to provide for the general administration of titles I, II, III, and V of this Act (hereinafter referred to as “this Act”), and to provide for the establishment of certain advisory committees.

DEFINITIONS

SEC. 502. For the purpose of this Act—

(1) “Commission” means the United States Civil Service Commission;

(2) “Federal agency” means an executive department, military department, independent establishment, or agency in the executive branch of the Government of the United States, including Government owned or controlled corporations;

(3) “State” means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and a territory or possession of the United States, and includes interstate and Federal-interstate agencies but does not include the governments of the political subdivisions of a State; and

(4) “local government” means a city, town, county, or other subdivision or district of a State, including agencies, instrumentalities, and authorities of any of the foregoing and any combination of such units or combination of such units and a State. A “general local government” means a city, town, county, or comparable general-purpose political subdivision of a State.

GENERAL ADMINISTRATIVE PROVISIONS

SEC. 503. (a) Unless otherwise specifically provided, the Commission shall administer this Act.

(b) The Commission shall furnish such advice and assistance to State and local governments as may be necessary to carry out the purposes of this Act.

(c) In the performance of, and with respect to, the functions, powers, and duties vested in it by this Act, the Commission may—

(1) issue such standards and regulations as may be necessary to carry out the purposes of this Act;

(2) consent to the modification of any contract entered into pursuant to this Act, such consent being subject to any specific limitations of this Act;

(3) include in any contract made pursuant to this Act such covenants, conditions, or provisions as it deems necessary to assure that the purposes of this Act will be achieved; and

(4) utilize the services and facilities of any Federal agency, any State or local government, and any other public or nonprofit agency or institution, on a reimbursable basis or otherwise, in accordance with agreements between the Commission and the head thereof.

(d) In the performance of, and with respect to the functions, powers, and duties vested in it by this Act, the Commission—

(1) may collect information from time to time with respect to State and local government training programs and personnel administration improvement programs and projects under this Act, and make such information available to interested groups, organizations, or agencies, public or private;

(2) may conduct such research and make such evaluation as needed for the efficient administration of this Act;

(3) shall include in its annual report a report of the administration of this Act; and

(4) shall make such arrangements as may be necessary to avoid duplication of programs providing for training and to insure consistent administration of the related Federal training activities, with particular regard to title I of the Higher Education Act of 1965.

(e) The provisions of this Act are not a limitation on existing authorities under other statutes but are in addition to any such authorities, unless otherwise specifically provided in this Act.

79 Stat. 1219.
20 USC 1001.

REPORTING REQUIREMENTS

State or local
governments.

SEC. 504. (a) A State or local government office designated to administer a program or project under this Act shall make reports and evaluations in such form, at such times, and containing such information concerning the status and application of Federal funds and the operation of the approved program or project as the Commission may require, and shall keep and make available such records as may be required by the Commission for the verification of such reports and evaluations.

Organizations.

(b) An organization which receives a training grant under section 304 of this Act shall make reports and evaluations in such form, at such times, and containing such information concerning the status and application of Federal grant funds and the operation of the training program as the Commission may require, and shall keep and make available such records as may be required by the Commission for the verification of such reports and evaluations.

REVIEW AND AUDIT

SEC. 505. The Commission, the head of the Federal agency concerned, and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of a grant recipient that are pertinent to the grant received.

DISTRIBUTION OF GRANTS

SEC. 506. (a) The Commission shall allocate 20 per centum of the total amount available for grants under this Act in such manner as will most nearly provide an equitable distribution of the grants among States and between State and local governments, taking into consideration such factors as the size of the population, number of employees affected, the urgency of the programs or projects, the need for funds to carry out the purposes of this Act, and the potential of the governmental jurisdictions concerned to use the funds most effectively.

State and local
governments, allo-
cations,

(b) (1) The Commission shall allocate 80 per centum of the total amount available for grants under this Act among the States on a weighted formula taking into consideration such factors as the size of population and the number of State and local government employees affected.

(2) The amount allocated for each State under paragraph (1) of this subsection shall be further allocated by the Commission to meet the needs of both the State government and the local governments within the State on a weighted formula taking into consideration such factors as the number of State and local government employees and the amount of State and local government expenditures. The Commission shall determine the categories of employees and expenditures to be included or excluded, as the case may be, in the number of employees and amount of expenditures. The minimum allocation for meeting needs of local governments in each State (other than the District of Columbia) shall be 50 per centum of the amount allocated for the State under paragraph (1) of this subsection.

Minimum allo-
cation.

(3) The amount of any allocation under paragraph (2) of this subsection which the Commission determines, on the basis of information available to it, will not be used to meet needs for which allocated shall be available for use to meet the needs of the State government or local governments in that State, as the case may be, on such date or dates as the Commission may fix.

(4) The amount allocated for any State under paragraph (1) of this subsection which the Commission determines, on the basis of information available to it, will not be used shall be available for reallocation by the Commission from time to time, on such date or dates as it may fix, among other States with respect to which such a determination has not been made, in accordance with the formula set forth in paragraph (1) of this subsection, but with such amount for any of such other States being reduced to the extent it exceeds the sum the Commission estimates said State needs and will be able to use; and the total of such reductions shall be similarly reallocated among the States whose proportionate amounts were not so reduced.

Reallocation.

(5) For the purposes of this subsection, "State" means the several States of the United States and the District of Columbia.

"State."

(c) Notwithstanding the other provisions of this section, the total of the payments from the appropriations for any fiscal year under this Act made with respect to programs or projects in any one State may not exceed an amount equal to 12½ per centum of such appropriation.

Payments, limita-
tion.

TERMINATION OF GRANTS

SEC. 507. Whenever the Commission, after giving reasonable notice and opportunity for hearing to the State or general local government concerned, finds—

- (1) that a program or project has been so changed that it no longer complies with the provisions of this Act; or
 - (2) that in the operation of the program or project there is a failure to comply substantially with any such provision;
- the Commission shall notify the State or general local government of its findings and no further payments may be made to such government by the Commission until it is satisfied that such noncompliance has been, or will promptly be, corrected. However, the Commission may authorize the continuance of payments to those projects approved under this Act which are not involved in the noncompliance.

ADVISORY COMMITTEES

SEC. 508. (a) The Commission may appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, such advisory committee or committees as it may determine to be necessary to facilitate the administration of this Act.

80 Stat. 378.
5 USC 101 *et seq.*

(b) Members of advisory committees who are not regular full-time employees of the United States, while serving on the business of the committees including traveltime may receive compensation at rates not exceeding the daily rate for GS-18; and while so serving away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently.

Ante, p. 198-1.

80 Stat. 499;
83 Stat. 190.

APPROPRIATION AUTHORIZATION

SEC. 509. There are authorized to be appropriated, without fiscal year limitation, such sums as may be necessary to carry out the programs authorized by this Act.

REVOLVING FUND

SEC. 510. Section 1304(e) of title 5, United States Code (relating to the revolving fund of the Civil Service Commission), is amended—

- (1) by striking out “of \$4,000,000” in paragraph (1); and
- (2) by inserting “, which appropriations are hereby authorized” immediately before the semicolon at the end of paragraph (2) (A).

83 Stat. 851.

LIMITATIONS ON AVAILABILITY OF FUNDS FOR COST SHARING

SEC. 511. Federal funds made available to State or local governments under other programs may not be used by the State or local government for cost-sharing purposes under grant provisions of this Act, except that Federal funds of a program financed wholly by Federal funds may be used to pay a pro-rata share of such cost sharing. State or local government funds used for cost sharing on other federally assisted programs may not be used for cost sharing under grant provisions of this Act.

METHOD OF PAYMENT

SEC. 512. Payments under this Act may be made in installments, and in advance or by way of reimbursement, as the Commission may determine, with necessary adjustments on account of overpayments or underpayments.

EFFECTIVE DATE OF GRANT PROVISIONS

SEC. 513. Grant provisions of this Act shall become effective one hundred and eighty days following the date of enactment of this Act.

Approved January 5, 1971.

Public Law 91-649

AN ACT

To change the name of certain projects for navigation and other purposes on the Arkansas River.

January 5, 1971
[H. R. 13493]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Arkansas River navigation and comprehensive development project authorized by the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 28, 1938 (52 Stat. 1215), as amended and supplemented, shall be known and designated hereafter as the McClellan-Kerr Arkansas River navigation system.

McClellan-Kerr
Arkansas River
navigation sys-
tem.
Designation.

(b) Lock and dam number 1, Arkansas, on the Arkansas Post Canal approximately two thousand feet from the White River shall be known and designated hereafter as the Norrell lock and dam.

(c) The canal connecting the White River at river mile 10 with the Arkansas River at river mile 41.6 shall be known and designated hereafter as the Arkansas Post Canal.

(d) The water area on the Arkansas River, main channel, created by the cutoff at Boyds Point and a closure at the upstream end of the former channel, at Pine Bluff, Arkansas, shall be known and designated hereafter as Lake Langhofer.

(e) Lock and dam number 7, Arkansas River at Little Rock, Arkansas, shall be known and designated hereafter as Murray lock and dam.

(f) Lock and dam number 8, Arkansas River at Conway, Arkansas, shall be known and designated hereafter as Toad Suck Ferry lock and dam.

(g) Lock and dam number 10, Arkansas River in the vicinity of Russellville and Dardanelle, Arkansas, shall be known and designated hereafter as Dardanelle lock and dam, and the reservoir created by Dardanelle Dam shall be known and designated hereafter as Lake Dardanelle.

(h) The public overlook on the left descending river bank approximately one thousand six hundred feet upstream of Dardanelle Dam shall be known and designated hereafter as Caudle Overlook.

SEC. 2. Any law, regulation, map, document, or record of the United States in which any project, lock, dam, reservoir, canal, or overlook named in this Act is referred to, shall be held to refer to such project, lock, dam, reservoir, canal, or overlook by the name designated for it by this Act.

Approved January 5, 1971.

Public Law 91-650

January 5, 1971
[H. R. 19885]

AN ACT

To provide additional revenue for the District of Columbia, and for other purposes.

District of
Columbia Revenue
Act of 1970.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "District of Columbia Revenue Act of 1970".

TITLE I—REVENUE

SEC. 101. Section 1 of article VI of the District of Columbia Revenue Act of 1947 (D.C. Code, sec. 47-2501a) is amended (1) by striking out "1970" and inserting in lieu thereof "1971", and (2) by striking out "\$105,000,000" and inserting in lieu thereof "\$126,000,000".

SEC. 102. The Office of Management and Budget shall carefully examine and review each request of the District of Columbia for regular, supplemental, and deficiency appropriations to determine (1) the priorities of the expenditures for which each appropriation is requested, and (2) where reductions can be made in such expenditures.

SEC. 103. (a) Subsection (b) (1) of the first section of the Act of June 6, 1958 (D.C. Code, sec. 9-220(b) (1)) (relating to the borrowing authority of the District of Columbia), is amended—

(1) in subparagraph (A), by striking out "1968, 1969, or 1970" and inserting in lieu thereof "1971 or 1972" and by striking out "6 per centum" and inserting in lieu thereof "9 per centum"; and

(2) in subparagraph (B), by striking out "1970" each place it appears and inserting in lieu thereof "1972" and by striking out "6 per centum" and inserting in lieu thereof "9 per centum".

(b) Section 214 of the District of Columbia Public Works Act of 1954 (D.C. Code, sec. 43-1613) is amended by striking out "\$32,000,000" and inserting in lieu thereof "\$72,000,000".

(c) Section 402(a) of the District of Columbia Public Works Act of 1954 (D.C. Code, sec. 7-133(a)) is amended by striking out "\$85,250,000" and inserting in lieu thereof "\$110,000,000".

(d) Section 2(a) of the Act entitled "An Act authorizing loans from the United States Treasury for the expansion of the District of Columbia water system", approved June 2, 1950 (D.C. Code, sec. 43-1540(a)), is amended by striking out "\$35,000,000" and inserting in lieu thereof "\$51,000,000".

SEC. 104. (a) The fifth paragraph under the heading "General Expenses" in the first section of the Act of July 11, 1919 (D.C. Code, sec. 5-316), is amended by inserting immediately after the period at the end thereof the following: "Notwithstanding the provisions of the preceding sentence and section 7 of the Act of February 22, 1921 (41 Stat. 1144), in the case of a single unit motor vehicle which has three or more axles and is designed to unload itself and which is operated in the District of Columbia under an annual hauling permit of the District of Columbia, the fee for such permit shall be as follows:

"(1) \$680 if such motor vehicle is first placed in service after July 1, 1970.

"(2) If such motor vehicle is in service on or before July 1, 1970, and operated at a gross weight—

"(A) in excess of the weight permitted under normal operations under applicable regulations of the Commissioner of the District of Columbia but less than 50,000 pounds, a fee of \$380;

80 Stat. 857;
83 Stat. 180.

Sanitary and
sewer systems.
68 Stat. 108;
74 Stat. 811.
Highway construction.
80 Stat. 858.

Water system
expansion.
64 Stat. 195;
68 Stat. 103.

Vehicles,
permit fees.
41 Stat. 69.

31 USC 491.

- “(B) of 50,000 pounds or more but less than 55,000 pounds, a fee of \$480;
 “(C) of 55,000 pounds or more but less than 60,000 pounds, a fee of \$580; or
 “(D) of 60,000 pounds or more, not to exceed 65,000 pounds, a fee of \$680.

The Commissioner of the District of Columbia is authorized to increase, from time to time, the fees prescribed by paragraphs (1) and (2), taking into account expenditures for the purpose of repairing or replacing highway structures and roadway pavements requiring such repair or replacement as a result of the operation of the motor vehicles for which hauling permit fees are prescribed under the preceding sentence. Proceeds from fees from annual hauling permits for such vehicles shall be deposited in the highway fund created by the first section of the Act entitled ‘An Act to provide for a tax on motor-vehicle fuels sold within the District of Columbia, and for other purposes’, approved April 23, 1924 (D.C. Code, sec. 47-1901).”

Fees, increase.

(b) The amendment made by subsection (a) shall take effect on the ninetieth day following the date of enactment of this Act.

50 Stat. 676.

Effective date.

SEC. 105. (a) Section 101 of the District of Columbia Public Works Act of 1954 (D.C. Code, sec. 43-1520c) is amended—

Water rates.

68 Stat. 101;

76 Stat. 17.

(1) by striking out the first three sentences of subsection (a) and inserting in lieu thereof the following: “The District of Columbia Council is authorized from time to time to fix the rates charged by the District for water and water services furnished by the District water supply system, at such amount as the Council, on the basis of a recommendation made by the Commissioner of the District of Columbia, determines is necessary to meet the expense to the District of furnishing such water and water services. In computing the charge for the consumption of water in excess of the minimum amount allowed for metered service, if such charge is for a period beginning prior to a change in water rates and ending thereafter, the charge for such excess consumption shall be based upon the rate in effect at the time the charge is rendered.”; and

(2) by striking out “(a)” in subsection (a) and by repealing subsection (b).

Repeal.

(b) Section 207 of such Act (D.C. Code, sec. 43-1606) is amended—

Sanitary sewer charges.

(1) by striking out in paragraph (a) “, but such percentage shall not exceed 75 per centum of the water charge”;

(2) by striking out in paragraph (b) “, but such percentage shall not exceed 75 per centum of such rates”;

(3) by striking out in paragraph (d) “not more than 75 per centum of the water charge” and inserting in lieu thereof “the amount”; and

(4) by inserting “(a)” immediately before “The sanitary sewer service charges” in the matter preceding paragraph (a), by redesignating paragraphs (a), (b), (c), and (d) as paragraphs (1), (2), (3), and (4), respectively; and by adding at the end of the section the following new subsection:

“(b) Notwithstanding the provisions of subsection (a), the District of Columbia Council is authorized, in its discretion, from time to time to establish one or more sanitary sewer service charges at such amount as the Council, on the basis of a recommendation made by the Commissioner, finds it necessary to meet the expense to the District of furnishing sanitary sewer services, including debt retirement.”

(c) Subsection (c) of section 208 of such Act (D.C. Code, sec. 43-1607(c)) is amended to read as follows:

Payment.

“(c) In computing the charge for sanitary sewer service, if such charge is for a period beginning prior to a change in the established

sanitary sewer service charge and ending thereafter, the charge shall be based on the rate in effect at the time the charge is rendered."

68 Stat. 101.
D.C. Code 43-
1601 note.

(d) Water and sewer rates established under the District of Columbia Public Works Act of 1954 which are in effect on the date of enactment of this Act shall continue in effect until revised by the District of Columbia Council in accordance with that Act as amended by this section.

TITLE II—MISCELLANEOUS TAX MATTERS

Repeal.

SEC. 201. (a) (1) The second proviso in section 114(a) (6) of the District of Columbia Sales Tax Act (D.C. Code, sec. 47-2601, par. 14(a) (6)) is repealed.

70 Stat. 80.
Tax rate, ex-
ception.
83 Stat. 170.

(2) Section 125 (1) of the District of Columbia Sales Tax Act (D.C. Code, sec. 47-2602 (1)) is amended by striking out "and" immediately preceding "(C)" and by striking out the semicolon and inserting in lieu thereof the following: ", and (D) charges for rental of textiles if the essential part of the rental includes recurring services of laundering or cleaning of the textiles;"

Certain tex-
tiles, exemp-
tion.
63 Stat. 115;
82 Stat. 614.

(b) Section 128 of the District of Columbia Sales Tax Act (D.C. Code, sec. 47-2605) is amended by adding at the end thereof the following new paragraph:

"(r) Sales of textiles to persons who are engaged in the business of renting such textiles, if the essential part of such rental business includes recurring services of laundering or cleaning such textiles."

Repeal.

(c) (1) The second proviso in section 201(a) (4) of the District of Columbia Use Tax Act (D.C. Code, sec. 47-2701 (1) (a) (4)) is repealed.

70 Stat. 81.
83 Stat. 172.

(2) Section 212 (1) of the District of Columbia Use Tax Act (D.C. Code, sec. 47-2702 (1)) is amended by striking out "and" immediately preceding "(C)" and by striking out the semicolon and inserting in lieu thereof the following: ", and (D) charges for rental of textiles if the essential part of the rental includes recurring service of laundering or cleaning of the textiles;"

Certain prop-
erty, exemption.
56 Stat. 1089.

SEC. 202. Paragraph (h) of section 1 of the Act entitled "An Act to define the real property exempt from taxation in the District of Columbia", approved December 24, 1942 (D.C. Code, sec. 47-801a), is amended by adding at the end thereof the following new sentence: "For purposes of this paragraph, any building—

12 USC 1715l.

"(1) which is financed in whole or in part with (A) a mortgage insured under section 221 (d) (3), (h), or (i) of the National Housing Act and receiving the benefits of the interest rate provided for in the proviso in section 221 (d) (5) of such Act, or (B) a mortgage insured under section 237 of such Act;

12 USC 1715z-2.

"(2) with respect to which periodic assistance payments are made under section 235 of the National Housing Act or interest reduction payments are made under section 236 of such Act;

12 USC 1715z.
12 USC 1715z-1.

"(3) with respect to which rent supplement payments are made under section 101 of the Housing and Urban Development Act of 1965;

12 USC 1701s.

"(4) which is financed in whole or in part with a loan made under section 202 of the Housing Act of 1959;

12 USC 1701q.

"(5) which contains dwelling units constituting low-rent housing in private accommodations within the meaning of section 23 of the United States Housing Act of 1937; or

42 USC 1421b.

"(6) with respect to which there is an outstanding rehabilitation loan made under section 312 of the Housing Act of 1964,

42 USC 1452b.

shall not, so long as the mortgage or loan involved remains outstanding or the assistance involved continues to be received, be considered a building used for purposes of public charity; except that this sentence

will not apply to those organizations granted an exemption under this paragraph before the date of enactment of this sentence."

SEC. 203. (a) Subject to the provisions of subsection (b) of this section, the following property in the District of Columbia owned by the American Institute of Architects Foundation, Incorporated, a non-profit corporation organized and existing under the laws of the State of New York, shall be exempt from taxation by the District of Columbia:

AIA Foundation,
property, tax ex-
emption.

(1) The real property (including the improvements thereon known as the Octagon House) which is described as lot 36 in square 170.

(2) The furniture, furnishings, and other personal property located in any improvements on such real property.

(b) The property described in subsection (a) shall be exempt from taxation by the District of Columbia so long as (1) that property is owned by the Foundation referred to in subsection (a) and is used in carrying on its purposes and activities and is not used for any commercial purposes; and (2) the Octagon House is (A) maintained by that Foundation as a historical building to be preserved for its architectural and historical significance, and (B) accessible to the general public without charge or payment of a fee of any kind at such reasonable hours and under such regulations as may, from time to time, be prescribed by that Foundation. The provisions of section 2 of the Act entitled "An Act to define the real property exempt from taxation in the District of Columbia", approved December 24, 1942 (D.C. Code, sec. 47-801b), shall apply with respect to the property made exempt from taxation by this section, and the Foundation shall make the reports required by section 3 of that Act (D.C. Code, sec. 47-801c) and shall have the appeal rights provided by section 5 of that Act (D.C. Code, sec. 47-801e).

56 Stat. 1091.

(c) This section shall apply with respect to taxable years beginning after June 30, 1969.

Effective date.

SEC. 204. Section 3(a)(7) of title III of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, sec. 47-1557b (a)(7)) is amended by adding at the end thereof the following new sentence: "In the case of property held by any taxpayer on the first day of his first taxable year beginning after December 31, 1968, which, on such first day, was property described in this paragraph, any reduction in the basis of such property for purposes of computing the allowance under this paragraph which resulted from the enactment of the District of Columbia Revenue Act of 1969 shall be treated as an additional depreciation deduction which shall (subject to paragraph (14)) be allowable under this paragraph ratably over such period (beginning not earlier than the first taxable year of the taxpayer which begins after December 31, 1968), not to exceed ten taxable years, as may be agreed upon by the taxpayer and the Commissioner."

Deductions.

61 Stat. 337.

83 Stat. 169.
D.C. Code
47-1557b note.

SEC. 205. (a) Title III of article I of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, sec. 47-1557b) is amended by inserting after paragraph (15) of section 3(a) the following new paragraph:

Real estate in-
vestment trusts.
Ante, p. 834.

"(16) Real estate investment trusts.—In the case of a real estate investment trust as defined in section 856 of the Internal Revenue Code of 1954, which meets the requirements of section 857(a) of the Internal Revenue Code of 1954, the dividends paid by the real estate investment trust which qualify for the dividends-paid deduction under section 857(b)(2)(C) and section 857(b)(3)(A)(ii) of the Internal Revenue Code of 1954, including dividends considered as having been paid during the taxable year by reason of section 858 of the Internal Revenue Code of 1954."

74 Stat. 1004.
26 USC 856.

83 Stat. 637.

(b) The amendment made by subsection (a) shall apply with respect to taxable years of real estate investment trusts beginning after December 31, 1970.

Effective date.

TITLE III—MEDICAL AND DENTAL SCHOOL SUBSIDY

Citation of title. SEC. 301. This title may be cited as the "District of Columbia Medical and Dental Manpower Act of 1970".

SEC. 302. It is the purpose of this title to assist private nonprofit medical and dental schools in the District of Columbia in their critical financial needs in meeting the operational costs required to maintain quality medical and dental educational programs and to increase the number of students in such institutions as a necessary health manpower service to the metropolitan area of the District of Columbia.

Grants. SEC. 303. (a) The Secretary of Health, Education, and Welfare (hereinafter in this title referred to as the "Secretary") is authorized to make grants to the Commissioner of the District of Columbia (hereinafter in this title referred to as the "Commissioner") in amounts the Secretary determines to be the minimum amounts necessary to carry out the purposes of this title. The total amount of grants under this section for any fiscal year shall not exceed the sum of (1) the product of \$5,000 times the number of full-time students enrolled in private nonprofit accredited medical schools in the District of Columbia, and (2) the product of \$3,000 times the number of full-time students enrolled in private nonprofit accredited dental schools in the District of Columbia.

Limitations. (b) For the purposes of this section and section 307, in determining eligibility for, and the amount of, grants with respect to private nonprofit medical and dental schools, consideration shall be given to any grants made to such schools pursuant to the portion of the program under section 772 of the Public Health Service Act (42 U.S.C. 295f-2) relating to financial assistance to schools which are in serious financial straits to aid them in meeting their costs of operation.

Ante, p. 1343. (c) There are authorized to be appropriated \$6,200,000 for the fiscal year ending June 30, 1971, and such sums as may be necessary for the fiscal year ending June 30, 1972, to make grants under this section.

Appropriation. SEC. 304. The Secretary may from time to time set dates by which applications for grants under section 303 for any fiscal year must be filed by the Commissioner. A grant under section 303 may be made only if application therefor—

(1) is approved by the Secretary;

(2) contains such information as the Secretary may require to make the determinations required of him under this title and such assurances as he may find necessary to carry out the purposes of this title; and

(3) provides for such fiscal control and accounting procedures and reports and access to the records of the Commissioner and the applicant schools as the Secretary may from time to time require in carrying out his functions under this title.

Regulations. SEC. 305. For the purposes of section 303 and section 307, regulations of the Secretary shall include provisions relating to the determination of the number of students enrolled in a school, or in a particular year-class in a school, as the case may be, on the basis of estimates, or on the basis of the number of students who were enrolled in a school, or in a particular year-class, as the case may be, in an earlier year, or on such basis as he deems appropriate for making such determinations.

Advance payments. SEC. 306. Grants under section 303 may be paid in advance or by way of reimbursement at such intervals as the Secretary may find necessary and with appropriate adjustments on account of overpayments or underpayments previously made.

Payments. SEC. 307. From funds received under section 303, the Commissioner shall make payments (in amounts determined by the Secretary under such section 303) to private nonprofit schools of medicine and dentistry

in the District of Columbia. The total of the payments under this section in any fiscal year to a medical school shall not exceed the product of \$5,000 times the number of full-time students enrolled in such school, and the total of payments to a dental school shall not exceed the product of \$3,000 times the number of full-time students enrolled in such school.

Limitations.

SEC. 308. The Commissioner may from time to time set dates by which applications for payments by the Commissioner under section 307 for any fiscal year must be filed. A payment under section 307 by the Commissioner may be made only if the application therefor—

Filing date.

(1) is approved by the Commissioner upon his determination that the applicant meets the eligibility conditions of this title; and

(2) contains such information as the Commissioner and the Secretary may require to make determinations required under this title and such assurances as they may find necessary to carry out the purposes of this title.

SEC. 309. Payments under section 307 by the Commissioner may be paid in advance or by way of reimbursement at such intervals as the Commissioner may find necessary and with appropriate adjustments on account of overpayments or underpayments previously made.

Advance payments.

SEC. 310. For purposes of this title:

Definitions.

(1) The term "full-time students" means students pursuing a full-time course of study in an accredited school of medicine or school of dentistry leading to a degree of doctor of medicine, doctor of dentistry, or an equivalent degree.

(2) The terms "school of medicine" and "school of dentistry" mean a school in the District of Columbia which provides training leading, respectively, to a degree of doctor of medicine and doctor of dentistry, or an equivalent degree, and which is accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education of the United States.

(3) The term "nonprofit" as applied to a school of medicine or a school of dentistry means one which is owned and operated by one or more corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

TITLE IV—FUNDS FOR HIGHER EDUCATION

SEC. 401. (a) Section 107 of the District of Columbia Public Education Act (D.C. Code, sec. 31-1607) is amended—

Federal City College.
82 Stat. 241.

(1) by striking out "and" at the end of paragraph (4);

(2) by adding "and" at the end of paragraph (5);

(3) by adding after paragraph (5) the following new paragraph:

"(6) section 108(b) of this Act,"; and

(4) by striking out "Federal City College shall" and inserting in lieu thereof the following: "Federal City College and the Washington Technical Institute shall each".

(b) Section 109(a) (1) of such Act (D.C. Code, sec. 31-1609(a) (1)) is amended by striking out "Federal City College shall" and inserting in lieu thereof the following: "Federal City College and the Washington Technical Institute shall each".

(c) Section 110 of such Act (D.C. Code, sec. 31-1610) is redesignated as section 112 and the following new sections are inserted immediately after section 109:

Grant sharing.

"SEC. 110. Grants to the District of Columbia under the Acts referred to in section 107 and under section 109(b) and the earnings of sums appropriated under section 108(b) shall be shared equally between the Federal City College and the Washington Technical Institute.

Ante, p. 1935.

"SEC. 111. Sections 107 and 109 provide that the Washington Technical Institute shall be considered to be a college established for the benefit of agriculture and the mechanic arts in accordance with the provisions of the Act of July 2, 1862, for the purpose of enabling the Washington Technical Institute to share, under section 110, with the Federal City College (1) grants under the Acts referred to in section 107, (2) grants under section 109(b), and (3) earnings of sums appropriated under section 108(b)."

(d) The amendments made by this section shall apply with respect to (1) grants made to the District of Columbia under the Acts referred to in section 107 of the District of Columbia Public Education Act and under section 109(b) of such Act for fiscal years beginning after June 30, 1971, and (2) any earnings, on and after July 1, 1971, of sums heretofore appropriated to the District of Columbia pursuant to section 108(b) of such Act.

Usury laws, exemption.

79 Stat. 1269;

82 Stat. 1042,

1050.

20 USC 1141.

SEC. 402. Any institution of higher education located in the District of Columbia and described in the first sentence of section 1201(a) of the Higher Education Act of 1965 (other than District of Columbia Teachers' College, Federal City College, Gallaudet College, and Howard University) may borrow money at such rates of interest as the institution may determine, without regard to the restrictions of any usury law applicable in the District of Columbia, and shall not plead any statutes against usury in any action.

TITLE V—INDUSTRIAL SAFETY

55 Stat. 738.

Definitions.

SEC. 501. Title II of the Act of September 19, 1918 (D.C. Code, secs. 36-431—36-442) is amended as follows:

(1) Section 2 of such title (D.C. Code, sec. 36-432) is amended—

(A) by striking out in paragraph (a) "industrial employment, place of employment," and inserting in lieu thereof "place of employment", and

(B) by striking out in paragraph (d) "industrial".

Minimum Wage
and Industrial
Safety Board,
duties.

(2) Section 3 of such title (D.C. Code, sec. 36-433) is amended by adding at the end thereof the following new sentence: "To promote the safety of persons employed in existing buildings or other existing structures, such rules, regulations, and standards may require, without limitation, changes in the permanent or temporary features of such buildings or other structures."

Regulations,
variations.

(3) Section 6 of such title (D.C. Code, sec. 36-436) is amended to read as follows:

"SEC. 6. The Board may, upon written application of any employer affected by such rule or regulation, permit variations from any provisions thereof if it shall find that the application of such provision would result in unnecessary hardship or practical difficulty, and notwithstanding such variance, that the protection afforded by such rule or regulation will be provided. The Board may grant a hearing open to the public on such application upon request of the applicant or other interested party or parties, or on its own initiative. The Board's decision thereon shall be subject to review by the District of Columbia Court of Appeals upon petition of the applicant or other affected party or parties. The Board shall keep a properly indexed record of all variations permitted from any rule or regulation, which shall be open to public inspection."

Hearing.

Judicial review.

Penalties.

(4) Section 12 of such title (D.C. Code, sec. 36-442) is amended by striking out "more than \$300" and inserting in lieu thereof the following: "less than \$100 or more than \$600".

TITLE VI—SALE OF DAIRY PRODUCTS IN DISTRICT OF COLUMBIA

SEC. 601. (a) The Act entitled “An Act to regulate within the District of Columbia the sale of milk, cream, and ice cream, and for other purposes”, approved February 27, 1925 (D.C. Code, secs. 33–301–33–319), is amended to read as follows:

“SECTION 1. None but pure, clean, and wholesome milk, cream, milk products, or frozen desserts conforming to standards established by the District of Columbia Council, not inconsistent with standards established by the United States Government, shall be produced in, or be shipped into, the District of Columbia.

43 Stat. 1004.
Milk and milk products, production and transportation.

“SEC. 2. As used in this Act—

Definitions.

“(1) The term ‘person’ includes firms, associations, partnerships, and corporations in addition to individuals.

“(2) The term ‘Commissioner’ means the Commissioner of the District of Columbia or his designated agents.

“(3) The term ‘District’ means the District of Columbia.

“SEC. 3. No person shall keep or maintain within the District a dairy farm, milk plant, or frozen dessert plant producing, as the case may be, milk, cream, milk products, or frozen desserts for sale in the District, or bring or send into the District for sale any milk, cream, milk product, or frozen dessert, without a permit so to do from the Commissioner, and then only in accordance with the terms of such permit. Such permit shall be valid only for the calendar year in which it is issued, and shall be renewable annually on or before the 1st day of January of each calendar year thereafter. Application for such permit shall be in writing upon a form prescribed by the Commissioner.

Sale permit.

“SEC. 4. The Commissioner is authorized to suspend any permit issued under the authority of this Act whenever, in his opinion, the public health is endangered by the impurity or unwholesomeness of milk, cream, milk product, or frozen dessert supplied by the holder of the permit, and the suspension shall remain in force until the Commissioner finds the danger no longer continues. Whenever any permit is suspended the Commissioner shall in writing furnish to the holder of such permit his reasons for such suspension, and each dealer receiving milk, cream, milk product, or frozen dessert from such holder shall also be promptly notified by the Commissioner in writing of the suspension of the permit.

Suspension.

Notification.

“SEC. 5. Nothing in this Act shall be construed to prohibit (1) the shipment into the District of milk, cream, or milk products from shipping stations or plants having a sanitation compliance and enforcement rating of 90 per centum or better as determined by a milk sanitation rating officer certified by the Secretary of Health, Education, and Welfare, or (2) the shipment into the District of milk or cream for manufacture into frozen desserts and frozen desserts containing milk or cream which has been produced and transported in accordance with specifications established by a State or Federal regulatory or certifying agency and approved by the Commissioner.

“SEC. 6. No milk, cream, milk product, or frozen dessert shall be sold or offered for sale to a consumer in the District unless it has been pasteurized by a method acceptable to the Secretary of Health, Education, and Welfare.

Pasteurization.

“SEC. 7. The Commissioner is authorized to seize all milk, cream, milk products, or frozen desserts which may be brought into the District in violation of the provisions of this Act. The owner of any such milk, cream, milk product, or frozen dessert shall immediately be notified of such seizure, and if he shall fail within twenty-four hours from the time such notice is given to him to remove or cause to be

Seizure.

Notification.

removed from the District the seized milk, cream, milk product, or frozen dessert, the Commissioner is authorized to destroy or otherwise dispose of it.

Regulations and standards.

"SEC. 8. The District of Columbia Council is hereby authorized to make from time to time all such reasonable regulations or standards consistent with this Act as it deems necessary to protect the milk, cream, milk product, and frozen dessert supply of the District. Such regulations or standards shall be published once in a daily newspaper of general circulation in the District at least thirty days before any penalty may be exacted for violation thereof.

Publication.

Sale, restriction.

"SEC. 9. No person in the District shall sell or offer for sale any milk, cream, milk product, or frozen dessert from any source until he shall have first determined that the person providing such milk, cream, milk product, or frozen dessert holds a permit from the Commissioner to ship milk, cream, milk products, or frozen desserts into the District.

Penalty.

"SEC. 10. Any person who violates any provision of this Act or the regulations or standards promulgated hereunder shall be punished by a fine of not more than \$300 or imprisonment for not more than thirty days, or both. Prosecutions shall be conducted in the Superior Court of the District of Columbia in the name of the District of Columbia by the Corporation Counsel or any of his assistants."

Effective date.

(b) The amendment made by subsection (a) of this section shall take effect on December 31, 1971.

TITLE VII—MISCELLANEOUS

Old Georgetown Market.

SEC. 701. Section 2 of the Act entitled "An Act to declare the Old Georgetown Market a historic landmark and to require its preservation in continued use as a public market, and for other purposes", approved September 21, 1966 (D.C. Code, sec. 5-807), is amended by striking out ", but not to exceed in the aggregate \$150,000".

80 Stat. 830.

Minimum wage and overtime provisions, exemption.

SEC. 702. (a) Section 4(b) of the District of Columbia Minimum Wage Act (D.C. Code, sec. 36-404) is amended (1) by striking out "or" at the end of paragraph (4), (2) by striking out the period at the end of paragraph (5) and inserting in lieu thereof a semicolon and "or", and (3) by adding after paragraph (5) the following new paragraph:

80 Stat. 964.

"(6) any employee (A) with respect to whom the Interstate Commerce Commission has power to establish qualifications and maximum hours of service pursuant to the provisions of section 204 of part II of the Interstate Commerce Act, and (B) who is not employed for more than 50 per centum of any workweek within the Washington metropolitan region."

49 Stat. 546.

49 USC 304.

Effective date.

(b) The amendments made by subsection (a) of this section shall take effect as of February 1, 1967.

SEC. 703. (a) Section 2 of the District of Columbia Minimum Wage Act (D.C. Code, sec. 36-402) is amended by adding at the end thereof the following:

"Washington metropolitan region,"

"(8) The term 'Washington metropolitan region' means the area consisting of the District of Columbia, Montgomery and Prince George's Counties in Maryland, Arlington and Fairfax Counties and the cities of Alexandria, Fairfax, and Falls Church in Virginia."

Single wage rate.

(b) Section 3 of such Act (D.C. Code, sec. 36-403) is amended by adding at the end thereof the following:

"(f) A wage order under this Act may establish at any one time only one wage rate for the occupation or the classification of employees within an occupation, as the case may be, to which the wage order applies."

Wage orders, revision.

(c) Section 6 of such Act (D.C. Code, sec. 36-406) is amended as follows:

(1) The first sentence of subsection (a) of such section is amended (A) by striking out "wage order" the first time it appears and inserting in lieu thereof "wage rate within a wage order", and (B) by striking out "the wage rates" and inserting in lieu thereof "such wage rate".

(2) The first sentence of subsection (b) of such section is amended (A) by inserting "and" immediately after "occupation," the second time it occurs, and (B) by striking out ", and one or more representatives of the agency designated by the Commissioners to administer this Act." and inserting in lieu thereof a period and the following: "The chairman of the agency designated by the Commissioner to administer this Act shall be an ex officio member of the committee."

(3) Clause (3) of the second sentence of subsection (e) of such section is amended by striking out "District of Columbia" and inserting in lieu thereof "Washington metropolitan region".

(4) Subsection (f) of such section is amended by inserting immediately before the period at the end thereof the following: "and after taking into consideration the matters referred to in the second sentence of subsection (e)".

(d) The amendment made by subsection (b) of this section shall apply with respect to any wage order under the District of Columbia Minimum Wage Act issued or revised after the date of enactment of this Act.

Effective date.

80 Stat. 970.
D.C. Code
36-419.
Study.

SEC. 704. (a) The Administrator of the Environmental Protection Agency, in consultation with the Secretary of the Interior, the Chief of Engineers of the Corps of Engineers of the United States Army and the Commissioner of the District of Columbia, shall conduct a special study of and make recommendations with respect to—

(1) the water pollution problems of the part of the Potomac River that is located within the Washington metropolitan area,

(2) the water resources of the Potomac River for such area,

(3) the problems relating to the provision of adequate facilities for water, sewer, sanitation, and related services for such area, and

(4) the establishment of an appropriate independent area or regional entity to control and resolve such water pollution problems, to regulate and control such water resources, and to provide such services at reasonable costs.

The study shall contain specific recommendations as to the extent and amount of funding that would be necessary to establish and maintain such an area or regional entity, recommendations as to any functions now performed by Federal and District of Columbia entities which should be transferred to such an area or regional entity, and recommendations as to provisions for protection of employees of entities that would be affected by such transfers.

Recommendations.

(b) The Administrator of the Environmental Protection Agency shall report to the Congress the results of the study under subsection (a), together with his recommendations, on or before March 31, 1971.

Report to Congress.

SEC. 705. (a) Notwithstanding any other provision of law, the Commissioner of the District of Columbia is authorized to enter into lease agreements with any person, copartnership, corporation, or other entity, which do not bind the government of the District of Columbia for periods in excess of twenty years for each such lease agreement, on such terms and conditions, including, without limitation, lease-purchase, as he deems to be in the interest of the District of Columbia and necessary for the accommodation of District of Columbia agencies and activities in buildings or other improvements which are in existence or are to be constructed by the lessor for such purposes, or on unimproved real property.

Lease agreements.

(b) No lease agreement entered into under subsection (a) shall provide for the payment of rental in excess of the limitations prescribed

47 Stat. 412,
1517.

Repeals.

58 Stat. 532.

72 Stat. 511.

Alcoholic bev-
erages, licenses.

Ante, p. 853.

by section 322 of the Act entitled "An Act making appropriations for the Legislative Branch of the Government for the fiscal year ending June 30, 1933, and for other purposes", approved June 30, 1932 (40 U.S.C. 278a), except that the provisions of this subsection shall not apply to leases made prior to the date of the enactment of the District of Columbia Revenue Act of 1970 except when renewals thereof are made after such date.

(c) (1) Section 6 of the District of Columbia Appropriation Act, 1945 (D.C. Code, sec. 1-243) is repealed.

(2) Section 12 of the District of Columbia Appropriation Act, 1959 (D.C. Code, sec. 1-243a) is repealed.

SEC. 706. The second sentence in the second paragraph of section 7 of the District of Columbia Alcoholic Beverage Control Act (D.C. Code, sec. 25-107) is amended by striking out "any election" and inserting in lieu thereof "the presidential election".

TITLE VIII—GENERAL PROVISIONS

Separability.

SEC. 801. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 802. Nothing in this Act, or any amendments made by this Act, shall be construed so as to affect the authority vested in the Commissioner of the District of Columbia or the authority vested in the District of Columbia Council by Reorganization Plan Numbered 3 of 1967. The performance of any function vested by this Act in the Commissioner of the District of Columbia or in any office or agency under his jurisdiction and control, or in the District of Columbia Council, may be delegated by the Commissioner or Council, as the case may be, in accordance with the provisions of such plan.

SEC. 803. (a) The repeal or amendment by this Act of any provision of law shall not affect any other provision of law, any act done or any right accrued or accruing under such repealed or amended law, or any suit or proceeding had or commenced in any civil cause before repeal or amendment of such law; but all rights and liabilities under such repealed or amended laws shall continue, and may be enforced in the same manner and to the same extent, as if such repeal or amendment had not been made.

(b) In the case of any offense committed or penalty incurred under any provision of law repealed or amended by this Act such offense may be prosecuted and punished and such penalty may be enforced in the same manner and with the same effect as if this Act had not been enacted.

Approved January 5, 1971.

Public Law 91-651

January 5, 1971
[H. R. 14645]

AN ACT

To amend title 18 of the United States Code to prohibit certain uses of likenesses of the great seal of the United States, and of the seals of the President and Vice President, and to authorize Secret Service protection of visiting heads of foreign states or governments, and for other purposes.

Be it enacted by the the Senate and House of Representatives of the United States of America in Congress assembled, That section 713 of title 18, United States Code, is amended to read as follows:

Seals of the
U.S., the Presi-
dent and Vice
President.

Certain uses,
prohibition.
80 Stat. 1525.

“§ 713. Use of likenesses of the great seal of the United States, and of the seals of the President and Vice President

“(a) Whoever knowingly displays any printed or other likeness of the great seal of the United States, or of the seals of the President or the Vice President of the United States, or any facsimile thereof, in, or in connection with, any advertisement, poster, circular, book, pamphlet, or other publication, public meeting, play, motion picture, telecast, or other production, or on any building, monument, or stationery, for the purpose of conveying, or in a manner reasonably calculated to convey, a false impression of sponsorship or approval by the Government of the United States or by any department, agency, or instrumentality thereof, shall be fined not more than \$250 or imprisoned not more than six months, or both.

Penalty.

“(b) Whoever, except as authorized under regulations promulgated by the President and published in the Federal Register, knowingly manufactures, reproduces, sells, or purchases for resale, either separately or appended to any article manufactured or sold, any likeness of the seals of the President or Vice President, or any substantial part thereof, except for manufacture or sale of the article for the official use of the Government of the United States, shall be fined not more than \$250 or imprisoned not more than six months, or both.

Penalty.

“(c) A violation of subsection (a) or (b) of this section may be enjoined at the suit of the Attorney General upon complaint by any authorized representative of any department or agency of the United States.”

Enjoinment.

SEC. 2. The analysis of chapter 33 of title 18, United States Code, immediately preceding section 701 of such title, is amended by striking:

“713. Use of likenesses of the great seal of the United States.”

and substituting therefor:

“713. Use of likenesses of the great seal of the United States, and of the seals of the President and Vice President.”

SEC. 3. The amendments made by this Act shall not make unlawful any preexisting use of the design of the great seal of the United States or of the seals of the President or Vice President of the United States that was lawful on the date of enactment of this Act, until one year after the date of such enactment.

SEC. 4. Section 3056 of title 18, United States Code, is amended—

(1) by adding the following clause after the second clause thereof: “protect the person of a visiting head of a foreign state or foreign government and, at the direction of the President, other distinguished foreign visitors to the United States and official representatives of the United States performing special missions abroad;” and

(2) by striking the words “Chief, Deputy Chief, Assistant Chief” and inserting in lieu thereof “Director, Deputy Director, Assistant Directors, Assistants to the Director”.

SEC. 5. Section 3056 of title 18, United States Code, as amended by section 4 of this Act, shall be subject to Reorganization Plan Numbered 26 of 1950 (64 Stat. 1280).

Foreign heads of state, U.S. representatives abroad; Secret Service protection:
65 Stat. 122;
79 Stat. 890;
82 Stat. 1198.

Approved January 5, 1971.

Public Law 91-652

January 5, 1971
[H.R. 19911]

AN ACT

To provide additional foreign assistance authorizations, and for other purposes.

Special Foreign
Assistance Act of
1971.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Special Foreign Assistance Act of 1971".

SEC. 2. There are authorized to be appropriated to the President for the fiscal year 1971 not to exceed—

(1) \$85,000,000 for additional military assistance and \$70,000,000 for special economic assistance for Cambodia;

(2) \$100,000,000 for economic and military assistance programs to replace funds which were transferred by the President for use in Cambodia;

(3) \$150,000,000 for additional military assistance for the Republic of Korea;

(4) \$30,000,000 for additional military assistance for Jordan;

(5) \$3,000,000 for additional military assistance for Indonesia and \$10,000,000 to replace funds transferred from other programs for use in Indonesia;

(6) \$5,000,000 for additional military assistance for Lebanon;

(7) \$65,000,000 for additional supporting assistance for Vietnam; and

(8) \$17,000,000 for additional general military assistance to compensate for a shortage in anticipated recovery of funds from past years' programs.

Defense articles,
transfer to Re-
public of Korea.

SEC. 3. The President is authorized, until June 30, 1972, to transfer to the Republic of Korea such defense articles located in Korea and belonging to the Armed Forces of the United States on July 1, 1970, as he may determine, except that no funds heretofore or hereafter appropriated under this Act or the Foreign Assistance Act of 1961 shall be available for reimbursement to any agency of the United States Government for any transfer made pursuant to this section.

75 Stat. 424.
22 USC 2151
note.

SEC. 4. Except as otherwise provided in this Act, any assistance furnished out of funds appropriated under section 2 of this Act and any transfer made under section 3 of this Act shall be furnished or transferred, as the case may be, in accordance with all of the purposes and limitations applicable by statute to that type of assistance or transfer under the Foreign Assistance Act of 1961 (including the provisions of section 652 of such Act, as added by section 8 of this Act).

Vietnam.
80 Stat. 801;
83 Stat. 819.

SEC. 5. Section 402 of the Foreign Assistance Act of 1961 (22 U.S.C. 2242) is amended by adding at the end thereof the following new sentence: "None of the funds authorized by this section shall be made available to the Government of Vietnam unless, beginning in January 1971, and quarterly thereafter, the President of the United States shall determine that the accommodation rate of exchange between said Government and the United States is fair to both countries."

75 Stat. 434;
83 Stat. 819.
22 USC 2261.

SEC. 6. (a) Section 451(a) of the Foreign Assistance Act of 1961, relating to the contingency fund, is amended—

(1) by striking out "for the fiscal year 1971 not to exceed \$15,000,000" and inserting in lieu thereof "for the fiscal year 1971 not to exceed \$30,000,000"; and

East Pakistan,
relief.

(2) by striking out the period at the end thereof and inserting the following: "": *Provided*, That, in addition to any other sums available for such purpose, \$15,000,000 of the amount authorized for the fiscal year 1971 may be used only for the purpose of relief, rehabilitation, and reconstruction assistance for the benefit of cyclone, tidal wave, and flood victims in East Pakistan."

(b) Excess foreign currencies held in Pakistan not allocated on the date of enactment of this section are authorized to be appropriated for a period of one year from such date of enactment to help Pakistan withstand the disaster which has occurred.

SEC. 7. (a) In line with the expressed intention of the President of the United States, none of the funds authorized or appropriated pursuant to this or any other Act may be used to finance the introduction of United States ground combat troops into Cambodia, or to provide United States advisers to or for Cambodian military forces in Cambodia.

U.S. troops in Cambodia, restriction on funds.

(b) Military and economic assistance provided by the United States to Cambodia and authorized or appropriated pursuant to this or any other Act shall not be construed as a commitment by the United States to Cambodia for its defense.

SEC. 8. The Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

75 Stat. 424;
82 Stat. 966.

22 USC 2151.

"SEC. 652. LIMITATION UPON ADDITIONAL ASSISTANCE TO CAMBODIA.—The President shall not exercise any special authority granted to him under sections 506(a), 610(a), and 614(a) of this Act for the purpose of providing additional assistance to Cambodia, unless the President, at least thirty days prior to the date he intends to exercise any such authority on behalf of Cambodia (or ten days prior to such date if the President certifies in writing that an emergency exists requiring immediate assistance to Cambodia), notifies the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate in writing of each such intended exercise, the section of this Act under which such authority is to be exercised, and the justification for, and the extent of, the exercise of such authority."

Cambodia, assistance, advance congressional notification.
22 USC 2318,
2360, 2364.

Approved January 5, 1971.

Public Law 91-653

AN ACT

To name certain Federal buildings.

January 5, 1971
[H.R. 19857]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States post office and courthouse located in Post Office Square, Boston, Massachusetts, shall hereafter be known and designated as the "John W. McCormack Post Office and Courthouse". Any reference in a law, map, regulation, document, record, or other paper of the United States to such post office and courthouse shall be held to be a reference to the "John W. McCormack Post Office and Courthouse".

Federal building.
Designations.
John W. McCormack Post Office and Courthouse.

SEC. 2. The Federal office building located at 31 Hopkins Plaza, Baltimore, Maryland, shall hereafter be known and designated as the "George H. Fallon Federal Office Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such Federal office building shall be held to be a reference to the "George H. Fallon Federal Office Building".

George H. Fallon Federal Office Building.

SEC. 3. The Federal office building located at 144 First Avenue South, Saint Petersburg, Florida, shall hereafter be known and designated as the "William C. Cramer Federal Office Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such Federal office building shall be held to be a reference to the "William C. Cramer Federal Office Building".

William C. Cramer Federal Office Building.

Approved January 5, 1971.

Public Law 91-654

AN ACT

January 5, 1971
[H. R. 16745]

To limit, in the case of certain special service vessels, the application of the duties imposed on equipments and repair parts purchased for, and repairs made to, United States vessels in foreign countries.

U.S. service
vessels.
Equipment
and repairs,
duty exemption.
46 Stat. 719.
19 USC 257,
258.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 466 of the Tariff Act of 1930 is amended to read as follows:

"SEC. 466. EQUIPMENT AND REPAIRS OF VESSELS.

"(a) The equipments, or any part thereof, including boats, purchased for, or the repair parts or materials to be used, or the expenses of repairs made in a foreign country upon a vessel documented under the laws of the United States to engage in the foreign or coasting trade, or a vessel intended to be employed in such trade, shall, on the first arrival of such vessel in any port of the United States, be liable to entry and the payment of an ad valorem duty of 50 per centum on the cost thereof in such foreign country; and if the owner or master of such vessel shall willfully and knowingly neglect or fail to report, make entry, and pay duties as herein required, such vessel, with her tackle, apparel, and furniture, shall be seized and forfeited. For the purposes of this section, compensation paid to members of the regular crew of such vessel in connection with the installation of any such equipments or any part thereof, or the making of repairs, in a foreign country, shall not be included in the cost of such equipment or part thereof, or of such repairs.

Crew
compensation,
exclusion.

Conditions.

"(b) If the owner or master of such vessel furnishes good and sufficient evidence that—

"(1) such vessel, while in the regular course of her voyage, was compelled, by stress of weather or other casualty, to put into such foreign port and purchase such equipments, or make such repairs, to secure the safety and seaworthiness of the vessel to enable her to reach her port of destination;

"(2) such equipments or parts thereof or repair parts or materials, were manufactured or produced in the United States, and the labor necessary to install such equipments or to make such repairs was performed by residents of the United States, or by members of the regular crew of such vessel; or

"(3) such equipments, or parts thereof, or materials, or labor, were used as dunnage for cargo, or for the packing or shoring thereof, or in the erection of temporary bulkheads or other similar devices for the control of bulk cargo, or in the preparation (without permanent repair or alteration) of tanks for the carriage of liquid cargo;

Duties,
refund.

then the Secretary of the Treasury is authorized to remit or refund such duties, and such vessel shall not be liable to forfeiture, and no license or enrollment and license, or renewal of either, shall hereafter be issued to any such vessel until the collector to whom application is made for the same shall be satisfied, from the oath of the owner or master, that all such equipments or parts thereof or materials and repairs made within the year immediately preceding such application have been duly accounted for under the provisions of this section,

and the duties accruing thereon duly paid; and if such owner or master shall refuse to take such oath, or take it falsely, the vessel shall be seized and forfeited.

“(c) In the case of any vessel designed and used primarily for purposes other than transporting passengers or property in the foreign or coasting trade which arrives in a port of the United States two years or more after its last departure from a port of the United States, the duties imposed by this section shall apply only with respect to (1) fish nets and netting, and (2) other equipments, and parts thereof, and repair parts and materials purchased, or repairs made, during the first six months after the last departure of such vessel from a port of the United States.”

SEC. 2. (a) The amendment made by the first section of this Act shall apply with respect to entries made in connection with arrivals of vessels on or after the date of the enactment of this Act.

(b) Upon request therefor filed with the customs officer concerned on or before the ninetieth day after the date of the enactment of this Act, any entry in connection with the arrival of a vessel used primarily for the catching of shrimp—

Shrimp
vessels.

(1) which was made after January 1, 1969, and before the date of the enactment of this Act, and

(2) with respect to which there would have been no duty if the amendment made by the first section of this Act applied to such entry,

shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entry had been made on the day after the date of the enactment of this Act.

Ante, p. 284.

SEC. 3. Effective with respect to entries made in connection with arrivals of vessels on or after the date of the enactment of this Act (or treated under section 2 as made on the day after such date), sections 3114 and 3115 of the Revised Statutes of the United States (19 U.S.C. 257 and 258) are repealed.

Repeals.

Approved January 5, 1971.

Public Law 91-655

AN ACT

January 5, 1971
[H. R. 7311]

To amend item 709.10 of the Tariff Schedules of the United States to provide that the rate of duty on parts of stethoscopes shall be the same as the rate on stethoscopes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the article description for item 709.10 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended to read as follows: “Percussion hammers, stethoscopes, and parts of stethoscopes”.

Stethoscope
parts.
Duty.
77A Stat. 342;
79 Stat. 945.

(b) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after the date of the enactment of this Act.

Approved January 5, 1971.

Public Law 91-656

AN ACT

January 8, 1971
[H. R. 13000]

To amend title 5, United States Code, to authorize the President to adjust the rates for the statutory pay systems, to establish an Advisory Committee on Federal Pay, and for other purposes.

Federal Pay
Comparability
Act of 1970.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Federal Pay Comparability Act of 1970".

RESTATEMENT OF CONGRESSIONAL POLICY ON FEDERAL PAY COMPARABILITY

80 Stat. 458.

SEC. 2. (a) Section 5301 of title 5, United States Code, is amended to read as follows:

"§ 5301. Policy

"(a) It is the policy of Congress that Federal pay fixing for employees under statutory pay systems be based on the principles that—

"(1) there be equal pay for substantially equal work;

"(2) pay distinctions be maintained in keeping with work and performance distinctions;

"(3) Federal pay rates be comparable with private enterprise pay rates for the same levels of work; and

"(4) pay levels for the statutory pay systems be interrelated.

"(b) The pay rates of each statutory pay system shall be fixed and adjusted in accordance with the principles under subsection (a) of this section and the provisions of sections 5305, 5306, and 5308 of this title.

"(c) For the purpose of this subchapter, 'statutory pay system' means a pay system under—

"(1) subchapter III of this chapter, relating to the General Schedule;

"(2) subchapter IV of chapter 14 of title 22, relating to the Foreign Service of the United States; or

"(3) chapter 73 of title 38, relating to the Department of Medicine and Surgery, Veterans' Administration."

(b) (1) Section 5302 of title 5, United States Code, is repealed.

(2) The table of sections of subchapter I of chapter 53 of title 5, United States Code, is amended by striking out:

"5302. Annual reports on pay comparability."

ANNUAL PAY REPORTS AND ADJUSTMENTS; ADVISORY COMMITTEE ON FEDERAL PAY; RELATED PROVISIONS

SEC. 3. (a) Subchapter I of chapter 53 of title 5, United States Code, is amended by adding at the end thereof the following:

"§ 5305. Annual pay reports and adjustments

"(a) In order to carry out the policy stated in section 5301 of this title, the President shall—

"(1) direct such agent as he considers appropriate to prepare and submit to him annually, after considering such views and recommendations as may be submitted under the provisions of subsection (b) of this section, a report that—

"(A) compares the rates of pay of the statutory pay systems with the rates of pay for the same levels of work in

Infra.
"Statutory pay
system."

5 USC 5331.

60 Stat. 1002.
22 USC 861.

72 Stat. 1243.
38 USC 4101.

Repeal.

5 USC 5301-
5304.

private enterprise as determined on the basis of appropriate annual surveys that shall be conducted by the Bureau of Labor Statistics;

“(B) makes recommendations for appropriate adjustments in rates of pay; and

“(C) includes the views and recommendations submitted under the provisions of subsection (b) of this section;

“(2) after considering the report of his agent and the findings and recommendations of the Advisory Committee on Federal Pay reported to him under section 5306(b)(3) of this title, adjust the rates of pay of each statutory pay system in accordance with the principles under section 5301(a) of this title, effective as of the beginning of the first applicable pay period commencing on or after October 1 of the applicable year; and

“(3) transmit to Congress a report of the pay adjustment, together with a copy of the report submitted to him by his agent and the findings and recommendations of the Advisory Committee on Federal Pay reported to him under section 5306(b)(3) of this title.

“(b) In carrying out its functions under subsection (a)(1) of this section, the President's agent shall—

“(1) establish a Federal Employees Pay Council of 5 members who shall not be deemed to be employees of the Government of the United States by reason of appointment to the Council and shall not receive pay by reason of service as members of the Council, who shall be representatives of employee organizations which represent substantial numbers of employees under the statutory pay systems, and who shall be selected with due consideration to such factors as the relative numbers of employees represented by the various organizations, but no more than 3 members of the Council at any one time shall be from a single employee organization, council, federation, alliance, association, or affiliation of employee organizations;

“(2) provide for meetings with the Federal Employees Pay Council and give thorough consideration to the views and recommendations of the Council and the individual views and recommendations, if any, of the members of the Council regarding—

“(A) the coverage of the annual survey conducted by the Bureau of Labor Statistics under subsection (a)(1) of this section (including, but not limited to, the occupations, establishment sizes, industries, and geographical areas to be surveyed);

“(B) the process of comparing the rates of pay of the statutory pay systems with rates of pay for the same levels of work in private enterprise; and

“(C) the adjustments in the rates of pay of the statutory pay systems that should be made to achieve comparability between those rates and the rates of pay for the same levels of work in private enterprise;

“(3) give thorough consideration to the views and recommendations of employee organizations not represented on the Federal Employees Pay Council regarding the subjects in paragraph (2) (A)–(C) of this subsection; and

“(4) include in its report to the President the views and recommendations submitted as provided in this subsection by the Federal Employees Pay Council, by any member of that Council,

Post, p. 1949.

Ante, p. 1946.

Report to
Congress.

Federal
Employees
Pay Council.
Establishment.

Alternate plan,
transmittal to
Congress.

and by employee organizations not represented on that Council.
“(c) (1) If, because of national emergency or economic conditions affecting the general welfare, the President should, in any year, consider it inappropriate to make the pay adjustment required by subsection (a) of this section, he shall prepare and transmit to Congress before September 1 of that year such alternative plan with respect to a pay adjustment as he considers appropriate, together with the reasons therefor, in lieu of the pay adjustments required by subsection (a) of this section.

Effective date.

“(2) An alternative plan transmitted by the President under paragraph (1) of this subsection becomes effective on the first day of the first applicable pay period commencing on or after October 1 of the applicable year and continues in effect unless, before the end of the first period of 30 calendar days of continuous session of Congress after the date on which the alternative plan is transmitted, either House adopts a resolution disapproving the alternative plan so recommended and submitted, in which case the pay adjustments for the statutory pay systems shall be made effective as provided by subsection (m) of this section. The continuity of a session is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of the 30-day period.

“(d) Subsections (e)–(k) of this section are enacted by Congress—

“(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in the House in the case of resolutions described by this section; and they supersede other rules only to the extent that they are inconsistent therewith; and

“(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

“(e) If the committee, to which has been referred a resolution disapproving the alternative plan of the President, has not reported the resolution at the end of 10 calendar days after its introduction, it is in order to move either to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of any other resolution with respect to the same plan which has been referred to the committee.

“(f) A motion to discharge may be made only by an individual favoring the resolution, is highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same recommendation), and debate thereon is limited to not more than 1 hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

“(g) If the motion to discharge is agreed to, or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same alternative plan.

“(h) When the committee has reported, or has been discharged from further consideration of, a resolution with respect to an alternative

plan, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

“(i) Debate on the resolution is limited to not more than 2 hours, to be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order, and it is not in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

“(j) Motions to postpone, made with respect to the discharge from committee, or the consideration of, a resolution with respect to an alternative plan, and motions to proceed to the consideration of other business, are decided without debate.

“(k) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to an alternative plan are decided without debate.

“(l) The rates of pay which become effective under this section are the rates of pay applicable to each position concerned, and each class of positions concerned, under a statutory pay system.

“(m) If either House adopts a resolution disapproving an alternative plan submitted under subsection (c) of this section, the President shall take the action required by paragraphs (2) and (3) of subsection (a) of this section and adjust the rates of pay of the statutory pay systems effective as of the beginning of the first applicable pay period commencing on or after the date on which the resolution is adopted, or on or after October 1, whichever is later.

“(n) The rates of pay that take effect under this section shall modify, supersede, or render inapplicable, as the case may be, to the extent inconsistent therewith—

“(1) all provisions of law enacted prior to the effective date or dates of all or part (as the case may be) of the increases; and

“(2) any prior recommendations or adjustments which took effect under this section or prior provisions of law.

“(o) The rates of pay that take effect under this section shall be printed in the Federal Register and the Code of Federal Regulations.

“(p) An increase in rates of pay that takes effect under this section is not an equivalent increase in pay within the meaning of section 5335 of this title.

“(q) Any rate of pay under this section shall be initially adjusted, effective on the effective date of the rate of pay, under conversion rules prescribed by the President or by such agencies as the President may designate.

“(r) This section does not impair any authority pursuant to which rates of pay may be fixed by administrative action.

“§ 5306. Advisory Committee on Federal Pay

“(a) There is established as an independent establishment an Advisory Committee on Federal Pay, to be composed of 3 members, not otherwise employed in the Government of the United States, appointed by the President. The Director of the Federal Mediation and Conciliation Service shall, and other interested parties may, recommend to the President for his consideration persons generally recognized for their impartiality, knowledge, and experience in the field

Publication in
Federal Register
and Code of Federal
Regulations.

80 Stat. 469;
81 Stat. 199.

Establishment;
membership.

of labor relations and pay policy to serve as members. The President shall designate one of the members as Chairman. Each appointment shall be for a term of 6 years, except that one of the original members shall be appointed for a term of 2 years, and another for a term of 4 years. A member appointed to fill a vacancy occurring before the end of the term of his predecessor shall serve for the remainder of that term. When the term of a member ends, he may continue to serve until his successor is appointed.

Ante, p. 1946. “(b) To assist the President in carrying out the policy under section 5301 of this title, the Committee shall—

“(1) review the annual report of the President’s agent;

“(2) consider such further views and recommendations with respect to the analysis and pay proposals contained in the annual report of the President’s agent as may be presented to it in writing by employee organizations, the President’s agent, other officials of the Government of the United States, and such experts as it may consult; and

“(3) report its findings and recommendations to the President.

“(c) The Committee may secure from any Executive agency or military department information, suggestions, estimates, statistics, and technical assistance for the purpose of carrying out its functions. Each such Executive agency or military department shall furnish the information, suggestions, estimates, statistics, and technical assistance directly to the Committee on request of the Committee.

“(d) On request of the Committee the head of any Executive agency or military department may detail, on a reimbursable basis, any of its personnel to assist the Committee in carrying out its functions.

“(e) The Administrator of General Services shall provide administrative support services for the Committee on a reimbursable basis.

80 Stat. 416.

5 USC 5332
note.

83 Stat. 863.

5 USC 5315.

80 Stat. 499.

“(f) The Committee may obtain services of experts or consultants in accordance with section 3109 of this title but at rates for individuals not to exceed that of the highest rate of basic pay then currently being paid under the General Schedule of subchapter III of this chapter.

“(g) Each member of the Committee is entitled to pay at the daily equivalent of the annual rate of basic pay of level IV of the Executive Schedule for each day he is engaged on work of the Committee, and is entitled to travel expenses, including a per diem allowance, in accordance with section 5703(b) of this title.

“(h) The Committee may appoint and fix the pay of such personnel as may be necessary to carry out its functions.

“§ 5307. Pay fixed by administrative action

64 Stat. 765.

“(a) Notwithstanding section 665 of title 31—

“(1) the rates of pay of—

“(A) employees in the legislative, executive, and judicial branches of the Government of the United States (except employees whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives) and of the government of the District of Columbia, whose rates of pay are fixed by administrative action under law and are not otherwise adjusted under this subchapter;

73 Stat. 407;
81 Stat. 638, 775.

“(B) employees under the Architect of the Capitol, whose rates of pay are fixed under section 166b-3 of title 40, and the Superintendent of Garages, House office buildings; and

52 Stat. 31;
78 Stat. 743.

“(C) persons employed by the county committees established under section 590h(b) of title 16; and

“(2) any minimum or maximum rate of pay (other than a maximum rate equal to or greater than the maximum rate then currently being paid under the General Schedule as a result of the pay adjustment by the President), and any monetary limitation on or monetary allowance for pay, applicable to employees described in subparagraphs (A), (B), and (C) of paragraph (1) of this subsection;

5 USC 5332
note.

may be adjusted, by the appropriate authority concerned, effective at the beginning of the first applicable pay period commencing on or after the day on which a pay adjustment becomes effective under section 5305 of this title, by whichever of the following methods the appropriate authority concerned considers appropriate—

Ante, p. 1946.

“(i) by an amount or amounts not in excess of the pay adjustment provided under section 5305 of this title for corresponding rates of pay in the appropriate schedule or scale of pay;

“(ii) if there are no corresponding rates of pay, by an amount or amounts equal or equivalent, insofar as practicable and with such exceptions and modifications as may be necessary to provide for appropriate pay relationships between positions, to the amount of the pay adjustment provided under section 5305 of this title; or

“(iii) in the case of minimum or maximum rates of pay, or monetary limitations or allowances with respect to pay, by an amount rounded to the nearest \$100 and computed on the basis of a percentage equal or equivalent, insofar as practicable and with such variations as may be appropriate, to the percentage of the pay adjustment provided under section 5305 of this title.

“(b) An adjustment under subsection (a) of this section in rates of pay, minimum or maximum rates of pay, and monetary limitations or allowances with respect to pay, shall be made in such manner as the appropriate authority concerned considers appropriate.

“(c) This section does not authorize any adjustment in the rates of pay of employees whose rates of pay are fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates or practices.

“(d) This section does not impair any authority under which rates of pay may be fixed by administrative action.

“§ 5308. Pay limitation

“Pay may not be paid, by reason of any provision of this subchapter, at a rate in excess of the rate of basic pay for level V of the Executive Schedule.”.

83 Stat. 863.
5 USC 5316.

(b) The table of sections of subchapter I of chapter 53 of title 5, United States Code, is amended by adding at the end thereof the following:

“5305. Annual pay reports and adjustments.

“5306. Advisory Committee on Federal Pay.

“5307. Pay fixed by administrative action.

“5308. Pay limitation.”.

(c) The President may make the initial adjustment required by subchapter I of chapter 53 of title 5, United States Code, as amended by this Act, without regard to the provisions of such subchapter relating to the Advisory Committee on Federal Pay and the Federal Employees Pay Council. Notwithstanding any provision of such subchapter I prescribing an effective date of October 1 for any pay adjustment made by the President, the initial adjustment based on the 1970 Bureau of Labor Statistics survey and the adjustment based on the 1971 Bureau of Labor Statistics survey shall become effective on the

Initial
adjustment,
effective
date.

Ante, p. 1946.

Exception.

first day of the first applicable pay period that begins on or after January 1, 1971, and January 1, 1972, respectively. Notwithstanding the provisions of such subchapter I, the President's agent for purposes of the 1971 and 1972 adjustments shall be the Director, Office of Management and Budget and the Chairman, United States Civil Service Commission. Adjustments under the provisions of such subchapter I shall not apply to employees of the Post Office Department whose basic pay is fixed under the General Schedule.

SENATE PAY ADJUSTMENTS

SEC. 4. (a) Each time the President adjusts the rates of pay of employees under section 5305 of title 5, United States Code, the President pro tempore of the Senate shall, as he considers appropriate—

(1) (A) adjust the rates of pay of personnel whose pay is disbursed by the Secretary of the Senate, and any minimum or maximum rate applicable to any such personnel; or

(B) in the case of such personnel whose rates of pay are fixed by or pursuant to law at specific rates, adjust such rates (including the adjustment of such specific rates to maximum pay rates) and, in the case of all other personnel whose pay is disbursed by the Secretary of the Senate, adjust only the minimum or maximum rates applicable to such other personnel; and

(2) adjust any limitation or allowance applicable to such personnel;

by percentages which are equal or equivalent, insofar as practicable and with such exceptions as may be necessary to provide for appropriate pay relationships between positions, to the percentages of the adjustments made by the President under such section 5305 for corresponding rates of pay for employees subject to the General Schedule contained in section 5332 of such title. Such rates, limitations, and allowances adjusted by the President pro tempore shall become effective on the first day of the first pay period which begins on or after the day on which any adjustment becomes effective under such section 5305 or section 3(c) of this Act.

(b) The adjustments made by the President pro tempore shall be made in such manner as he considers advisable and shall have the force and effect of law.

(c) Nothing in this section shall impair any authority pursuant to which rates of pay may be fixed by administrative action.

(d) No rate of pay shall be adjusted under the provisions of this section to an amount in excess of the rate of basic pay for level V of the Executive Schedule contained in section 5316 of title 5, United States Code.

(e) For purposes of this section, the term "personnel" does not include any Senator.

PAY ADJUSTMENTS IN THE HOUSE OF REPRESENTATIVES

SEC. 5. (a) Whenever a pay adjustment by the President under section 5305 of title 5, United States Code, is made effective pursuant to subsection (a) (2), or subsections (c) to (m), inclusive, as the case may be, of such section 5305, or section 3(c) of this Act, then the Clerk of the House of Representatives, in such manner as he considers advisable—

(1) effective at the beginning of the first pay period commencing on or after the day on which such pay adjustment by the President is made effective as described above, shall adjust—

5 USC 5332
note.

83 Stat. 863.
"Personnel."

Effective date.

(A) each minimum and maximum rate of pay applicable to any employee or class of employees whose pay is disbursed by the Clerk of the House (other than a maximum rate equal to or greater than the maximum rate then currently being paid under the General Schedule of section 5332 of title 5, United States Code, as a result of such pay adjustment by the President); and ^{5 USC 5332 note.}

(B) each monetary limitation on or monetary allowance for pay applicable to any such employee or class of employees, including but not limited to—

(i) the clerk hire allowance for each Member of the House of Representatives and the Resident Commissioner from Puerto Rico; and

(ii) the allowances for additional office personnel in the offices of the Speaker, the majority leader, the minority leader, the majority whip, and the minority whip, of the House of Representatives;

by an amount rounded to the nearest \$100 and computed on the basis of a percentage equal or equivalent, insofar as practicable and with such variations as the Clerk considers appropriate, to the percentage of the pay adjustment made by the President;

(2) shall determine, with respect to the employees and classes of employees within the purview of this section whose pay is disbursed by the Clerk, the respective amounts of pay adjustments which are equal or equivalent, insofar as practicable and with such exceptions and modifications as may be necessary to provide for appropriate pay relationships between positions, to corresponding increases in pay, as determined by the Clerk, made by the pay adjustment by the President; and

(3) shall transmit to the appropriate pay-fixing authority concerned in the House of Representatives a copy of his determinations with respect to the pay of those employees whose pay is fixed and adjusted by that authority.

(b) After consideration of the pay determinations transmitted by the Clerk of the House, the pay-fixing authority concerned may adjust, notwithstanding the provisions contained in section 665 of title 31, United States Code, the rates of pay concerned in such manner as that authority considers appropriate. ^{64 Stat. 765.}

(c) Nothing in this section shall impair any authority pursuant to which rates of pay may be fixed by administrative action.

(d) This section shall not be deemed to authorize any adjustment in the rates of pay of employees whose rates of pay are disbursed by the Clerk of the House of Representatives and are fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates or practices, including employees subject to the House Wage Schedule.

(e) No rate of pay shall be adjusted under this section to an amount in excess of the rate of basic pay of level V of the Executive Schedule contained in section 5316 of title 5, United States Code. ^{83 Stat. 863.}

ALLOWANCES AT REMOTE WORKSITES

SEC. 6. (a) Section 5942 of title 5, United States Code, is amended to read as follows:

<sup>80 Stat. 513;
81 Stat. 207.</sup>

“§ 5942. Allowance based on duty at remote worksites

“Notwithstanding section 5536 of this title, an employee of an Executive department or an independent establishment who is assigned to

duty, except temporary duty, at a site so remote from the nearest established communities or suitable places of residence as to require an appreciable degree of expense, hardship, and inconvenience, beyond that normally encountered in metropolitan commuting, on the part of the employee in commuting to and from his residence and such work-site, is entitled, in addition to pay otherwise due him, to an allowance of not to exceed \$10 a day. The allowance shall be paid under regulations prescribed by the President establishing the rates at which the allowance will be paid and defining and designating those sites, areas, and groups of positions to which the rates apply.”

80 Stat. 484.

(b) Notwithstanding section 5536 of title 5, United States Code, and the amendment made by subsection (a) of this section, and until the effective date of regulations prescribed by the President under such amendment—

Ante, p. 1953.

(1) allowances may be paid to employees under section 5942 of title 5, United States Code, and the regulations prescribed by the President under such section, as in effect immediately prior to the effective date of this section; and

(2) such regulations may be amended or revoked in accordance with such section 5942 as in effect immediately prior to the effective date of this section.

(c) The table of sections of subchapter IV of chapter 59 of title 5, United States Code, is amended by striking out:

“5942. Allowance based on duty on California offshore islands or at Nevada Test Site.”

and inserting in lieu thereof:

“5942. Allowance based on duty at remote worksites.”

ALLOWANCES FOR EMPLOYEES ON FLOATING PLANT OPERATIONS

5 USC 5941.

SEC. 7. (a) Subchapter IV of chapter 59 of title 5, United States Code, is amended by adding at the end thereof the following new section:

“§ 5947. Quarters, subsistence, and allowances for employees of the Corps of Engineers, Department of the Army, engaged in floating plant operations

“(a) An employee of the Corps of Engineers, Department of the Army, engaged in floating plant operations may be furnished quarters or subsistence, or both, on vessels, without charge, when the furnishing of the quarters or subsistence, or both, is determined to be equitable to the employee concerned, and necessary in the public interest, in connection with such operations.

“(b) Notwithstanding section 5536 of this title, an employee entitled to the benefits of subsection (a) of this section while on a vessel, may be paid, in place of these benefits, an allowance for quarters or subsistence, or both, when—

“(1) adverse weather conditions or similar circumstances beyond the control of the employee or the Corps of Engineers prevent transportation of the employee from shore to the vessel; or

“(2) quarters or subsistence, or both, are not available on the vessel while it is undergoing repairs.

“(c) The quarters or subsistence, or both, or allowance in place thereof, may be furnished or paid only under regulations prescribed by the Secretary of the Army.”

(b) The table of sections of subchapter IV of chapter 59 of title 5, United States Code, is amended by adding:

"5947. Quarters, subsistence, and allowances for employees of the Corps of Engineers, Department of the Army, engaged in floating plant operations."

immediately below:

"5946. Membership fees; expenses of attendance at meetings; limitations."

(c) The Act entitled "An Act to authorize the furnishing of subsistence and quarters without charge to employees of the Corps of Engineers engaged on floating plant operations", approved May 13, 1955 (69 Stat. 48; Public Law 35, Eighty-fourth Congress), is repealed.

Repeal.

RESTRICTIONS ON POSTAL SERVICE EMPLOYMENT OF RELATIVES

SEC. 8. (a) Section 410(b)(1) of title 39, United States Code, as enacted by section 2 of the Postal Reorganization Act (84 Stat. 725; Public Law 91-375), is amended—

(1) by inserting "section 3110 (restrictions on employment of relatives)," immediately before "section 3333"; and

81 Stat. 640.
5 USC 3110.

(2) by striking out "except that not regulation" and inserting in lieu thereof "except that no regulation".

(b) The provisions of this section shall become effective on the effective date prescribed under section 15(a) of the Postal Reorganization Act for section 410 of title 39, United States Code, as enacted by that Act.

Effective date.

Ante, p. 787.

SUPERGRADES

SEC. 9. (a) Section 5108(c) of title 5, United States Code, is amended—

Ante, pp. 1619,
1889.

(1) in paragraph (8), by striking out the word "and" at the end thereof;

(2) in paragraph (9), by striking out the period at the end thereof and inserting in lieu of the period a semicolon and the word "and"; and

(3) by adding a new paragraph to read as follows:

"(10) the Chief Judge of the United States Tax Court, without regard to this chapter (except section 5114), may place a total of 5 positions in GS-16, 17, and 18."

(b) Section 5108(a) of title 5, United States Code, is amended by striking out "2,734" and inserting in lieu thereof "2,754".

Ante, p. 51.

Approved January 8, 1971.

Public Law 91-657

AN ACT

To regulate the practice of psychology in the District of Columbia.

January 8, 1971
[S. 1626]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

Practice of
Psychology Act.

SECTION 1. This Act may be cited as the "Practice of Psychology Act."

SEC. 2. The practice of psychology in the District of Columbia is hereby declared to affect the public health, safety, and welfare, and to be subject to regulation and control in the public interest to protect the public from the practice of psychology by unqualified persons and from unprofessional conduct by persons licensed to practice psychology.

Definitions.

SEC. 3. As used in this Act—

(A) "Commissioner" means the Commissioner of the District of Columbia.

(B) "Person" includes an association, partnership, or corporation, as well as natural persons.

(C) "Accredited college or university" means any college or university which, in the Commissioner's determination, offers either an acceptable full-time resident graduate program of study in psychology leading to the doctoral degree, or a comparable program. In making his determination concerning domestic educational institutions, the Commissioner shall accredit those institutions included in the listings of approved academic institutions published by the United States Office of Education; in determining what foreign educational institutions shall be accredited the Commissioner may take into account the published lists of recognized accrediting agencies and professional associations.

(D) "The practice of psychology" means the rendering of or offering to render to the public for a fee, monetary or otherwise, any service involving the application of established methods and principles of the science and profession of psychology. These principles and methods are concerned with understanding, predicting, and changing behavior, and include, but are not restricted to, the use of counseling and psychotherapy with groups or individuals having adjustment problems in the areas of work, family, school, and personal relationships; measuring, testing, and assessing aptitudes, skills, public opinion attitudes, emotions, personality, and intelligence; teaching, doing research, or lecturing in psychology.

(E) "Psychotherapy" means the use of learning or other psychological behavioral modification methods in a professional relationship to assist a person or persons to modify feelings, attitudes, and behavior which are intellectually, socially, or emotionally maladjustive or ineffectual.

Consultation.

SEC. 4. All persons licensed or certified under this Act shall assist their clients in obtaining professional help for all relevant aspects of the clients' problem that fall outside of the boundaries of the psychologist's competence. All persons so licensed or certified shall make provision for the diagnosis and treatment of relevant medical problems by an appropriate and qualified medical practitioner, and shall, in instances where a medical problem is involved, collaborate effectively with such a medical practitioner. No person licensed or certified under this Act shall administer or prescribe drugs, or perform surgery or any manual or mechanical treatment whatsoever.

Prohibition.

Licensing,
exemptions.

SEC. 5. It shall be unlawful for any person to practice or to offer to practice psychology, or to represent himself to be a psychologist, unless he shall first obtain a license or certificate pursuant to this Act: *Provided, however,* That the following categories of persons need not obtain a license:

(A) A person bearing the title of "psychologist" in the employ of any governmental agency, academic institution, or research laboratory: *Provided*, That the services performed by such an employee, which services shall not include psychotherapy, are a part of his office or position and are provided only within the confines of the organization or are offered to like organizations.

(B) Persons providing services, exclusive of psychotherapy, to the public through governmental organizations, such as clinics, who are compensated by their employer rather than their clients. Persons coming under the exemptions established by subsections (A) and (B) may offer lecture services to the public for a fee but may not offer other psychological services to the public for a fee without having obtained a license.

(C) A student intern, or resident in psychology, pursuing a course of study or research with an accredited college, university, or training center: *Provided*, That such activities are supervised as part of his course of study, and he is designated by such title as "psychology intern," "psychology trainee," or other title clearly indicating trainee status.

(D) A person not licensed as a psychologist under the provisions of this Act employed by a licensed psychologist to assist in the performance of psychological and other services, other than psychotherapy, if such person works under the supervision of the licensed psychologist who assumes full responsibility for his acts, and if such person is not in any manner held out to the public as a psychologist.

(E) Qualified members of other established businesses or professions, recognized by the Commissioner, doing work of a psychological nature consistent with their training and with any code of ethics provided by their respective businesses or professions: *Provided*, That they do not hold themselves out to the public by title or description incorporating the words "psychological," "psychologist," or "psychology," unless licensed under this Act.

(F) A psychologist who is not licensed or certified under the provisions of this Act, but (1) who is licensed or certified under the laws of a State or territory of the United States or of a foreign country or province whose standards in the opinion of the Commissioner were substantially equivalent, at the date of his certification or licensure, to the requirements of this Act; or (2) who meets the requirements of subsections (A) and (B) of section 7; and who is employed or invited by a licensed psychologist who is a resident of or maintains a place of work in the District of Columbia to offer professional services in said District for a total of not more than sixty days in any calendar year without holding a license issued under the Act. Upon arrival in the District of Columbia, such an unlicensed psychologist shall report to the Commissioner with respect to the nature and duration of his professional activities in the District as well as the name of the person who has requested him to render services. A psychologist claiming exemption under the provisions of this section who offers professional services in the District of Columbia for more than twenty days in any calendar year shall file with the Commissioner evidence of his right to such exemption. Upon proof of that right to the satisfaction of the Commissioner, the Commissioner shall enter the name of the applicant in a register kept for that purpose and shall issue to the applicant a certificate in evidence of such registration.

Commissioner,
duties.

SEC. 6. (A) The Commissioner shall be responsible for reviewing the applications of persons seeking licensure or certification for the practice of psychology in the District of Columbia, for the granting and renewal of such licenses and certificates, for the preparation and administration of oral and written examinations, and for other matters related to the purposes of this Act.

Board of
Psychologist
Examiners,
appointment.

(B) The Commissioner may appoint a Board of Psychologist Examiners. Each member of this Board shall be a citizen of the United States, licensed under the provisions of this Act, who shall either be a resident of the District of Columbia or have worked in the District of Columbia for at least two years preceding appointment to the Board. The initial appointees shall be psychologists eligible for licensure under the provisions of this Act. Subsequent appointees shall be persons licensed under the provisions of this Act.

Recordkeeping.

(C) The Commissioner shall maintain: (1) a record of licenses and certificates granted and refused and of licenses and certificates revoked or suspended which record shall be available to the public; and (2) a complete record of all hearings conducted pursuant to section 13(B) in connection with the denial, suspension, or revocation of a license. A transcript of an entry in a record of hearing, properly certified, shall be prima facie evidence of the facts therein stated.

License re-
quirements.

SEC. 7. The Commissioner shall grant a license to practice psychology to each applicant who submits satisfactory proof that—

(A) he is of good moral character;

(B) he holds either (1) a doctoral degree in psychology from an accredited college or university and has completed two years of postgraduate experience acceptable to the Commissioner, such two years not to include terms of internship, or (2) a doctoral degree from an accredited college or university in a field determined by the Commissioner to be related to psychology and has completed two years of postgraduate experience: *Provided*, That his experience and training are considered by the Commissioner to be comparable to the requirements set forth in (B) (1) of this subsection;

(C) he has passed an examination, written or oral or both, the scope and form of which shall be determined by the Commissioner: *Provided*, That at any given examination session all examinations shall be uniform; and

(D) his application has been accompanied by the fees required by the Commissioner.

Licenses
without ex-
amination.

SEC. 8. Within one year from and after the effective date of this Act, a license shall be issued without examination to any applicant who is of good moral character, who either maintains a residence or office, or participates in psychological activities as determined by the Commissioner, within the District of Columbia, who has submitted an application for license accompanied by the required fee, and who holds—

(A) a doctoral degree in psychology from an accredited college or university or other doctoral degree acceptable to the Commissioner, and has completed at least two years of postgraduate experience not including terms of internship; or

(B) a master's degree in psychology from an accredited college or university, and has engaged in psychological practice acceptable to the Commissioner for at least seven years after the attainment of his highest degree.

SEC. 9. The Commissioner may, in his discretion, grant a license without examination: (1) to any person who at the time of application is licensed or certified under the laws of a State or territory of the United States, or of a foreign country or province with standards which, in the opinion of the Commissioner, were substantially equivalent at the date of such certification or licensure to the requirements of this Act, or (2) to any person who has been certified by a national examining board: *Provided*, That the Commissioner determines that the examination given by the national examining board was as effective for the testing of professional competence as that required in the District of Columbia.

Licensed or certified applicants.

SEC. 10. (a) The District of Columbia Council is authorized to make regulations to carry out the purposes of this Act but may delegate the responsibility to any Board of Psychologist Examiners which may be appointed.

Regulations.

(b) The Commissioner is authorized to fix, increase, or decrease from time to time fees to be charged in such amounts as may be reasonably necessary to defray the approximate cost of administering the provisions of this Act.

Fees.

SEC. 11. Every person licensed or certified to practice psychology who desires to continue the practice of psychology shall annually pay the required fee for which there will be issued a renewal of licensure or certificate. The Commissioner shall provide a written reminder of the renewal date to every person licensed or registered under this Act, which reminder shall be mailed at least one month in advance of such date. A license or certificate not properly renewed as herein provided shall lapse. The Commissioner shall have the right to reinstate a lapsed license or certificate upon payment of the renewal fee plus a penalty fee. A psychologist who wishes to place his license upon an inactive status may do so by submitting notice thereof to the Commissioner. Such a psychologist may reactivate his license by payment of the renewal fee herein required unless his license has been inactive for a period exceeding five years, in which case he will be required to furnish the Commissioner evidence of his competence to continue or resume the practice of psychology.

Renewal.

Reinstatement.

Reactivation.

SEC. 12. The Commissioner may refuse, revoke, or suspend licensure or certification if the person applying or the person licensed or certified be—

Suspension or revocation.

(A) convicted of a crime involving moral turpitude;

(B) found to be using any drug or any alcoholic beverage to an extent or in a manner dangerous to himself, any other person, or the public, or to an extent that such use impairs his ability to perform the work of a psychologist with safety to the public;

(C) convicted of a violation of this Act as provided in section 14;

(D) determined to be a mental incompetent by a court with proper jurisdiction; or

(E) found to have committed a violation of any provision of this Act or of standards for the ethical practice of psychology to be established in regulations issued by the Government of the District of Columbia.

Suspension
or revocation
proceedings.

SEC. 13. (A) Proceedings leading toward the suspension or revocation of a license or certificate shall be begun by petition, setting forth good cause therefor, filed with the Commissioner and served on the respondent. The Commissioner may determine whether a license or certificate shall be suspended or revoked, and if it is to be suspended the duration of such suspension and the conditions under which such suspension shall terminate. Revocation of a license shall not preclude the issuance of a new license or registration after the passage of at least five years.

Hearing
opportunity.

(B) Before the revoking, suspending, or refusing to issue a license or certificate for any cause under the provisions of this Act, the Commissioner shall give the person whose right to practice psychology is challenged an opportunity to be heard in person or by attorney, and to produce witnesses on his behalf. After such hearing, should the Commissioner decide to refuse, revoke, or suspend licensure or certification, he shall set forth in writing his reasons for so doing, and shall include detailed findings of fact.

Review.

(C) Any person aggrieved by a decision of the Commissioner under subsection (B) of this section may, within thirty days after receiving notice thereof, seek review of said decision in the District of Columbia Court of Appeals. Such review shall be subject to appeal to the United States Court of Appeals for the District of Columbia Circuit.

Appeals.

Subpena power.

(D) In hearings conducted pursuant to subsection (B) of this section, the attendance and testimony of witnesses may be compelled by subpoena. Any person refusing to respond to such a subpoena shall be guilty of contempt of court.

Penalty.

SEC. 14. Any person who shall practice psychology, as defined in this Act, without having a valid, unexpired, unrevoked, and unsuspended license or certificate of registration issued as provided in this Act, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than \$500, or confined in jail for not more than six months, or both. Prosecutions shall be in the name of the District of Columbia by the Corporation Counsel or one of his assistants.

Enjoinment.

SEC. 15. The unlawful practice of psychology, as defined in this Act, may be enjoined by the United States District Court for the District of Columbia on petition by the Corporation Counsel for the District of Columbia, upon a finding that the person sought to be enjoined has committed a violation of the provisions of this Act. In any such proceeding it shall not be necessary to show that any person is individually injured by the actions complained of. If the respondent is found guilty of the unlawful practice of psychology, the court shall enjoin him from so practicing unless and until he has been duly licensed. The remedy by injunction herein given may be imposed in addition to, or in lieu of, criminal prosecution and punishment as provided in section 14 of this Act.

Enforcement.

SEC. 16. It shall be the duty of the Commissioner of the District of Columbia to enforce the provisions of this Act.

77 Stat. 519.

SEC. 17. Section 14-307 of title 14 of the District of Columbia Code shall apply with respect to any person licensed or certified under this Act to the same extent that such section applies to physicians and surgeons.

Appropriation.

SEC. 18. There is hereby authorized to be appropriated out of the revenue of the District of Columbia such sums as may be necessary to pay the expenses of administering and carrying out the purposes of this Act.

SEC. 19. If any section of this Act, or any part thereof shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of any section or part thereof.

Separability.

SEC. 20. This Act shall become effective ninety days after the date of its enactment.

Effective date.

Approved January 8, 1971.

Public Law 91-658

AN ACT

To amend chapter 83 of title 5, United States Code, relating to survivor annuities under the civil service retirement program, and for other purposes.

January 8, 1971
[S. 437]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8332(f) of title 5, United States Code, is amended by inserting immediately after the first sentence thereof the following new sentence: "An employee or former employee who returns to duty after a period of separation is deemed, for the purpose of this subsection, to have been in a leave of absence without pay for that part of the period in which he was receiving benefits under subchapter I of chapter 81 of this title or any earlier statute on which such subchapter is based."

Civil service
retirement.
Survivor
annuities.
80 Stat. 567.

SEC. 2 (a) Section 8339(i) of title 5, United States Code, is amended by striking out "his spouse" and inserting in lieu thereof "any spouse surviving him".

5 USC 8339
Reduced
annuities

(b) Section 8339(j) of title 5, United States Code, is amended—

(1) by inserting "(1)" immediately after "(j)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) An employee or Member, who is unmarried at the time of retiring under a provision of law which permits election of a reduced annuity with a survivor annuity payable to his spouse and who later marries, may irrevocably elect, in a signed writing received in the Commission within 1 year after he marries, a reduction in his current annuity as provided in subsection (i) of this section. His reduced annuity is effective the first day of the month after his election is received in the Commission. The election voids prospectively any election previously made under paragraph (1) of this subsection."

SEC. 3. (a) Section 8341(a) of title 5, United States Code, is amended—

(1) by inserting "and" at the end of paragraph (2)(B);

(2) by striking out paragraph (3); and

(3) by renumbering paragraph (4) as paragraph (3).

(b) Section 8341(b) of title 5, United States Code, is amended to read as follows:

"(b)(1) Except as provided in paragraph (2) of this subsection, if an employee or Member dies after having retired under this subchapter and is survived by a spouse to whom he was married at the time of retirement, or by a widow or widower whom he married after retirement, the spouse, widow, or widower is entitled to an annuity equal to 55 percent, or 50 percent if retired before October 11, 1962, of an annuity computed under section 8339(a)-(h) of this title as may apply with respect to the annuitant, or of such portion thereof as may have been designated for this purpose under section 8339(i) of this title, unless the employee or Member has notified the Commission in writing at the time of retirement that he does not desire any spouse surviving him to receive this annuity.

80 Stat. 574;
81 Stat. 214, 642.

"(2) If an annuitant—

"(A) who retired before April 1, 1948; or

Ante, p. 1961.

"(B) who elected a reduced annuity provided in paragraph (2) of section 8339(j) of this title;

dies and is survived by a widow or widower, the widow or widower is entitled to an annuity in an amount which would have been paid had the annuitant been married to the widow or widower at the time of retirement.

Termination.

"(3) A spouse acquired after retirement is entitled to a survivor annuity under this subsection only upon electing this annuity instead of any other survivor benefit to which he may be entitled under this subchapter or another retirement system for Government employees. The annuity of the spouse, widow, or widower under this subsection commences on the day after the annuitant dies. This annuity and the right thereto terminate on the last day of the month before the spouse, widow, or widower—

"(A) dies; or

"(B) remarries before becoming 60 years of age."

80 Stat. 577;
83 Stat. 140.

(c) Section 8341(d) of title 5, United States Code, is amended to read as follows:

"(d) If an employee or Member dies after completing at least 18 months of civilian service, his widow or widower is entitled to an annuity equal to 55 percent of an annuity computed under section 8339 (a)-(e) and (h) of this title as may apply with respect to the employee or Member, except that, in the computation of the annuity under such section, the annuity of the employee or Member shall be at least the smaller of—

80 Stat. 574;
81 Stat. 642.
5 USC 8339.

"(1) 40 percent of his average pay; or

"(2) the sum obtained under such section after increasing his service of the type last performed by the period elapsing between the date of death and the date he would have become 60 years of age.

Termination.

The annuity of the widow or widower commences on the day after the employee or Member dies. This annuity and the right thereto terminate on the last day of the month before the widow or widower—

"(A) dies; or

"(B) remarries before becoming 60 years of age."

(d) Section 8341(e) (2) of title 5, United States Code, is amended by striking out "subsection (a) (4)" and inserting in lieu thereof "subsection (a) (3)".

Reemployed
annuitants.
80 Stat. 581;
81 Stat. 217.

SEC. 4. Section 8344(a) of title 5, United States Code, is amended by striking out the last sentence and inserting in lieu thereof the following: "If the annuitant is receiving a reduced annuity as provided in section 8339(i) or section 8339(j) (2) of this title, the increase in annuity payable under subparagraph (A) of this subsection is reduced by 10 percent and the survivor annuity payable under section 8341(b) of this title is increased by 55 percent of the increase in annuity payable under such subparagraph (A), unless, at the time of claiming the increase payable under such subparagraph (A), the annuitant notifies the Commission in writing that he does not desire the survivor annuity to be increased. If the annuitant dies while still reemployed, the survivor annuity payable is increased as though the reemployment had otherwise terminated. If the annuitant dies while still reemployed and the described reemployment had continued for at least 5 years, the person entitled to survivor annuity under section 8341(b) of this title may elect to deposit in the Fund and have his rights redetermined under this subchapter."

SEC. 5. (a) The amendment made by the first section of this Act is effective only with respect to annuity accruing for full months beginning after the date of enactment of this Act; but any part of a period of separation referred to in such amendment in which the employee or former employee was receiving benefits under subchapter I of chapter 81 of title 5, United States Code, or any earlier statute on which such subchapter is based shall be counted whether the employee returns to duty before, on, or after such date of enactment. With respect to any person retired before such date of enactment, any such part of a period of separation shall be counted only upon application of the former employee.

Effective date.

80 Stat. 532.
5 USC 8101.

(b) The amendments made by sections 2(a) and 3 of this Act shall not apply in the cases of employees, Members, or annuitants who died before the date of enactment of this Act. The rights of such persons and their survivors shall continue in the same manner and to the same extent as if such amendments had not been enacted.

(c) The amendments made by section 2(b) of this Act shall apply to an annuitant who was unmarried at the time of retiring, but who later married, only if the election is made within 1 year after the date of enactment of this Act.

(d) The amendment made by section 4 of this Act shall apply only with respect to a reemployed annuitant whose employment terminates on or after the date of enactment of this Act.

SEC. 6. The Act of August 25, 1958 (72 Stat. 838; 3 U.S.C. 102, note), is amended as follows:

Former Presidents, lifetime allowance.

(1) Subsection (a) is amended to read as follows:

“(a) Each former President shall be entitled for the remainder of his life to receive from the United States a monetary allowance at a rate per annum, payable monthly by the Secretary of the Treasury, which is equal to the annual rate of basic pay, as in effect from time to time, of the head of an executive department, as defined in section 101 of title 5, United States Code. However, such allowance shall not be paid for any period during which such former President holds an appointive or elective office or position in or under the Federal Government or the government of the District of Columbia to which is attached a rate of pay other than a nominal rate.”;

Ante, p. 775.

(2) Subsection (e) is amended to read as follows:

“(e) The widow of each former President shall be entitled to receive from the United States a monetary allowance at a rate of \$20,000 per annum, payable monthly by the Secretary of the Treasury, if such widow shall waive the right to each other annuity or pension to which she is entitled under any other Act of Congress. The monetary allowance of such widow—

Widows, allowance.

“(1) commences on the day after the former President dies;

“(2) terminates on the last day of the month before such widow—

Termination.

“(A) dies; or

“(B) remarries before becoming 60 years of age; and

“(3) is not payable for any period during which such widow holds an appointive or elective office or position in or under the Federal Government or the government of the District of Columbia to which is attached a rate of pay other than a nominal rate.”; and

(3) Subsection (f) is amended to read as follows:

"Former
President."

"(f) As used in this section, the term 'former President' means a person—

"(1) who shall have held the office of President of the United States of America;

"(2) whose service in such office shall have terminated other than by removal pursuant to section 4 of article II of the Constitution of the United States of America; and

"(3) who does not then currently hold such office."

Approved January 8, 1971.

USC prec.
title 1.

Public Law 91-659

AN ACT

January 8, 1971
[H. R. 10517]

To amend certain provisions of the Internal Revenue Code of 1954 relating to distilled spirits, and for other purposes.

Taxes.
Distilled
spirits.
72 Stat. 1323.
26 USC 5008.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5008(c) (1) (A) of the Internal Revenue Code of 1954 is amended by striking out "; or" and inserting in lieu thereof ", or (iii) by reason of accident while on the distilled spirits plant premises and amounts to 10 proof gallons or more in respect of any one accident; or".

SEC. 2. (a) (1) The first sentence of section 5008(b) (2) of the Internal Revenue Code of 1954 is amended to read as follows: "Any distilled spirits withdrawn from bond on payment or determination of tax for rectification or bottling may, before removal from the bottling premises of the distilled spirits plant to which removed from bond or after return to such bottling premises, on application to the Secretary or his delegate, be destroyed after such gauge and under such supervision as the Secretary or his delegate may by regulations prescribe."

72 Stat. 1314;
79 Stat. 150.

(2) The second sentence of such section 5008(b) (2) is amended by striking out "the tax imposed under section 5001(a) (1)" and inserting in lieu thereof "the taxes imposed under section 5001(a) (1) or under subpart B or this part".

(b) Section 5008(c) (5) of such Code is amended to read as follows:

"(5) DISTILLED SPIRITS RETURNED TO BOTTLING PREMISES.—Distilled spirits withdrawn from bond on payment or determination of tax for rectification or bottling which are removed from bottling premises and subsequently returned to the premises from which removed may be dumped and gauged after such return under such regulations as the Secretary or his delegate may prescribe, and subsequent to such gauge shall be eligible for allowance of loss under this subsection as though they had not been removed from such bottling premises."

72 Stat. 1364;
79 Stat. 161.

(c) (1) Section 5215(a) of such Code is amended to read as follows:

"(a) GENERAL.—On such application and under such regulations as the Secretary or his delegate may prescribe, distilled spirits withdrawn from bonded premises on payment or determination of tax (other than products to which any alcoholic ingredients other than such distilled spirits have been added) may be returned to the bonded premises of a distilled spirits plant. Such returned distilled spirits shall be destroyed, denatured, or redistilled, or shall be mingled as authorized in section 5234(a) (1) (other than subparagraph (C) thereof). All provisions of this chapter applicable to distilled spirits in bond shall be applicable to distilled spirits returned to bonded premises under the provisions of this section on such return."

(2) Section 5215(b) is repealed.

(3) Subsection (c) of section 5215 is redesignated as subsection (b).

SEC. 3. (a) Subpart E of part 1 of subchapter A of chapter 51 of the Internal Revenue Code of 1954 is amended by redesignating section 5066 as section 5067 and by inserting after section 5065 the following new section:

Repeal.
72 Stat. 1364.
26 USC 5215.

"SEC. 5066. DISTILLED SPIRITS FOR USE OF FOREIGN EMBASSIES, LEGATIONS, ETC.

"(a) ENTRY INTO CUSTOMS BONDED WAREHOUSES.—

"(1) DISTILLED SPIRITS BOTTLED IN BOND FOR EXPORT.—Under such regulations as the Secretary or his delegate may prescribe, distilled spirits bottled in bond for export under the provisions of section 5233 may be withdrawn from bonded premises as provided in section 5214(a)(4) for transfer to customs bonded warehouses in which imported distilled spirits are permitted to be stored in bond for entry therein pending withdrawal therefrom as provided in subsection (b). For the purposes of this chapter, the withdrawal of distilled spirits from bonded premises under the provisions of this paragraph shall be treated as a withdrawal for exportation and all provisions of law applicable to distilled spirits withdrawn for exportation under the provisions of section 5214(a)(4) shall apply with respect to spirits withdrawn under this paragraph.

72 Stat. 1366.

"(2) BOTTLED DISTILLED SPIRITS ELIGIBLE FOR EXPORT WITH BENEFIT OF DRAWBACK.—Under such regulations as the Secretary or his delegate may prescribe, distilled spirits stamped or restamped, and marked, especially for export under the provisions of section 5062(b) may be shipped to a customs bonded warehouse in which imported distilled spirits are permitted to be stored, and entered in such warehouses pending withdrawal therefrom as provided in subsection (b), and the provisions of this chapter shall apply in respect of such distilled spirits as if such spirits were for exportation.

82 Stat. 1328.

"(3) TIME DEEMED EXPORTED.—For the purposes of this chapter, distilled spirits entered into a customs bonded warehouse as provided in this subsection shall be deemed exported at the time so entered.

"(b) WITHDRAWAL FROM CUSTOMS BONDED WAREHOUSES.—Notwithstanding any other provisions of law, distilled spirits entered into customs bonded warehouses under the provisions of subsection (a) or domestic distilled spirits transferred to customs bonded warehouses under section 5521(d)(2) may, under such regulations as the Secretary or his delegate may prescribe, be withdrawn from such warehouses for consumption in the United States by and for the official or family use of such foreign governments, organizations, and individuals who are entitled to withdraw imported distilled spirits from such warehouses free of tax. Distilled spirits transferred to customs bonded warehouses under the provisions of this section shall be entered, stored, and accounted for in such warehouses under such regulations and bonds as the Secretary or his delegate may prescribe, and may be withdrawn therefrom by such governments, organizations, and individuals free of tax under the same conditions and procedures as imported distilled spirits.

"(c) WITHDRAWAL FOR DOMESTIC USE.—Distilled spirits entered into customs bonded warehouses as authorized by this section may be withdrawn therefrom for domestic use, in which event they shall be treated as American goods exported and returned.

72 Stat. 1314.
26 USC 5001.

“(d) SALE OR UNAUTHORIZED USE PROHIBITED.—No distilled spirits withdrawn from customs bonded warehouses or otherwise brought into the United States free of tax for the official or family use of such foreign governments, organizations, or individuals as are authorized to obtain distilled spirits free of tax shall be sold, or shall be disposed of or possessed for any use other than an authorized use. The provisions of section 5001(a)(5) are hereby extended and made applicable to any person selling, disposing of, or possessing any distilled spirits in violation of the preceding sentence, and to the distilled spirits involved in any such violation.”

(b) The table of sections for such subpart E is amended by striking out—

“Sec. 5066. Cross reference.”

and inserting in lieu thereof

“Sec. 5066. Distilled spirits for use of foreign embassies, legations, etc.

“Sec. 5067. Cross reference.”

SEC. 4. (a) Section 5173(b) of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new paragraph:

“(4) INVOLUNTARY LIEN.—In the case of a judgment, or other lien imposed on the property subject to lien under section 5004 (b)(1) without the consent of the distiller, the distiller may file bond, approved by the Secretary or his delegate, in the amount of such judgment or other lien to indemnify the United States for any loss resulting from such encumbrance.”

(b) Section 5173(b)(1) of such Code is amended by inserting “or to any judgment or other lien covered by a bond given under paragraph (4)” after “bond given under subparagraph (C)” in the first parenthetical matter.

(c) Section 5173(b)(2) of such Code is amended by inserting “or (4)” after “paragraph (1)(C)”.

SEC. 5. Section 5178(a)(4)(A) of the Internal Revenue Code of 1954 is amended to read as follows:

“(A) The proprietor of a distilled spirits plant authorized to store distilled spirits in casks, packages, cases, or similar portable approved containers on bonded premises—

“(i) may establish a separate portion of such premises for the bottling in bond of distilled spirits under section 5233 prior to payment or determination of tax, or

“(ii) may elect to use facilities on his bottling premises established under subparagraph (B) or (C) for bottling in accordance with the conditions and requirements of section 5233 and under the supervision provided for in section 5202 (g), but after determination of tax.

Distilled spirits bottled after determination of the internal revenue tax under clause (ii) shall be stamped and labeled in the same manner as distilled spirits bottled before determination of tax under clause (i).”

Effective date.

SEC. 6. This Act shall take effect on the first day of the first calendar month which begins more than 90 days after the date of the enactment of this Act.

SEC. 7. AMENDMENTS OF SECTION 5232.

(a) The first sentence of section 5232(a) (relating to transfer of imported distilled spirits) is amended to read as follows: "Distilled spirits imported or brought into the United States in bulk containers may, under such regulations as the Secretary shall prescribe, be withdrawn from customs custody and transferred in such bulk containers or by pipeline to the bonded premises of a distilled spirits plant without payment of the internal revenue tax imposed on such distilled spirits."

82 Stat. 1328.
26 USC 5232.

(b) Section 5232(b) (relating to withdrawals) is amended by striking out "Imported distilled spirits" and inserting in lieu thereof "Distilled spirits".

Approved January 8, 1971.

Public Law 91-660

AN ACT

To provide for the establishment of the Gulf Islands National Seashore, in the States of Florida and Mississippi, for the recognition of certain historic values at Fort San Carlos, Fort Redoubt, Fort Barrancas, and Fort Pickens in Florida, and Fort Massachusetts in Mississippi, and for other purposes.

January 8, 1971
[H. R. 10874]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to preserve for public use and enjoyment certain areas possessing outstanding natural, historic, and recreational values, the Secretary of the Interior (hereinafter referred to as the "Secretary") may establish and administer the Gulf Islands National Seashore (hereinafter referred to as the "seashore"). The seashore shall comprise the following gulf coast islands and mainland areas, together with adjacent water areas as generally depicted on the drawing entitled "Proposed Boundary Plan, Proposed Gulf Islands National Seashore," numbered NS-GI-7100J, and dated December 1970:

Gulf Islands
National
Seashore.
Establishment.

- (1) Ship, Petit Bois, and Horn Islands in Mississippi;
- (2) the eastern portion of Perdido Key in Florida;
- (3) Santa Rosa Island in Florida;
- (4) the Naval Live Oaks Reservation in Florida;
- (5) Fort Pickens and the Fort Pickens State Park in Florida;

and

- (6) a tract of land in the Pensacola Naval Air Station in Florida that includes the Coast Guard Station and Lighthouse, Fort San Carlos, Fort Barrancas, and Fort Redoubt and sufficient surrounding land for proper administration and protection of the historic resources.

SEC. 2. (a) Within the boundaries of the seashore, the Secretary may acquire lands, waters, and interests therein by donation, purchase with donated or appropriated funds, or exchange, except that property owned by a State or any political subdivision thereof may be acquired only with the consent of the owner. The Secretary may acquire by any of the above methods not more than one hundred thirty-five acres of land or interests therein outside of the seashore boundaries on the mainland in the vicinity of Biloxi-Gulfport, Mississippi, for an administrative site and related facilities for access to the seashore. With the concurrence of the agency having custody thereof, any Federal property within the seashore and mainland site may be transferred without consideration to the administrative jurisdiction of the Secretary for the purposes of the seashore.

Lands, waters,
acquisition.

Residential
property, right
of use and
occupancy.

(b) With respect to improved residential property acquired for the purposes of this Act, which is beneficially owned by a natural person and which the Secretary of the Interior determines can be continued in that use for a limited period of time without undue interference with the administration, development, or public use of the seashore, the owner thereof may on the date of its acquisition by the Secretary retain a right of use and occupancy of the property for noncommercial residential purposes for a term, as the owner may elect, ending either (1) at the death of the owner or his spouse, whichever occurs later, or (2) not more than twenty-five years from the date of acquisition. Any right so retained may during its existence be transferred or assigned. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition, less their fair market value on such date of the right retained by the owner.

"Improved
residential
property."

(c) As used in this Act, "improved residential property" means a single-family year-round dwelling, the construction of which began before January 1, 1967, and which serves as the owner's permanent place of abode at the time of its acquisition by the United States, together with not more than three acres of land on which the dwelling and appurtenant buildings are located that the Secretary finds is reasonably necessary for the owner's continued use and occupancy of the dwelling: *Provided*, That the Secretary may exclude from improved residential property any marsh, beach, or waters and adjoining land that the Secretary deems is necessary for public access to such marsh, beach, or waters.

Termination.

(d) The Secretary may terminate a right of use and occupancy retained pursuant to this section upon his determination that such use and occupancy is being exercised in a manner not consistent with the purposes of this Act, and upon tender to the holder of the right an amount equal to the fair market value of that portion of the right which remains unexpired on the date of termination.

Hunting and
fishing.

SEC. 3. The Secretary shall permit hunting and fishing on lands and waters within the seashore in accordance with applicable Federal and States laws: *Provided*, That he may designate zones where, and establish periods when, no hunting or fishing will be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any regulations issued by the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate State agencies responsible for hunting and fishing activities.

Oil and gas
rights-of-way.

SEC. 4. Any acquisition of lands, waters, or interests therein shall not diminish any existing rights-of-way or easements which are necessary for the transportation of oil and gas minerals through the seashore which oil and gas minerals are removed from outside the boundaries thereof; and, the Secretary, subject to appropriate regulations for the protection of the natural and recreational values for which the seashore is established, shall permit such additional rights-of-way or easements as he deems necessary and proper.

Administration.

39 Stat. 535.

SEC. 5. Except as otherwise provided in this Act, the Secretary shall administer the seashore in accordance with the Act of August 25, 1916 (30 Stat. 535), as amended and supplemented (16 U.S.C. 1 et seq.). In the administration of the seashore the Secretary may utilize such statutory authorities available to him for the conservation and management of wildlife and natural resources as he deems appropriate to carry out the purposes of this Act. With respect to Fort Redoubt, Fort San Carlos, Fort Barrancas at Pensacola Naval Air Station, Fort Pickens on Santa Rosa Island, and Fort McRee on Perdido Key, Florida, and Fort Massachusetts on Ship Island, Mississippi, together with

such adjacent lands as the Secretary may designate, the Secretary shall administer such lands so as to recognize, preserve, and interpret their national historical significance in accordance with the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467), and he may designate them as national historic sites. The Act of July 2, 1948 (62 Stat. 1220), which provided for the establishment of the Pensacola National Monument, is hereby repealed.

Repeal.
16 USC 450gg.

SEC. 6. The Secretary of the Interior and the Secretary of the Army may cooperate in the study and formulation of plans for beach erosion control and hurricane protection of the seashore. Any such protective works or spoil deposit activities undertaken by the Chief of Engineers, Department of the Army, shall be carried out within the seashore in accordance with a plan that is acceptable to the Secretary of the Interior and that is consistent with the purposes of this Act.

Beach erosion
control, study.

SEC. 7. There are hereby transferred from the National Wildlife Refuge System to the seashore the Horn Island and Petit Bois National Wildlife Refuges to be administered in accordance with the provisions of this Act.

Land transfer.

SEC. 8. Within four years from the date of the enactment of this Act, the Secretary of the Interior shall review the area within the Gulf Islands National Seashore and shall report to the President, in accordance with subsections 3 (c) and 3 (d) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132 (c) and (d)), and recommend as to the suitability or unsuitability of any area within the seashore for preservation as wilderness, and any designation of any such area as a wilderness shall be accomplished in accordance with said subsections of the Wilderness Act.

Review.

Report to
President.

SEC. 9. No provision of this Act, or of any other Act made applicable thereby, shall be construed to affect, supersede, or modify any authority of the Department of the Army or the Chief of Engineers, with respect to navigation or related matters except as specifically provided in section 6 of this Act.

SEC. 10. There is hereby established a Gulf Islands National Seashore Advisory Commission. The Commission shall terminate ten years after the date the seashore is established pursuant to this Act. The Commission shall be composed of three members from each county in which the seashore is located, each appointed for a term of two years by the Secretary as follows:

Gulf Islands
National
Seashore
Advisory
Commission,
establishment,
membership.

(1) one member to be appointed from recommendations made by the county commissioners in the respective counties;

(2) one member to be appointed from recommendations made by the Governor of the State from each county; and

(3) one member to be designated by the Secretary from each county.

Provided, That two members shall be appointed to the Advisory Commission in each instance in counties whose population exceeds one hundred thousand.

The Secretary shall designate one member to be Chairman. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

Members of the Commission shall serve without compensation as such. The Secretary is authorized to pay the expenses reasonably incurred by the Commission in carrying out its responsibilities under this Act on vouchers signed by the Chairman.

The Secretary or his designee shall, from time to time, consult with the Commission with respect to the matters relating to the development of the Gulf Islands National Seashore.

Appropriation.

SEC. 11. There are authorized to be appropriated not more than \$3,120,000 for the acquisition of lands and interests in lands and not more than \$14,779,000 (1970 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein.

Approved January 8, 1971.

Public Law 91-661

AN ACT

January 8, 1971
[H. R. 10482]

To authorize the establishment of the Voyageurs National Park in the State of Minnesota, and for other purposes.

Voyageurs
National
Park, Minn.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the purpose of this Act is to preserve, for the inspiration and enjoyment of present and future generations, the outstanding scenery, geological conditions, and waterway system which constituted a part of the historic route of the Voyageurs who contributed significantly to the opening of the Northwestern United States.

ESTABLISHMENT

Publication
in Federal
Register.

SEC. 101. In furtherance of the purpose of this Act, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to establish the Voyageurs National Park (hereinafter referred to as the "park") in the State of Minnesota, by publication of notice to that effect in the Federal Register at such time as the Secretary deems sufficient interests in lands or waters have been acquired for administration in accordance with the purposes of this Act: *Provided*, That the Secretary shall not establish the park until the lands owned by the State of Minnesota and any of its political subdivisions within the boundaries shall have been donated to the Secretary for the purposes of the park: *Provided further*, That the Secretary shall not acquire other lands by purchase for the park prior to such donation unless he finds that acquisition is necessary to prevent irreparable changes in their uses or character of such a nature as to make them unsuitable for park purposes and notifies the Committees on Interior and Insular Affairs of both the Senate and the House of Representatives of such findings at least thirty days prior to such acquisition.

Notification to
congressional
committees.

Boundaries.

SEC. 102. The park shall include the lands and waters within the boundaries as generally depicted on the drawing entitled "A Proposed Voyageurs National Park, Minnesota," numbered LNP MW-VOYA-1001, dated February 1969, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. Within one year after acquisition of the lands owned by the State of Minnesota and its political subdivisions within the boundaries of the park the Secretary shall affix to such drawing an exact legal description of said boundaries. The Secretary may revise the boundaries of the park from time to time by publishing in the Federal Register a revised drawing or other boundary description, but such revisions shall not increase the land acreage within the park by more than one thousand acres.

Boundary
revision;
publication in
Federal Register.

LAND ACQUISITION

SEC. 201. (a) The Secretary may acquire lands or interests therein within the boundaries of the park by donation, purchase with donated or appropriated funds, or exchange. When any tract of land is only

partly within such boundaries, the Secretary may acquire all or any portion of the land outside of such boundaries in order to minimize the payment of severance costs. Land so acquired outside of the park boundaries may be exchanged by the Secretary for non-Federal lands within the park boundaries. Any portion of land acquired outside the park boundaries and not utilized for exchange shall be reported to the General Services Administration for disposal under the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended. Any Federal property located within the boundaries of the park may be transferred without consideration to the administrative jurisdiction of the Secretary for the purposes of the park. Lands within the boundaries of the park owned by the State of Minnesota, or any political subdivision thereof, may be acquired only by donation.

40 USC 471
note.

(b) In exercising his authority to acquire property under this section, the Secretary shall give immediate and careful consideration to any offer made by any individual owning property within the park area to sell such property to the Secretary. In considering such offer, the Secretary shall take into consideration any hardship to the owner which might result from any undue delay in acquiring his property.

SEC. 202. (a) Any owner or owners (hereinafter referred to as "owner") of improved property on the date of its acquisition by the Secretary may, if the Secretary determines that such improved property is not, at the time of its acquisition, required for the proper administration of the park, as a condition of such acquisition, retain for themselves and their successors or assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term not to exceed twenty-five years, or, in lieu thereof, for a term ending at the death of the owner, or the death of his spouse, whichever is later. The owner shall elect the term to be retained. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner.

(b) If the State of Minnesota donates to the United States any lands within the boundaries of the park subject to an outstanding lease on which the lessee began construction of a noncommercial or recreational residential dwelling prior to January 1, 1969, the Secretary may grant to such lessee a right of use and occupancy for such period of time as the Secretary, in his discretion, shall determine: *Provided*, That no such right of use and occupancy shall be granted, extended, or continue after ten years from the date of the establishment of the park.

Right of use
and occupancy.

(c) Any right of use and occupancy retained or granted pursuant to this section shall be subject to termination by the Secretary upon his determination that such use and occupancy is being exercised in a manner not consistent with the purposes of this Act, or upon his determination that the property is required for the proper administration of the park. The Secretary shall tender to the holder of the right so terminated an amount equal to the fair market value of that portion of the right which remains unexpired on the date of termination.

Termination.

(d) The term "improved property", as used in this section, shall mean a detached, noncommercial residential dwelling, the construction of which was begun before January 1, 1969, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated.

"Improved
property."

Concession
contracts.

SEC. 203. Notwithstanding any other provision of law, the Secretary is authorized to negotiate and enter into concession contracts with former owners of commercial, recreational, resort, or similar properties located within the park boundaries for the provision of such services at their former location as he may deem necessary for the accommodation of visitors.

Commercial
timberlands,
differential
payment.

SEC. 204. The Secretary is authorized to pay a differential in value, as hereinafter set forth, to any owner of commercial timberlands within the park with whom the State of Minnesota has negotiated, for the purpose of conveyance to the United States, an exchange of lands for State lands outside the park. Payment hereunder may be made when an exchange is based upon valuations for timber purposes only, and shall be the difference between the value of such lands for timber purposes, as agreeable to the State, the Secretary, and any owner, and the higher value, if any, of such lands for recreational purposes not attributable to establishment or authorization of the park: *Provided*, That any payment shall be made only at such time as fee title of lands so acquired within the boundaries is conveyed to the United States.

ADMINISTRATION

SEC. 301. (a) Except as hereinafter provided, the Secretary shall administer the lands acquired for the park, and after establishment shall administer the park, in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535) as amended and supplemented (16 U.S.C. 1-4).

Review.
Report to
President.

(b) Within four years from the date of establishment, the Secretary of the Interior shall review the area within the Voyageurs National Park and shall report to the President, in accordance with subsections 3(c) and 3(d) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132 (c) and (d)), his recommendation as to the suitability or nonsuitability of any area within the lakeshore for preservation as wilderness, and any designation of any such area as a wilderness may be accomplished in accordance with said subsections of the Wilderness Act.

Prohibition.

(c) All mining and mineral activities and commercial water power development within the boundaries of the park shall be prohibited, and further, any conveyance from the State of Minnesota shall contain a covenant that the State of Minnesota, its licensees, permittees, lessees, assigns, or successors in interest shall not engage in or permit any mining activity nor water power development.

Recreational
fishing.

SEC. 302. (a) The Secretary shall permit recreational fishing on lands and waters under his jurisdiction within the boundaries of the park in accordance with applicable laws of the United States and of the State of Minnesota, except that the Secretary may designate zones where and establish periods when no fishing shall be permitted for reasons of public safety, administration, fish and wildlife management, or public use and enjoyment. Except in emergencies, any regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate agency of the State of Minnesota.

(b) The seining of fish at Shoepac Lake by the State of Minnesota to secure eggs for propagation purposes shall be continued in accordance with plans mutually acceptable to the State and the Secretary.

Recreational
sports.

SEC. 303. The Secretary may, when planning for development of the park, include appropriate provisions for (1) winter sports, including the use of snowmobiles, (2) use by seaplanes, and (3) recreational use by all types of watercraft, including houseboats, runabouts, canoes, sailboats, fishing boats, and cabin cruisers.

SEC. 304. Nothing in this Act shall be construed to affect the provisions of any treaty now or hereafter in force between the United States and Great Britain relating to Canada or between the United States and Canada, or of any order or agreement made or entered into pursuant to any such treaty, which by its terms would be applicable to the lands and waters which may be acquired by the Secretary hereunder, including, without limitation on the generality of the foregoing, the Convention Between the United States and Canada on Emergency Regulation of Level of Rainy Lake and of Other Boundary Waters in the Rainy Lake Watershed, signed September 15, 1938, and any order issued pursuant thereto.

54 Stat. 1800.

SEC. 305. The Secretary is authorized to make provision for such roads within the park as are, or will be, necessary to assure access from present and future State roads to public facilities within the park.

Access roads.

APPROPRIATIONS

SEC. 401. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, not to exceed, however, \$26,014,000 for the acquisition of property, and not to exceed \$19,179,000 (June 1969 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein.

Approved January 8, 1971.

Public Law 91-662

AN ACT

To amend the Tariff Act of 1930 and the United States Code to remove the prohibitions against importing, transporting, and mailing in the United States mails articles for preventing conception.

January 8, 1971
[H. R. 4605]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 305(a) of the Tariff Act of 1930 (19 U.S.C. 1305(a)) is amended by striking out "for the prevention of conception or".

Contraceptives.
Certain pro-
hibitions, re-
moval.

SEC. 2. Section 552 of title 18 of the United States Code is amended by striking out "preventing conception or".

46 Stat. 688.
62 Stat. 718.

SEC. 3. Section 1461 of title 18 of the United States Code is amended: (1) by striking out "preventing conception or" each place it appears, (2) by striking out "conception may be prevented or" in the fourth paragraph thereof, and (3) by inserting "may be" before the word "produced" in the fourth paragraph thereof.

62 Stat. 768.

SEC. 4. Section 1462 of title 18 of the United States Code is amended by striking out "preventing conception, or".

64 Stat. 194.

SEC. 5. (a) Section 4001 of title 39 of the United States Code, relating to nonmailable matter, is amended by adding at the end thereof the following new subsection:

Nonmailable
matter.
74 Stat. 654;
81 Stat. 623;
Post, p. 1974.

"(d)(1) Any matter which is unsolicited by the addressee and which is designed, adapted, or intended for preventing conception (except unsolicited samples thereof mailed to a manufacturer thereof, a dealer therein, a licensed physician or surgeon, or a nurse, pharmacist, druggist, hospital, or clinic) is nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Postmaster General directs.

“(2) Any unsolicited advertisement of matter which is designed, adapted, or intended for preventing conception is nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Postmaster General directs unless the advertisement—

“(A) is mailed to a manufacturer of such matter, a dealer therein, a licensed physician or surgeon, or a nurse, pharmacist, druggist, hospital, or clinic; or

“(B) accompanies in the same parcel any unsolicited sample excepted by paragraph (1) of this subsection.

An advertisement shall not be deemed to be unsolicited for the purposes of this paragraph if it is contained in a publication for which the addressee has paid or promised to pay a consideration or which he has otherwise indicated he desires to receive.”

72 Stat. 962.
Ante, p. 1973.

(b) The eighth paragraph of section 1461 of title 18 of the United States Code is amended by inserting “or section 4001(d) of title 39” after “this section”.

Ante, p. 745.

SEC. 6. Effective on the date that the Board of Governors of the United States Postal Service establishes as the effective date for section 3001 of title 39 of the United States Code, as enacted by the Postal Reorganization Act—

(1) such section 3001 is amended—

(A) by redesignating subsection (e) as (f); and

(B) by inserting after subsection (d) the following new subsection:

“(e) (1) Any matter which is unsolicited by the addressee and which is designed, adapted, or intended for preventing conception (except unsolicited samples thereof mailed to a manufacturer thereof, a dealer therein, a licensed physician or surgeon, or a nurse, pharmacist, druggist, hospital, or clinic) is nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Postal Service directs.

“(2) Any unsolicited advertisement of matter which is designed, adapted, or intended for preventing conception is nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Postal Service directs unless the advertisement—

“(A) is mailed to a manufacturer of such matter, a dealer therein, a licensed physician or surgeon, or a nurse, pharmacist, druggist, hospital, or clinic; or

“(B) accompanies in the same parcel any unsolicited sample excepted by paragraph (1) of this subsection.

An advertisement shall not be deemed to be unsolicited for the purposes of this paragraph if it is contained in a publication for which the addressee has paid or promised to pay a consideration or which he has otherwise indicated he desires to receive.”;

Repeal.

(2) section 4001(d) of title 39 of the United States Code, as added by section 5(a) of this Act, is repealed; and

(3) the eighth paragraph of section 1461 of title 18 of the United States Code, as amended by section 5(b) of this Act, is amended by striking out “4001(d)” and inserting in lieu thereof “3001(e)”.

Effective date.

SEC. 7. The amendments made by this Act (other than by section 6) shall take effect on the day after the date of the enactment of this Act.

Approved January 8, 1971.

Public Law 91-663

AN ACT

To authorize the Secretary of Transportation to provide financial assistance to certain railroads in order to preserve essential rail services, and for other purposes.

January 8, 1971
[H. R. 19953]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Rail Services Act of 1970".

Emergency Rail
Services Act of
1970.

DEFINITIONS

SEC. 2. For the purposes of this Act—

- (1) "Secretary" means the Secretary of Transportation.
- (2) "Commission" means the Interstate Commerce Commission.
- (3) "Railroad" means any common carrier by railroad subject to part I of the Interstate Commerce Act (49 U.S.C. 1-27).
- (4) "Certificate" means certificates issued by trustees of a railroad pursuant to subsection 77(c) (3) of the Bankruptcy Act, as amended (11 U.S.C. 205(c) (3)).

24 Stat. 379.

65 Stat. 606.

FINANCIAL ASSISTANCE

SEC. 3. (a) The trustees of any railroad undergoing reorganization under section 77 of the Bankruptcy Act, as amended (11 U.S.C. 205), upon approval of the court, may apply to the Secretary for the guarantee of certificates. The Secretary, after consultation with the Commission, is authorized to guarantee such certificates upon findings in writing that—

49 Stat. 911.

- (1) cessation of essential transportation services by the railroad would endanger the public welfare;
- (2) cessation of such services is imminent;
- (3) there is no other practicable means of obtaining funds to meet payroll and other expenses necessary to provide such services than the issuance of such certificates;
- (4) such certificates cannot be sold without a guarantee;
- (5) the railroad can reasonably be expected to become self-sustaining; and
- (6) the probable value of the assets of the railroad in the event of liquidation provides reasonable protection to the United States.

The Secretary shall publish notice of his intention to make such finding in the Federal Register not less than fifteen days prior to such finding, give interested persons, including agencies of the Federal Government, an opportunity to submit written data, views, or arguments (with or without opportunity for oral presentation), and give consideration to the relevant matter presented. The Secretary for good cause shown and upon a finding that extraordinary circumstances warrant doing so may waive the requirements of the preceding sentence.

Publication in
Federal Register.

(b) As a condition to a guarantee, the Secretary, after consultation with the Commission, shall require that:

Conditions.

- (1) the proceeds of the sale of certificates guaranteed under this Act will be used solely for meeting payroll and other expenses which, if not met, would preclude continued provision of essential transportation services by the railroad;
- (2) other revenues of the railroad will be used, to the fullest extent possible, for such expenses;

(3) proceeds from the sale of assets will be devoted to the fullest extent possible to the provision of essential transportation services by the railroad; and

(4) in the event of actual or threatened cessation of essential transportation services by the railroad, the Secretary shall have the option to procure by purchase or lease trackage rights over the lines of the railroad and such equipment as may be necessary to provide such services by the Secretary or his assignee, and, in the event of a default in the payment of principal or interest as provided by the certificates, the money paid or expenses incurred by the United States as a result thereof shall be deemed to have been applied to the purchase or lease price. The terms of purchase or lease shall be subject to the approval of the reorganization court and the operation over the lines shall be subject to the approval of the Commission pursuant to the provisions of section 5 of the Interstate Commerce Act, but in no event shall the rendition of services by the Secretary or his assignee await the outcome of proceedings before the reorganization court or the Commission.

54 Stat. 905.
49 USC 5.

(c) The Secretary shall not guarantee any certificate unless the certificate is treated as an expense of administration and receive the highest lien on the railroad's property and priority in payment under the Bankruptcy Act. The rights referred to in the last sentence of section 77(j) of the Bankruptcy Act shall in no way be affected by this Act.

30 Stat. 544.
11 USC 1 note.
49 Stat. 922.
11 USC 205.
Interest rate.

(d) A certificate under this Act shall bear interest at such per annum rate as the Secretary deems reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the Federal Government; nor may its maturity date, including all extensions and renewals thereof, be later than fifteen years from the date of original issuance. The Secretary may prescribe such other terms and conditions as he deems appropriate. In each case, the Secretary shall consider the feasibility of requiring the railroad to dispose of nonrailroad assets as a condition to a guarantee.

Limitation.

(e) At any one time the outstanding aggregate principal amount of all certificates guaranteed under this Act shall not exceed \$125,000,000.

(f) The Secretary shall issue such rules and regulations as are appropriate to carry out the authority granted by this Act.

ACCESS TO CARRY RECORDS

SEC. 4. The Secretary is authorized to, and shall as necessary, inspect and copy all accounts, books, records, memorandums, correspondence, and other documents of any railroad which has received financial assistance under this Act concerning any matter which may bear upon (1) the ability of such railroad to repay the loan within the time fixed therefor, (2) the interest of the United States in the property of such railroad, and (3) to insure that the purpose of this Act is being carried out.

AUTHORIZATION TO ISSUE OBLIGATIONS

SEC. 5. (a) To enable the Secretary to carry out his rights and responsibilities under section 3 of this Act, he is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary with the approval of the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary

of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury shall purchase any notes and other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under that Act, as amended, are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. There are authorized to be appropriated to the Secretary such sums as may be necessary to pay the principal and interest on the notes or obligations issued by him to the Secretary of the Treasury.

40 Stat. 288.
31 USC 774.

Appropriation.

(b) Any guarantee made by the Secretary under this Act shall not be terminated, canceled, or otherwise revoked, except as provided by the terms and conditions prescribed by the Secretary under section 3(d) of this Act; shall be conclusive evidence that such guarantee complies fully with the provisions of this Act, and of the approval and legality of the principal amount, interest rate, and all other terms of the certificates and the guarantee; and shall be valid and incontestable in the hands of a holder of a guaranteed certificate except for fraud or material misrepresentation on the part of such holder.

(c) The Attorney General shall take such action as may be appropriate to enforce any right accruing to the United States by reason of its having paid money or incurred expenses as a result of making such guarantees.

ASSISTANCE OF DEPARTMENTS AND OTHER AGENCIES

SEC. 6. (a) In carrying out the provisions of this Act the Secretary may use available services and facilities of other departments, agencies, and instrumentalities of the Federal Government with their consent and on a reimbursable basis, and shall consult with the Interstate Commerce Commission in carrying out the provisions of this Act.

(b) Departments, agencies, and instrumentalities of the Federal Government shall exercise their powers, duties, and functions in such manner as will assist in carrying out the provisions of this Act.

COURT SUPERVISION

SEC. 7. In addition to other duties prescribed by section 77 of the Bankruptcy Act, the court shall maintain supervision of the expenditure of funds obtained pursuant to section 3 for the purpose of assuring that such funds are used solely for purposes set forth in subsection (b) of such section, shall make periodic findings regarding such expenditures, and shall report those findings to the Secretary.

49 Stat. 911.
11 USC 205.

AUDIT

SEC. 8. The Comptroller General of the United States, or any of his duly authorized representatives, shall have access to such information, books, records, and documents as he determines necessary effectively to audit financial transactions and operations carried out by the Secretary in the administration of this Act. The Comptroller General shall make such reports to the Congress on the results of any such audits as are appropriate.

Report to
Congress.

GUARANTEE FEES

SEC. 9. The Secretary shall prescribe a guarantee fee in connection with each loan guaranteed under this Act which shall be collected from the railroad upon repayment of the loan guaranteed. Such fee shall be in an amount that the Secretary estimates to be necessary to cover the administrative costs of carrying out the provisions of this Act with respect to such loan. Sums realized from such fees shall be deposited in the Treasury as miscellaneous receipts.

REPORTS

Annual
reports to
President
and Congress.

SEC. 10. The Secretary shall make an annual report to the President and the Congress with respect to his activities pursuant to this Act, including an evaluation of the financial conditions of railroads which have outstanding certificates guaranteed under this Act. The Secretary shall also make a report to the President and the Congress on the financial condition of each railroad having a loan guaranteed under this Act ninety days after the making of such guarantee and annually thereafter throughout the existence of such loan.

Approved January 8, 1971.

Public Law 91-664

AN ACT

January 8, 1971
[H. R. 19342]

To establish and develop the Chesapeake and Ohio Canal National Historical Park, and for other purposes.

Chesapeake and
Ohio Canal
Development
Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known as the "Chesapeake and Ohio Canal Development Act".

DEFINITIONS

SEC. 2. As used in this Act—

(a) "Park" means the Chesapeake and Ohio Canal National Historical Park, as herein established.

(b) "Canal" means the Chesapeake and Ohio Canal, including its towpath.

(c) "Secretary" means the Secretary of the Interior.

(d) "State" means any State, and includes the District of Columbia.

(e) "Local government" means any political subdivision of a State, including a county, municipality, city, town, township, or a school or other special district created pursuant to State law.

(f) "Person" means any individual, partnership, corporation, private nonprofit organization, or club.

(g) "Landowner" means any person, local government, or State owning, or on reasonable grounds professing to own, lands or interests in lands adjacent to or in the vicinity of the park.

ESTABLISHMENT OF PARK

Boundaries.

SEC. 3. (a) In order to preserve and interpret the historic and scenic features of the Chesapeake and Ohio Canal, and to develop the potential of the canal for public recreation, including such restoration as may be needed, there is hereby established the Chesapeake and Ohio Canal National Historical Park, in the States of Maryland and West Virginia and in the District of Columbia. The park as initially established shall comprise those particular properties in Federal ownership, containing approximately five thousand

two hundred and fifty acres, including those properties along the line of the Chesapeake and Ohio Canal in the State of Maryland and appurtenances in the State of West Virginia designated as the Chesapeake and Ohio Canal National Monument, and those properties along the line of the Chesapeake and Ohio Canal between Rock Creek in the District of Columbia and the terminus of the Chesapeake and Ohio Canal National Monument near the mouth of Seneca Creek in the State of Maryland. The boundaries of the park shall be as generally depicted on the drawing entitled "Boundary Map, Proposed Chesapeake and Ohio Canal National Historical Park," in five sheets, numbered CHOH 91,000, and dated October 1969, which is on file and available for public inspection in the offices of the National Park Service, Department of the Interior: *Provided*, That no lands owned by any State shall be included in the boundaries of the park—

(1) unless they are donated to the United States, or

(2) until a written cooperative agreement is negotiated by the Secretary which assures the administration of such lands in accordance with established administrative policies for national parks, and

(3) until the terms and conditions of such donation or cooperative agreement have been forwarded to the Committees on Interior and Insular Affairs of the United States House of Representatives and Senate at least sixty days prior to being executed.

The exact boundaries of the park shall be established, published, and otherwise publicized within eighteen months after the date of this Act and the owners of property other than property lying between the canal and the Potomac River shall be notified within said period as to the extent of their property included in the park.

(b) Within the boundaries of the park, the Secretary is authorized to acquire lands and interests therein by donation, purchase with donated or appropriated funds, or exchange, but he shall refrain from acquiring, for two years from the date of the enactment of this Act, any lands designated on the boundary map for acquisition by any State if he has negotiated and consummated a written cooperative agreement with such State pursuant to subsection (a) of this section.

COOPERATIVE AGREEMENTS

SEC. 4. The Secretary shall take into account comprehensive local or State development, land use, or recreational plans affecting or relating to areas in the vicinity of the canal, and shall, wherever practicable, consistent with the purposes of this Act, exercise the authority granted by this Act in a manner which he finds will not conflict with such local or State plans.

ACCESS

SEC. 5. (a) The enactment of this Act shall not affect adversely any valid rights heretofore existing, or any valid permits heretofore issued, within or relating to areas authorized for inclusion in the park.

(b) Other uses of park lands, and utility, highway, and railway crossings, may be authorized under permit by the Secretary, if such uses and crossings are not in conflict with the purposes of the park and are in accord with any requirements found necessary to preserve park values.

(c) Authority is hereby granted for individuals to cross the park by foot at locations designated by the Secretary for the purpose of gaining access to the Potomac River or to non-Federal lands for hunting purposes: *Provided*, That while such individuals are within

the boundaries of the park firearms shall be unloaded, bows unstrung, and dogs on leash.

ADVISORY COMMISSION

Establishment.

SEC. 6. (a) There is hereby established a Chesapeake and Ohio Canal National Historical Park Commission (hereafter in this section referred to as the "Commission").

(b) The Commission shall be composed of nineteen members appointed by the Secretary for terms of five years each, as follows:

(1) Eight members to be appointed from recommendations submitted by the boards of commissioners or the county councils, as the case may be, of Montgomery, Frederick, Washington, and Allegany Counties, Maryland, of which two members shall be appointed from recommendations submitted by each such board or council, as the case may be;

(2) Eight members to be appointed from recommendations submitted by the Governor of the State of Maryland, the Governor of the State of West Virginia, the Governor of the Commonwealth of Virginia, and the Commissioner of the District of Columbia, of which two members shall be appointed from recommendations submitted by each such Governor or Commissioner, as the case may be; and

(3) Three members to be appointed by the Secretary, one of whom shall be designated Chairman of the Commission and two of whom shall be members of regularly constituted conservation organizations.

(c) Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(d) Members of the Commission shall serve without compensation, as such, but the Secretary is authorized to pay, upon vouchers signed by the Chairman, the expenses reasonably incurred by the Commission and its members in carrying out their responsibilities under this Act.

(e) The Secretary, or his designee, shall from time to time but at least annually, meet and consult with the Commission on general policies and specific matters related to the administration and development of the park.

(f) The Commission shall act and advise by affirmative vote of a majority of the members thereof.

(g) The Commission shall cease to exist ten years from the effective date of this Act.

ADMINISTRATION AND APPROPRIATIONS

SEC. 7. The Chesapeake and Ohio Canal National Historical Park shall be administered by the Secretary of the Interior in accordance with the Act of August 25, 1916 (30 Stat. 535; 16 U.S.C. 1, 2-4), as amended and supplemented.

SEC. 8. (a) Any funds that may be available for purposes of administration of the Chesapeake and Ohio Canal property may hereafter be used by the Secretary for the purposes of the park.

(b) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, not to exceed \$20,400,000 for land acquisition and not to exceed \$17,000,000 (1970 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein.

Approved January 8, 1971.

Public Law 91-665

AN ACT

Making supplemental appropriations for the fiscal year ending June 30, 1971,
and for other purposes.

January 8, 1971
[H. R. 19928]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated out of any money in the Treasury not otherwise appropriated, to supply supplemental appropriations (this Act may be cited as the "Supplemental Appropriations Act, 1971") for the fiscal year ending June 30, 1971, and for other purposes, namely:

Supplemental
Appropriations
Act, 1971.

CHAPTER I

DEPARTMENT OF AGRICULTURE

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

INDEMNITY PAYMENTS TO DAIRY FARMERS

For an additional amount for "Indemnity Payments to Dairy Farmers", in accordance with subsections (a) and (b) of section 204 of the Agriculture Act of 1970, which qualifies processors for indemnity payments under certain conditions, \$300,000.

Ante, p. 1361.

CHAPTER II

DEPARTMENT OF DEFENSE

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY

For an additional amount, \$3,000,000.

CHAPTER III

DISTRICT OF COLUMBIA

FEDERAL FUNDS

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For an additional amount for "Federal payment to the District of Columbia", for the general fund of the District of Columbia, \$11,794,000.

DISTRICT OF COLUMBIA FUNDS

GENERAL OPERATING EXPENSES

For an additional amount for "General operating expenses", \$776,000.

PUBLIC SAFETY

For an additional amount for "Public safety", \$22,763,000, of which \$9,861,000 shall be available for the fiscal year 1970.

EDUCATION

For an additional amount for "Education", \$20,197,000, of which \$9,772,000 shall be available for the fiscal year 1970: *Provided*, That the certificate of the President of the District of Columbia Teachers College shall be sufficient voucher for the expenditure from this appropriation for such purposes as he may deem necessary but not to exceed \$1,000.

HIGHWAYS AND TRAFFIC

For an additional amount for "Highways and traffic", \$56,000, which shall be payable from the highway fund.

SANITARY ENGINEERING

For an additional amount for "Sanitary engineering", \$503,000, of which \$163,800 shall be payable from the water fund and \$22,200 from the sanitary sewage works fund.

SETTLEMENT OF CLAIMS AND SUITS

For payment of property damage claims in excess of \$500 and of personal injury claims in excess of \$1,000, approved by the Commissioner in accordance with the provisions of the Act of February 11, 1929, as amended (45 Stat. 1160; 46 Stat. 500; 65 Stat. 131), \$7,225.

D.C. Code
1-902.

CAPITAL OUTLAY

For an additional amount for "Capital outlay", to remain available until expended, \$10,612,000, of which \$1,140,000 shall be payable from the water fund: *Provided*, That \$335,000 shall be available for construction services by the Director of General Services or by contract for architectural engineering services, as may be determined by the Commissioner.

DIVISION OF EXPENSES

The sums appropriated herein for the District of Columbia shall be paid out of the general fund of the District of Columbia, except as otherwise specifically provided.

RELATED AGENCY

COMMISSION ON THE ORGANIZATION OF THE GOVERNMENT
OF THE DISTRICT OF COLUMBIA

SALARIES AND EXPENSES

For expenses necessary to carry out Title I of the Act of September 22, 1970 (Public Law 91-405), establishing the Commission on the Organization of the Government of the District of Columbia, \$325,000, to remain available until expended.

Ante, p. 845.

CHAPTER IV FOREIGN OPERATIONS

FUNDS APPROPRIATED TO THE PRESIDENT

MILITARY ASSISTANCE

MILITARY CREDIT SALES TO ISRAEL

For expenses, not otherwise provided for, necessary to enable the President to finance sales of defense articles and defense services to Israel, as authorized by law, \$500,000,000.

MILITARY ASSISTANCE

For an additional amount for "Military assistance", \$340,000,000: *Provided*, That this appropriation shall be available only upon enactment into law of authorizing legislation: *Provided further*, That obligations incurred from funds appropriated herein shall not exceed the total amount authorized in H.R. 19911, or similar legislation.

Ante, p. 1942.

ECONOMIC ASSISTANCE

SUPPORTING ASSISTANCE

For an additional amount for "Supporting assistance", \$155,000,000: *Provided*, That this appropriation shall be available only upon enactment into law of authorizing legislation: *Provided further*, That obligations incurred from funds appropriated herein shall not exceed the total amount authorized in H.R. 19911, or similar legislation.

CONTINGENCY FUND

For the additional amount for "Contingency funds", \$7,500,000: *Provided*, That this appropriation shall be available only upon enactment into law of authorizing legislation.

EXPORT-IMPORT BANK OF THE UNITED STATES

LIMITATION ON ADMINISTRATIVE EXPENSES

In addition to the amount otherwise made available for entertainment allowances for members of the Board of Directors, for the current fiscal year, \$8,000 shall be available for such purposes.

EXCESS FOREIGN CURRENCIES FOR PAKISTAN

For assistance for relief, rehabilitation and reconstruction in East Pakistan in addition to funds otherwise available for such purposes, such amounts of Pakistani rupees as the Treasury Department determines to be excess to the normal requirements of the United States on the date of enactment of this Act, such amounts to remain available for a period of one year from the date of enactment of H.R. 19911, or similar legislation.

CHAPTER V

INDEPENDENT OFFICES

CIVIL SERVICE COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", for necessary expenses of administration of the retirement and insurance programs, \$485,000, to be transferred from the trust funds "Civil service retirement and disability fund", "Employees life insurance fund", "Employees health benefits fund", and "Retired employees health benefits fund", in such amounts as may be determined by the Civil Service Commission; and \$130,000 shall be available in addition to the amount of limitation otherwise available under this head for expenses in the current fiscal year to carry out the provisions of Executive Order 10422 of January 9, 1953, as amended.

22 USC 287
note.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, \$157,816,600, to be credited to the civil service retirement and disability fund.

80 Stat. 584;
83 Stat. 137.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$250,000.

GENERAL SERVICES ADMINISTRATION

OPERATING EXPENSES, PUBLIC BUILDINGS SERVICE

For an additional amount for "Operating expenses, Public Buildings Service", \$8,000,000: *Provided*, That this appropriation and the "Buildings management fund" (40 U.S.C. 490(f)), shall be available for employment of guards for all buildings and areas owned or occupied by the United States and under the charge and control of the General Services Administration or the Post Office Department (or the Postal Service), and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948 (62 Stat. 281; 40 U.S.C. 318), but shall not be restricted to certain Federal property as otherwise required by the proviso to said section: *Provided further*, That the limitation on the amounts deposited for Administrative operations in the Administrative Operations Fund for the current fiscal year is increased by the amount of the administrative expenses appropriated herein.

66 Stat. 594;
72 Stat. 1709.

AUTOMATIC DATA PROCESSING FUND

To increase the capital of the Automatic data processing fund, authorized to be established by section 111 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 759), \$20,000,000, to remain available without fiscal year limitation.

79 Stat. 1127.

ADDITIONAL COURT FACILITIES

For an additional amount for expenses, not otherwise provided for, to provide, directly or indirectly, additional space, facilities and court-rooms for the judiciary, including alteration and extension of Government-owned buildings and acquisition of additions to sites of such buildings; rents; furniture; furnishings and equipment; repair and alteration of rented space; moving Government agencies in connection with the assignment and transfer of space; preliminary planning; preparation of drawings and specifications by contract or otherwise; and administrative expenses; \$19,150,000, to remain available until expended: *Provided*, That not to exceed \$104,000 of the foregoing amount shall be available for administrative operations in the Administrative Operations Fund in addition to amounts otherwise available for such purposes.

SITES AND EXPENSES, PUBLIC BUILDINGS PROJECTS

For an additional amount for "Sites and expenses, public buildings projects", \$2,452,000, to remain available until expended.

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE
OF ENVIRONMENTAL QUALITY

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$500,000.

FUNDS APPROPRIATED TO THE PRESIDENT

APPALACHIAN REGIONAL DEVELOPMENT PROGRAM

For an additional amount for "Appalachian Regional Development Programs", \$8,500,000, to remain available until expended.

DEPARTMENT OF DEFENSE

CIVIL DEFENSE

CONSTRUCTION OF FACILITIES, CIVIL DEFENSE

For an additional amount for "Construction of facilities, Civil Defense", \$496,000, to remain available until expended.

DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT

URBAN RESEARCH AND TECHNOLOGY

For an additional amount for "Urban research and technology" \$15,000,000, to remain available until June 30, 1972.

CHAPTER VI
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For an additional amount for "Management of lands and resources", \$500,000.

BUREAU OF INDIAN AFFAIRS

EDUCATION AND WELFARE SERVICES

For an additional amount for "Education and welfare services", \$16,925,000.

RESOURCES MANAGEMENT

For an additional amount for "Resources management", \$50,000.

PAYMENT TO THE UTE TRIBE OF THE UINTAH AND OURAY RESERVATION

Ante, p. 843.

For reimbursement to the Ute Tribe of the Uintah and Ouray Reservation for tribal funds that were used to construct, operate, and maintain the Uintah Indian irrigation project, Utah, and for interest thereon, as authorized by the Act of September 18, 1970 (Public Law 91-403), \$3,561,700: *Provided*, That the Secretary of the Interior may, in his discretion, pay directly to the tribe, or the tribal trust fund, any or all of seventy-two and eight hundred and thirty-eight one-thousandths per centum (72.838 per centum) of the foregoing amount.

BUREAU OF MINES

HEALTH AND SAFETY

For an additional amount for "Health and safety", \$1,400,000.

HELIUM

74 Stat. 923.
50 USC 167j.

The Secretary is authorized to borrow from the Treasury for payment to the helium production fund pursuant to section 12(a) of the Helium Act to carry out the provisions of the Act and contractual obligations thereunder, including helium purchases, to remain available without fiscal year limitation, \$50,000,000, in addition to amounts heretofore authorized to be borrowed.

BUREAU OF SPORT FISHERIES AND WILDLIFE

CONSTRUCTION

For an additional amount for "Construction", \$161,000, to remain available until expended.

NATIONAL PARK SERVICE

MANAGEMENT AND PROTECTION

For an additional amount for "Management and protection", \$2,155,000.

CONSTRUCTION

For an additional amount for "Construction", \$2,420,000, to remain available until expended.

RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST PROTECTION AND UTILIZATION

For an additional amount for "Forest land management", \$150,000.

For an additional amount for "Forest research", \$108,000.

CONSTRUCTION

For an additional amount for "Construction", \$198,000.

SMITHSONIAN INSTITUTION

RESTORATION AND RENOVATION OF BUILDINGS

For an additional amount for "Restoration and renovation of buildings", \$775,000.

NATIONAL COUNCIL ON MARINE RESOURCES AND
ENGINEERING DEVELOPMENT

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Marine Resources and Engineering Development Act of 1966 (Public Law 89-454, approved June 17, 1966), as amended, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, \$400,000.

80 Stat. 203.
33 USC 1101
note.
80 Stat. 416.

YOUTH CONSERVATION CORPS

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Act of August 13, 1970 (Public Law 91-378), establishing the Youth Conservation Corps, \$2,500,000, to remain available until expended: *Provided*, That \$1,250,000 shall be available to the Secretary of the Interior and \$1,250,000 shall be available to the Secretary of Agriculture.

Ante, p. 794.

CHAPTER VII

DEPARTMENT OF LABOR

MANPOWER ADMINISTRATION

MANPOWER TRAINING ACTIVITIES

For an additional amount for "Manpower Training Activities", \$17,500,000: *Provided*, That the additional amount appropriated herein is for the Manpower Development and Training Act of 1962, as amended, and shall remain available until June 30, 1972.

76 Stat. 23.
42 USC 2571
note.

UNEMPLOYMENT COMPENSATION FOR FEDERAL EMPLOYEES AND EX-SERVICE-
MEN AND TRADE ADJUSTMENT ACTIVITIES

For an additional amount for “Unemployment compensation for Federal employees and ex-servicemen and trade adjustment activities”, \$66,650,000, including not to exceed \$650,000 for administrative expenses.

LIMITATION ON GRANTS TO STATES FOR UNEMPLOYMENT COMPENSATION
AND EMPLOYMENT SERVICE ADMINISTRATION

For an additional amount for “Limitation on grants to States for unemployment compensation and employment service administration”, to be expended from the Employment Security Administration account in the Unemployment Trust Fund, \$25,500,000, of which \$13,000,000 shall be available only to the extent necessary to meet increased costs of administration resulting from changes in a State law or increases in the number of claims filed and claims paid or increased salary costs resulting from changes in State salary compensation plans embracing employees of the State generally over those upon which the State's basic grant (or the allocation for the District of Columbia) was based, which increased cost of administration cannot be provided for by normal budgetary adjustments.

LIMITATION ON UNEMPLOYMENT INSURANCE SERVICE SALARIES AND
EXPENSES

For an additional amount for “Limitation on Unemployment Insurance Service, salaries and expenses”, \$1,000,000, to be expended from the Employment Security Administration account, Unemployment Trust Fund.

WAGE AND LABOR STANDARDS ADMINISTRATION

WAGE AND LABOR STANDARDS ADMINISTRATION, SALARIES AND EXPENSES

For an additional amount for “Wage and Labor Standards Administration, salaries and expenses”, \$250,000.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For an additional amount for “Salaries and expenses”, \$500,000.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

MENTAL HEALTH

For an additional amount for “Mental Health”, \$6,500,000, of which \$5,000,000 shall be for grants for special community projects as authorized by section 1(d) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Public Law 91-513), and \$1,500,000 shall be for grants and contracts for education projects as authorized by section 1(c) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Public Law 91-513).

OFFICE OF EDUCATION

RESEARCH AND TRAINING

For an additional amount for "Research and Training", \$8,000,000, of which \$6,000,000 is to carry out drug abuse education and community education projects as authorized by the Drug Abuse Education Act of 1970 (Public Law 91-527), and \$2,000,000 to carry out the Environmental Education Act as authorized by Public Law 91-516.

Ante, p. 1385.*Ante*, p. 1312.

DEPARTMENTAL MANAGEMENT

OFFICE OF CHILD DEVELOPMENT

For an additional amount for "Office of Child Development", \$1,900,000.

RELATED AGENCIES

CABINET COMMITTEE ON OPPORTUNITIES FOR SPANISH-
SPEAKING PEOPLE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$50,000.

COMMISSION ON RAILROAD RETIREMENT

SALARIES AND EXPENSES

For necessary expenses of the Commission on Railroad Retirement, established by the Act of August 12, 1970 (Public Law 91-377) \$300,000.

Ante, p. 791.

RAILROAD RETIREMENT BOARD

LIMITATION ON SALARIES AND EXPENSES

For an additional amount for "Limitation on salaries and expenses", \$1,200,000, of which \$1,100,000 shall be derived from the railroad retirement account and \$100,000 shall be derived from the railroad retirement supplemental account.

CHAPTER VIII

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

The provisions relating to the Speaker of the House of Representatives carried in House Resolution 1238, Ninety-first Congress, shall be the permanent law with respect thereto.

SENATE

CONTINGENT EXPENSES OF THE SENATE

INQUIRIES AND INVESTIGATIONS

For an additional amount for "Inquiries and Investigations", \$2,185,020.

LEGISLATIVE REORGANIZATION

Ante, p. 1140.

For additional amounts for increased costs as authorized by the Legislative Reorganization Act of 1970, related costs, and for other purposes, as follows:

"Salaries, Officers and Employees", \$878,352: *Provided*, That effective January 1, 1971, the per annum compensation of the six expert transcribers in the Office of the Secretary shall not exceed \$16,008 each, and the Secretary of the Senate may employ and fix the compensation of a Special Assistant and a Clerk at not to exceed \$16,472 each in lieu of two Clerks at not to exceed \$15,312 each.

CONTINGENT EXPENSES OF THE SENATE

"Senate Policy Committees", \$5,000.

"Miscellaneous Items", \$27,510.

"Stationery (Revolving Fund)", \$150.

HOUSE OF REPRESENTATIVES

For payment to Hilda J. Watkins, widow of C. Robert Watkins, late a Representative from the State of Pennsylvania, \$42,500.

For payment to Nellie B. Dawson, widow of William L. Dawson, late a Representative from the State of Illinois, \$42,500.

SALARIES, OFFICERS AND EMPLOYEES

COMMITTEE EMPLOYEES

For an additional amount for "Committee employees", \$550,000.

OFFICE OF THE LEGISLATIVE COUNSEL

For an additional amount for "Office of the Legislative Counsel", \$45,000.

CONTINGENT EXPENSES OF THE HOUSE

MISCELLANEOUS ITEMS

For an additional amount for "Miscellaneous items", \$500,000: *Provided*, That none of these funds shall be used to employ more than twenty-four personnel under the Capitol Guide Service.

ADMINISTRATIVE PROVISIONS

The provisions of House Resolutions 1270 and 1276, relating to certain official allowances; House Resolution 1241, relating to compensation of the clerks to the Official Reporters of Debates; and House Resolution 1264, relating to the limitation on the number of employees who may be paid from clerk hire allowances, all of the Ninety-first Congress, shall be the permanent law with respect thereto.

JOINT ITEMS

CONTINGENT EXPENSES OF THE SENATE

For an additional amount for:

"Joint Economic Committee", \$3,750.

"Joint Committee on Atomic Energy", \$5,000.

"Joint Committee on Printing", \$11,700.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

For an additional amount for "Capitol buildings", \$30,000.

SENATE OFFICE BUILDINGS

For an additional amount for "Senate Office Buildings" \$189,500, to remain available until June 30, 1972.

JOHN W. MCCORMACK RESIDENTIAL PAGE SCHOOL

To enable the Architect of the Capitol to develop studies and to prepare preliminary plans and estimates of cost for acquisition of a site and construction thereon of suitable dormitory, classroom, and related facilities for pages of the Senate, the House of Representatives, and the Supreme Court of the United States (to be known as the "John W. McCormack Residential Page School"), all within the framework of subsection (a) of section 492 of Public Law 91-510, approved October 26, 1970 (84 Stat. 1199), \$50,000, to remain available until expended.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$265,000, including such amounts as may be necessary for travel expenses.

COST-ACCOUNTING STANDARDS BOARD

SALARIES AND EXPENSES

For expenses of the Cost-Accounting Standards Board necessary to carry out the provisions of section 719 of the Defense Production Act of 1950, as amended (Public Law 91-379, approved August 15, 1970), \$820,000.

Ante, p. 796.

CHAPTER IX

PUBLIC WORKS

ATOMIC ENERGY COMMISSION

PLANT AND CAPITAL EQUIPMENT

For an additional amount for "Plant and capital equipment", \$25,500,000, to remain available until expended: *Provided*, That this paragraph shall be effective only upon enactment into law of S. 4557, 91st Congress.

Ante, p. 1565.

DEPARTMENT OF DEFENSE—CIVIL DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

For an additional amount for “General Investigations”, \$300,000, to remain available until expended.

OPERATION AND MAINTENANCE, GENERAL

For an additional amount for “Operation and Maintenance, General”, \$1,000,000, to remain available until expended.

ENVIRONMENTAL PROTECTION AGENCY

POLLUTION CONTROL OPERATIONS AND RESEARCH

Ante, p. 91. For an additional amount for “Pollution control operations and research” for expenses necessary to carry out the provisions of the Water Quality Improvement Act of 1970 (Public Law 91-224), \$21,400,000.

CHAPTER X

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

PAYMENT TO FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

Ante, p. 17. For payment to the Foreign Service Retirement and Disability Fund, as authorized by the Foreign Service Act of 1946, as amended by Public Law 91-201, approved February 28, 1970, \$2,000,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

INTERNATIONAL CONFERENCES AND CONTINGENCIES

For an additional amount for “International conferences and contingencies”, \$280,000, of which \$200,000 shall remain available until December 31, 1971.

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES AND GENERAL ADMINISTRATION

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS AND MARSHALS

For an additional amount for “Salaries and expenses, United States attorneys and marshals”, \$9,428,000, of which \$1,610,000 is for acquisition and repair of security equipment for Federal court facilities and shall remain available until expended.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$14,150,000, including the purchase for police-type use without regard to the general purchase price limitation for the current fiscal year of 500 passenger motor vehicles.

FEDERAL PRISON SYSTEM

SUPPORT OF UNITED STATES PRISONERS

For an additional amount, fiscal year 1970, for "Support of United States prisoners", \$489,000, to be derived by transfer from the appropriation for "Salaries and expenses, Bureau of Prisons", fiscal year 1970.

FEDERAL PRISON INDUSTRIES, INCORPORATED

LIMITATION ON ADMINISTRATIVE AND VOCATIONAL TRAINING EXPENSES,
FEDERAL PRISON INDUSTRIES, INCORPORATED

In addition to the amount heretofore made available under this heading for administrative expenses, \$75,000 shall be available from funds of the Corporation for such expenses during the current fiscal year.

BUREAU OF NARCOTICS AND DANGEROUS DRUGS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", including purchase of not to exceed two hundred and eighty-eight passenger motor vehicles for police-type use without regard to the general price limitation for the current fiscal year; and not to exceed \$145,000 for payment for accommodations in the District of Columbia in connection with training activities, \$7,000,000.

DEPARTMENT OF COMMERCE

OFFICE OF TELECOMMUNICATIONS

RESEARCH, ENGINEERING, ANALYSIS, AND TECHNICAL SERVICES

For expenses necessary for the conduct of telecommunications functions assigned to the Secretary of Commerce pursuant to Executive Order 11556 of September 4, 1970, including activities authorized by 15 U.S.C. 272(f) (12) and (13), \$700,000, to remain available until expended.

35 F.R. 14193.

64 Stat. 371.

MARITIME ADMINISTRATION

STATE MARINE SCHOOLS

For an additional amount for "State marine schools", for liquidation of obligations incurred under authority granted by the Maritime Academy Act of 1958 (72 Stat. 622-624), \$105,000, to remain available until expended.

46 USC 1381
note.

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES

For an additional amount for “Salaries, Supreme Court”, \$54,000.

PRINTING AND BINDING SUPREME COURT REPORTS

For an additional amount for “Printing and binding Supreme Court reports”, fiscal year 1970, \$20,000.

For an additional amount for “Printing and binding Supreme Court reports”, \$63,000.

CARE OF THE BUILDING AND GROUNDS

For an additional amount for “Care of the building and grounds”, \$25,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER
JUDICIAL SERVICES

SALARIES OF JUDGES

For an additional amount for “Salaries of judges”, \$1,400,000.

SALARIES OF SUPPORTING PERSONNEL

For an additional amount for “Salaries of supporting personnel”, \$1,900,000.

FEES AND EXPENSES OF COURT-APPOINTED COUNSEL

For an additional amount for “Fees and expenses of court-appointed counsel”, \$5,700,000: *Provided*, That not to exceed \$1,000,000 shall be available for the liquidation of obligations incurred in the prior year.

FEES OF JURORS

For an additional amount for “Fees of jurors”, \$1,000,000.

TRAVEL AND MISCELLANEOUS EXPENSES

For an additional amount for “Travel and miscellaneous expenses”, \$1,360,000.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

For an additional amount for “Administrative Office of the United States Courts”, \$70,000.

COMMISSION ON BANKRUPTCY LAWS OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Joint Resolution of July 24, 1970 (Public Law 91-354) (84 Stat. 468), \$400,000, to be derived from the Referees' Salary and Expense Fund, established pursuant to section 40c(4) of the Bankruptcy Act (11 U.S.C. 68(c)(4)), such amount to remain available until expended.

RELATED AGENCIES

FOREIGN CLAIMS SETTLEMENT COMMISSION

PAYMENT OF VIETNAM AND U.S.S. PUEBLO PRISONER OF WAR CLAIMS

For payment of claims as authorized by the War Claims Act of 1948, as amended by Public Law 91-289, approved June 24, 1970, \$265,000, to remain available until expended: *Provided*, That this appropriation shall not be available for administrative expenses.

Ante, p. 323.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$3,000,000, to be transferred from the "Disaster loan fund".

DISASTER LOAN FUND

For additional capital for the "Disaster loan fund", authorized by the Small Business Act, as amended, \$100,000,000, to remain available without fiscal year limitation.

72 Stat. 384.
15 USC 631
note.

TARIFF COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$350,000.

CHAPTER XI

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

OPERATIONS (AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including administrative expenses for research and development, establishment of air navigation facilities; purchase of three passenger motor vehicles for replacement only; and purchase and repair of skis and snowshoes; \$6,000,000, to be derived from the Airport and Airway Trust Fund: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the maintenance and operation of air navigation facilities.

FACILITIES AND EQUIPMENT (AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for; for acquisition, establishment and improvement by contract or purchase and hire of air navigation and experimental facilities, including initial acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available, but at a total cost of construction not to exceed \$50,000 per housing unit in Alaska;

\$48,000,000 to be derived from the Airport and Airway Trust Fund, to remain available until expended: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: *Provided further*, That no part of the foregoing appropriation shall be available for the construction of a new wind tunnel, or to purchase any land for or in connection with the National Aviation Facilities Experimental Center.

RESEARCH AND DEVELOPMENT (AIRPORT AND AIRWAY TRUST FUND)

72 Stat. 731.

For necessary expenses, not otherwise provided for; for research, development, and service testing in accordance with the provisions of the Federal Aviation Act (49 U.S.C. 1301-1542), including construction of experimental facilities and acquisition of necessary sites by lease or grant; \$24,000,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, development, and service testing.

GRANTS-IN-AID FOR AIRPORTS (AIRPORT AND AIRWAY TRUST FUND)

Ante, p. 224.

For grants-in-aid for airport planning pursuant to section 13 of Public Law 91-258, and for liquidation of obligations incurred for airport development under authority contained in section 14 of Public Law 91-258, to be derived from the Airport and Airway Trust Fund and to remain available until expended, \$70,000,000, of which \$10,000,000 shall be for airport planning grants.

SAFETY REGULATION

For necessary expenses of the Federal Aviation Administration for safety regulation activities, including operation and maintenance (including administrative expenses for research and development), acquisition and modernization of facilities and equipment, and research, development, and service testing in accordance with the provisions of the Federal Aviation Act (49 U.S.C. 1301-1542), including construction of experimental facilities and acquisition of necessary sites by lease or grant, \$1,000,000 to remain available until expended.

GENERAL PROVISION

Ante, p. 250.

All funds transferred to the Airport and Airway Trust Fund pursuant to section 208c of Public Law 91-258 shall be available for expenditure to meet obligations incurred before July 1, 1970, for the purposes and activities specified in the appropriation act by which said funds were originally appropriated or for obligations and expenditures after June 30, 1970, for the same or similar purposes and activities authorized by Public Law 91-258.

FEDERAL RAILROAD ADMINISTRATION

FEDERAL GRANTS TO THE NATIONAL RAILROAD
PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation, as authorized by section 601 of the Rail Passenger Service Act of 1970 (Public Law 91-518), \$40,000,000, to remain available until expended.

Ante, p. 1338.

RELATED AGENCY

INTERSTATE COMMERCE COMMISSION

PAYMENT OF LOAN GUARANTIES

For an additional amount for "Payment of Loan Guaranties", \$40,685,000, together with such amounts as may be necessary to pay interest.

CHAPTER XII

DEPARTMENT OF THE TREASURY

BUREAU OF CUSTOMS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", including the purchase of six passenger motor vehicles in addition to those heretofore authorized, \$500,000.

BUREAU OF THE MINT

SALARIES AND EXPENSES

The appropriation granted under this head for the current fiscal year shall be available for the purchase of one passenger motor vehicle for replacement only.

INTERNAL REVENUE SERVICE

REVENUE ACCOUNTING AND PROCESSING

For an additional amount for "Revenue accounting and processing", \$118,000.

COMPLIANCE

For an additional amount for "Compliance", including the purchase of one hundred and fifty passenger motor vehicles for police-type use, in addition to those heretofore authorized, without regard to the general purchase price limitation for the current fiscal year, \$5,026,000.

EXECUTIVE OFFICE OF THE PRESIDENT

DOMESTIC COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the Domestic Council, established pursuant to Reorganization Plan No. 2 of 1970, including services as

Post, p. 2085.

80 Stat. 416.

5 USC 5332
note.

authorized by title 5, United States Code, section 3109, but at rates for individuals not to exceed the per diem equivalent of the rate for grade GS-18; and other personal services without regard to the provisions of law regulating the employment and compensation of persons in the Government service, \$960,000.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", Office of Management and Budget, \$900,000.

CHAPTER XIII

CLAIMS AND JUDGMENTS

For payment of claims settled and determined by departments and agencies in accord with law and judgments rendered against the United States by the United States Court of Claims and United States district courts, as set forth in Senate Document Numbered 91-117 and House Document Numbered 91-420, Ninety-first Congress, \$43,130,510, together with such amounts as may be necessary to pay interest (as and when specified in such judgments or provided by law) and such additional sums due to increases in rates of exchange as may be necessary to pay claims in foreign currency: *Provided*, That no judgment herein appropriated for shall be paid until it shall become final and conclusive against the United States by failure of the parties to appeal or otherwise: *Provided further*, That unless otherwise specifically required by law or by judgment, payment of interest wherever appropriated for herein shall not continue for more than thirty days after the date of the approval of the act.

CHAPTER XIV

GENERAL PROVISION

SEC. 1401. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Approved January 8, 1971.

Public Law 91-666

AN ACT

January 11, 1971
[H. R. 370]

To amend chapter 39 of title 38, United States Code, to increase the amount allowed for the purchase of specially equipped automobiles for disabled veterans, to extend benefits under such chapter to certain persons on active duty, and to provide for provision and replacement of adaptive equipment and continuing repair, maintenance, and installation thereof.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Disabled Veterans' and Servicemen's Automobile Assistance Act of 1970".

SEC. 2. (a) Chapter 39 of title 38, United States Code, is amended to read as follows:

Disabled
Veterans' and
Servicemen's
Automobile
Assistance
Act of 1970.

72 Stat. 1215;
81 Stat. 184.
38 USC 1901.

**“Chapter 39.—AUTOMOBILES AND ADAPTIVE EQUIPMENT
FOR CERTAIN DISABLED VETERANS AND MEMBERS
OF THE ARMED FORCES**

“Sec.

“1901. Definitions.

“1902. Assistance for providing automobile and adaptive equipment.

“1903. Limitations on assistance.

“§ 1901. Definitions

“For purposes of this chapter—

“(1) The term ‘eligible person’ means—

“(A) any veteran entitled to compensation under chapter 11 of this title for any of the disabilities described in subclause (i), (ii), or (iii) below, if the disability is the result of an injury incurred or disease contracted in or aggravated by active military, naval, or air service during World War II or the Korean conflict; or if the disability is the result of an injury incurred or disease contracted in or aggravated by active military, naval, or air service performed after January 31, 1955, and the injury was incurred or the disease was contracted in line of duty as a direct result of the performance of military duty:

“(i) The loss or permanent loss of use of one or both feet;

“(ii) The loss or permanent loss of use of one or both hands;

“(iii) The permanent impairment of vision of both eyes of the following status: central visual acuity of 20/200 or less in the better eye, with corrective glasses, or central visual acuity of more than 20/200 if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than twenty degrees in the better eye; or

“(B) any member of the Armed Forces serving on active duty who is suffering from any disability described in subclause (i), (ii), or (iii) of clause (A) of this paragraph if such disability is the result of an injury incurred or disease contracted in or aggravated by active military, naval, or air service during World War II, the Korean conflict, or the Vietnam era; or if such disability is the result of an injury incurred or disease contracted in or aggravated by any other active military, naval, or air service performed after January 31, 1955, and the injury was incurred or the disease was contracted in line of duty as a direct result of the performance of military duty.

“(2) The term ‘World War II’ includes, in the case of any eligible person, any period of continuous service performed by him after December 31, 1946, and before July 26, 1947, if such period began before January 1, 1947.

“§ 1902. Assistance for providing automobile and adaptive equipment

“(a) The Administrator, under regulations which he shall prescribe, shall provide or assist in providing an automobile or other conveyance to each eligible person by paying the total purchase price of the auto-

mobile or other conveyance or \$2,800, whichever is the lesser, to the seller from whom the eligible person is purchasing under a sales agreement between the seller and the eligible person.

"(b) The Administrator, under regulations which he shall prescribe, shall provide each eligible person the adaptive equipment deemed necessary to insure that the eligible person will be able to operate the automobile or other conveyance in a manner consistent with his own safety and the safety of others and so as to satisfy the applicable standards of licensure established by the State of his residency or other proper licensing authority.

"(c) In accordance with regulations which he shall prescribe, the Administrator shall (1) repair, replace, or reinstall adaptive equipment deemed necessary for the operation of an automobile or other conveyance acquired in accordance with the provisions of this chapter, and (2) provide, repair, replace, or reinstall such adaptive equipment for any automobile or other conveyance which an eligible person may subsequently have acquired.

"(d) If an eligible person cannot qualify to operate an automobile or other conveyance, the Administrator shall provide or assist in providing an automobile or other conveyance to such person, as provided in subsection (a) of this section, if the automobile or other conveyance is to be operated for the eligible person by another person.

"§ 1903. Limitations on assistance

"(a) No eligible person shall be entitled to receive more than one automobile or other conveyance under the provisions of this chapter, and no payment shall be made under this chapter for the repair, maintenance, or replacement of an automobile or other conveyance.

"(b) Except as provided in subsection (d) of section 1902 of this title, no eligible person shall be provided an automobile or other conveyance under this chapter until it is established to the satisfaction of the Administrator, in accordance with regulations he shall prescribe, that the eligible person will be able to operate the automobile or other conveyance in a manner consistent with his own safety and the safety of others and will satisfy the applicable standards of licensure to operate the automobile or other conveyance established by the State of his residency or other proper licensing authority.

"(c) An eligible person shall not be entitled to adaptive equipment under this chapter for more than one automobile or other conveyance at any one time.

"(d) Adaptive equipment shall not be provided under this chapter unless it conforms to minimum standards of safety and quality prescribed by the Administrator."

(b) The analysis of title 38, United States Code, and the analysis of part III thereof, are each amended by striking out

"39. Automobiles for Disabled Veterans..... 1901"
and inserting in lieu thereof:

"39. Automobiles and Adaptive Equipment for Certain Disabled Veterans
and Members of the Armed Forces..... 1901".

Approved January 11, 1971.

Public Law 91-667

AN ACT

Making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1971, and for other purposes.

January 11, 1971
[H. R. 18515]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1971, and for other purposes, namely:

Departments of
Labor, and Health,
Education, and
Welfare Appropria-
tion Act, 1971.

TITLE I—DEPARTMENT OF LABOR

MANPOWER ADMINISTRATION

MANPOWER TRAINING ACTIVITIES

For expenses, not otherwise provided for, necessary to carry into effect the Manpower Development and Training Act of 1962, as amended, and title I, parts A, B and E of the Economic Opportunity Act of 1964, as amended, \$1,504,794,000: *Provided*, That the amount of \$744,694,000 appropriated herein for the Manpower Development and Training Act of 1962, as amended, shall remain available until June 30, 1972: *Provided further*, That the amounts appropriated herein for title II, parts A and B of the Manpower Development and Training Act of 1962, as amended, for expenses of programs authorized under the provisions of subsection 123(a) (5) and (8) of the Economic Opportunity Act of 1964, as amended, shall not be subject to the apportionment of benefits provisions of section 301 of the Manpower Development and Training Act: *Provided further*, That this appropriation shall not be available for contracts made under title I of the Economic Opportunity Act extending for more than twenty-four months: *Provided further*, That all grants agreements shall provide that the General Accounting Office shall have access to the records of the grantee which bear exclusively upon the Federal grant: *Provided further*, That this appropriation shall be available for the purchase and hire of passenger motor vehicles, and for construction, alteration, and repair of buildings and other facilities, as authorized by section 602 of the Economic Opportunity Act of 1964 and for the purchase of real property for training centers.

76 Stat. 23,
42 USC 2571
note,
81 Stat. 672;
83 Stat. 833,
42 USC 2711,
2737, 2769.

42 USC 2581,
2601.

81 Stat. 684,
42 USC 2740.

76 Stat. 30;
82 Stat. 1354,
42 USC 2611.

78 Stat. 528;
81 Stat. 714,
42 USC 2942.

MANPOWER ADMINISTRATION, SALARIES AND EXPENSES

For necessary expenses for the Manpower Administration, \$42,165,000, to remain available until June 30, 1972; together with not to exceed \$16,835,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund, and of which \$2,184,000 shall be for carrying into effect the provisions of title IV (except section 602) of the Servicemen's Readjustment Act of 1944.

58 Stat. 293.

BUREAU OF APPRENTICESHIP AND TRAINING, SALARIES AND EXPENSES

For necessary expenses for encouraging apprentice training programs, as authorized by the Acts of March 4, 1913, and August 16, 1937 (37 Stat. 736, as amended, 29 U.S.C. 50), \$6,958,000.

29 USC 551.
50 Stat. 664.

UNEMPLOYMENT COMPENSATION FOR FEDERAL EMPLOYEES AND
EX-SERVICEMEN AND TRADE ADJUSTMENT ACTIVITIES80 Stat. 585.
5 USC 8501.

For payments to unemployed Federal employees and ex-servicemen, as authorized by title 5, chapter 85 of the United States Code, and for necessary expenses to carry out the responsibilities of the Secretary of Labor in connection with trade adjustment assistance activities, as provided by law, including benefit payments to eligible workers, \$200,100,000 together with such amount as may be necessary to be charged to the subsequent year appropriation for the payment of benefits for any period subsequent to March 31 of the current year.

Unemployment compensation for Federal employees and ex-servicemen, next succeeding fiscal year: For making after May 31, of the current fiscal year, payments to States, as authorized by title 5, chapter 85 of the United States Code, such amounts as may be required for payment to unemployed Federal employees and ex-servicemen for the first quarter of the next succeeding fiscal year, and the obligations and expenditures thereunder shall be charged to the appropriation therefor for that fiscal year: *Provided*, That the payments made pursuant to this paragraph shall not exceed the amount paid to the States for the first quarter of the current fiscal year.

LIMITATION ON GRANTS TO STATES FOR UNEMPLOYMENT COMPENSATION
AND EMPLOYMENT SERVICE ADMINISTRATION48 Stat. 113.
58 Stat. 294.
49 Stat. 626.

For grants in accordance with the provisions of the Act of June 6, 1933, as amended (29 U.S.C. 49-49n), for carrying into effect section 602 of the Servicemen's Readjustment Act of 1944, for grants to the States as authorized in title III of the Social Security Act, as amended (42 U.S.C. 501-503), including, upon the request of any State, the purchase of equipment, and the payment of rental for space made available to such State in lieu of grants for such purpose, and for expenses not otherwise provided for, necessary for carrying out title 5, chapter 85 of the United States Code, \$717,700,000 may be expended from the Employment Security Administration account in the Unemployment Trust Fund, and of which \$15,000,000 shall be available only to the extent necessary to meet increased costs of administration resulting from changes in a State law or increases in the number of claims filed and claims paid or increased salary costs resulting from changes in State salary compensation plans embracing employees of the State generally over those upon which the State's basic grant (or the allocation for the District of Columbia) was based, which increased costs of administration cannot be provided for by normal budgetary adjustments: *Provided*, That any portion of the funds granted to a State in the current fiscal year and not obligated by the State in that year shall be returned to the Treasury and credited to the account from which derived: *Provided further*, That such amounts as may be agreed upon by the Department of Labor and the Post Office Department shall be used for the payment, in such manner as said parties may jointly determine, of postage for the transmission of official mail matter in connection with the administration of unemployment compensation systems and employment services by States receiving grants herefrom.

Grants to States, next succeeding fiscal year: For making, after May 31 of the current fiscal year, payments to States under title III of the Social Security Act, as amended, and under the Act of June 6, 1933, as amended, for the first quarter of the next succeeding fiscal year, such sums as may be necessary, the obligations incurred and the expenditures made thereunder for payments under such title and under such Act of June 6, 1933, to be charged to the appropriation

therefor for that fiscal year: *Provided*, That the payments made pursuant to this paragraph shall not exceed the amount obligated by the United States for such purposes for the fourth quarter of the current fiscal year.

LIMITATION ON UNEMPLOYMENT INSURANCE SERVICE,
SALARIES AND EXPENSES

For necessary expenses for the administration of the unemployment compensation program, \$4,274,000, which may be expended from the Employment Security Administration account, Unemployment Trust Fund.

LABOR-MANAGEMENT RELATIONS

LABOR-MANAGEMENT SERVICES ADMINISTRATION, SALARIES AND
EXPENSES

For necessary expenses to carry out the provisions of the Welfare and Pension Plans Disclosure Act and the Labor-Management Reporting and Disclosure Act; expenses of commissions and boards to resolve labor-management disputes and other expenses for improving the climate of labor-management relations; and to render assistance in connection with reemployment under the several provisions of law respecting reemployment after active military service, \$16,600,000.

72 Stat. 997.
29 USC 301
note.
73 Stat. 519.
29 USC 401
note.

WAGE AND LABOR STANDARDS

WAGE AND LABOR STANDARDS ADMINISTRATION,
SALARIES AND EXPENSES

For expenses necessary for the Wage and Labor Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, \$45,212,500, of which not to exceed \$32,000 shall be transferred to the fund created by section 44 of the Longshoremen's and Harbor Workers' Compensation Act, as amended, and of which \$28,003,000 shall be for activities of the Wage and Hour Division.

44 Stat. 1444;
70 Stat. 656.
33 USC 944.

EMPLOYEES' COMPENSATION CLAIMS AND EXPENSES

For the payment of compensation and other benefits and expenses (except administrative expenses) authorized by law and accruing during the current or any prior fiscal year, including payments to other Federal agencies for medical and hospital services pursuant to agreement approved by the Bureau of Employees' Compensation; continuation of payment of benefits as provided for under the head "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the advancement of costs for enforcement of recoveries in third-party cases; the furnishing of medical and hospital services and supplies, treatment, and funeral and burial expenses, including transportation and other expenses incidental to such services, treatment, and burial, for such enrollees of the Civilian Conservation Corps as were certified by the Director of such Corps as receiving hospital services and treatment at Government expense on June 30, 1943, and who are not otherwise entitled thereto as civilian employees of the United States, and the limitations and authority formerly provided by the Act of September 7, 1916 (48 Stat. 351), as amended, shall apply in providing such services, treatment, and expenses in such cases and for payments pursuant to sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); \$109,800,000, together with such amount as may be necessary to be charged to the subsequent year

60 Stat. 696.

39 Stat. 742.
5 USC 8101
et seq.

62 Stat. 1241.
50 USC app.
2003, 2004.

appropriation for the payment of compensation and other benefits for any period subsequent to March 31 of the current year.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For expenses not otherwise provided for, necessary for the work of the Bureau of Labor Statistics, including advances or reimbursement to State, Federal, and local agencies and their employees for services rendered, \$26,150,000, of which \$1,516,000 shall be for expenses of revising the Consumer Price Index, including salaries of temporary personnel assigned to this project without regard to competitive Civil Service requirements.

BUREAU OF INTERNATIONAL LABOR AFFAIRS

SALARIES AND EXPENSES

For expenses necessary for the conduct of international labor affairs, \$1,490,000.

SPECIAL FOREIGN CURRENCY PROGRAM

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses of the Bureau of International Labor Affairs, as authorized by law, \$75,000, to remain available until expended: *Provided*, That this appropriation shall be available, in addition to other appropriations to such agency for payments in the foregoing currencies.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For expenses necessary for the Office of the Solicitor, \$5,884,000, together with not to exceed \$157,000 to be derived from the Employment Security Administration account, Unemployment Trust Fund.

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For expenses necessary for the Office of the Secretary of Labor and \$674,000 for the President's Committee on Employment of the Handicapped, as authorized by the Act of July 11, 1949 (63 Stat. 409), \$9,812,000, together with not to exceed \$595,000 to be derived from the Employment Security Administration account, Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. Appropriations in this Act available for salaries and expenses shall be available for supplies, services, and rental of conference space within the District of Columbia, as the Secretary of Labor shall deem necessary for settlement of labor-management disputes.

This title may be cited as the "Department of Labor Appropriation Act, 1971".

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

FOOD AND DRUG ADMINISTRATION

FOOD AND DRUG CONTROL

For necessary expenses, not otherwise provided for, of the Food and Drug Administration in carrying out the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.), the Fair Packaging and Labeling Act (15 U.S.C. 1451 et seq.), the Import Milk Act (21 U.S.C. 141 et seq.), the Filled Milk Act (21 U.S.C. 61 et seq.), the Import Tea Act (21 U.S.C. 41 et seq.), the Federal Caustic Poison Act (44 Stat. 1406 et seq.), the Flammable Fabrics Act (15 U.S.C. 1191 et seq.), and sections 301, 311, 314, and 361 of the Public Health Service Act (42 U.S.C. 241, 243, 246, and 264) with respect to pesticide control, poison control, shellfish and milk sanitation, interstate quarantine, and food and drug activities, including payment in advance for special tests and analyses and adverse reaction reporting by contract; studies of new developments pertinent to food and drug enforcement operations; payment for publication of technical and informational materials in professional and trade journals; and rental of special purpose space in the District of Columbia or elsewhere; \$89,549,000, of which \$1,000,000 shall be available only for carrying out the provisions of the Flammable Fabrics Act, the Child Protection and Toy Safety Act, and such other product injury control programs of the Department of Health, Education, and Welfare that are now in or may be transferred to the Food and Drug Administration.

52 Stat. 1040.
74 Stat. 372.
80 Stat. 1296.
44 Stat. 1101.
42 Stat. 1486.
29 Stat. 604.
15 USC 401
note.
67 Stat. 111;
81 Stat. 568.
58 Stat. 691, 693;
81 Stat. 536, 540.

83 Stat. 187.
15 USC 1261
note.

ENVIRONMENTAL HEALTH SERVICE

AIR POLLUTION CONTROL

To carry out the Clean Air Act, including certification of air pollution control facilities for tax purposes, pursuant to law, including hire, maintenance, and operation of aircraft, \$107,753,000, of which \$27,900,000, for section 104 of said Act shall remain available until expended.

81 Stat. 485.
42 USC 1857
note.
Ante, p. 1676.

ENVIRONMENTAL CONTROL

To carry out sections 301, 311, 328, and 354–361 of the Public Health Service Act (42 U.S.C. 241, 243, and 264; Public Law 90–602) with respect to occupational safety and health, community environmental sanitation, water quality control, and control of radiation hazards to health; section 2(k) of the Water Quality Act of 1965 (79 Stat. 903, 905); and the functions of the Secretary of Health, Education, and Welfare under the Solid Waste Disposal Act of 1965 (42 U.S.C. 3251 et seq.), and under the Federal Coal Mine Health and Safety Act of 1969; including hire, maintenance, and operation of aircraft; \$58,720,000.

58 Stat. 691,
693;
81 Stat. 536, 539,
540.
82 Stat. 1173.
42 USC 263b.
33 USC 466-1
note.
79 Stat. 997.
83 Stat. 742.
30 USC 801
note.

OFFICE OF THE ADMINISTRATOR

For expenses necessary for the Office of the Administrator, \$4,244,000.

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

MENTAL HEALTH

For carrying out the Public Health Service Act with respect to mental health and, except as otherwise provided, the Community Mental Health Centers Act (42 U.S.C. 2681, et seq.), and the Narcotic Addict Rehabilitation Act of 1966 (Public Law 89-793), \$379,516,000, of which \$15,900,000, shall remain available until June 30, 1972, for grants pursuant to parts A, C, and D of the Community Mental Health Centers Act: *Provided*, That there may be transferred to this appropriation from the appropriation for "Mental Retardation" an amount not to exceed the sum of the allotment adjustments made by the Secretary pursuant to section 132(c) of the Mental Retardation Facilities Construction Act.

77 Stat. 282.
80 Stat. 1438.
42 USC 3401
note.

79 Stat. 427;
82 Stat. 1006;
Ante, p. 1238.
42 USC 2681,
2688e, 2688k.
Ante, p. 1317.

SAINT ELIZABETHS HOSPITAL

For expenses necessary for the maintenance and operation of the hospital, including clothing for patients, and cooperation with organizations or individuals in the scientific research into the nature, causes, prevention, and treatment of mental illness, \$14,823,000, or such amount as may be necessary to provide a total appropriation equal to the difference between the amount of the reimbursements received during the current fiscal year on account of patient care provided by the hospital during such year and \$42,077,000.

HEALTH SERVICES RESEARCH AND DEVELOPMENT

To carry out, except as otherwise provided, sections 301 and 304 of the Public Health Service Act, with respect to health services research and development, \$57,403,000.

58 Stat. 691;
79 Stat. 448.
42 USC 241.
Ante, p. 1301.

COMPREHENSIVE HEALTH PLANNING AND SERVICES

To carry out sections 310, 314(a) through 314(e) of the Public Health Service Act, and except as otherwise provided, sections 301 and 311 of the Act, \$247,178,000: *Provided*, That \$4,320,000 may be transferred to this appropriation, as authorized by section 201(g)(1) of the Social Security Act, as amended, from any one or all of the trust funds referred to therein, and may be expended for functions delegated to the Administrator of the Health Services and Mental Health Administration under title XVIII of the Social Security Act.

Ante, pp. 52,
1304.
58 Stat. 693.
42 USC 243.
79 Stat. 338.
42 USC 401.

79 Stat. 291.
42 USC 1395.

MATERNAL AND CHILD HEALTH

For carrying out, except as otherwise provided, section 301 of the Public Health Service Act and title V of the Social Security Act, \$255,659,000: *Provided*, That any allotment to a State pursuant to section 503(2) or 504(2) of such Act shall not be included in computing for the purposes of subsections (a) and (b) of section 506 of such Act an amount expended or estimated to be expended by the State: *Provided further*, That \$4,750,000 of the amount available under section 503(2) of such Act shall be used only for special projects for mentally retarded children, and \$5,000,000 of the amount available under section 504(2) of such Act shall be used only for special projects for services for crippled children who are mentally retarded.

81 Stat. 921.
42 USC 701.

REGIONAL MEDICAL PROGRAMS

To carry out title IX, sections 402(g), 403(a)(1), 433(a), and, to the extent not otherwise provided, 301 and 311 of the Public Health Service Act, \$106,502,000 of which \$89,500,000 shall remain available until June 30, 1972 for grants pursuant to such title IX.

Ante, p. 1297.
58 Stat. 707,
691.
42 USC 282, 283,
289c, 241, 243.

COMMUNICABLE DISEASES

To carry out, to the extent not otherwise provided, sections 301, 311, 315, 317, 325, 328, 353, and 361 to 369 of the Public Health Service Act with respect to the prevention and suppression of communicable and preventable diseases and the introduction from foreign countries, and the interstate transmission and spread thereof; including care and treatment of quarantine detainees pursuant to section 322(e) of the Act in private or other public hospitals when facilities of the Public Health Service are not available; insurance of official motor vehicles in foreign countries when required by the law of such countries; licensing of laboratories; and purchase, hire, maintenance, and operation of aircraft; \$43,938,000.

42 USC 247,
247b, 252, 254a,
263a, 264-272.

58 Stat. 698.
42 USC 249.

MEDICAL FACILITIES CONSTRUCTION

To carry out title VI of the Public Health Service Act, and, except as otherwise provided, for administrative and technical services under parts B and C of the Developmental Disabilities Services and Facilities Construction Act (42 U.S.C. 2661-2677), the District of Columbia Medical Facilities Construction Act of 1968 (Public Law 90-457), and the Community Mental Health Centers Act (42 U.S.C. 2681-2687), \$196,521,000, of which \$172,200,000 shall be available until June 30, 1973 for grants pursuant to section 601 of the Public Health Service Act for the construction or modernization of medical facilities, and \$5,000,000, to be deposited in the fund established under section 626, shall be available without fiscal year limitation for the purposes of that section of the Act: *Provided*, That there remain available until expended \$5,000,000 for grants and \$10,000,000 for loans for nonprofit private facilities pursuant to the District of Columbia Medical Facilities Construction Act of 1968 (Public Law 90-457): *Provided further*, That the Secretary is authorized to issue commitments for direct loans to public agencies in accordance with section 627 of the Public Health Service Act which shall constitute contractual obligations of the United States, the total of such outstanding commitments not to exceed \$30,000,000 at any given time; to sell obligations received pursuant to such commitments as provided in section 627, and the proceeds of any such sale shall be used to make a direct loan pursuant to the outstanding commitment under which the obligations were received.

Ante, p. 337.

Ante, pp. 1316,
1326.
82 Stat. 631.
D.C. Code 32-
301 note.
Ante, p. 54.

Ante, p. 347.

PATIENT CARE AND SPECIAL HEALTH SERVICES

For carrying out, except as otherwise provided, the Act of August 8, 1946 (5 U.S.C. 7901), and under sections 301, 311, 321, 322, 324, 326, 328, 331, 332, 502, and 504 of the Public Health Service Act, section 1010 of the Act of July 1, 1944 (33 U.S.C. 763c), and section 1 of the Act of July 19, 1963 (42 U.S.C. 253a), \$79,889,000 of which \$1,200,000 shall be available only for payments to the State of Hawaii for care and treatment of persons afflicted with leprosy: *Provided*, That when the Health Services and Mental Health Administration establishes or operates a health service program for any department or agency, payment for the estimated cost shall be made by way of reimbursement or in advance for deposit to the credit of this appropriation.

60 Stat. 903.
42 USC 248,
249, 251, 253,
254a, 255, 256,
219, 222.
58 Stat. 714.
77 Stat. 83.

NATIONAL HEALTH STATISTICS

For carrying out, except as otherwise provided, sections 301, 305, 311, 312(a), 313, and 315 of the Public Health Service Act; \$9,668,000.

58 Stat. 691;
68 Stat. 1025;
Ante, p. 1303.
42 USC 241-
247.

RETIRED PAY OF COMMISSIONED OFFICERS

For retired pay of commissioned officers, as authorized by law, and for payments under the Retired Servicemen's Family Protection Plan and payments for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C., ch. 55), such amount as may be required during the current fiscal year.

70A Stat. 108;
82 Stat. 751.
10 USC 1431-
1446.
Ante, p. 1081.

OFFICE OF THE ADMINISTRATOR

For expenses necessary for the Office of the Administrator, \$11,812,000.

NATIONAL INSTITUTES OF HEALTH

BIOLOGICS STANDARDS

To carry out sections 351 and 352 of the Public Health Service Act pertaining to regulation and preparation of biological products, and conduct of research related thereto, \$8,838,000.

42 USC 262,
263.

NATIONAL CANCER INSTITUTE

For expenses necessary to carry out title IV, part A, of the Public Health Service Act, \$230,383,000.

58 Stat. 707.
42 USC 281.

NATIONAL HEART AND LUNG INSTITUTE

For expenses, not otherwise provided for, necessary to carry out title IV, part B, of the Public Health Service Act, \$193,479,000.

62 Stat. 464.
42 USC 287.

NATIONAL INSTITUTE OF DENTAL RESEARCH

For expenses, not otherwise provided for, to carry out title IV, part C, of the Public Health Service Act, \$35,257,000.

62 Stat. 598.
42 USC 288.

NATIONAL INSTITUTE OF ARTHRITIS AND METABOLIC DISEASES

For expenses necessary to carry out title IV, part D, of the Public Health Service Act with respect to arthritis, rheumatism, and metabolic diseases, \$138,339,000.

64 Stat. 444.
42 USC 289a.

NATIONAL INSTITUTE OF NEUROLOGICAL DISEASES AND STROKE

For expenses necessary to carry out, to the extent not otherwise provided, title IV, part D of the Public Health Service Act with respect to neurology and stroke, \$105,807,000.

82 Stat. 1362.
42 USC 289a
note.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For expenses, not otherwise provided for, to carry out title IV, part D of the Public Health Service Act with respect to allergy and infectious diseases, \$102,249,000.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For expenses, not otherwise provided for, necessary to carry out title IV, part E of the Public Health Service Act with respect to general medical sciences, including the training of clinical anesthesiologists and grants of therapeutic and chemical substances for demonstrations and research, \$166,072,000.

76 Stat. 1072,
42 USC 289d.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

To carry out, except as otherwise provided, title IV, part E of the Public Health Service Act with respect to child health and human development, \$94,436,000.

NATIONAL EYE INSTITUTE

For expenses necessary to carry out title IV, part F, of the Public Health Service Act, with respect to eye diseases and visual disorders, \$30,986,000.

82 Stat. 771,
42 USC 289i.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

To carry out, except as otherwise provided, sections 301 and 311 of the Public Health Service Act, with respect to environmental health sciences, \$20,620,000.

58 Stat. 691,
693,
42 USC 241,
243.

JOHN E. FOGARTY INTERNATIONAL CENTER FOR ADVANCED STUDY
IN THE HEALTH SCIENCES

For the John E. Fogarty International Center for Advanced Study in the Health Sciences, \$3,582,000, of which not to exceed \$500,000 shall be available for payment to the Gorgas Memorial Institute for maintenance and operation of the Gorgas Memorial Laboratory.

HEALTH MANPOWER

To carry out, to the extent not otherwise provided, sections 301, 306, 309, 311, title VII, and title VIII of the Public Health Service Act, \$275,934,000.

Loans, grants, and payments for the next succeeding fiscal year: For making, after March 31 of the current fiscal year, loans, grants, and payments under section 306, parts C, F, and G of title VII, and parts B and D of title VIII of the Public Health Service Act for the first quarter of the next succeeding fiscal year, such sums as may be necessary, and obligations incurred and expenditures made hereunder shall be charged to the appropriation for that purpose for such fiscal year: *Provided*, That such payments pursuant to this paragraph may not exceed 50 per centum of the amounts authorized in section 306, parts C and G of title VII, and part B of title VIII for these purposes for the next succeeding fiscal year.

70 Stat. 923;
74 Stat. 819;
70 Stat. 717;
78 Stat. 908;
Ante, p. 1342.
42 USC 241-
243, 292, 296.

DENTAL HEALTH

To carry out, to the extent not otherwise provided, sections 301 and 311 of the Public Health Service Act, and for training grants under section 422 of the Act, \$11,014,000.

62 Stat. 598.
42 USC 288a.

RESEARCH RESOURCES

58 Stat. 691;
79 Stat. 448.
42 USC 241.

To carry out, except as otherwise provided, section 301 of the Public Health Service Act with respect to the support of clinical research centers, laboratory animal facilities and other research resources, \$66,201,000.

CONSTRUCTION OF HEALTH EDUCATIONAL, RESEARCH, AND LIBRARY FACILITIES

77 Stat. 164;
78 Stat. 908;
82 Stat. 773, 780.
42 USC 293,
296.

To carry out part B of title VII, and part A of title VIII of the Public Health Service Act with respect to grants for construction of facilities, \$141,100,000; including, for dental facilities as authorized by subsections (2) and (3) of section 720 of the Act, an amount equal to 20 per centum of the appropriation for construction of teaching facilities for medical, dental, and other health personnel; to remain available until expended.

NATIONAL LIBRARY OF MEDICINE

Ante, p. 66.

To carry out, to the extent not otherwise provided for, section 301 with respect to health information communications and parts I and J of title III of the Public Health Service Act, \$20,769,000 of which \$1,842,000 shall remain available until June 30, 1972.

OFFICE OF THE DIRECTOR

For expenses necessary for the Office of the Director, National Institutes of Health, \$8,206,000.

Appropriations in this Act available for the salaries and expenses of the National Institutes of Health shall be available for entertainment of visiting scientists when specifically approved by the Surgeon General: *Provided*, That not to exceed \$5,000 shall be used for this purpose.

81 Stat. 539.
42 USC 254a.

Funds advanced to the National Institutes of Health management fund from appropriations in this Act shall be available for the expenses of sharing medical care facilities and resources pursuant to section 328 of the Public Health Service Act and for the purchase of not to exceed twenty-one passenger motor vehicles, of which twelve shall be for replacement only.

SCIENTIFIC ACTIVITIES OVERSEAS (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses for conducting scientific activities overseas, as authorized by law, \$32,444,000, to remain available until expended: *Provided*, That this appropriation shall be available in addition to other appropriations for such activities, for payments in the foreign currencies.

PAYMENT OF SALES INSUFFICIENCIES AND INTEREST LOSSES

81 Stat. 401.
78 Stat. 800;
80 Stat. 164.
12 USC 1717.
80 Stat. 1231,
1234.
42 USC 294d,
297f.

For the payment of such insufficiencies as may be required by the trustee on account of outstanding beneficial interest or participations in the Health Professions Education Fund assets or Nurse Training Fund assets, authorized by the Department of Health, Education, and Welfare Appropriation Act, 1968, to be issued pursuant to section 302(c) of the Federal National Mortgage Association Charter Act, \$169,000, and for payment of amounts pursuant to section 744(b) or 827(b) of the Public Health Service Act to schools which borrow any

sums from the Health Professions Education Fund or Nurse Training Fund, \$2,914,000: *Provided*, That the amounts appropriated herein shall remain available until expended.

HEALTH EDUCATION LOANS

The Secretary is hereby authorized to make such expenditures, within the limits of funds available in the "Health Professions Education Fund" and the "Nurse Training Fund," and in accord with law, and to make such contracts and commitments without regard to fiscal year limitation as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year.

61 Stat. 584.
31 USC 849.

GENERAL RESEARCH SUPPORT GRANTS

For general research support grants, as authorized in section 301 (d) of the Public Health Service Act, there shall be available from appropriations available to the National Institutes of Health and the National Institute of Mental Health for operating expenses, the sum of \$60,700,000: *Provided*, That none of these funds shall be used to pay a recipient of such a grant any amount for indirect expenses in connection with such project.

62 Stat. 601;
74 Stat. 1053.
42 USC 241.

SOCIAL AND REHABILITATION SERVICE

GRANTS TO STATES FOR PUBLIC ASSISTANCE

For carrying out, except as otherwise provided, titles I, IV, VII, X, XI, XIV, XVI, and XIX of the Social Security Act, and the Act of July 5, 1960 (24 U.S.C. ch. 9), \$8,651,950,000, of which \$46,000,000 shall be for child welfare services under part B of title IV, and \$3,000,000 shall be for grants under section 707 of the Social Security Act: *Provided*, That such amounts as may be necessary for locating parents, as authorized in section 410 of the Social Security Act, may be transferred to the Secretary of the Treasury.

42 USC 301,
601, 902, 1201,
1301, 1351, 1381,
1396.
74 Stat. 308.
24 USC 321.
81 Stat. 911.
42 USC 620.
81 Stat. 930.
42 USC 908.
42 USC 610.

Grants to States, payments after April 30: For making, after April 30 of the current fiscal year, payments to States under titles I, IV, X, XIV, XVI, and XIX, respectively, of the Social Security Act, for the last two months of the current fiscal year (except with respect to activities included in the appropriation for "Work incentives") and for the first quarter of the next succeeding fiscal year, such sums as may be necessary, the obligations incurred and the expenditures made thereunder for payments under each of such titles to be charged to the subsequent appropriations therefor for the current or succeeding fiscal year.

In the administration of titles I, IV (other than Part C thereof), X, XIV, XVI, and XIX, respectively, of the Social Security Act, payments to a State under any such titles for any quarter in the period beginning April 1 of the prior year, and ending June 30 of the current year, may be made with respect to a State plan approved under such title prior to or during such period, but no such payment shall be made with respect to any plan for any quarter prior to the quarter in which such plan was submitted for approval.

Such amounts as may be necessary from this appropriation shall be available for grants to States for any period in the prior fiscal year subsequent to March 31 of that year.

WORK INCENTIVES

81 Stat. 884.
42 USC 630.
49 Stat. 627;
81 Stat. 911.
42 USC 601.

For carrying out a work incentive program, as authorized by part C of title IV of the Social Security Act, and for related child-care services, as authorized by part A of title IV of the Act, including transfer to the Secretary of Labor, as authorized by section 431 of the Act, \$98,000,000.

REHABILITATION SERVICES AND FACILITIES

68 Stat. 652.
29 USC 31 note.
58 Stat. 691;
70 Stat. 929.
42 USC 241,
242a.
Anfe, p. 1316,
1327.
81 Stat. 528.
42 USC 2678.
79 Stat. 1282;
82 Stat. 299.
29 USC 32-34,
41a.

For carrying out, except as otherwise provided, the Vocational Rehabilitation Act, sections 301 and 303 of the Public Health Service Act, and parts C and D of the Developmental Disabilities Services and Facilities Construction Act, \$570,390,000; of which \$503,000,000 shall be for grants under section 2 of the Vocational Rehabilitation Act; \$3,200,000 for grants under section 3; \$12,800,000 for section 4(a) (2) (A), to remain available through June 30, 1972; \$1,750,000 for construction grants under section 12; and \$11,215,000 for grants under part C of the Developmental Disabilities Services and Facilities Construction Act, to remain available until June 30, 1973: *Provided*, That the allotment to any State under section 3(a) (1) of the Vocational Rehabilitation Act shall not be less than \$25,000: *Provided further*, That there may be transferred to this appropriation from the appropriation, "Mental health" an amount not to exceed the sum of the allotment adjustment made by the Secretary pursuant to Section 202(c) of the Community Mental Health Centers Act.

77 Stat. 290.
42 USC 2682.

Grants to States, next succeeding fiscal year: For making, after May 31, of the current fiscal year, grants to States under section 2 of the Vocational Rehabilitation Act, for the first quarter of the next succeeding fiscal year such sums as may be necessary, the obligations incurred and the expenditures made thereunder to be charged to the appropriation therefor for that fiscal year: *Provided*, That the payments made pursuant to this paragraph shall not exceed the amount paid to the States for the first quarter of the current fiscal year.

PROGRAMS FOR THE AGING

79 Stat. 218;
83 Stat. 108.
42 USC 3001
note.

To carry out, except as otherwise provided, the Older Americans Act of 1965, and for expenses of a White House Conference on Aging, \$33,650,000, of which \$1,650,000 for such conference and not to exceed \$4,000,000 for State planning and other activities, shall remain available until June 30, 1972.

JUVENILE DELINQUENCY PREVENTION AND CONTROL

82 Stat. 462.
42 USC 3801
note.

For carrying out, except as otherwise provided, the Juvenile Delinquency Prevention and Control Act of 1968, \$15,000,000.

RESEARCH AND TRAINING

29 USC 34, 37,
42a.
70 Stat. 850.
42 USC 1310.
22 USC 2101
note.

For carrying out, except as otherwise provided, sections 4, 7, and 16, of the Vocational Rehabilitation Act, section 1110 of the Social Security Act, and the International Health Research Act of 1960 (74 Stat. 364), \$76,435,000.

SOCIAL AND REHABILITATION ACTIVITIES OVERSEAS
(SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses of the Social and Rehabilitation Serv-

ice, in connection with activities related to vocational rehabilitation, aging and other research and training by the Social and Rehabilitation Service, as authorized by law, \$4,000,000, to remain available until expended: *Provided*, That this appropriation shall be available, in addition to other appropriations to such Service, for payments in the foregoing currencies.

SALARIES AND EXPENSES

For expenses, not otherwise provided, necessary for the Social and Rehabilitation Service, \$34,067,000, together with not to exceed \$390,000 to be transferred from the Federal Disability Insurance Trust Fund and the Federal Old-Age and Survivors Insurance Trust Fund, as provided in Section 201(g) (1) of the Social Security Act.

79 Stat. 338.
42 USC 401.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance, the Federal Disability Insurance, the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under sections 217(g), 228(g) and 1844 of the Social Security Act, and sections 103(c) and 111(d) of the Social Security Amendments of 1965, \$2,599,886,000.

79 Stat. 396,
313; 80 Stat.
67; 81 Stat. 874.
42 USC 417, 428,
1395w,
79 Stat. 334,
343.
42 USC 426a,
1395i-1.
Black Lung
benefits.
83 Stat. 792.
30 USC 901.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For making payments to entitled beneficiaries under title IV of the Coal Mine Health and Safety Act of 1969, and for necessary administrative expenses in connection therewith, such sums as may be necessary, the obligations incurred and the expenditures made to be charged to the subsequent appropriations therefor.

LIMITATION ON SALARIES AND EXPENSES

For necessary expenses, not more than \$997,461,000 may be expended as authorized by section 201(g) (1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided*, That such amounts as are required shall be available to pay the cost of necessary travel incident to medical examinations or hearings for verifying disabilities or for review of disability determinations, of individuals who file applications for disability determinations under title II of the Social Security Act, as amended: *Provided further*, That \$25,000,000 of the foregoing amount shall be apportioned for use pursuant to section 3679 of the Revised Statutes, as amended (31 U.S.C. 665), only to the extent necessary to process workloads not anticipated in the budget estimates and to meet mandatory increases in costs of agencies or organizations with which agreements have been made to participate in the administration of title XVIII and section 221 of title II of the Social Security Act, and after maximum absorption of such costs within the remainder of the existing limitation has been achieved.

53 Stat. 1362.
42 USC 401.

64 Stat. 765.

79 Stat. 291;
68 Stat. 1081.
42 USC 1395,
421.

LIMITATION ON CONSTRUCTION

For construction, alterations, and equipment of facilities, including acquisition of sites, and planning, architectural, and engineering services, and for provision of necessary off-site parking facilities during construction \$2,800,000 to be expended as authorized by section 201

79 Stat. 338.
42 USC 401.

(g) (1) of the Social Security Act, as amended, from any one or all of the trust funds, referred to therein, and to remain available until expended.

SPECIAL INSTITUTIONS

AMERICAN PRINTING HOUSE FOR THE BLIND

20 Stat. 468;
75 Stat. 627.

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101-105), \$1,517,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

79 Stat. 125.

For carrying out the National Technical Institute for the Deaf Act (20 U.S.C. 681, et seq.), \$19,744,000, of which \$16,136,000 shall be for construction and shall remain available until expended.

MODEL SECONDARY SCHOOL FOR THE DEAF

D.C. Code 31-
1051 note.

For carrying out the Model Secondary School for the Deaf Act (80 Stat. 1027), \$2,432,000, of which \$250,000 shall be for construction and shall remain available until expended.

GALLAUDET COLLEGE

D.C. Code 31-
1025 to 31-1032.

For the partial support of Gallaudet College, including repairs and improvements as authorized by the Act of June 18, 1954 (68 Stat. 265), \$7,097,000, of which \$1,400,000 shall be for construction and shall remain available until expended: *Provided*, That if so requested by the College, such construction shall be supervised by the General Services Administration: *Provided further*, That Gallaudet College shall be paid by the District of Columbia, in advance at the beginning of each quarter, at a rate of not less than \$1,640 per school year for each student receiving elementary or secondary education pursuant to the Act of March 1, 1901.

31 Stat. 844.
D.C. Code 31-
1008.

HOWARD UNIVERSITY

For the partial support of Howard University, \$36,185,000 including \$1,000,000 to remain available until expended for planning and site development of buildings and facilities under the supervision of the General Services Administration.

OFFICE OF CHILD DEVELOPMENT

81 Stat. 915.
42 USC 626.
37 Stat. 79.

For carrying out, except as otherwise provided, section 426 of the Social Security Act and the Act of April 9, 1912 (42 U.S.C. 191), and for partial support of a White House Conference on Children and Youth, \$5,917,000.

DEPARTMENTAL MANAGEMENT

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, \$7,927,000 together with not to exceed \$947,000 to be transferred and expended as authorized by section 201(g) (1) of the Social Security Act from any one or all of the trust funds referred to therein.

DEPARTMENTAL MANAGEMENT

For expenses, not otherwise provided, necessary for departmental management, including \$100,000 for the National Advisory Committee on Education of the Deaf, \$35,100,000, together with not to exceed \$5,696,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein; and not to exceed \$29,000 to be transferred from "Revolving fund for certification and other services," Food and Drug Administration.

79 Stat. 338.
42 USC 401.

WORKING CAPITAL FUND

The Working Capital Fund of the Department of Health, Education, and Welfare shall hereafter be available for expenses necessary for centralized personnel data collection and reporting and common regional administrative support services.

GENERAL PROVISIONS

SEC. 201. None of the funds appropriated by this title to the Social and Rehabilitation Service for grants-in-aid of State agencies to cover, in whole or in part, the cost of operation of said agencies, including the salaries and expenses of officers and employees of said agencies, shall be withheld from the said agencies of any States which have established by legislative enactment and have in operation a merit system and classification and compensation plan covering the selection, tenure in office, and compensation of their employees, because of any disapproval of their personnel or the manner of their selection by the agencies of the said States, or the rates of pay of said officers or employees.

Withholding of
funds, restriction.

SEC. 202. The Secretary is authorized to make such transfers of motor vehicles, between bureaus and offices, without transfer of funds, as may be required in carrying out the operations of the Department.

Motor vehicles,
transfer.

SEC. 203. None of the funds provided herein shall be used to pay any recipient of a grant for the conduct of a research project an amount equal to as much as the entire cost of such project.

Research grants.

SEC. 204. None of the funds contained in this Act shall be used for any activity the purpose of which is to require any recipient of any project grant for research, training, or demonstration made by any officer or employee of the Department of Health, Education, and Welfare to pay to the United States any portion of any interest or other income earned on payments of such grant made before July 1, 1964; nor shall any of the funds contained in this Act be used for any activity the purpose of which is to require payment to the United States of any portion of any interest or other income earned on payments made before July 1, 1964, to the American Printing House for the Blind.

Use of funds,
restriction.

SEC. 205. Expenditures from funds appropriated under this title to the American Printing House for the Blind, Howard University, the National Technical Institute for the Deaf, the Model Secondary School for the Deaf and Gallaudet College shall be subject to audit by the Secretary of Health, Education, and Welfare.

Expenditures
subject to audit.

SEC. 206. None of the funds contained in this title shall be available for additional permanent Federal positions in the Washington area if the proportion of additional positions in the Washington area in relation to the total new positions is allowed to exceed the proportion existing at the close of fiscal year 1966.

Federal positions
in Washington area.

SEC. 207. Appropriations in this Act for the Food and Drug Administration, the Environmental Health Service, the Health Services and Mental Health Administration, the National Institutes of Health, and Departmental Management shall be available for expenses for

active commissioned officers in the Public Health Service Reserve Corps and for not to exceed two thousand eight hundred commissioned officers in the Regular Corps; expenses incident to the dissemination of health information in foreign countries through exhibits and other appropriate means; advances of funds for compensation, travel, and subsistence expenses (or per diem in lieu thereof) for persons coming from abroad to participate in health or scientific activities of the Department pursuant to law; expenses of primary and secondary schooling of dependents, in foreign countries, of Public Health Service commissioned officers stationed in foreign countries, at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools available in the locality are unable to provide adequately for the education of such dependents, and for the transportation of such dependents between such schools and their places of residence when the schools are not accessible to such dependents by regular means of transportation; rental or lease of living quarters (for periods not exceeding 5 years), and provision of heat, fuel, and light, and maintenance, improvement, and repair of such quarters, and advance payments therefor, for civilian officers and employees of the Public Health Service who are United States citizens and who have a permanent station in a foreign country; not to exceed \$2,500 for entertainment of visiting scientists when specifically approved by the Surgeon General; purchase, erection, and maintenance of temporary or portable structures; and for the payment of compensation to consultants or individual scientists appointed for limited periods of time pursuant to section 207(f) or section 207(g) of the Public Health Service Act, at rates established by the Surgeon General, or the Secretary where such action is required by statute, not to exceed the per diem rate equivalent to the rate for GS-18.

58 Stat. 685.

42 USC 209.

36 F. R. 347.

SEC. 208. None of the funds contained in this title may be used for any expenses, whatsoever, incident to making allotments to States for the current fiscal year, under section 2 of the Vocational Rehabilitation Act, on a basis in excess of a total of \$515,000,000.

79 Stat. 1282;

82 Stat. 298.

29 USC 32.

Citation of title.

This title may be cited as the "Department of Health, Education, and Welfare Appropriation Act, 1971".

TITLE III—RELATED AGENCIES

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141-167), and other laws, \$39,430,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 per centum of the water stored or supplied thereby is used for farming purposes.

61 Stat. 136.

52 Stat. 1060.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary for carrying out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151-188), including temporary employment of referees under section 3 of the Railway Labor Act, as amended, at rates not in excess of \$100 per diem; and emergency boards appointed by the President pursuant to section 10 of said Act (45 U.S.C. 160), \$2,394,000.

44 Stat. 577;
49 Stat. 1189.
Ante, p. 199.

RAILROAD RETIREMENT BOARD

PAYMENT FOR MILITARY SERVICE CREDITS

For payments to the railroad retirement account for military service credits under the Railroad Retirement Act, as amended (45 U.S.C. 228c-1), \$19,969,000.

54 Stat. 1014;
60 Stat. 729.

LIMITATION ON SALARIES AND EXPENSES

For expenses necessary for the Railroad Retirement Board, \$16,740,000, of which \$16,340,000 shall be derived from the railroad retirement account, and \$400,000 shall be derived from the railroad retirement supplemental account, as authorized by Public Law 89-699, approved October 30, 1966.

80 Stat. 1073.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Service to carry out the functions vested in it by the Labor-Management Relations Act, 1947 (29 U.S.C. 171-180, 182), including expenses of the Labor-Management Panel as provided in section 205 of said Act; expenses of boards of inquiry appointed by the President pursuant to section 206 of said Act; hire of passenger motor vehicles; temporary employment of conciliators, and mediators on labor relations at rates not to exceed the per diem rate equivalent to the rate for GS-18; rental of conference rooms in the District of Columbia; and Government-listed telephones in private residences and private apartments for official use in cities where mediators are officially stationed, but no Federal Mediation and Conciliation Service office is maintained; \$9,508,000.

61 Stat. 152.

36 F. R. 347.

UNITED STATES SOLDIERS' HOME

OPERATION AND MAINTENANCE

For maintenance and operation of the United States Soldiers' Home, to be paid from the Soldiers' Home permanent fund, \$9,822,000: *Provided*, That this appropriation shall not be available for the payment of hospitalization of members of the Home in United States Army hospitals at rates in excess of those prescribed by the Secretary of the Army, upon the recommendation of the Board of Commissioners of the Home and the Surgeon General of the Army.

CAPITAL OUTLAY

For construction of buildings and facilities, including plans and specifications, and furnishings, to be paid from the Soldiers' Home permanent fund, \$128,000, to remain available until expended.

OFFICE OF ECONOMIC OPPORTUNITY

ECONOMIC OPPORTUNITY PROGRAM

78 Stat. 508.
42 USC 2701
note.
81 Stat. 709.
42 USC 2841.

42 USC 2942.

42 USC 2711,
2781, 2921, 2941,
2991.

GAO access to
records.

For expenses necessary to carry out the provisions of the Economic Opportunity Act of 1964 (Public Law 88-452, approved August 20, 1964), as amended, \$1,323,400,000, plus reimbursements: *Provided*, That this appropriation shall be available for transfers to the economic opportunity loan fund for loans under title III, and amounts so transferred shall remain available until expended: *Provided further*, That this appropriation shall be available for the purchase and hire of passenger motor vehicles, and for construction, alteration, and repair of buildings and other facilities, as authorized by section 602 of the Economic Opportunity Act of 1964: *Provided further*, That this appropriation shall not be available for contracts under titles I, II, V, VI, and VIII extending for more than twenty-four months: *Provided further*, That no part of the funds appropriated in this paragraph shall be available for any grant until the Director has determined that the grantee is qualified to administer the funds and programs involved in the proposed grant: *Provided further*, That all grant agreements shall provide that the General Accounting Office shall have access to the records of the grantee which bear exclusively upon the Federal grant.

FEDERAL RADIATION COUNCIL

SALARIES AND EXPENSES

For expenses necessary for the Federal Radiation Council, \$144,000.

PRESIDENT'S COMMITTEE ON CONSUMER INTERESTS

SALARIES AND EXPENSES

3 CFR 1964-65
Comp., p. 172.
3 CFR 1967
Comp., p. 278.

For necessary expenses of the President's Committee on Consumer Interests, established by Executive Order 11136 of January 3, 1964, as amended by Executive Order 11349 of May 1, 1967, \$810,000.

PRESIDENT'S COUNCIL ON YOUTH OPPORTUNITY

SALARIES AND EXPENSES

42 USC prec.
2711 note.
80 Stat. 416.

For expenses necessary to carry out the provisions of Executive Order 11330, dated March 5, 1967, including services as authorized by 5 U.S.C. 3109, \$300,000.

CABINET COMMITTEE ON OPPORTUNITIES FOR SPANISH-SPEAKING PEOPLE

SALARIES AND EXPENSES

For expenses necessary for the Cabinet Committee on Opportunities for Spanish-Speaking People, and the Advisory Council on Spanish-Speaking Americans, \$675,000.

PAYMENT TO THE CORPORATION FOR PUBLIC BROADCASTING

To enable the Department of Health, Education, and Welfare to make payment to the Corporation for Public Broadcasting, as authorized by section 396(k) (1) of the Communications Act of 1934, as amended, for expenses of the Corporation, \$20,000,000 to remain available until expended: *Provided*, That in addition, there is appropriated in accordance with the authorization contained in section 396(k) (2) of such Act, to remain available until expended, amounts equal to the amount of total grants, donations, requests, or other contributions (including money and the fair market value of any property) from non-Federal sources received by the Corporation during the current fiscal year, but not to exceed a total of \$3,000,000.

Anfe, p. 888.

TITLE IV—GENERAL PROVISIONS

SEC. 401. Appropriations contained in this Act, available for salaries and expenses, shall be available for services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18.

Experts and consultants.

80 Stat. 416.
36 F. R. 347.

Uniforms.

SEC. 402. Appropriations contained in this Act available for salaries and expenses shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902).

80 Stat. 508;

81 Stat. 206.
Meetings.

SEC. 403. Appropriations contained in this Act available for salaries and expenses shall be available for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

SEC. 404. The Secretary of Labor and the Secretary of Health, Education, and Welfare are each authorized to make available not to exceed \$7,500 from funds available for salaries and expenses under titles I and II, respectively, for official reception and representation expenses.

Official receptions.

SEC. 405. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Fiscal year limitation.

SEC. 406. No part of any appropriation contained in this Act shall be used to finance any Civil Service Interagency Board of Examiners.

SEC. 407. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, a grant, the salary of or any remuneration whatever to any individual applying for admission, attending, employed by, teaching at, or doing research at an institution of higher education who has engaged in conduct on or after August 1, 1969, which involves the use of (or the assistance to others in the use of) force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the availability of certain curriculum, or to prevent the faculty, administrative officials, or students in such institution from engaging in their duties or pursuing their studies at such institution.

Campus disrupters, funds, prohibition.

SEC. 408. The Secretary of Labor and the Secretary of Health, Education, and Welfare are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided*, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

This Act may be cited as the "Departments of Labor, and Health, Education, and Welfare Appropriation Act, 1971".

Short title.

Approved January 11, 1971.

Public Law 91-668

AN ACT

January 11, 1971
[H. R. 19590]

Making appropriations for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes.

Department of
Defense Approp-
riation Act, 1971.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1971, for military functions administered by the Department of Defense, and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere); \$7,842,450,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; \$4,368,600,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); \$1,426,700,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; \$5,988,350,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 265, 3019, and 3033 of title 10, United States Code, or while undergoing reserve training or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, as authorized by law; \$334,750,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Naval Reserve on active duty under section 265 of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, as authorized by law; \$142,100,000.

70A Stat. 11.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve and the Marine Corps platoon leaders class on active duty under section 265 of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, as authorized by law; \$52,050,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 265, 8019, and 8033 of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Air Reserve Officers' Training Corps, as authorized by law; \$85,200,000.

81 Stat. 524,
525.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under sections 265, 3033, or 3496 of title 10 or section 708 of title 32, United States Code, or while undergoing training or while performing drills or equivalent duty, as authorized by law; \$387,100,000: *Provided*, That obligations may be incurred under this appropriation without regard to section 107 of title 32, United States Code.

81 Stat. 524;
70A Stat. 198,
614.

70A Stat. 599.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under sections 265, 8033, or 8496 of title 10 or section 708 of title 32, United States Code, or while undergoing training or while performing drills or equivalent duty, as authorized by law; \$107,500,000: *Provided*, That obligations may be incurred under this appropriation without regard to section 107 of title 32, United States Code.

70A Stat. 524.

TITLE II

RETIRED MILITARY PERSONNEL

RETIRED PAY, DEFENSE

For retired pay and retirement pay, as authorized by law, of military personnel on the retired lists of the Army, Navy, Marine Corps, and the Air Force, including the reserve components thereof, retainer pay for personnel of the inactive Fleet Reserve, and payments under chapter 73 of title 10, United States Code; \$3,194,000,000.

10 USC 1431.

TITLE III

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, including administration; medical and dental care of personnel entitled thereto by law or regulation (including charges of private facilities for care of military personnel on duty or leave, except elective private treatment), and other measures necessary to protect the health of the Army; care of the dead; chaplains' activities; awards and medals; welfare and recreation; recruiting expenses; transportation services; communications services; maps and similar data for military purposes; military surveys and engineering planning; repair of facilities; hire of passenger motor vehicles; tuition and fees incident to training of military personnel at civilian institutions; field exercises and maneuvers; expenses for the Reserve Officers' Training Corps and other units at educational institutions, as authorized by law; and not to exceed \$3,634,000 for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, and his determination shall be final and conclusive upon the accounting officers of the Government; \$6,268,687,000, of which not less than \$220,000,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, including aircraft and vessels; modification of aircraft, missiles, missile systems, and other ordnance; design of vessels; training and education of members of the Navy; administration; procurement of military personnel; hire of passenger motor vehicles; welfare and recreation; medals, awards, emblems, and other insignia; transportation of things (including transportation of household effects of civilian employees); industrial mobilization; medical and dental care; care of the dead; charter and hire of vessels; relief of vessels in distress; maritime salvage services; military communications facilities on merchant vessels; annuity premiums and retirement benefits for civilian members of teaching services; tuition, allowances, and fees incident to training of military personnel at civilian institutions; repair of facilities; departmental salaries; conduct of schoolrooms, service clubs, chapels, and other instructional, entertainment, and welfare expenses for the enlisted men; procurement of services, special clothing, supplies, and equipment; installation of equipment in public or private plants; exploration, prospecting, conservation, development, use, and operation of the naval petroleum and oil shale reserves, as authorized by law; and not to exceed \$2,826,000 for emergency and extraordinary expenses, as authorized by section 7202 of title 10, United States Code, to be expended on the approval or authority of the Secretary and his determination shall be final and conclusive upon the accounting officers of the Government; \$4,729,410,000, of which not less than \$126,891,000 shall be available only for maintenance of real property facilities, and not to exceed \$1,700,000 may be transferred to the appropriation for

"Salaries and expenses", Environmental Science Services Administration, Department of Commerce, for the current fiscal year for the operation of ocean weather stations.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, necessary for the operation and maintenance of the Marine Corps including equipment and facilities; procurement of military personnel; training and education of regular and reserve personnel, including tuition and other costs incurred at civilian schools; welfare and recreation; conduct of schoolrooms, service clubs, chapels, and other instructional, entertainment, and welfare expenses for the enlisted men; procurement and manufacture of military supplies, equipment, and clothing; hire of passenger motor vehicles; transportation of things; medals, awards, emblems, and other insignia; operation of station hospitals, dispensaries and dental clinics; and departmental salaries; \$402,743,000, of which not less than \$31,016,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation, maintenance, and administration of the Air Force, including the Air Force Reserve and the Air Reserve Officers' Training Corps; operation, maintenance, and modification of aircraft and missiles; transportation of things; repair and maintenance of facilities; field printing plants; hire of passenger motor vehicles; recruiting advertising expenses; training and instruction of military personnel of the Air Force, including tuition and related expenses; pay, allowances, and travel expenses of contract surgeons; repair of private property and other necessary expenses of combat maneuvers; care of the dead; chaplain and other welfare and morale supplies and equipment; conduct of schoolrooms, service clubs, chapels, and other instructional, entertainment, and welfare expenses for enlisted men and patients not otherwise provided for; awards and decorations; industrial mobilization, including maintenance of reserve plants and equipment and procurement planning; special services by contract or otherwise; and not to exceed \$3,134,000 for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, and his determination shall be final and conclusive upon the accounting officers of the Government; \$6,157,136,000, of which not less than \$250,000,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments and the Office of Civil Defense), including administration; hire of passenger motor vehicles; welfare and recreation; awards and decorations; travel expenses, including expenses of temporary duty travel of military personnel; transportation of things (including transportation of household effects of civilian employees); industrial mobilization; care of the dead; tuition and fees incident to the training of military personnel at civilian institutions; repair of facilities; departmental salaries; procurement of services, special clothing, supplies, and equipment; field

printing plants; information and educational services for the Armed Forces; communications services; and not to exceed \$4,280,000 for emergency and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense for such purposes as he deems appropriate, and his determination thereon shall be final and conclusive upon the accounting officers of the Government; \$1,125,750,000, of which not less than \$14,000,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personal services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard of the several States, Commonwealth of Puerto Rico, and the District of Columbia, as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft); \$287,400,000, of which not less than \$1,900,000 shall be available only for the maintenance of real property facilities: *Provided*, That obligations may be incurred under this appropriation without regard to section 107 of title 32, United States Code.

70A Stat. 599.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things; hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard of the several States, Commonwealth of Puerto Rico, and the District of Columbia; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, of Air National Guard commanders while inspecting units in compliance with National Guard regulations when specifically authorized by the Chief, National Guard Bureau; \$343,600,000, of which not less than \$2,500,000 shall be available only for the maintenance of real property facilities: *Provided*, That obligations may be incurred under this appropriation without regard to section 107 of title 32, United States Code.

NATIONAL BOARD FOR THE PROMOTION OF RIFLE PRACTICE, ARMY

For the necessary expenses of construction, equipment, and maintenance of rifle ranges, the instruction of citizens in marksmanship, and promotion of rifle practice, in accordance with law, including travel of rifle teams, military personnel, and individuals attending regional, national, and international competitions, and not to

exceed \$10,000 for incidental expenses of the National Board; \$100,000: *Provided*, That travel expenses of civilian members of the National Board shall be paid in accordance with the Standardized Government Travel Regulations, as amended.

CLAIMS, DEFENSE

For payment, not otherwise provided for, of claims authorized by law to be paid by the Department of Defense (except for civil functions), including claims for damages arising under training contracts with carriers, and repayment of amounts determined by the Secretary concerned, or officers designated by him, to have been erroneously collected from military and civilian personnel of the Department of Defense, or from States, territories, or the District of Columbia, or members of National Guard units thereof; \$39,000,000.

CONTINGENCIES, DEFENSE

For emergencies and extraordinary expenses arising in the Department of Defense, to be expended on the approval or authority of the Secretary of Defense and such expenses may be accounted for solely on his certificate that the expenditures were necessary for confidential military purposes; \$5,000,000: *Provided*, That a report of disbursements under this item of appropriation shall be made quarterly to Congress.

COURT OF MILITARY APPEALS, DEFENSE

For salaries and expenses necessary for the United States Court of Military Appeals; \$780,000.

TITLE IV—PROCUREMENT

PROCUREMENT OF EQUIPMENT AND MISSILES, ARMY

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, ammunition, equipment, vehicles, vessels, and aircraft for the Army and the Reserve Officers' Training Corps; purchase of not to exceed five thousand two hundred and fifty-four passenger motor vehicles for replacement only; expenses which in the discretion of the Secretary of the Army are necessary in providing facilities for production of equipment and supplies for national defense purposes, including construction, and the furnishing of Government-owned facilities and equipment at privately owned plants; and ammunition for military salutes at institutions to which issue of weapons for salutes is authorized; \$2,908,500,000, and in addition, \$50,000,000 shall be derived by transfer from the Army stock fund, to remain available for obligation until June 30, 1973: *Provided*, That none of the funds provided in this Act shall be available for the maintenance of more than two active production sources for the supplying of M-16 rifles or for the payment of any price differential for M-16 rifles resulting from the maintenance of more than two active production sources.

PROCUREMENT OF AIRCRAFT AND MISSILES, NAVY

For construction, procurement, production, modification, and modernization of aircraft, missiles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and

40 USC 255.

such lands, and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title by the Attorney General as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public or private plants; \$3,017,900,000, and in addition, \$100,000,000 shall be derived by transfer from the Defense stock fund, to remain available for obligation until June 30, 1973.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public or private plants; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such land, and interests therein, may be acquired and construction prosecuted thereon prior to approval of title by the Attorney General as required by section 355, Revised Statutes, as amended; \$2,465,400,000, to remain available for obligation until June 30, 1975: *Provided*, That none of the funds herein provided for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign shipyards for the construction of major components of the hull or superstructure of such vessel: *Provided further*, That none of the funds herein provided shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment, and materials not otherwise provided for, Navy ordnance and ammunition (except ordnance for new aircraft, new ships, and ships authorized for conversion), purchase of not to exceed one thousand two hundred and sixty-two passenger motor vehicles (including eight medium sedans at not to exceed \$3,000) for replacement only; alteration of vessels and necessary design therefor, expansion of public and private plants, including the land necessary therefor, and such lands, and interests therein may be acquired, and construction prosecuted thereon prior to approval of title by the Attorney General as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public or private plants; \$1,487,300,000, to remain available for obligation until June 30, 1973.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, ammunition, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public or private plants, and vehicles for the Marine Corps, including purchase of not to exceed three hundred and fifty-seven passenger motor vehicles for replacement only; \$175,900,000, to remain available for obligation until June 30, 1973.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices; spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land without regard to section 9774 of title 10, United States Code, for the foregoing purposes, and such land, and interests therein, may be acquired and construction prosecuted thereon prior to the approval of title by the Attorney General as required by section 355, Revised Statutes, as amended; reserve plant and equipment layaway; and other expenses necessary for the foregoing purposes, including rents and transportation of things; \$3,219,300,000, to remain available for obligation until June 30, 1973.

70 A Stat. 590;
83 Stat. 312.

40 USC 255.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land without regard to section 9774 of title 10, United States Code, for the foregoing purposes, and such land, and interests therein, may be acquired and construction prosecuted thereon prior to the approval of title by the Attorney General as required by section 355, Revised Statutes, as amended; reserve plant and equipment layaway; and other expenses necessary for the foregoing purposes, including rents and transportation of things; \$1,377,200,000, and in addition, \$50,000,000 shall be derived by transfer from the Defense stock fund, to remain available for obligation until June 30, 1973.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed one thousand two hundred and eighty-one passenger motor vehicles for replacement only; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land without regard to section 9774 of title 10, United States Code, for the foregoing purposes, and such land, and interests therein, may be acquired and construction prosecuted thereon prior to the approval of title by the Attorney General as required by section 355, Revised Statutes, as amended; \$1,338,700,000, to remain available for obligation until June 30, 1973.

PROCUREMENT, DEFENSE AGENCIES

For expenses of activities and agencies of the Department of Defense (other than the military departments and the Office of Civil Defense) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; purchase of one hundred and twenty-nine passen-

40 USC 255.

ger motor vehicles for replacement only; expansion of public and private plants, equipment and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such land and interests therein may be acquired and construction prosecuted thereon prior to the approval of title by the Attorney General as required by section 355, Revised Statutes, as amended; \$38,910,000, to remain available for obligation until June 30, 1973.

TITLE V—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; \$1,600,200,000, to remain available for obligation until June 30, 1972.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; \$2,137,900,000, to remain available for obligation until June 30, 1972.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; \$2,744,100,000, to remain available for obligation until June 30, 1972.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE AGENCIES

For expenses of activities and agencies of the Department of Defense (other than the military departments and the Office of Civil Defense), necessary for basic and applied scientific research, development, test, and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law, to remain available for obligation until June 30, 1972; \$443,600,000: *Provided*, That such amounts as may be determined by the Secretary of Defense to have been made available in other appropriations available to the Department of Defense during the current fiscal year for programs related to advanced research may be transferred to and merged with this appropriation to be available for the same purposes and time period: *Provided further*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to carry out the purposes of advanced research to those appropriations for military functions under the Department of Defense which are being utilized for related programs, to be merged with and to be available for the same time period as the appropriation to which transferred.

Funds,
transfer.

EMERGENCY FUND, DEFENSE

For transfer by the Secretary of Defense, with the approval of the Office of Management and Budget, to any appropriation for military functions under the Department of Defense available for research, development, test, and evaluation, or procurement or production related thereto, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation to which transferred; \$50,000,000.

TITLE VI

COMBAT READINESS, SOUTH VIETNAMESE
FORCES, DEFENSE

For transfer, by the Secretary of Defense, upon determination by the President that such action is necessary to further improve the combat readiness of the forces of the Republic of South Vietnam, to any appropriation available to the Department of Defense for military functions to be merged with the appropriation to which transferred, \$300,000,000.

TITLE VII

SPECIAL FOREIGN CURRENCY PROGRAM

For payment in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for expenses of carrying out programs of the Department of Defense, as authorized by law, \$2,621,000, to remain available for obligation until June 30, 1973: *Provided*, That this appropriation shall be available, in addition to other appropriations to such Department, for payments in the foregoing currencies.

TITLE VIII

GENERAL PROVISIONS

SEC. 801. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

Publicity or
propaganda.

SEC. 802. During the current fiscal year, the Secretary of Defense and the Secretaries of the Army, Navy, and Air Force, respectively, if they should deem it advantageous to the national defense, and if in their opinions the existing facilities of the Department of Defense are inadequate, are authorized to procure services in accordance with 5 U.S.C. 3109, under regulations prescribed by the Secretary of Defense, and to pay in connection therewith travel expenses of individuals, including actual transportation and per diem in lieu of subsistence while traveling from their homes or places of business to official duty station and return as may be authorized by law: *Provided*, That such contracts may be renewed annually.

Experts or
consultants.

80 Stat. 416.

SEC. 803. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense.

Noncitizens,
employment.

SEC. 804. Appropriations contained in this Act shall be available for insurance of official motor vehicles in foreign countries, when required by laws of such countries; payments in advance of expenses determined by the investigating officer to be necessary and in accord

Appropriations,
availability.

with local custom for conducting investigations in foreign countries incident to matters relating to the activities of the department concerned; reimbursement of General Services Administration for security guard services for protection of confidential files; reimbursement of the Federal Bureau of Investigation for expenses in connection with investigation of defense contractor personnel; and all necessary expenses, at the seat of government of the United States of America or elsewhere, in connection with communication and other services and supplies as may be necessary to carry out the purposes of this Act.

Prisoners of war.

SEC. 805. Any appropriation available to the Army, Navy, or the Air Force may, under such regulations as the Secretary concerned may prescribe, be used for expenses incident to the maintenance, pay, and allowances of prisoners of war, other persons in Army, Navy, or Air Force custody whose status is determined by the Secretary concerned to be similar to prisoners of war, and persons detained in such custody pursuant to Presidential proclamation.

Land acquisition.

SEC. 806. Appropriations available to the Department of Defense for the current fiscal year for maintenance or construction shall be available for acquisition of land or interest therein as authorized by section 2672 or 2675 of title 10, United States Code.

72 Stat. 1459;
76 Stat. 511.
Ante, p. 1224.
Dependents'
schooling.
64 Stat. 1100.

SEC. 807. Appropriations for the Department of Defense for the current fiscal year shall be available. (a) except as authorized by the Act of September 30, 1950 (20 U.S.C. 236-244), for primary and secondary schooling for minor dependents of military and civilian personnel of the Department of Defense residing on military or naval installations or stationed in foreign countries, as authorized for the Navy by section 7204 of title 10, United States Code, in amounts not exceeding \$136,700,000, when the Secretary of the Department concerned finds that schools, if any, available in the locality, are unable to provide adequately for the education of such dependents: *Provided*, That under such regulations as may be issued by the Secretary of Defense, such schooling in a school operated by the Department of Defense under this section may be provided without tuition for minor dependents of civilian and military personnel of the Department of Defense who died while entitled to compensation or active duty pay: *Provided further*, That where such personnel die subsequent to the date of this Act, such schooling must be continued or commenced within 1 year after the date of death; (b) for expenses in connection with administration of occupied areas; (c) for payment of rewards as authorized for the Navy by section 7209(a) of title 10, United States Code, for information leading to the discovery of missing naval property or the recovery thereof; (d) for payment of deficiency judgments and interests thereon arising out of condemnation proceedings; (e) for leasing of buildings and facilities including payment of rentals for special purpose space at the seat of government, and in the conduct of field exercises and maneuvers or, in administering the provisions of 43 U.S.C. 315q, rentals may be paid in advance; (f) payments under contracts for maintenance of tools and facilities for twelve months beginning at any time during the fiscal year; (g) maintenance of Defense access roads certified as important to national defense in accordance with section 210 of title 23, United States Code; (h) for the purchase of milk for enlisted personnel of the Department of Defense heretofore made available pursuant to section 1446a, title 7, United States Code, and the cost of milk so purchased, as determined by the Secretary of Defense, shall be included in the value of the commuted ration; (i) transporting civilian clothing to the home of record of selective service inductees and recruits on entering the mili-

70A Stat. 442.

Occupied areas.
Rewards.

Deficiency judgments.

Leasing.

56 Stat. 654.
Tools, maintenance.
Access roads.

72 Stat. 908.
Milk program.

Ante, p. 1361.

tary services; (j) payments under leases for real or personal property for twelve months beginning at any time during the fiscal year; (k) pay and allowances of not to exceed nine persons, including personnel detailed to International Military Headquarters and Organizations, at rates provided for under section 625(d)(1) of the Foreign Assistance Act of 1961, as amended; (l) under regulations approved by the Secretary of Defense, for transportation from their homes to rest and recuperation centers in the Pacific area and return, plus per diem payments of not to exceed \$30 per day for each dependent for periods not over two weeks, for dependents of military personnel assigned as province or district senior advisers in Vietnam on voluntarily extended tours of duty totaling not less than eighteen months, during periods when such military personnel are granted special incentive leaves at such rest and recuperation centers.

75 Stat. 450.
22 USC 2385.
Rest and recuperation centers, transportation and per diem for dependents.

SEC. 808. Appropriations for the Department of Defense for the current fiscal year shall be available for: (a) donations of not to exceed \$25 to each prisoner upon each release from confinement in military or contract prison and to each person discharged for fraudulent enlistment; (b) authorized issues of articles to prisoners, applicants for enlistment and persons in military custody; (c) subsistence of selective service registrants called for induction, applicants for enlistment, prisoners, civilian employees as authorized by law, and supernumeraries when necessitated by emergent military circumstances; (d) reimbursement for subsistence of enlisted personnel while sick in hospitals; (e) expenses of prisoners confined in nonmilitary facilities; (f) military courts, boards, and commissions; (g) utility services for buildings erected at private cost, as authorized by law, and buildings on military reservations authorized by regulations to be used for welfare and recreational purposes; (h) exchange fees, and losses in the accounts of disbursing officers or agents in accordance with law; (i) expenses of Latin-American cooperation as authorized for the Navy by law (10 U.S.C. 7208); and (j) expenses of apprehension and delivery of deserters, prisoners, and members absent without leave, including payment of rewards of not to exceed \$25 in any one case.

70A Stat. 443.

SEC. 809. Insofar as practicable, the Secretary of Defense shall assist American small business to participate equitably in the furnishing of commodities and services financed with funds appropriated under this Act by making available or causing to be made available to suppliers in the United States, and particularly to small independent enterprises, information, as far in advance as possible, with respect to purchases proposed to be financed with funds appropriated under this Act, and by making available or causing to be made available to purchasing and contracting agencies of the Department of Defense information as to commodities and services produced and furnished by small independent enterprises in the United States, and by otherwise helping to give small business an opportunity to participate in the furnishing of commodities and services financed with funds appropriated by this Act.

Small business assistance.

SEC. 810. No appropriation contained in this Act shall be available for expenses of operation of messes (other than organized messes the operating expenses of which are financed principally from non-appropriated funds) at which meals are sold to officers or civilians, except under regulations approved by the Secretary of Defense, which shall (except under unusual or extraordinary circumstances) establish rates for such meals sufficient to provide reimbursement of operating expenses and food costs to the appropriations concerned: *Provided*,

Mess operations.

That officers and civilians in a travel status receiving a per diem allowance in lieu of subsistence shall be charged at the rate of not less than \$2.50 per day: *Provided further*, That for the purposes of this section payments for meals at the rates established hereunder may be made in cash or by deduction from the pay of civilian employees: *Provided further*, That members of organized nonprofit youth groups sponsored at either the national or local level, when extended the privilege of visiting a military installation and permitted to eat in the general mess by the commanding officer of the installation, shall pay the computed ration cost of such meal or meals.

Fiscal year
limitation.

SEC. 811. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Reimbursable
appropriations.

SEC. 812. Appropriations of the Department of Defense available for operation and maintenance, may be reimbursed during the current fiscal year for all expenses involved in the preparation for disposal and for the disposal of military supplies, equipment, and material, and for all expenses of production of lumber or timber products pursuant to section 2665 of title 10, United States Code, from amounts received as proceeds from the sale of any such property: *Provided*, That a report of receipts and disbursements under this limitation shall be made quarterly to Congress: *Provided further*, That no funds available to agencies of the Department of Defense shall be used for the operation, acquisition, or construction of new facilities or equipment for new facilities in the continental limits of the United States for metal scrap baling or shearing or for melting or sweating aluminum scrap unless the Secretary of Defense or an Assistant Secretary of Defense designated by him determines, with respect to each facility involved, that the operation of such facility is in the national interest.

Funds, apportionment;
exemption.

SEC. 813. (a) During the current fiscal year, the President may exempt appropriations, funds, and contract authorizations, available for military functions under the Department of Defense, from the provisions of subsection (c) of section 3679 of the Revised Statutes, as amended, whenever he deems such action to be necessary in the interests of national defense.

31 USC 665.

Airborne alert
expenses.

(b) Upon determination by the President that such action is necessary, the Secretary of Defense is authorized to provide for the cost of an airborne alert as an excepted expense in accordance with the provisions of Revised Statutes 3732 (41 U.S.C. 11).

Increased military
personnel,
expenses.

(c) Upon determination by the President that it is necessary to increase the number of military personnel on active duty beyond the number for which funds are provided in this Act, the Secretary of Defense is authorized to provide for the cost of such increased military personnel, as an excepted expense in accordance with the provisions of Revised Statutes 3732 (41 U.S.C. 11).

Report to Congress.

(d) The Secretary of Defense shall immediately advise Congress of the exercise of any authority granted in this section, and shall report monthly on the estimated obligations incurred pursuant to subsections (b) and (c).

Commissary
stores.

SEC. 814. No appropriation contained in this Act shall be available in connection with the operation of commissary stores of the agencies of the Department of Defense for the cost of purchase (including commercial transportation in the United States to the place of sale but excluding all transportation outside the United States) and maintenance of operating equipment and supplies, and for the actual or estimated cost of utilities as may be furnished by the Government and of shrinkage, spoilage, and pilferage of merchandise under the

control of such commissary stores, except as authorized under regulations promulgated by the Secretaries of the military departments concerned, with the approval of the Secretary of Defense, which regulations shall provide for reimbursement therefor to the appropriations concerned and, notwithstanding any other provision of law, shall provide for the adjustment of the sales prices in such commissary stores to the extent necessary to furnish sufficient gross revenue from sales of commissary stores to make such reimbursement: *Provided*, That under such regulations as may be issued pursuant to this section all utilities may be furnished without cost to the commissary stores outside the continental United States and in Alaska: *Provided further*, That no appropriation contained in this Act shall be available in connection with the operation of commissary stores within the continental United States unless the Secretary of Defense has certified that items normally procured from commissary stores are not otherwise available at a reasonable distance and a reasonable price in satisfactory quality and quantity to the military and civilian employees of the Department of Defense.

Free utilities
outside U.S. and
in Alaska.

SEC. 815. Notwithstanding any other provision of law, Executive order, or regulation, no part of the appropriations in this Act shall be available for any expenses of operating aircraft under the jurisdiction of the Armed Forces for the purpose of proficiency flying except in accordance with the regulations issued by the Secretaries of the Departments concerned and approved by the Secretary of Defense which shall establish proficiency standards and maximum and minimum flying hours for this purpose: *Provided*, That without regard to any provision of law or Executive order prescribing minimum flight requirements, such regulations may provide for the payment of flight pay at the rates prescribed in section 301 of title 37, United States Code, to certain members of the Armed Forces otherwise entitled to receive flight pay during the current fiscal year (1) who have held aeronautical ratings or designations for not less than fifteen years, or (2) whose particular assignment outside the United States or in Alaska makes it impractical to participate in regular aerial flights, or who have been assigned to a course of instruction of 90 days or more.

Proficiency flying.

76 Stat. 461.

SEC. 816. No part of any appropriation contained in this Act shall be available for expense of transportation, packing, crating, temporary storage, drayage, and unpacking of household goods and personal effects in any one shipment having a net weight in excess of thirteen thousand five hundred pounds.

Household goods.

SEC. 817. Vessels under the jurisdiction of the Department of Commerce, the Department of the Army, Department of the Air Force, or the Department of the Navy may be transferred or otherwise made available without reimbursement to any such agencies upon the request of the head of one agency and the approval of the agency having jurisdiction of the vessels concerned.

Vessels, transfer.

SEC. 818. None of the funds provided in this Act shall be available for training in any legal profession nor for the payment of tuition for training in such profession: *Provided*, That this limitation shall not apply to the off-duty training of military personnel as prescribed by section 822 of this Act.

Legal training,
restriction.

SEC. 819. Not more than 20 per centum of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of civilian components or summer-camp training of the Reserve Officers' Training Corps.

Obligated funds,
1971, limitation.

Foreign real property, use.

SEC. 820. During the current fiscal year the agencies of the Department of Defense may accept the use of real property from foreign countries for the United States in accordance with mutual defense agreements or occupational arrangements and may accept services furnished by foreign countries as reciprocal international courtesies or as services customarily made available without charge; and such agencies may use the same for the support of the United States forces in such areas without specific appropriation therefor.

Report to Congress and Office of Management and Budget.

In addition to the foregoing, agencies of the Department of Defense may accept real property, services, and commodities from foreign countries for the use of the United States in accordance with mutual defense agreements or occupational arrangements and such agencies may use the same for the support of the United States forces in such areas, without specific appropriations therefor: *Provided*, That within thirty days after the end of each quarter the Secretary of Defense shall render to Congress and to the Office of Management and Budget a full report of such property, supplies, and commodities received during such quarter.

Research and development funds.

70A Stat. 134.

SEC. 821. During the current fiscal year, appropriations available to the Department of Defense for research and development may be used for the purposes of section 2353 of title 10, United States Code, and for purposes related to research and development for which expenditures are specifically authorized in other appropriations of the service concerned.

Tuition payments, etc., restriction.

SEC. 822. No appropriation contained in this Act shall be available for the payment of more than 75 per centum of charges of educational institutions for tuition or expenses for off-duty training of military personnel, nor for the payment of any part of tuition or expenses for such training for commissioned personnel who do not agree to remain on active duty for two years after completion of such training.

ROTC, loyalty requirements.

SEC. 823. No part of the funds appropriated herein shall be expended for the support of any formally enrolled student in basic courses of the senior division, Reserve Officers' Training Corps, who has not executed a certificate of loyalty or loyalty oath in such form as shall be prescribed by the Secretary of Defense.

Procurement restrictions.

SEC. 824. No part of any appropriation contained in this Act shall be available for the procurement of any article of food, clothing, cotton, woven silk or woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric, or wool (whether in the form of fiber or yarn or contained in fabrics, materials, or manufactured articles) not grown, reprocessed, reused, or produced in the United States or its possessions, except to the extent that the Secretary of the Department concerned shall determine that a satisfactory quality and sufficient quantity of any articles of food or clothing or any form of cotton, woven silk and woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric, or wool grown, reprocessed, reused, or produced in the United States or its possessions cannot be procured as and when needed at United States market prices and except procurements outside the United States in support of combat operations, procurements by vessels in foreign waters and emergency procurements or procurements of perishable foods by establishments located outside the United States for the personnel attached thereto: *Provided*, That nothing herein shall preclude the procurement of foods manufactured or processed in the United States or its possessions: *Provided further*, That no funds herein appropriated shall be used for the payment of a price differential on contracts hereafter made for the purpose of relieving economic dis-

locations: *Provided further*, That none of the funds appropriated in this Act shall be used except that, so far as practicable, all contracts shall be awarded on a formally advertised competitive bid basis to the lowest responsible bidder.

SEC. 825. None of the funds appropriated in this Act shall be used for the construction, replacement, or reactivation of any bakery, laundry, or dry-cleaning facility in the United States, its territories or possessions, as to which the Secretary of Defense does not certify in writing, giving his reasons therefor, that the services to be furnished by such facilities are not obtainable from commercial sources at reasonable rates.

Bakery, laundry facilities.

SEC. 826. During the current fiscal year, appropriations of the Department of Defense shall be available for reimbursement to the Post Office Department for payment of costs of commercial air transportation of military mail between the United States and foreign countries.

Airmail reimbursement.

SEC. 827. Appropriations contained in this Act shall be available for the purchase of household furnishings, and automobiles from military and civilian personnel on duty outside the continental United States, for the purpose of resale at cost to incoming personnel, and for providing furnishings, without charge, in other than public quarters occupied by military or civilian personnel of the Department of Defense on duty outside the continental United States or in Alaska, upon a determination, under regulations approved by the Secretary of Defense, that such action is advantageous to the Government.

Furnishings and automobiles, purchase.

SEC. 828. During the current fiscal year, appropriations available to the Department of Defense for pay of civilian employees shall be available for uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901; 80 Stat. 508).

Uniforms.

SEC. 829. During the current fiscal year, the Secretary of Defense shall, upon requisition of the National Board for the Promotion of Rifle Practice, and without reimbursement, transfer from agencies of the Department of Defense to the Board ammunition from stock or which has been procured for the purpose in such amounts as he may determine.

81 Stat. 206.

Ammunition, transfer.

Such appropriations of the Department of Defense available for obligation during the current fiscal year as may be designated by the Secretary of Defense shall be available for the travel expenses of military and naval personnel, including the reserve components, and members of the Reserve Officers' Training Corps attending regional, national, or international rifle matches.

Travel expenses.

SEC. 830. Funds provided in this Act for congressional liaison activities of the Department of the Army, the Department of the Navy, the Department of the Air Force, and the Office of the Secretary of Defense shall not exceed \$1,150,000: *Provided*, That this amount shall be available for apportionment to the Department of the Army, the Department of the Navy, the Department of the Air Force, and the Office of the Secretary of Defense as determined by the Secretary of Defense.

Congressional liaison activities.

SEC. 831. Of the funds made available by this Act for the services of the Military Airlift Command, \$100,000,000 shall be available only for procurement of commercial transportation service from carriers participating in the civil reserve air fleet program; and the Secretary of Defense shall utilize the services of such carriers which qualify as small businesses to the fullest extent found practicable: *Provided*, That the Secretary of Defense shall specify in such procurement, performance characteristics for aircraft to be used based upon modern aircraft operated by the civil air fleet.

Civil reserve air fleet.

Sea trans-
portation.

SEC. 832. Not less than \$5,500,000 of the funds made available in this Act for travel expenses in connection with temporary duty and permanent change of station of civilian and military personnel of the Department of Defense shall be available only for the procurement of commercial passenger sea transportation services on American-flag vessels.

Civilian
clothing.

SEC. 833. During the current fiscal year, appropriations available to the Department of Defense for operation may be used for civilian clothing, not to exceed \$40 in cost for enlisted personnel: (1) discharged for misconduct, unfitness, unsuitability, or otherwise than honorably; (2) sentenced by a civil court to confinement in a civil prison or interned or discharged as an alien enemy; (3) discharged prior to completion of recruit training under honorable conditions for dependency, hardship, minority, disability, or for the convenience of the Government.

Defense con-
tractors' advertis-
ing costs, restric-
tions.

SEC. 834. No part of the funds appropriated herein shall be available for paying the costs of advertising by any defense contractor, except advertising for which payment is made from profits, and such advertising shall not be considered a part of any defense contract cost. The prohibition contained in this section shall not apply with respect to advertising conducted by any such contractor, in compliance with regulations which shall be promulgated by the Secretary of Defense, solely for (1) the recruitment by the contractor of personnel required for the performance by the contractor of obligations under a defense contract, (2) the procurement of scarce items required by the contractor for the performance of a defense contract, or (3) the disposal of scrap or surplus materials acquired by the contractor in the performance of a defense contract.

New facilities,
restriction.

SEC. 835. Funds appropriated in this Act for maintenance and repair of facilities and installations shall not be available for acquisition of new facilities, or alteration, expansion, extension, or addition of existing facilities, as defined in Department of Defense Directive 7040.2, dated January 18, 1961, in excess of \$25,000: *Provided*, That the Secretary of Defense may amend or change the said directive during the current fiscal year, consistent with the purpose of this section.

Funds, transfer.

SEC. 836. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed \$600,000,000 of the appropriations contained in this Act between such appropriations, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation to which transferred: *Provided*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority.

Congress, noti-
fication.

Contract pay-
ments in foreign
countries.

SEC. 837. None of the funds appropriated in this Act may be used to make payments under contracts for any program, project, or activity in a foreign country unless the Secretary of Defense or his designee, after consultation with the Secretary of the Treasury or his designee, certifies to the Congress that the use, by purchase from the Treasury, of currencies of such country acquired pursuant to law is not feasible for the purpose, stating the reason therefor.

Vietnamese
forces, etc., sup-
port.

SEC. 838. (a) Not to exceed \$2,500,000,000 of the appropriations available to the Department of Defense during the current fiscal year shall be available for their stated purposes to support: (1) Vietnamese and other free world forces in support of Vietnamese forces; (2) local forces in Laos and Thailand: and for related costs, on such terms and conditions as the Secretary of Defense may determine: *Provided*,

That none of the funds appropriated by this Act may be used for the purpose of paying any overseas allowance, per diem allowance, or any other addition to the regular base pay of any person serving with the free world forces in South Vietnam if the amount of such payment would be greater than the amount of special pay authorized to be paid, for an equivalent period of service, to members of the Armed Forces of the United States under section 310 of title 37, United States Code, serving in Vietnam or in any other hostile fire area, except for continuation of payments of such additions to regular base pay provided in agreements executed prior to July 1, 1970: *Provided further*, That nothing in clause (1) of the first sentence of this subsection shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos: *Provided further*, That nothing contained in this section shall be construed to prohibit support of actions required to insure the safe and orderly withdrawal or disengagement of U.S. Forces from Southeast Asia, or to aid in the release of Americans held as prisoners of war.

Limitations.

77 Stat. 216;
79 Stat. 547.

(b) Within thirty days after the end of each quarter, the Secretary of Defense shall render to Congress a report with respect to the estimated value by purpose, by country, of support furnished from such appropriations.

Report to Congress.

SEC. 839. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget.

Working capital funds.

76 Stat. 521.

SEC. 840. No part of the funds appropriated under this Act shall be used to pay salaries of any Federal employee who is convicted in any Federal, State, or local court of competent jurisdiction, of inciting, promoting, or carrying on a riot, or any group activity resulting in material damage to property or injury to persons, found to be in violation of Federal, State, or local laws designed to protect persons or property in the community concerned.

Payments prohibited to convicted rioters.

SEC. 841. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan or a grant to any applicant who has been convicted by any court of general jurisdiction of any crime which involves the use of or the assistance to others in the use of force, trespass or the seizure of property under control of an institution of higher education to prevent officials or students at such an institution from engaging in their duties or pursuing their studies.

Loans to campus disrupters, prohibition.

SEC. 842. (a) Appropriations heretofore made available for Procurement of Equipment and Missiles, Army; Procurement of Aircraft and Missiles, Navy; Other Procurement, Navy; Procurement, Marine Corps; Aircraft Procurement, Air Force; Missile Procurement, Air Force; Other Procurement, Air Force; Procurement, Defense Agencies; and Special Foreign Currency Program shall not be available for obligation after June 30, 1973. Appropriations heretofore made available for Shipbuilding and Conversion, Navy, shall not be available for obligation after June 30, 1975. Appropriations heretofore made available under the headings Research, Development, Test, and Evaluation, Army; Research, Development, Test, and Evaluation,

Procurement funds, time limitation.

Navy; Research, Development, Test, and Evaluation, Air Force; and Research, Development, Test, and Evaluation, Defense Agencies shall not be available for obligation after June 30, 1972. Each such appropriation shall be merged with and shall be available for the same time period as appropriations made in this Act under the same head.

Repeal.

83 Stat. 487.

(b) Section 642 of the Department of Defense Appropriation Act, 1970 (Public Law 91-171, approved December 29, 1969), is hereby repealed.

Laos or Thailand, introduction of combat troops, prohibition.

SEC. 843. In line with the expressed intention of the President of the United States, none of the funds appropriated by this Act shall be used to finance the introduction of American ground combat troops into Laos or Thailand.

ABM sites, prohibition.

Ante, p. 1224.

SEC. 844. None of the funds appropriated in this Act shall be available for the purposes authorized by section 610, Public Law 91-511, approved October 26, 1970.

Certain Defense employees, limitation.

SEC. 845. After June 15, 1971, no part of the funds in this Act shall be available to support in excess of 138,000 personnel of the Department of Defense (military and civilian) assigned to activities managed under the Intelligence and Security Program of the Department of Defense.

Short title.

This Act may be cited as the "Department of Defense Appropriation Act, 1971."

Approved January 11, 1971.

Public Law 91-669

AN ACT

January 11, 1971
[H. R. 19915]

To extend the temporary provision for disregarding income of old-age, survivors, and disability insurance and railroad retirement recipients in determining their need for public assistance.

OASDI and railroad retirement recipients.

Public assistance, extension.
Ante, p. 408.

42 USC 301, 1201, 1351, 1381.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1007 of the Social Security Amendments of 1969, as amended by section 2(b) of Public Law 91-306, is amended to read as follows:

"SEC. 1007. In addition to the requirements imposed by law as a condition of approval of a State plan to provide aid to individuals under title I, X, XIV, or XVI of the Social Security Act, there is hereby imposed the requirement (and the plan shall be deemed to require) that, in the case of any individual found eligible (as a result

of the requirement imposed by this section or otherwise) for aid for any month after March 1970 and before January 1972 who also receives in such month—

“(1) a monthly insurance benefit under title II of such Act, the sum of the aid received by him for such month, plus the monthly insurance benefit received by him in such month, shall not be less than the sum of the aid which would have been received by him for such month under the State plan as in effect for March 1970, plus either

42 USC 401.

“(A) the monthly insurance benefit which was or would have been received by him in March 1970 without regard to the other provisions of this title plus \$4, or

“(B) the monthly insurance benefit which was or would have been received by him in March 1970 under the provisions of this title,

whichever is less (whether this requirement is satisfied by disregarding a portion of his monthly insurance benefit or otherwise), or

“(2) a monthly payment of annuity or pension under the Railroad Retirement Act of 1937 or the Railroad Retirement Act of 1935, the sum of the aid received by him in such month, plus the monthly payment of such annuity or pension received by him in such month (not including any part of such annuity or pension which is disregarded under section 1006), shall (except as otherwise provided in the succeeding sentence) not be less than the sum of the aid which would have been received by him for such month under such plan as in effect for March 1970, plus either

50 Stat. 307.
45 USC 228a-
228s-2.
49 Stat. 967.
45 USC 215-
228 notes.
Ante, p. 407.

“(A) the monthly payment of annuity or pension which was or would have been received by him in March 1970 without regard to the provisions of any Act enacted after May 30, 1970, and before December 31, 1970, which provides general increases in the amount of such monthly payment of annuity or pension plus \$4, or

“(B) the monthly payment of annuity or pension which was or would have been received by him in March 1970, taking into account the provisions of such Act (if any), whichever is less (whether this requirement is satisfied by disregarding a portion of his monthly payment of annuity or pension or otherwise).”

Approved January 11, 1971.

Public Law 91-670

AN ACT

January 11, 1971
[S. 1181]

To provide authority for promotion programs for milk, tomatoes, and potatoes, and to amend section 8e of the Agricultural Adjustment Act, as reenacted and amended, to provide for the extension of restrictions on imported commodities imposed by such section to imported raisins, olives, and prunes.

Agricultural Ad-
justment Act,
amendments.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—ADVERTISING PROJECTS: MILK

49 Stat. 753;
79 Stat. 1187.
7 USC 608c.

SEC. 101. The Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is further amended, by adding at the end of subsection 8c(5) the following new subparagraph (I) :

“(I) Establishing or providing for the establishment of research and development projects, and advertising (excluding brand advertising), sales promotion, educational, and other programs, designed to improve or promote the domestic marketing and consumption of milk and its products, to be financed by producers in a manner and at a rate specified in the order, on all producer milk under the order. Producer contributions under this subparagraph may be deducted from funds due producers in computing total pool value or otherwise computing total funds due producers and such deductions shall be in addition to the adjustments authorized by subparagraph (B) of subsection 8c(5). Provision may be made in the order to exempt, or allow suitable adjustments or credits in connection with, milk on which a mandatory checkoff for advertising or marketing research is required under the authority of any State law. Such funds shall be paid to an agency organized by milk producers and producers’ cooperative associations in such form and with such methods of operation as shall be specified in the order. Such agency may expend such funds for any of the purposes authorized by this subparagraph and may designate, employ, and allocate funds to persons and organizations engaged in such programs which meet the standards and qualifications specified in the order. All funds collected under this subparagraph shall be separately accounted for and shall be used only for the purposes for which they were collected. Programs authorized by this subparagraph may be either local or national in scope, or both, as provided in the order, but shall not be international. Order provisions under this subparagraph shall not become effective in any marketing order unless such provisions are approved by producers separately from other order provisions, in the same manner provided for the approval of marketing orders, and may be terminated separately whenever the Secretary makes a determination with respect to such provisions as is provided for the termination of an order in subsection 8c(16) (B). Disapproval or termination of such order provisions shall not be considered disapproval of the order or of other terms of the order. Notwithstanding any other provision of this Act, as amended, any producer against whose marketings any assessment is withheld or collected under the authority of this subparagraph, and who is not in favor of supporting the research and promotion programs, as provided for herein, shall have the right to demand and receive a refund of such assessment pursuant to the terms and conditions specified in the order.”

49 Stat. 760.

TITLE II—TOMATO ADVERTISING PROJECTS

SEC. 201. Section 8c(6)(I) of the Agricultural Adjustment Act, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is amended by striking out "or apples" in the first proviso, and inserting in lieu thereof "apples, or tomatoes".

Ante, p. 687.

TITLE III—POTATO RESEARCH AND PROMOTION

This title may be cited as the "Potato Research and Promotion Act".

Citation of title.

FINDINGS AND DECLARATION OF POLICY

SEC. 302. Potatoes are a basic food in the United States. They are produced by many individual potato growers in every State in the United States. In 1966, there were one million four hundred and ninety-seven thousand acres of cropland in the United States devoted to the production of potatoes. Approximately two hundred and seventy-five million hundredweight of potatoes have been produced annually during the past five years with an estimated sales value to the potato producers of \$561,000,000.

Potatoes and potato products move, in a large part, in the channels of interstate commerce, and potatoes which do not move in such channels directly burden or affect interstate commerce in potatoes and potato products. All potatoes produced in the United States are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in potatoes and potato products.

The maintenance and expansion of existing potato markets and the development of new or improved markets are vital to the welfare of potato growers and those concerned with marketing, using, and processing potatoes as well as the general economic welfare of the Nation.

Therefore, it is the declared policy of the Congress and the purpose of this title that it is essential in the public interest, through the exercise of the powers provided herein, to authorize the establishment of an orderly procedure for the financing, through adequate assessments on all potatoes harvested in the United States for commercial use, and the carrying out of an effective and continuous coordinated program of research, development, advertising, and promotion designed to strengthen potatoes' competitive position, and to maintain and expand domestic and foreign markets for potatoes produced in the United States.

DEFINITIONS

SEC. 303. As used in this title:

- (a) The term "Secretary" means the Secretary of Agriculture.
- (b) The term "person" means any individual, partnership, corporation, association, or other entity.
- (c) The term "potatoes" means all varieties of Irish potatoes grown by producers in the forty-eight contiguous States of the United States.
- (d) The term "handler" means any person (except a common or contract carrier of potatoes owned by another person) who handles potatoes in a manner specified in a plan issued pursuant to this title or in the rules and regulations issued thereunder.
- (e) The term "producer" means any person engaged in the growing of five or more acres of potatoes.
- (f) The term "promotion" means any action taken by the National Potato Promotion Board, pursuant to this title, to present a favorable

image for potatoes to the public with the express intent of improving their competitive positions and stimulating sales of potatoes and shall include, but shall not be limited to, paid advertising.

AUTHORITY TO ISSUE A PLAN

SEC. 304. To effectuate the declared policy of this title, the Secretary shall, subject to the provisions of this title, issue and from time to time amend, orders applicable to persons engaged in the handling of potatoes (hereinafter referred to as handlers) and shall have authority to issue orders authorizing the collection of assessments on potatoes handled under the provisions of this title, and to authorize the use of such funds to provide research, development, advertising, and promotion of potatoes in a manner prescribed in this title. Any order issued by the Secretary under this title shall hereinafter in this title be referred to as a "plan". Any such plan shall be applicable to potatoes produced in the forty-eight contiguous States of the United States.

NOTICE AND HEARINGS

SEC. 305. When sufficient evidence is presented to the Secretary by potato producers, or whenever the Secretary has reason to believe that a plan will tend to effectuate the declared policy of this title, he shall give due notice and opportunity for a hearing upon a proposed plan. Such hearing may be requested by potato producers or by any other interested person or persons, including the Secretary, when the request for such hearing is accompanied by a proposal for a plan.

FINDING AND ISSUANCE OF A PLAN

SEC. 306. After notice and opportunity for hearing, the Secretary shall issue a plan if he finds, and sets forth in such plan, upon the evidence introduced at such hearing, that the issuance of such plan and all the terms and conditions thereof will tend to effectuate the declared policy of this title.

REGULATIONS

SEC. 307. The Secretary is authorized to make such regulations with the force and effect of law, as may be necessary to carry out the provisions of this title and the powers vested in him by this title.

REQUIRED TERMS IN PLANS

SEC. 308. Any plan issued pursuant to this title shall contain the following terms and conditions:

National Potato
Promotion Board,
establishment.

(a) Providing for the establishment by the Secretary of a National Potato Promotion Board (hereinafter referred to as "the board") and for defining its powers and duties, which shall include powers—

(1) to administer such plan in accordance with its terms and conditions;

(2) to make rules and regulations to effectuate the terms and conditions of such plan;

(3) to receive, investigate, and report to the Secretary complaints of violations of such plan; and

(4) to recommend to the Secretary amendments to such plan.

Membership.

(b) Providing that the board shall be composed of representatives of producers selected by the Secretary from nominations made by producers in such manner as may be prescribed by the Secretary. In

the event producers fail to select nominees for appointment to the board, the Secretary shall appoint producers on the basis of representation provided for in such plan.

(c) Providing that board members shall serve without compensation, but shall be reimbursed for reasonable expenses incurred in performing their duties as members of the board.

Expenses.

(d) Providing that the board shall prepare and submit to the Secretary for his approval a budget, on a fiscal period basis, of its anticipated expenses and disbursements in the administration of the plan, including probable costs of research, development, advertising, and promotion.

Budget.

(e) Providing that the board shall recommend to the Secretary and the Secretary shall fix the assessment rate required for such costs as may be incurred pursuant to subsection (d) of this section; but in no event shall the assessment rate exceed 1 cent per one hundred pounds of potatoes handled.

Costs, assessment rate.

(f) Providing that—

Restrictions.

(1) funds collected by the board shall be used for research, development, advertising, or promotion of potatoes and potato products and such other expenses for the administration, maintenance, and functioning of the board, as may be authorized by the Secretary;

(2) no advertising or sales promotion program shall make any reference to private brand names or use false or unwarranted claims in behalf of potatoes or their products or false or unwarranted statements with respect to the attributes or use of any competing products; and

(3) no funds collected by the board shall in any manner be used for the purpose of influencing governmental policy or action, except as provided by subsection (a)(4) of this section.

(g) Providing that, notwithstanding any other provisions of this title, any potato producer against whose potatoes any assessment is made and collected under authority of this title and who is not in favor of supporting the research and promotion program as provided for under this title shall have the right to demand and receive from the board a refund of such assessment: *Provided*, That such demand shall be made personally by such producer in accordance with regulations and on a form and within a time period prescribed by the board and approved by the Secretary, but in no event less than ninety days, and upon submission of proof satisfactory to the board that the producer paid the assessment for which refund is sought, and any such refund shall be made within sixty days after demand therefor.

Assessment, refund.

(h) Providing that the board shall, subject to the provisions of subsections (e) and (f) of this section, develop and submit to the Secretary for his approval any research, development, advertising or promotion programs or projects, and that any such program or project must be approved by the Secretary before becoming effective.

(i) Providing the board with authority to enter into contracts or agreements, with the approval of the Secretary, for the development and carrying out of research, development, advertising or promotion programs or projects, and the payment of the cost thereof with funds collected pursuant to this title.

Contract authority.

(j) Providing that the board shall maintain books and records and prepare and submit to the Secretary such reports from time to time as may be prescribed for appropriate accounting with respect to the receipt and disbursement of funds entrusted to it and cause a complete audit report to be submitted to the Secretary at the end of each fiscal period.

Recordkeeping; audit report.

PERMISSIVE TERMS IN PLANS

SEC. 309. Any plan issued pursuant to this title may contain one or more of the following terms and conditions:

(a) Providing authority to exempt from the provisions of the plan potatoes used for nonfood uses, and authority for the board to require satisfactory safeguards against improper use of such exemptions.

(b) Providing for authority to designate different handler payment and reporting schedules to recognize differences in marketing practices and procedures utilized in different production areas.

(c) Providing for the establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and sales promotion of potatoes and potato products and for the disbursement of necessary funds for such purposes: *Provided, however,* That any such program or project shall be directed toward increasing the general demand for potatoes and potato products: *And provided further,* That such promotional activities shall comply with the provisions of section 308(f) of this title.

(d) Providing for establishing and carrying on research and development projects and studies to the end that the marketing and utilization of potatoes may be encouraged, expanded, improved, or made more efficient, and for the disbursement of necessary funds for such purposes.

(e) Providing for authority to accumulate reserve funds from assessments collected pursuant to this title, to permit an effective and continuous coordinated program of research, development, advertising, and promotion in years when the production and assessment income may be reduced: *Provided,* That the total reserve fund does not exceed the amount budgeted for two years' operation.

(f) Providing for authority to use funds collected herein, with the approval of the Secretary, for the development and expansion of potato and potato product sales in foreign markets.

(g) Terms and conditions incidental to and not inconsistent with the terms and conditions specified in this title and necessary to effectuate the other provisions of such plan.

ASSESSMENTS

SEC. 310. (a) Each handler designated by the board, pursuant to regulations issued under the plan, to make payment of assessments shall be responsible for payment to the board, as it may direct, of any assessment levied on potatoes; and such handler may collect from any producer or deduct from the proceeds paid to any producer, on whose potatoes such assessment is made, any such assessment required to be paid by such handler. Such handler shall maintain a separate record with respect to each producer for whom potatoes were handled, and such records shall indicate the total quantity of potatoes handled by him including those handled for producers and for himself, shall indicate the total quantity of potatoes handled by him which are included under the terms of a plan as well as those which are exempt under such plan, and shall indicate such other information as may be prescribed by the board. To facilitate the collection and payment of such assessments, the board may designate different handlers or classes of handlers to recognize differences in marketing practices or procedures utilized in any State or area. No more than one such assessment shall be made on any potatoes.

Recordkeeping.

Records, availability; reports.

(b) Handlers responsible for payment of assessments under subsection (a) of this section shall maintain and make available for inspection by the Secretary such books and records as required by the

plan and file reports at the times, in the manner, and having the content prescribed by the plan, to the end that information and data shall be made available to the board and to the Secretary which is appropriate or necessary to the effectuation, administration, or enforcement of this title or of any plan or regulation issued pursuant to this title.

(c) All information obtained pursuant to subsections (a) and (b) of this section shall be kept confidential by all officers and employees of the Department of Agriculture and of the board, and only such information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administrative hearing brought at the direction, or upon the request, of the Secretary, or to which he or any officer of the United States is a party, and involving the plan with reference to which the information to be disclosed was furnished or acquired. Nothing in this section shall be deemed to prohibit—

Confidential information.

(1) the issuance of general statements based upon the reports of a number of handlers subject to a plan if such statements do not identify the information furnished by any person, or

(2) the publication by direction of the Secretary of the name of any person violating any plan together with a statement of the particular provisions of the plan violated by such person.

Any such officer or employee violating the provisions of this subsection shall upon conviction be subject to a fine of not more than \$1,000 or imprisonment for not more than one year, or both, and shall be removed from office.

Penalty.

PETITION AND REVIEW

SEC. 311. (a) Any person subject to a plan may file a written petition with the Secretary, stating that such plan or any provision of such plan or any obligation imposed in connection therewith is not in accordance with law and praying for a modification thereof or to be exempted therefrom. He shall thereupon be given an opportunity for a hearing upon such petition, in accordance with regulations made by the Secretary. After such hearing, the Secretary shall make a ruling upon the prayer of such petition which shall be final, if in accordance with law.

Hearing opportunity.

(b) The district courts of the United States in any district in which such person is an inhabitant, or has his principal place of business, are hereby vested with jurisdiction to review such ruling: *Provided*, That a complaint for that purpose is filed within twenty days from the date of the entry of such ruling. Service of process in such proceedings may be had upon the Secretary by delivering to him a copy of the complaint. If the court determines that such ruling is not in accordance with law, it shall remand such proceedings to the Secretary with directions either (1) to make such ruling as the court shall determine to be in accordance with law, or (2) to take such further proceedings as, in its opinion, the law requires. The pendency of proceedings instituted pursuant to subsection (a) of this section shall not impede, hinder, or delay the United States or the Secretary from obtaining relief pursuant to section 312(a) of this title.

Jurisdiction.

ENFORCEMENT

SEC. 312. (a) The several district courts of the United States are vested with jurisdiction specifically to enforce, and to prevent and restrain any person from violating, any plan or regulation made or issued pursuant to this title.

(b) Any handler who violates any provisions of any plan issued by the Secretary under this title, or who fails or refuses to remit any

assessment or fee duly required of him thereunder shall be subject to criminal prosecution and shall be fined not less than \$100 nor more than \$1,000 for each such offense.

INVESTIGATION AND POWER TO SUBPENA

SEC. 313. (a) The Secretary may make such investigations as he deems necessary for the effective carrying out of his responsibilities under this title or to determine whether a handler or any other person has engaged or is engaging in any acts or practices which constitute a violation of any provision of this title, or of any plan, or rule or regulation issued under this title. For the purpose of any such investigation, the Secretary is empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, and documents which are relevant to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States. In case of contumacy by, or refusal to obey a subpoena issued to, any person, including a handler, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, and documents; and such court may issue an order requiring such person to appear before the Secretary, there to produce records, if so ordered, or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found. The site of any hearings held under this section shall be within the judicial district where such handler or other person is an inhabitant or has his principal place of business.

Penalty.

Hearings, jurisdiction.

Self-incrimination, privilege.

(b) No person shall be excused from attending and testifying or from producing books, papers, and documents before the Secretary, or in obedience to the subpoena of the Secretary, or in any cause or proceeding, criminal or otherwise, based upon, or growing out of any alleged violation of this title, or of any plan, or rule or regulation issued thereunder on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that any individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

REQUIREMENT OF REFERENDUM

SEC. 314. The Secretary shall conduct a referendum among producers who, during a representative period determined by the Secretary, have been engaged in the production of potatoes for the purpose of ascertaining whether the issuance of a plan is approved or favored by producers. No plan issued pursuant to this title shall be effective unless the Secretary determines that the issuance of such plan is approved or favored by not less than two-thirds of the producers voting in such referendum, or by the producers of not less than two-thirds of the potatoes produced during the representative period by

producers voting in such referendum, and by not less than a majority of the producers voting in such referendum. The ballots and other information or reports which reveal or tend to reveal the vote of any producer or his production of potatoes shall be held strictly confidential and shall not be disclosed. Any officer or employee of the Department of Agriculture violating the provisions hereof shall upon conviction be subject to the penalties provided in paragraph 310(c) above.

Penalty.

SUSPENSION OR TERMINATION OF PLANS

SEC. 315. (a) The Secretary shall, whenever he finds that a plan or any provision thereof obstructs or does not tend to effectuate the declared policy of this title, terminate or suspend the operation of such plan or such provision thereof.

Referendum.

(b) The Secretary may conduct a referendum at any time and shall hold a referendum on request of the board or of 10 per centum or more of the potato producers to determine if potato producers favor the termination or suspension of the plan, and he shall terminate or suspend such plan at the end of the marketing year whenever he determines that such suspension or termination is favored by a majority of those voting in a referendum, and who produce more than 50 per centum of the volume of the potatoes produced by the potato producers voting in the referendum.

AMENDMENT PROCEDURE

SEC. 316. The provisions of this title applicable to plans shall be applicable to amendments to plans.

SEPARABILITY

SEC. 317. If any provision of this title or the application thereof to any person or circumstances is held invalid, the validity of the remainder of this title and of the application of such provision to other persons and circumstances shall not be affected thereby.

AUTHORIZATION

SEC. 318. There is hereby made available from the funds provided by section 32 of Public Law 320, Seventy-fourth Congress (49 Stat. 774), as amended (7 U.S.C. 612c), such sums as are necessary to carry out the provisions of this title: *Provided*, That no such sum shall be used for the payment of any expenses or expenditures of the board in administering any provision of any plan issued under authority of this title.

EFFECTIVE DATE

SEC. 319. This title shall take effect upon enactment.

TITLE IV—RESTRICTIONS ON IMPORTED COMMODITIES

SEC. 401. Section 8e of the Agricultural Adjustment Act of 1933, as amended, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and as amended by the Agricultural Act of 1961, is amended by inserting in the first sentence thereof between "tomatoes" and "avocados," the following: "raisins, olives (other than Spanish-style green olives), prunes".

75 Stat. 305.
7 USC 608e-1.

Approved January 11, 1971.

Public Law 91-671

January 11, 1971
[H. R. 18582]

AN ACT

To amend the Food Stamp Act of 1964, as amended.

Food Stamp Act
of 1964, amend-
ments.
78 Stat. 703.
7 USC 2011.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Food Stamp Act of 1964, as amended, is amended to read as follows:

“SEC. 2. It is hereby declared to be the policy of Congress, in order to promote the general welfare, that the Nation’s abundance of food should be utilized cooperatively by the States, the Federal Government, local governmental units, and other agencies to safeguard the health and well-being of the Nations population and raise levels of nutrition among low-income households. The Congress hereby finds that the limited food purchasing power of low-income households contributes to hunger and malnutrition among members of such households. The Congress further finds that increased utilization of food in establishing and maintaining adequate national levels of nutrition will promote the distribution in a beneficial manner of our agricultural abundances and will strengthen our agricultural economy, as well as result in more orderly marketing and distribution of food. To alleviate such hunger and malnutrition, a food stamp program is herein authorized which will permit low-income households to purchase a nutritionally adequate diet through normal channels of trade.”

Definitions.
7 USC 2012.

SEC. 2. (a) Section 3(e) of the Food Stamp Act of 1964, as amended, is amended to read as follows:

“Household.”

“(e) The term ‘household’ shall mean a group of related individuals (including legally adopted children and legally assigned foster children) or non-related individuals over age 60 who are not residents of an institution or boarding house, but are living as one economic unit sharing common cooking facilities and for whom food is customarily purchased in common. The term ‘household’ shall also mean (1) a single individual living alone who has cooking facilities and who purchases and prepares food for home consumption, or (2) an elderly person who meets the requirements of section 10(h) of this Act.”

Post, p. 2051.

(b) Add the following sentence at the end of subsection 3(f) of the Food Stamp Act of 1964, as amended: “It shall also mean a political subdivision or a private nonprofit organization that meets the requirements of section 10(h) of this Act.”

(c) Subsection (j) of section 3 of the Food Stamp Act of 1964, as amended, is amended to read as follows:

“State.”

“(j) The term ‘State’ means the fifty States and the District of Columbia, Guam, Puerto Rico, and the Virgin Islands of the United States.”

(d) Add the following new subsection at the end of section 3 of the Food Stamp Act of 1964, as amended:

“Elderly person.”

“(l) The term ‘elderly person’ shall mean a person sixty years of age or over who is not a resident of an institution or boarding house, and who is living alone, or with spouse, whether or not he has cooking facilities in his home.”

(e) Section 3 of the Food Stamp Act of 1964, as amended, is amended by adding the following new subsection:

78 Stat. 703.
7 USC 2012.

“(m) The term ‘authorization to purchase card’ means any document issued by the State agency to an eligible household which shows the face value of the coupon allotment the household is entitled to be issued on presentation of such document and the amount to be paid by such household for such allotment.”

“‘Authorization to purchase card.’”

SEC. 3. Subsections (a) and (b) of section 4 of the Food Stamp Act of 1964, as amended, are amended to read as follows:

Coupon allotment program.
7 USC 2013.

“(a) The Secretary is authorized to formulate and administer a food stamp program under which, at the request of the State agency, eligible households within the State shall be provided with an opportunity to obtain a nutritionally adequate diet through the issuance to them of a coupon allotment which shall have a greater monetary value than the charge to be paid for such allotment by eligible households. The coupons so received by such households shall be used only to purchase food from retail food stores which have been approved for participation in the food stamp program. Coupons issued and used as provided in this Act shall be redeemable at face value by the Secretary through the facilities of the Treasury of the United States.

Redemption.

“(b) In areas where the food stamp program is in operation, there shall be no distribution of federally donated foods to households under the authority of any other law except that distribution thereunder may be made: (1) during temporary emergency situations when the Secretary determines that commercial channels of food distribution have been disrupted; (2) for such period of time as the Secretary determines necessary, to effect an orderly transition in an area in which the distribution of federally donated foods to households is being replaced by a food stamp program; or (3) on request of the State agency: *Provided*, That the Secretary shall not approve any plan established under this Act which permits any household to simultaneously participate in both the food stamp program and the distribution of federally donated foods under this clause (3).

Emergency distribution.

SEC. 4. Section 5 of the Food Stamp Act of 1964, as amended, is amended to read as follows:

Eligibility standards.
7 USC 2014.

“SEC. 5. (a) Except for the temporary participation of households that are victims of a disaster as provided in subsection (b) of this section, participation in the food stamp program shall be limited to those households whose income and other financial resources are determined to be substantial limiting factors in permitting them to purchase a nutritionally adequate diet.

“(b) The Secretary, in consultation with the Secretary of Health, Education, and Welfare, shall establish uniform national standards of eligibility for participation by households in the food stamp program and no plan of operation submitted by a State agency shall be approved unless the standards of eligibility meet those established by the Secretary. The standards established by the Secretary, at a minimum, shall prescribe the amounts of household income and other financial resources, including both liquid and nonliquid assets, to be used as criteria of eligibility. Any household which includes a member who has reached his eighteenth birthday and who is claimed as a dependent child for Federal income tax purposes by a taxpayer who is not a member of an eligible household, shall be ineligible to participate in any food stamp program established pursuant to this Act during the tax period such dependency is claimed and for a period of one year after expiration of such tax period. The Secretary may also establish temporary emergency standards of eligibility, without regard to income

and other financial resources, for households that are victims of a disaster which disrupted commercial channels of food distribution when he determines that such households are in need of temporary food assistance, and that commercial channels of food distribution have again become available to meet the temporary food needs of such households: *Provided*, That the Secretary shall in the case of Puerto Rico, Guam, and the Virgin Islands, establish special standards of eligibility and coupon allotment schedules which reflect the average per capita income and cost of obtaining a nutritionally adequate diet in Puerto Rico and the respective territories; except that in no event shall the standards of eligibility or coupon allotment schedules so used exceed those in the fifty States.

Ineligibility.

“(c) Notwithstanding any other provisions of law, the Secretary shall include in the uniform national standards of eligibility to be prescribed under subsection (b) of this section a provision that each State agency shall provide that a household shall not be eligible for assistance under this Act if it includes an able-bodied adult person between the ages of eighteen and sixty-five (except mothers or other members of the household who have the responsibility of care of dependent children or of incapacitated adults, bona fide students in any accredited school or training program, or persons employed and working at least 30 hours per week) who either (a) fails to register for employment at a State or Federal employment office or, when impractical, at such other appropriate State or Federal office designated by the Secretary, or (b) has refused to accept employment or public work at not less than (i) the applicable State minimum wage, (ii) the applicable Federal minimum wage, (iii) the applicable wage established by a valid regulation of the Federal Government authorized by existing law to establish such regulations, or (iv) \$1.30 per hour if there is no applicable wage as described in (i), (ii), or (iii) above. Refusal to work at a plant or site subject to a strike or a lockout for the duration of such strike or lockout shall not be deemed to be a refusal to accept employment.”

Coupon allotment face value, charges.
78 Stat. 705.
7 USC 2016.

SEC. 5. Subsections (a) and (b) of section 7 of the Food Stamp Act of 1964, as amended, are amended to read as follows:

“(a) The face value of the coupon allotment which State agencies shall be authorized to issue to any households certified as eligible to participate in the food stamp program shall be in such amount as the Secretary determines to be the cost of a nutritionally adequate diet, adjusted annually to reflect changes in the prices of food published by the Bureau of Labor Statistics in the Department of Labor.

“(b) Notwithstanding any other provision of law, households shall be charged for the coupon allotment issued to them, and the amount of such charge shall represent a reasonable investment on the part of the household, but in no event more than 30 per centum of the household's income: *Provided*, That coupon allotments may be issued without charge to households with income of less than \$30 per month for a family of four under standards of eligibility prescribed by the Secretary: *Provided further*, That the Secretary shall provide a reasonable opportunity for any eligible household to elect to be issued a coupon allotment having a face value which is less than the face value of the coupon allotment authorized to be issued to them under subsection (a) of this section. The charge to be paid by eligible households electing to exercise the option set forth in this subsection shall be an amount which bears the same ratio to the amount which would have been charged under subsection (b) of this section as the face value of the coupon allotment actually issued to them bears to the face value of the coupon allotment that would have been issued to them under subsection (a) of this section.”

SEC. 6. (a) Subsection (c) of section 10 of the Food Stamp Act of 1964, as amended, is amended by inserting immediately preceding the first sentence the following: "Any household which is receiving public assistance and which makes application for the benefits of this Act shall be certified for eligibility solely by execution of an affidavit, in such form as the Secretary may prescribe, by the member of such household making application. Certification of a household as eligible in any political subdivision shall, in the event of removal of such household to another political subdivision in which the food stamp program is operating, remain valid for participation in the food stamp program for a period of sixty days from the date of such removal."

Eligibility,
certification.
78 Stat. 706.
7 USC 2019.

(b) Subsection (e) of section 10 of the Food Stamp Act of 1964, as amended, is amended to read as follows:

State plan of
operation, sub-
mission.

"(e) The State agency of each State desiring to participate in the food stamp program shall submit for approval a plan of operation specifying the manner in which such program will be conducted within the State, the political subdivisions within the State in which the State desires to conduct the program, and the effective dates of participation by each such political subdivision. In addition, such plan of operation shall provide, among such other provisions as may be required by regulations be required, the following: (1) the specific standards to be used in determining the eligibility of applicant households; (2) that the State agency shall undertake the certification of applicant households in accordance with the general procedures and personnel standards used by them in the certification of applicants for benefits under the federally aided public assistance programs; (3) safeguards which restrict the use or disclosure of information obtained from applicant households to persons directly connected with the administration or enforcement of the provisions of this Act or the regulations issued pursuant to this Act; (4) for the submission of such reports and other information as from time to time may be required; (5) that the State agency shall undertake effective action, including the use of services provided by other federally funded agencies and organizations, to inform low-income households concerning the availability and benefits of the food stamp program and insure the participation of eligible households; and (6) for the granting of a fair hearing and a prompt determination thereafter to any household aggrieved by the action of a State agency under any provision of its plan of operation as it affects the participation of such household in the food stamp program. The State agency shall, notwithstanding any other provision of law, institute procedures under which any household participating in the food stamp program shall be entitled, if it so elects, to have the charges, if any, for its coupon allotment deducted from any grant or payment such household may be entitled to receive under any federally aided public assistance program and have its coupon allotment distributed to it with such grant or payment. In approving the participation of the subdivisions requested by each State in its plan of operation, the Secretary shall provide for an equitable and orderly expansion among the several States in accordance with their relative need and readiness to meet their requested effective dates of participation."

Reports.

Hearing.

(c) Add the following new subsection to section 10 of the Food Stamp Act of 1964, as amended:

Elderly persons,
meal purchases.

"(h) Subject to such terms and conditions as may be prescribed by the Secretary in the regulations issued pursuant to this Act, members of an eligible household who are sixty years of age or over or an elderly person and his spouse may use coupons issued to them to purchase

meals prepared for and delivered to them by a political subdivision or by a private nonprofit organization which: (1) is not receiving federally donated foods from the United States Department of Agriculture for use in the preparation of such meals; (2) is operated in a manner consistent with the purposes of this Act; and (3) is recognized as a tax exempt organization by the Internal Revenue Service: *Provided*, That household members or elderly persons to whom meals are delivered are housebound, feeble, physically handicapped, or otherwise disabled, to the extent that they are unable to adequately prepare all of their meals. Meals served pursuant to this subsection shall be deemed 'food' for the purposes of this Act."

Enforcement.
78 Stat. 708.
7 USC 2023.

SEC. 7(a). Subsections (a) and (b) of section 14 of the Food Stamp Act of 1964, as amended, are amended as follows:

"(a) Notwithstanding any other provisions of this Act, the Secretary may provide for the purchase, issuance or presentment for redemption of coupons to such person or persons, and at such times and in such manner, as he deems necessary or appropriate to protect the interests of the United States or to insure enforcement of the provisions of this Act or the regulations issued pursuant to this Act.

Penalty.

"(b) Whoever knowingly uses, transfers, acquires, alters, or possesses coupons or authorization to purchase cards in any manner not authorized by this Act or the regulations issued pursuant to this Act shall, if such coupons or authorization to purchase cards are of the value of \$100 or more, be guilty of a felony and shall, upon conviction thereof, be fined not more than \$10,000 or imprisoned for not more than five years or both, or, if such coupons or authorization to purchase cards are of a value of less than \$100, shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not more than \$5,000 or imprisoned for not more than one year, or both."

SEC. 7(b). Section 14 of the Food Stamp Act of 1964, as amended, is amended by adding the following new subsection:

"(e) No person shall be charged with a violation of this or any other Act, or of any regulation issued under this or any other Act, or of any State plan of operation on the basis of any statements or information contained in an affidavit filed pursuant to section 10(c) of this Act, except for fraud."

Ante, p. 2051.

Federal assistance to States.
7 USC 2024.

SEC. 8. Subsection (b) of section 15 of the Food Stamp Act of 1964 as amended, is amended to read as follows:

"(b) The Secretary is authorized to pay to each State agency an amount equal to 62½ per centum of the sum of (1) the direct salary, travel, and travel-related cost (including such fringe benefits as are normally paid) of personnel, including the immediate supervisors of such personnel, for such time as they are employed in taking the action required under the provisions of subsection 10(e) (5) of this Act and in making certification determinations for households other than those which consist solely of recipients of welfare assistance; (2) the direct salary, travel, and travel-related costs (including such fringe benefits as are normally paid) of personnel for such time as they are employed as hearing officials under section 10(e) of the Act."

Appropriations.
82 Stat. 958.
7 USC 2025.

SEC. 9. Section 16(a) of the Food Stamp Act of 1964, as amended, is amended by striking "\$170,000,000 for the six months ending December 31, 1970" and inserting in lieu thereof "\$1,750,000,000 for the fiscal year ending June 30, 1971; and for the fiscal years ending June 30, 1972 and June 30, 1973 such sums as the Congress may appropriate".

Approved January 11, 1971.

Public Law 91-672

AN ACT

To amend the Foreign Military Sales Act, and for other purposes.

January 12, 1971
[H. R. 15628]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 3 of the Foreign Military Sales Act (22 U.S.C. 2753(b)) is amended to read as follows:

“(b) No sales, credits, or guaranties shall be made or extended under this Act to any country during a period of one year after such country seizes, or takes into custody, or fines an American fishing vessel for engaging in fishing more than twelve miles from the coast of that country. The President may waive the provisions of this subsection when he determines it to be important to the security of the United States or he receives reasonable assurances from the country involved that future violations will not occur, and promptly so reports to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate. The provisions of this subsection shall not be applicable in any case governed by an international agreement to which the United States is a party.”

SEC. 2. Section 31 of such Act (22 U.S.C. 2771) is amended—

(1) by striking out of subsection (a) “not to exceed \$296,000,000 for the fiscal year 1969” and inserting in lieu thereof “not to exceed \$250,000,000 for each of the fiscal years 1970 and 1971”; and

(2) by striking out of subsection (b) “during the fiscal year 1969 shall not exceed \$296,000,000” and inserting in lieu thereof “shall not exceed \$340,000,000 for each of the fiscal years 1970 and 1971”.

SEC. 3. Section 33 of such Act (22 U.S.C. 2773) is amended—

(1) by striking out of subsection (a) “the fiscal year 1969” and inserting in lieu thereof “each fiscal year”; and

(2) by striking out of subsection (b) “the fiscal year 1969” and inserting in lieu thereof “each fiscal year”.

SEC. 4. The last paragraph of section 1 of such Act (22 U.S.C. 2751) is amended by striking out “denying social progress” and inserting in lieu thereof “denying the growth of fundamental rights or social progress”.

SEC. 5. It is the sense of Congress that (1) the President should continue to press forward urgently with his efforts to negotiate with the Soviet Union and other powers a limitation on arms shipments to the Middle East, (2) the President should be supported in his position that arms will be made available and credits provided to Israel and other friendly states, to the extent that the President determines such assistance to be needed in order to meet threats to the security and independence of such states, and (3) if the authorization provided in the Foreign Military Sales Act, as amended, should prove to be insufficient to effectuate this stated policy, the President should promptly submit to the Congress requests for an appropriate supplementary authorization and appropriation.

SEC. 6. It is the sense of the Congress that—

(1) the President should immediately institute a thorough and comprehensive review of the military aid programs of the United States, particularly with respect to the military assistance and sales operations of the Department of Defense, and

Foreign Military
Sales Act, amend-
ments.
82 Stat. 1322.

Waiver; report.

Exception.

Foreign military
sales credits,
ceiling.

Foreign military
sales, ceiling.

Policy state-
ment.

Sales to the
Middle East.

Military aid pro-
grams, review.

Conventional
arms trade, Presi-
dential action.

(2) the President should take such actions as may be appropriate—

(A) to initiate multilateral discussions among the United States, the Union of Soviet Socialist Republics, Great Britain, France, West Germany, Italy and other countries on the control of the worldwide trade in armaments,

(B) to commence a general debate in the United Nations with respect to the control of the conventional arms trade, and

(C) to use the power and prestige of his office to signify the intention of the United States to work actively with all nations to check and control the international sales and distribution of conventional weapons of death and destruction.

International
Fighter aircraft.

82 Stat. 1320.
22 USC 2751
note.
75 Stat. 424.
22 USC 2151
note.

SEC. 7. Unless the sale, grant, loan, or transfer of any International Fighter aircraft (1) has been authorized by and made in accordance with the Foreign Military Sales Act or the Foreign Assistance Act of 1961, or (2) is a regular commercial transaction (not financed by the United States) between a party other than the United States and a foreign country, no such aircraft may be sold, granted, loaned, or otherwise transferred to any foreign country (or agency thereof) other than South Vietnam. For purposes of this section, "International Fighter aircraft" means the fighter aircraft developed pursuant to the authority contained in the proviso of the second paragraph of section 101 of Public Law 91-121 (relating to military procurement for fiscal year 1970 and other matters).

83 Stat. 204.

Excess defense
articles.

22 USC 2301.

SEC. 8. (a) Subject to the provisions of subsection (b), the value of any excess defense article granted to a foreign country or international organization under part II of the Foreign Assistance Act of 1961 shall be considered to be an expenditure made from funds appropriated under that Act for military assistance. When an order is placed under the military assistance program with the military departments for a defense article whose stock status is excess at the time ordered, a sum equal to the value thereof shall (1) be reserved and transferred to a suspense account, (2) remain in the suspense account until the excess defense article is either delivered to a foreign country or international organization or the order therefor is cancelled, and (3) be transferred from the suspense account to (A) the general fund of the Treasury upon delivery of such article or (B) to the military assistance appropriation for the current fiscal year upon cancellation of the order. Such sum shall be transferred to the military assistance appropriation for the current fiscal year upon delivery of such article if at the time of delivery the stock status of the article is determined, in accordance with sections 644 (g) and (m) of the Foreign Assistance Act of 1961, to be nonexcess.

Funds, transfer.

75 Stat. 461.
22 USC 2403.

(b) The provisions of subsection (a) shall apply during any fiscal year only to the extent that the aggregate value of excess defense articles ordered during that year exceeds \$100,000,000.

"Value."

(c) For purposes of this section, "value" means not less than 33⅓ per centum of the amount the United States paid at the time the excess defense articles were acquired by the United States.

(d) The President shall promptly and fully inform the Speaker of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate of each decision to furnish on a grant basis to any country excess defense articles which are major weapons systems to the extent such major weapons system was not included in the presentation material previously submitted to the Congress. Additionally, the President shall also submit a quarterly report to the Congress listing by country the total value of all deliveries of excess defense articles, disclosing both the aggregate original acquisition cost and the aggregate value at the time of delivery.

Presidential
note to Congress.

Report to
Congress.

SEC. 9. In considering a request for approval of any transfer of a defense article to another country under section 505 (a) (1) and (a) (4) of the Foreign Assistance Act of 1961, and section 3(a)(2) of the Foreign Military Sales Act, the President shall not give his consent to the transfer unless the United States itself would transfer the defense article under consideration to that country. In addition, the President shall not give his consent under such sections to the transfer of any significant defense articles on the United States Munitions List unless (1) the foreign country requesting consent to transfer agrees to demilitarize such defense articles prior to transfer, or (2) the proposed recipient foreign country provides a commitment in writing to the United States Government that it will not transfer such defense articles, if not demilitarized, to any other foreign country or person without first obtaining the consent of the President.

Transfer
approval.

75 Stat. 436;
81 Stat. 456.
22 USC 2314.
82 Stat. 1322.
22 USC 2753.
Restrictions.

SEC. 10. (a) Notwithstanding any provision of law enacted before the date of enactment of this section, no money appropriated for foreign assistance (including foreign military sales) shall be available for obligation or expenditure—

Foreign assist-
ance appropria-
tions, limitation.

(1) unless the appropriation thereof has been previously authorized by law; or

(2) in excess of an amount previously prescribed by law.

(b) To the extent that legislation enacted after the making of an appropriation for foreign assistance (including foreign military sales) authorizes the obligation or expenditure thereof, the limitation contained in subsection (a) shall have no effect.

(c) The provisions of this section shall not be superseded except by a provision of law enacted after the date of enactment of this section which specifically repeals or modifies the provisions of this section.

SEC. 11. For purposes of sections 8 and 9—

Definitions.

(1) "defense article" and "excess defense articles" have the same meanings as given them in section 644(d) and (g), respectively, of the Foreign Assistance Act of 1961; and

75 Stat. 461.
22 USC 2403.

(2) "foreign country" includes any department, agency, or independent establishment of the foreign country.

SEC. 12. The joint resolution entitled "Joint resolution to promote the maintenance of international peace and security in Southeast Asia", approved August 10, 1964 (78 Stat. 384; Public Law 88-408), is terminated effective upon the day that the second session of the Ninety-first Congress is last adjourned.

Gulf of Tonkin
Resolution, repeal.

50 USC app.
prec. 1 note.

SEC. 13. No funds authorized or appropriated pursuant to this or any other law may be used to transport chemical munitions from the Island of Okinawa to the United States. Such funds as are necessary for the detoxification or destruction of the above described chemical munitions are hereby authorized and shall be used for the detoxification or destruction of chemical munitions only outside the United States. For purposes of this section, the term "United States" means the several States and the District of Columbia.

Chemical muni-
tions transporta-
tion, fund restric-
tion.

"United States."

Approved January 12, 1971.

Public Law 91-673

January 12, 1971
[H. R. 6562]

AN ACT

To amend certain provisions of the Internal Revenue Code of 1954 relating to beer, and for other purposes.

Taxes.
Beer.
72 Stat. 1335.
26 USC 5056.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 5056 of the Internal Revenue Code of 1954 (relating to refund and credit of tax, or relief from liability) is amended to read as follows:

"SEC. 5056. REFUND AND CREDIT OF TAX, OR RELIEF FROM LIABILITY.

"(a) BEER RETURNED OR VOLUNTARILY DESTROYED.—Any tax paid by any brewer on beer produced in the United States may be refunded or credited to the brewer, without interest, or if the tax has not been paid, the brewer may be relieved of liability therefor, under such regulations as the Secretary or his delegate may prescribe, if such beer is returned to any brewery of the brewer or is destroyed under the supervision required by such regulations. In determining the amount of tax due on beer removed on any day, the quantity of beer returned to the same brewery from which removed shall be allowed, under such regulations as the Secretary or his delegate may prescribe, as an offset against or deduction from the total quantity of beer removed from that brewery on the day of such return.

"(b) BEER LOST BY FIRE, THEFT, CASUALTY, OR ACT OF GOD.—Subject to regulations prescribed by the Secretary or his delegate, the tax paid by any brewer on beer produced in the United States may be refunded or credited to the brewer, without interest, or if the tax has not been paid, the brewer may be relieved of liability therefor, if such beer is lost, whether by theft or otherwise, or is destroyed or otherwise rendered unmerchantable by fire, casualty, or act of God before the transfer of title thereto to any other person. In any case in which beer is lost or destroyed, whether by theft or otherwise, the Secretary or his delegate may require the brewer to file a claim for relief from the tax and submit proof as to the cause of such loss. In every case where it appears that the loss was by theft, the first sentence shall not apply unless the brewer establishes to the satisfaction of the Secretary or his delegate that such theft occurred before removal from the brewery and occurred without connivance, collusion, fraud, or negligence on the part of the brewer, consignor, consignee, bailee, or carrier, or the employees or agents of any of them.

"(c) LIMITATIONS.—No claim under this section shall be allowed (1) unless filed within 6 months after the date of the return, loss, destruction, or rendering unmerchantable or (2) if the claimant was indemnified by insurance or otherwise in respect of the tax."

(b) Section 5052(c)(2) of such Code (relating to definition of removed for consumption or sale) is amended to read as follows:

"(2) REMOVALS.—Any removal of beer from the brewery."

Exemptions.

SEC. 2. Section 5053 of the Internal Revenue Code of 1954 (relating to exemptions from imposition of tax on beer) is amended by redesignating subsection (d) as (e), and by inserting after subsection (c) the following new subsection:

"(d) REMOVALS FOR RESEARCH, DEVELOPMENT, OR TESTING.—Under such conditions and regulations as the Secretary or his delegate may prescribe, beer may be removed from the brewery without payment of tax for use in research, development, or testing (other than consumer testing or other market analysis) of processes, systems, materials, or equipment relating to beer or brewery operations."

Revenue bonds.
72 Stat. 1388.

SEC. 3. (a) Section 5401(b) of the Internal Revenue Code of 1954 (relating to bonds) is amended by striking out the last sentence and

inserting in lieu thereof the following: "Once in every 4 years, or whenever required so to do by the Secretary or his delegate, the brewer shall execute a new bond or a continuation certificate, in the penal sum prescribed in pursuance of this section, and conditioned as above provided, which bond or continuation certificate shall be in lieu of any former bond or bonds, or former continuation certificate or certificates, of such brewer in respect to all liabilities accruing after its approval. If the contract of surety between the brewer and the surety on an expiring bond or continuation certificate is continued in force between the parties for a succeeding period of not less than 4 years, the brewer may submit, in lieu of a new bond, a certificate executed, under penalties of perjury, by the brewer and the surety attesting to continuation of the bond, which certificate shall constitute a bond subject to all provisions of law applicable to bonds given pursuant to this section."

(b) Section 5402(a) of such Code (relating to definition of brewery) is amended to read as follows:

72 Stat. 1389.
26 USC 5402.

"(a) BREWERY.—The brewery shall consist of the land and buildings described in the brewer's notice. The continuity of the brewery must be unbroken except where separated by public passageways, streets, highways, waterways, or carrier rights-of-way, or partitions; and if parts of the brewery are so separated they must abut on the dividing medium and be adjacent to each other. Notwithstanding the preceding sentence, facilities under the control of the brewer for case packing, loading, or storing which are located within reasonable proximity to the brewery packaging facilities may be approved by the Secretary or his delegate as a part of the brewery if the revenue will not be jeopardized thereby."

(c) Section 5411 of such Code (relating to use of brewery) is amended to read as follows:

"SEC. 5411. USE OF BREWERY.

"The brewery shall be used under regulations prescribed by the Secretary or his delegate only for the purpose of producing, packaging, and storing beer, cereal beverages containing less than one-half of 1 percent of alcohol by volume, vitamins, ice, malt, malt sirup, and other byproducts and of soft drinks; for the purpose of processing spent grain, carbon dioxide, and yeast; and for such other purposes as the Secretary or his delegate by regulation may find will not jeopardize the revenue."

(d) Section 5412 of such Code (relating to removal of beer in containers, etc.) is amended by striking out "barrels, kegs, bottles," and inserting "packages,"

"(e) Section 5416 of such Code (relating to definitions of bottle and bottling) is amended to read as follows:

"SEC. 5416. DEFINITIONS OF PACKAGE AND PACKAGING.

"For purposes of this subchapter, the term 'package' means a bottle, can, keg, barrel, or other original consumer container, and the term 'packaging' means the filling of any package."

SEC. 4. (a) Part II of subchapter G of chapter 51 of the Internal Revenue Code of 1954 (relating to operations) is amended by adding at the end thereof the following new section:

26 USC 5411.

"SEC. 5417. PILOT BREWING PLANTS.

"Under such regulations as the Secretary or his delegate may prescribe, and on the filing of such bonds and applications as he may require, pilot brewing plants may, at the discretion of the Secretary or his delegate, be established and operated off the brewery premises for research, analytical, experimental, or development purposes with regard to beer or brewery operations. Nothing in this section shall be

construed as authority to waive the filing of any bond or the payment of any tax provided for in this chapter."

(b) The table of sections for part II of subchapter G of chapter 51 of such Code is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 5416. Definitions of package and packaging.

"Sec. 5417. Pilot brewing plants."

Effective date.

SEC. 5. The amendments made by the first four sections of this Act shall take effect on the first day of the first calendar month which begins more than 90 days after the date of the enactment of this Act.

Approved January 12, 1971.

Public Law 91-674

AN ACT

January 12, 1971
[H. R. 7626]

To amend the Tariff Schedules of the United States with respect to the tariff classification of certain sugars, sirups, and molasses, and for other purposes.

Certain sugars,
sirups, molasses.
Tariff classifi-
cation.
77A Stat. 56.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the article description for item 155.40 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended to read as follows: "Sugars, sirups, molasses, and mixtures thereof; all the foregoing derived from sugar cane or sugar beets and containing soluble nonsugar solids (excluding any foreign substance that may have been added or developed in the product) equal to over 6% by weight of the total soluble solids, if imported for use other than (a) the commercial extraction of sugar, or (b) human consumption".

Effective date.

SEC. 2. The amendment made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of enactment of this Act. Upon request therefor filed with the customs officer concerned on or before the one hundred and twentieth day after the date of enactment of this Act, entries and withdrawals of articles described in item 155.40 of the Tariff Schedules of the United States (as amended by the first section of this Act) which were made after August 30, 1963, and before the date of enactment of this Act shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entries or withdrawals had been made on the date of the enactment of this Act.

Ante, p. 284.

SEC. 3. Upon request therefor, filed with the Customs Officer concerned on or before the 30th day after the date of enactment of this Act, warehouse entries made in the period February 1967 to May 1967, inclusive, shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated with the assessment of duty at the rate of 0.012 cent per pound of total sugars with respect to sugar products withdrawn from warehouse for consumption after manipulation in accordance with section 562 of the Tariff Act, upon the furnishing of appropriate evidence that such sugar products were actually used for purposes other than (a) human consumption or (b) the commercial extraction of sugar.

46 Stat. 745.
19 USC 1562.

Approved January 12, 1971.

Public Law 91-675

AN ACT

To amend section 905 of the Tax Reform Act of 1969.

January 12, 1971
[H. R. 17984]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 905 of the Tax Reform Act of 1969 (Public Law 91-172) is hereby amended as follows:

Tax Reform Act
of 1969, amend-
ment.

83 Stat. 714.

26 USC 311 note.

(a) in paragraph (1) strike out “(2) and (3)” and insert in lieu thereof “(2), (3), (4), and (5)”; and

(b) at the end of such subsection add the following new paragraphs:

“(4) The amendments made by subsections (a) and (b) shall not apply to a distribution by a corporation of property (held on December 1, 1969, by the distributing corporation or a corporation which was a wholly owned subsidiary of the distributing corporation on such date) in redemption of stock outstanding on November 30, 1969, which is redeemed and canceled before July 31, 1971, if—

“(A) such redemption is pursuant to a resolution adopted before November 1, 1969, by the Board of Directors authorizing the redemption of a specific amount of stock constituting more than 10 percent of the outstanding stock of the corporation at the time of the adoption of such resolution; and

“(B) more than 40 percent of the stock authorized to be redeemed pursuant to such resolution was redeemed before December 30, 1969, and more than one-half of the stock so redeemed was redeemed with property other than money.

“(5) The amendments made by subsections (a) and (b) shall not apply to a distribution of stock by a corporation organized prior to December 1, 1969, for the principal purpose of providing an equity participation plan for employees of the corporation whose stock is being distributed (hereinafter referred to as the ‘employer corporation’) if—

“(A) the stock being distributed was owned by the distributing corporation on November 30, 1969,

“(B) the stock being redeemed was acquired before January 1, 1973, pursuant to such equity participation plan by the shareholder presenting such stock for redemption (or by a predecessor of such shareholder),

“(C) the employment of the shareholder presenting the stock for redemption (or the predecessor of such shareholder) by the employer corporation commenced before January 1, 1971,

“(D) at least 90 percent in value of the assets of the distributing corporation on November 30, 1969, consisted of common stock of the employer corporation, and

“(E) at least 50 percent of the outstanding voting stock of the employer corporation is owned by the distributing corporation at any time within the nine-year period ending one year before the date of such distribution.”

Approved January 12, 1971.

Public Law 91-676

AN ACT

January 12, 1971
[H. R. 17988]

To amend section 47 of the Internal Revenue Code of 1954 to allow aircraft to be leased for temporary use outside the United States without a recapture of the investment credit.

Taxes.
Leased air-
craft, investment
credit recapture.
76 Stat. 966;
83 Stat. 666.
26 USC 47.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 47(a) of the Internal Revenue Code of 1954 (relating to certain dispositions of section 38 property) is amended by adding at the end thereof the following new paragraph:

“(6) AIRCRAFT USED OUTSIDE THE UNITED STATES AFTER APRIL 18, 1969.—

“(A) GENERAL RULE.—Any aircraft which was new section 38 property for the taxable year in which it was placed in service and which is used outside the United States under a qualifying lease or leases shall be treated as not ceasing to be section 38 property by reason of such use until such aircraft has been so used for a period or periods exceeding 4 years in total. For purposes of the preceding sentence, the registration of such aircraft under the laws of a foreign country shall be treated as use outside the United States.

“(B) COMPUTATION OF QUALIFIED INVESTMENT.—If an aircraft described in subparagraph (A) is disposed of or otherwise ceases to be section 38 property, the increase under paragraph (1) and the adjustment under paragraph (3) shall not be greater than the increase or adjustment which would result if the qualified investment of such aircraft were based upon a useful life equal to the lesser of (i) the actual useful life of such aircraft with respect to the taxpayer, or, (ii) twice the number of full calendar months during which such aircraft was registered by the Administrator of the Federal Aviation Agency and was used in the United States, operated to and from the United States, or operated under contract with the United States. For purposes of the preceding sentence, an aircraft shall be treated as used in the United States for any calendar month beginning after such aircraft was placed in service, if such month is included in a taxable year ending before January 1, 1971, for which such aircraft was section 38 property (determined without regard to this paragraph).

“(C) QUALIFYING LEASE DEFINED.—For purposes of subparagraph (A), the term ‘qualifying lease’ means a lease from an air carrier (as defined in section 101 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301)) which complies with the provisions of the Federal Aviation Act of 1958, as amended, and the rules and regulations promulgated by the Civil Aeronautics Board thereunder, but only if such lease was executed after April 18, 1969.”

72 Stat. 737.

Applicability.

SEC. 2. The amendment made by the first section of this Act shall apply to taxable years ending after April 18, 1969.

Approved January 12, 1971.

Public Law 91-677

AN ACT

To amend provisions of the Internal Revenue Code of 1954 relating to the treatment of certain losses sustained by reason of the confiscation of property by the government of Cuba.

January 12, 1971
[H. R. 18693]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 165(i) of the Internal Revenue Code of 1954 (relating to certain property confiscated by the government of Cuba) is amended—

Taxes.
Property losses,
confiscation by
Cuba.
78 Stat. 237.
26 USC 165.

(1) by striking out “or (2)” in paragraph (1) (B);

(2) by striking out “on December 31, 1958” in the last sentence of paragraph (1) and inserting in lieu thereof the following: “on one or more days in the period beginning on December 31, 1958, and ending on May 16, 1959”;

(3) by amending paragraph (2) (B) to read as follows:

“(B) For purposes of subsection (a), the fair market value of property held by the taxpayer on one or more days during the period beginning on December 31, 1958, and ending on May 16, 1959, to which paragraph (1) applies, on the day on which the loss of such property was sustained, shall be its fair market value on the first day in such period on which the property was held by the taxpayer.”; and

(4) by striking out paragraph (3) thereof.

(b) (1) The amendments made by subsection (a) of this section shall apply in respect of losses sustained in taxable years ending after December 31, 1958.

Effective date.

(2) Notwithstanding any law or rule of law, refund or credit of any overpayment attributable to the amendments made by subsection (a) may be made or allowed if claim therefor is filed after the date of the enactment of this Act and before July 1, 1971. No interest shall be allowed with respect to any such refund or credit for any period before January 1, 1972.

Overpayment,
refund or credit.

SEC. 2. (a) Section 172(b)(1)(D) of the Internal Revenue Code of 1954 (relating to carryover of foreign expropriation losses) is amended by inserting before the semicolon at the end thereof the following: “(or, with respect to that portion of the net operating loss for such year attributable to a Cuban expropriation loss, to each of the 15 taxable years following the taxable year of such loss)”.

78 Stat. 47.

(b) Section 172(b)(2) of such Code (relating to amount of carrybacks and carryovers) is amended by inserting before the period at the end thereof the following: “, and, if a portion of a foreign expropriation loss for the loss year is attributable to a Cuban expropriation loss, such portion shall be considered to be a separate foreign expropriation loss for such year to be applied after the other portion of such foreign expropriation loss”.

76 Stat. 889.

(c) Section 172(k) of such Code (relating to definition of foreign expropriation loss) is amended by adding at the end thereof the following new paragraph:

78 Stat. 48.

“(3) The term ‘Cuban expropriation loss’ means, for any taxable year, a foreign expropriation loss sustained by reason of the expropriation, intervention, seizure, or similar taking of property, before January 1, 1964, by the government of Cuba, any political subdivision thereof, or any agency or instrumentality of the foregoing. The portion of a foreign expropriation loss for any taxable year attributable to a Cuban expropriation loss is the amount of the Cuban expropriation loss.”

“Cuban expro-
priation loss.”

Effective date.

(d) The amendments made by this section shall apply in respect of foreign expropriation losses sustained in taxable years ending after December 31, 1958.

Approved January 12, 1971.

Public Law 91-678

AN ACT

January 12, 1971
[H. R. 17658]

To provide floor stock refunds in the case of cement mixers.

Taxes.
Cement mixers,
floor stock
refunds.

Ante, pp. 1743,
1843.

Conditions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) where before January 1, 1970, and after June 30, 1968, any cement mixer subject to the tax imposed by section 4061 of the Internal Revenue Code of 1954 during such period, had been sold by the manufacturer, producer, or importer, and on January 1, 1970, was held by a dealer and had not been used and was intended for sale, there shall be credited or refunded (without interest) to the manufacturer, producer, or importer an amount equal to the tax paid by the manufacturer, producer, or importer on his sale of the cement mixer, if—

(1) claim for such credit or refund is filed with the Secretary of the Treasury or his delegate on or before the last day of the ninth calendar month beginning after the date of enactment of this Act, based upon a request submitted to the manufacturer, producer, or importer on or before the last day of the sixth calendar month beginning after the date of enactment of this Act, by the dealer who held the cement mixer in respect of which the credit or refund is claimed; and

(2) on or before the last day of the ninth calendar month beginning after the date of enactment of this Act, reimbursement has been made to the dealer by the manufacturer, producer, or importer for the tax on the cement mixer or written consent has been obtained from the dealer to allowance of the credit or refund.

Definitions.

(b) For the purposes of this section—

(1) The term “cement mixer” means—

(A) any article designed (i) to be placed or mounted on an automobile truck chassis or truck trailer or semitrailer chassis and (ii) to be used to process or prepare concrete, and

(B) parts or accessories designed primarily for use on or in connection with an article described in subparagraph (A).

(2) The term “dealer” includes a wholesaler, jobber, distributor, or retailer.

(3) A cement mixer shall be considered as “held by a dealer” if title thereto has passed to the dealer (whether or not delivery to him has been made), and if for purposes of consumption title to the cement mixer or possession thereof had not at any time prior to January 1, 1970, been transferred to any person other than a dealer. For purposes of subsection (a) and notwithstanding the preceding sentence, a cement mixer shall be considered as “held by a dealer” and not to have been used, although possession of such cement mixer has been transferred to another person, if such cement mixer is returned to the dealer in a transaction under which any amount paid or deposited by the transferee for such cement mixer is refunded to him (other than amounts retained by the dealer to cover damage to the cement mixer). Moreover, such a cement mixer shall be considered as held by a dealer on January 1, 1970, even though it was in the possession of the transferee on such day, if it was returned to the dealer (in a transaction described in the preceding sentence) before January 31, 1970.

(c) No manufacturer, producer, or importer shall be entitled to credit or refund under subsection (a) unless he has in his possession such evidence of the inventories with respect to which the credit or refund is claimed as may be required by regulations prescribed by the Secretary of the Treasury or his delegate under this subsection.

Inventory re-
quirement.

(d) All provisions of law, including penalties, applicable in respect of the taxes imposed by section 4061 of such Code shall, insofar as applicable and not inconsistent with subsections (a), (b), and (c) of this section, apply in respect of the credits and refunds provided for in subsection (a) to the same extent as if the credits or refunds constituted overpayments of the taxes.

Applicability.
Ante, pp. 1743,
1843.

Approved January 12, 1971.

Public Law 91-679

AN ACT

To amend the Internal Revenue Code of 1954 to provide that in certain cases a spouse will be relieved of liability arising from a joint income tax return.

January 12, 1971
[H. R. 19774]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6013 of the Internal Revenue Code of 1954 (relating to joint returns of income tax by husband and wife) is amended by adding at the end thereof the following new subsection:

Taxes.
Joint returns,
liability.
68A Stat. 733;
83 Stat. 675.
26 USC 6013.

“(e) SPOUSE RELIEVED OF LIABILITY IN CERTAIN CASES.—

“(1) IN GENERAL.—Under regulations prescribed by the Secretary or his delegate, if—

“(A) a joint return has been made under this section for a taxable year and on such return there was omitted from gross income an amount properly includable therein which is attributable to one spouse and which is in excess of 25 percent of the amount of gross income stated in the return,

“(B) the other spouse establishes that in signing the return he or she did not know of, and had no reason to know of, such omission, and

“(C) taking into account whether or not the other spouse significantly benefited directly or indirectly from the items omitted from gross income and taking into account all other facts and circumstances, it is inequitable to hold the other spouse liable for the deficiency in tax for such taxable year attributable to such omission,

then the other spouse shall be relieved of liability for tax (including interest, penalties, and other amounts) for such taxable year to the extent that such liability is attributable to such omission from gross income.

“(2) SPECIAL RULES.—For purposes of paragraph (1)—

“(A) the determination of the spouse to whom items of gross income (other than gross income from property) are attributable shall be made without regard to community property laws, and

“(B) the amount omitted from gross income shall be determined in the manner provided by section 6501(e)(1)(A).”

SEC. 2. Section 6653(b) of the Internal Revenue Code of 1954 (relating to failure to pay tax) is amended by adding at the end thereof the following new sentence: “In the case of a joint return under section 6013, this subsection shall not apply with respect to the tax of a spouse unless some part of the underpayment is due to the fraud of such spouse.”

68A Stat. 803.
Failure to pay.

68A Stat. 3.
26 USC 1
et seq.
53 Stat. 4.

SEC. 3. The amendments made by the first two sections of this Act shall apply to all taxable years to which the Internal Revenue Code of 1954 applies. Corresponding provisions shall be deemed to be included in the Internal Revenue Code of 1939 and shall apply to all taxable years to which such Code applies.

Approved January 12, 1971.

Public Law 91-680

January 12, 1971
[H. R. 19242]

AN ACT

To amend section 278 of the Internal Revenue Code of 1954 to extend its application from citrus groves to almond groves.

Taxes.
Almond groves,
capital expendi-
tures.
83 Stat. 574.
26 USC 278.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the text of section 278 of the Internal Revenue Code of 1954 (relating to capital expenditures incurred in planting and developing citrus groves) is amended by striking out "citrus grove" each place it appears and inserting in lieu thereof "citrus or almond grove".

(b) The heading for section 278 of such Code is amended to read as follows:

"SEC. 278. CAPITAL EXPENDITURES INCURRED IN PLANTING AND DEVELOPING CITRUS AND ALMOND GROVES."

(c) The table of sections for part IX of subchapter B of chapter 1 of such Code is amended by striking out the item relating to section 278 and inserting in lieu thereof the following:

"Sec. 278. Capital expenditures incurred in planting and developing citrus and almond groves."

(d) Subsection (b) (2) of such section 278 is amended to read as follows:

"(2) planted or replanted before—

"(A) December 30, 1969, in the case of a citrus grove, or

"(B) December 30, 1970, in the case of an almond grove."

Effective date.

SEC. 2. The amendments made by the first section of this Act shall apply to taxable years beginning after the date of the enactment of this Act.

Airline
tickets, total
cost requirement.
Ante, p. 239.

SEC. 3. (a) Subsection (a) of section 7275 of the Internal Revenue Code of 1954 (relating to requirements of showing total cost on airline tickets) is amended by—

(1) inserting "and" at the end of paragraph (1) thereof,

(2) striking out paragraph (2) thereof, and

(3) renumbering paragraph (3) as paragraph (2) and striking out in such paragraph "paragraphs (1) and (2)" and inserting in lieu thereof "paragraph (1)".

(b) Subsection (b) of such section (relating to requirements of showing total cost on airline advertising) is amended by striking out the word "only" in paragraph (1) and by amending paragraph (2) to read as follows:

“(2) if any such advertising states separately the amount to be paid for such transportation or the amount of such taxes, shall state such total at least as prominently as the more prominently stated of the amount to be paid for such transportation or the amount of such taxes and shall describe such taxes substantially as: ‘user taxes to pay for airport construction and airway safety and operations’.”

SEC. 4. The amendments made by the third section of this Act shall apply to transportation beginning after June 30, 1970.

Effective date.

Approved January 12, 1971.

Public Law 91-681

AN ACT

To amend section 367 of the Internal Revenue Code of 1954.

January 12, 1971
[H. R. 19686]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 367 of the Internal Revenue Code of 1954 (relating to foreign corporations) is amended to read as follows:

Taxes.
Foreign
corporations.
68A Stat. 119.
26 USC 367.

“SEC. 367. FOREIGN CORPORATIONS.

“(a) GENERAL RULE.—In determining the extent to which gain shall be recognized in the case of any of the exchanges described in section 332, 351, 354, 355, 356, or 361, a foreign corporation shall not be considered as a corporation unless—

68A Stat. 102;
80 Stat. 1577.

“(1) before such exchange, or

“(2) in the case of an exchange described in subsection (b), either before or after such exchange, it has been established to the satisfaction of the Secretary or his delegate that such exchange is not in pursuance of a plan having as one of its principal purposes the avoidance of Federal income taxes.

“(b) APPLICATION OF SUBSECTION (a) (2).—Subsection (a) (2) shall apply in the case of a mere change in form in which there is an exchange by a foreign corporation of—

“(1) stock in one foreign corporation for,

“(2) stock in another foreign corporation,

if the corporations referred to in paragraphs (1) and (2) differ only in their form of organization, and if the ownership of the corporation referred to in paragraph (1) immediately before such exchange is identical to the ownership of the corporation referred to in paragraph (2) immediately after such exchange.

“(c) SECTION 355 DISTRIBUTIONS TREATED AS EXCHANGES.—For purposes of this section, any distribution described in section 355 (or so much of section 356 as relates to section 355) shall be treated as an exchange whether or not it is an exchange.

“(d) CONTRIBUTIONS OF CAPITAL TO CONTROLLED CORPORATIONS.—For purposes of this chapter, any transfer of property to a foreign corporation as a contribution to the capital of such corporation by one or more persons who, immediately after the transfer, own (within the meaning of section 318) stock possessing at least 80 percent of the total combined voting power of all classes of stock of such corporation entitled to vote shall be treated as an exchange of such property for stock of the foreign corporation equal in value to the fair market value of the property transferred unless, before such transfer, it has been established to the satisfaction of the Secretary or his delegate that such transfer is not in pursuance of a plan having as one of its principal purposes the avoidance of Federal income taxes.”

68A Stat. 99;
78 Stat. 762.

Nontaxable
transfers.
68A Stat. 365.
26 USC 1492.

(b) Section 1492 of such Code (relating to nontaxable transfers) is amended—

(1) by striking out the period at the end of paragraph (2) and inserting in lieu thereof a semicolon and “or”; and

(2) by adding at the end thereof the following new paragraph:

“(3) To a transfer to which section 367(d) applies.”

Anfe, p. 2065.

Effective date.

(c) The amendments made by this section shall apply to transfers made after December 31, 1967; except that sections 367(d) and 1492 of the Internal Revenue Code of 1954 (as amended by this section) shall apply only with respect to transfers made after December 31, 1970.

Approved January 12, 1971.

Public Law 91-682

AN ACT

January 12, 1971
[H. R. 15728]

To authorize the extension of certain naval vessel loans now in existence and new loans, and for other purposes.

Naval vessels.
Loans to foreign
countries, exten-
sion.
70A Stat. 452.

50 USC app.
1878q-1878x.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding section 7307 of title 10, United States Code, or any other law, the President may extend on such terms and under such conditions as he deems appropriate the loan of ships, previously authorized as indicated, as follows: (1) Greece, one submarine (Act of October 4, 1961 (75 Stat. 815)) and, (2) Pakistan, one submarine (Act of October 4, 1961 (75 Stat. 815)).

SEC. 2. Notwithstanding section 7307 of title 10, United States Code, or any other provision of law, the President may lend two destroyer escorts to the Republic of Vietnam and two destroyers and two submarines to the Government of Turkey in addition to any ships previously authorized to be loaned to these nations, with or without reimbursement and on such terms and under such conditions as the President may deem appropriate. All expenses involved in the activation, rehabilitation, and outfitting (including repairs, alterations, and logistic support) of ships transferred under this section shall be charged to funds programed for the recipient government as grant military assistance under the provisions of the Foreign Assistance Act of 1961, as amended, or successor legislation, or to funds provided by the recipient government. The authority of the President to lend naval vessels under this section shall terminate on December 31, 1971.

SEC. 3. All new loans and loan extensions executed under this Act shall be for periods not exceeding five years, but the President may in his discretion extend such loans for an additional period of not more than five years. Any agreement for a new loan or for the extension of a loan executed under this Act shall be made subject to the condition that the agreement may be terminated by the President if he finds that the armed forces of the borrowing country have engaged, at any time after the date of such agreement, in acts of warfare against any country which is a party to a mutual defense treaty ratified by the United States. All loans and loan extensions shall be made on the condition that they may be terminated at an earlier date if necessitated by the defense requirements of the United States.

75 Stat. 424.
22 USC 2151
note.

SEC. 4. No loan may be made or extended under this Act unless the Secretary of Defense, after consultation with the Joint Chiefs of Staff, determines that such loan or extension is in the best interest of the United States. The Secretary of Defense shall keep the Congress currently advised of all loans made or extended under this Act.

SEC. 5. The President may promulgate such rules and regulations as he deems necessary to carry out the provisions of this Act.

Approved January 12, 1971.

Consultation.

Congressional
notification.

Rules and
regulations.

Public Law 91-683

AN ACT

To amend section 1372 of the Internal Revenue Code of 1954, relating to passive investment income.

January 12, 1971
[H. R. 19627]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subparagraph (C) of section 1372(e) (5) of the Internal Revenue Code of 1954 (relating to passive investment income of small business corporations) is amended by inserting at the end thereof the following new sentence: "Gross receipts derived from sales or exchanges of stock or securities for purposes of this paragraph shall not include amounts received by an electing small business corporation which are treated under section 331 (relating to corporate liquidations) as payments in exchange for stock where the electing small business corporation owned more than 50 percent of each class of the stock of the liquidating corporation."

Taxes.
Corporations,
passive invest-
ment income.
80 Stat. 114.
26 USC 1372.

(b) The amendment made by subsection (a) shall apply to taxable years of electing small business corporations ending after the date of the enactment of this Act. Such amendment shall also apply with respect to any taxable year ending before October 7, 1970, but only if—

Effective date.

(1) on such date the making of a refund or the allowance of a credit to the electing small business corporation is not prevented by any law or rule of law, and

Conditions.

(2) within one year after the date of enactment of this Act and in such manner as the Secretary of the Treasury or his delegate prescribes by regulations—

(A) the corporation elects to have such amendment so apply, and

(B) all persons (or their personal representatives) who were shareholders of such corporation at any time during any taxable year beginning with the first taxable year to which this amendment applies and ending on or before the date of the enactment of this Act consent to such election and to the application of the amendment made by subsection (a).

(c) If the assessment of any deficiency in income tax resulting from the filing of such election for a taxable year ending before the date of such filing is prevented before the expiration of one year after the date of such filing by any law or rule of law, such deficiency (to the extent attributable to such election) may be assessed at any time prior to the expiration of such one-year period notwithstanding any law or rule of law which would otherwise prevent such assessment.

Deficiency
assessment.

(d) If the election of a corporation under subsection (a) of section 1372 of the Internal Revenue Code of 1954 would have been terminated because of the application of subsection (e) (5) of such section (before the amendment made by subsection (a) of this section) but for the election by such corporation under paragraph (2) of subsection (b) (and the consent of shareholders under such paragraph), such election under section 1372(a) of such code shall not be treated as terminated

72 Stat. 1650.

for any year beginning before the date of the enactment of this Act as a result of—

(1) such corporation filing its income tax return on a form 1120 (instead of a form 1120S), or

(2) a new shareholder not consenting to such election of such corporation in accordance with the requirements of subsection (e) (1) of such section 1372.

72 Stat. 1651.
26 USC 1372.

Approved January 12, 1971.

Public Law 91-684

AN ACT

January 12, 1971
[H. R. 18549]

To amend sections 902(b) and 902(c) of the Internal Revenue Code of 1954 to reduce the 50-percent requirement to 10 percent between first and second levels and to include third-level foreign corporations in the tax credit structure if the 10-percent test is met.

Taxes.
Foreign corpora-
tions, foreign tax
credit.
76 Stat. 1000.
26 USC 902.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 902(b) of the Internal Revenue Code of 1954 is amended to read as follows:

“(b) FOREIGN SUBSIDIARY OF FIRST AND SECOND FOREIGN CORPORATION.—

“(1) If the foreign corporation described in subsection (a) (hereinafter in this subsection referred to as the ‘first foreign corporation’) owns 10 percent or more of the voting stock of a second foreign corporation from which it receives dividends in any taxable year, it shall be deemed to have paid the same proportion of any income, war profits, or excess profits taxes paid or deemed to be paid by such second foreign corporation to any foreign country or to any possession of the United States on or with respect to the accumulated profits of the corporation from which such dividends were paid which—

“(A) for purposes of applying subsection (a)(1), the amount of such dividends bears to the amount of the accumulated profits (as defined in subsection (c)(1)(A)) of such second foreign corporation from which such dividends were paid in excess of such income, war profits, and excess profits taxes, or

“(B) for purposes of applying subsection (a)(2), the amount of such dividends bears to the amount of the accumulated profits (as defined in subsection (c)(1)(B)) of such second foreign corporation from which such dividends were paid.

“(2) If such first foreign corporation owns 10 percent or more of the voting stock of a second foreign corporation which, in turn, owns 10 percent or more of the voting stock of a third foreign corporation from which the second foreign corporation receives dividends in any taxable year, the second foreign corporation shall be deemed to have paid the same proportion of any income, war profits, or excess profits taxes paid by such third foreign corporation to any foreign country or to any possession of the United States on or with respect to the accumulated profits of the corporation from which such dividends were paid which—

“(A) for purposes of applying subsection (a)(1), the amount of such dividends bears to the amount of the accumulated profits (as defined in subsection (c)(1)(A)) of such third foreign corporation from which such dividends were paid in excess of such income, war profits, and excess profits taxes, or

“(B) for purposes of applying subsection (a)(2), the amount of such dividends bears to the amount of the accumulated profits (as defined in subsection (c)(1)(B)) of such third foreign corporation from which such dividends were paid.

“(3) For purposes of this subpart, subsection (b)(1) shall not apply unless the percentage of voting stock owned by the domestic corporation in the first foreign corporation and the percentage of voting stock owned by the first foreign corporation in the second foreign corporation when multiplied together equal at least 5 percent, and for purposes of this subpart, subsection (b)(2) shall not apply unless the percentage arrived at for purposes of applying subsection (b)(1) when multiplied by the percentage of voting stock owned by the second foreign corporation in the third foreign corporation is equal to at least 5 percent.”

SEC. 2. Section 902(c)(1) of the Internal Revenue Code of 1954 is amended—

76 Stat. 1000.
26 USC 902.

(1) by striking out “subsections (a)(1) and (b)(1),” in subparagraph (A) and inserting in lieu thereof the following: “subsections (a)(1), (b)(1)(A), and (b)(2)(A),”; and

(2) by striking out “subsections (a)(2) and (b)(2),” in subparagraph (B) and inserting in lieu thereof the following: “subsections (a)(2), (b)(1)(B), and (b)(2)(B),”.

SEC. 3. The amendments made by this Act shall apply with respect to all taxable years of domestic corporations, ending after the date of enactment of this Act, but only in respect of dividends paid by one corporation to another corporation after the date of the enactment of this Act.

Approved January 12, 1971.

Public Law 91-685

AN ACT

To amend the Tariff Act of 1930 to grant to the transferee of merchandise in bonded warehouse the right to administrative review of customs decisions.

January 12, 1971
[H. R. 19391]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 557(b) of the Tariff Act of 1930 (19 U.S.C. 1557(b)) is amended by striking out the fourth, fifth, and sixth sentences and inserting in lieu thereof the following: “The transferee shall also have the right to receive all lawful refunds of money paid by him to the United States with respect to the merchandise the subject of the transfer, and shall have the right to file a protest under section 514 of this Act to the same extent that such right would have been available to the transferor. Notice of liquidation shall be given to the transferee in the form and manner prescribed by the Secretary of the Treasury.”

Merchandise
transferee, pro-
test right.
67 Stat. 519.

Ante, p. 284.

SEC. 2. The amendment made by the first section of this Act shall apply with respect to articles entered for warehousing on or after the date of the enactment of this Act.

Approved January 12, 1971.

Public Law 91-686

AN ACT

January 12, 1971
[H. R. 19790]

Relating to the income tax treatment of certain sales of real property by a corporation.

Taxes.
Real property
sales by corpora-
tion.
68A Stat. 3.
26 USC 1 et seq.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) for purposes of the Internal Revenue Code of 1954 any lot or parcel of real property sold or exchanged by a corporation which would, but for this Act, be treated as property held primarily for sale to customers in the ordinary course of trade or business shall not, except to the extent provided in (b), be so treated if—

(1) no shareholder of the corporation directly or indirectly holds real property primarily for sale to customers in the ordinary course of trade or business; and

(2)(A) such lot or parcel is a part of real property (i) held for more than twenty-five years at the time of sale or exchange, and (ii) acquired before January 1, 1934, by the corporation as a result of the foreclosure of a lien (or liens) thereon which secured the payment of indebtedness held by one or more creditors who transferred one or more foreclosure bids to the corporation in exchange for all its stock (with or without other consideration), or

(B) (i) such lot or parcel is a part of additional real property acquired before January 1, 1957, by the corporation in the near vicinity of any real property to which subparagraph (A) applies, or

(ii) such lot or parcel is wholly or to some extent a part of any minor acquisition made after December 31, 1956, by the corporation to adjust boundaries, to fill gaps in previously acquired property, to facilitate the installation of streets, utilities, and other public facilities, or to facilitate the sale of adjacent property, or

(iii) such lot or parcel is wholly or to some extent a part of a reacquisition by the corporation after December 31, 1956, of property previously owned by the corporation; but only if at least 80 percent (as measured by area) of the real property sold or exchanged by the corporation within the taxable year is property described in subparagraph (A); and

(3) there were no acquisitions of real property by the corporation after December 31, 1956, other than—

(A) acquisitions described in paragraph (2)(B)(ii) and reacquisitions described in paragraph (2)(B)(iii), or

(B) acquisitions of real property used in a trade or business of the corporation or held for investment by the corporation; and

(4) the corporation did not after December 31, 1957, sell or exchange (except in condemnation or under threat of condemnation) any residential lot or parcel on which, at the time of the sale or exchange, there existed any substantial improvements (other than improvements in existence at the time the land was acquired by the corporation) except subdivision, clearing, grubbing, and grading, building or installation of water, sewer, and drainage facilities, construction of roads, streets, and sidewalks, and installation of utilities.

In any case in which a corporation referred to in paragraphs (1), (2), (3), and (4) is a member of an affiliated group as defined in section 1504(a) of the Internal Revenue Code of 1954, such affiliated group

shall, for purposes of such paragraphs, be treated as a single corporation.

(b) (1) Gain from any sale or exchange described in subsection (a) shall be deemed, for purposes of such Code, to be gain from the sale of property held primarily for sale to customers in the ordinary course of trade or business to the extent of 5 percent of the selling price.

(2) For the purpose of computing gain under paragraph (1), expenditures incurred in connection with the sale or exchange of any lot or parcel shall neither be allowed as a deduction in computing taxable income, nor treated as reducing the amount realized on such sale or exchange; but so much of such expenditures as does not exceed the portion of gain deemed under paragraph (1) to be gain from the sale of property held primarily for sale to customers in the ordinary course of trade or business shall be so allowed as a deduction, and the remainder, if any, shall be treated as reducing the amount realized on such sale or exchange.

(c) The provisions of subsections (a) and (b) shall apply to taxable years beginning after December 31, 1957, and before January 1, 1984.

Effective date.

SEC. 2. (a) Section 1237 of the Internal Revenue Code of 1954 is amended by:

68A Stat. 330;
70 Stat. 118.
26 USC 1237.

(1) in subsection (a), striking out the parenthetical expression: “(including corporations only if no shareholder directly or indirectly holds real property for sale to customers in the ordinary course of trade or business and only in the case of property described in the last sentence of subsection (b) (3))” and inserting in lieu thereof the words “other than a corporation”;

(2) in subsection (b), striking out the last sentence.

(b) The amendments made by subsection (a) shall be effective for taxable years beginning after the date of enactment of this Act.

Effective date.

Approved January 12, 1971.

Public Law 91-687

AN ACT

To amend section 165(g) of the Internal Revenue Code of 1954 which provides for treatment of losses on worthless securities.

January 12, 1971
[H. R. 19369]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 165 of the Internal Revenue Code of 1954 (relating to losses) is amended—

Taxes.
Worthless
securities, losses.
68A Stat. 49.
26 USC 165.

(a) by striking out in subsection (g) (3) (A) “at least 95 percent of each class of its stock” and inserting in lieu thereof “stock possessing at least 80 percent of the voting power of all classes of its stock and at least 80 percent of each class of its nonvoting stock”, and

(b) by adding at the end of subsection (g) (3) the following: “As used in subparagraph (A), the term ‘stock’ does not include nonvoting stock which is limited and preferred as to dividends.”

SEC. 2. The amendments made by this Act shall apply with respect to taxable years beginning on or after January 1, 1970.

Approved January 12, 1971.

Public Law 91-688

AN ACT

January 12, 1971
[H. R. 19881]

Relating to consolidated returns of life insurance companies, and for other purposes.

Tax returns.
Life insurance
companies.
73 Stat. 133.
26 USC 818.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 818 of the Internal Revenue Code of 1954 (relating to life insurance company accounting provisions) is amended by adding at the end thereof the following new subsection:

68A Stat. 367.

“(g) COMPUTATION ON CONSOLIDATED RETURNS OF POLICYHOLDERS’ SHARE OF INVESTMENT YIELD.—For purposes of this part, in the case of a life insurance company filing or required to file a consolidated return under section 1501 for a taxable year, the computations of the policyholders’ share of investment yield under subparts B and C (including all determinations and computations incident thereto) shall be made as if such company were not filing a consolidated return.”

(b) The amendment made by subsection (a) shall apply with respect to taxable years beginning after December 31, 1957.

SEC. 2. (a) If—

73 Stat. 115.

(1) any insurance company subject to taxation under section 802 of the Internal Revenue Code of 1954 filed a consolidated return under section 1501 of such Code for any taxable year beginning after December 31, 1957, and ending before March 13, 1969, and

(2) not later than one year after the date of the enactment of this Act—

(A) such company elects (in such manner as the Secretary of the Treasury or his delegate may prescribe) to have this section apply,

(B) such company files consents to the application of this section of all companies which at any time during any taxable year beginning after December 31, 1957, and ending before March 13, 1969, were members of the same affiliated group as such company, and

(C) such company (and each company referred to in subparagraph (B)) files a separate return for the first taxable year beginning after December 31, 1957, for which such company filed a consolidated return and for each taxable year thereafter ending before the date of the enactment of this Act,

then notwithstanding any law or rule of law the requirement of filing a consolidated return shall be replaced by a requirement of separate returns for each company referred to in paragraph (2) (C) for each taxable year to which paragraph (2) (C) applies with respect to such company. Paragraph (2) (C) shall not apply with respect to any company for any taxable year the allowance of a credit for which is barred on the date of the enactment of this Act by res judicata or through the operation of section 7121 or section 7122 of the Internal Revenue Code of 1954.

68A Stat. 849.
Refund or credit
allowance.

(b) If the making or allowance of any refund or credit, or the assessment of any deficiency, of income tax for any taxable year to which subsection (a) (2) (C) applies is prevented before the expiration of 2 years after the date of the enactment of this Act by any law or rule of law (other than sections 7121 and 7122 of such Code and other than res judicata), such refund or credit may nevertheless be made or allowed, and such deficiency may nevertheless be assessed,

Public Law 91-690

AN ACT

January 12, 1971
[H. R. 19470]

To amend title XVIII of the Social Security Act to modify the nursing service requirement and certain other requirements which an institution must meet in order to qualify as a hospital thereunder so as to make such requirements more realistic insofar as they apply to smaller institutions.

Nursing service
requirements,
modification.
79 Stat. 315.
42 USC 1395x.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1861 (e) (5) of the Social Security Act is amended by adding immediately after the semicolon at the end thereof the following: "except that until January 1, 1976, the Secretary is authorized to waive the requirement of this paragraph for any one-year period with respect to any institution, insofar as such requirement relates to the provision of twenty-four-hour nursing service rendered or supervised by a registered professional nurse (except that in any event a registered professional nurse must be present on the premises to render or supervise the nursing service provided, during at least the regular daytime shift), where immediately preceding such one-year period he finds that—

"(A) such institution is located in a rural area and the supply of hospital services in such area is not sufficient to meet the needs of individuals residing therein,

"(B) the failure of such institution to qualify as a hospital would seriously reduce the availability of such services to such individuals, and

"(C) such institution has made and continues to make a good faith effort to comply with this paragraph, but such compliance is impeded by the lack of qualified nursing personnel in such area;".

Approved January 12, 1971.

Public Law 91-691

AN ACT

January 12, 1971
[H. R. 17917]

To amend the Internal Revenue Code of 1954 with respect to the period of qualification of certain union-negotiated pension plans.

Taxes.
Union-negoti-
ated pension
plans, qualifica-
tion period.
78 Stat. 57.
26 USC 401.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 401(i) of the Internal Revenue Code of 1954 (relating to certain union-negotiated pension plans) is amended—

(1) by striking out "Multiemployer" in the heading, and

(2) by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) such trust was created pursuant to a collective bargaining agreement between employee representatives and one or more employers,".

Effective date.

(b) The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 1953, and ending after August 16, 1954, but only with respect to contributions made after December 31, 1954.

Approved January 12, 1971.

Public Law 91-693

AN ACT

To amend the Internal Revenue Code of 1954 with respect to certain statutory mergers.

January 12, 1971
[H. R. 19562]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 368 (a) (2) of the Internal Revenue Code of 1954 (definitions relating to corporate reorganizations) is amended by adding at the end thereof the following new subparagraph:

Taxes.
Corporations,
statutory mergers.
68A Stat. 120;
82 Stat. 1310,
26 USC 368.

“(E) STATUTORY MERGER USING VOTING STOCK OF CORPORATION CONTROLLING MERGED CORPORATION.—A transaction otherwise qualifying under paragraph (1)(A) shall not be disqualified by reason of the fact that stock of a corporation (referred to in this subparagraph as the ‘controlling corporation’) which before the merger was in control of the merged corporation is used in the transaction, if—

“(i) after the transaction, the corporation surviving the merger holds substantially all of its properties and of the properties of the merged corporation (other than stock of the controlling corporation distributed in the transaction); and

“(ii) in the transaction, former shareholders of the surviving corporation exchanged, for an amount of voting stock of the controlling corporation, an amount of stock in the surviving corporation which constitutes control of such corporation.”

(b) Section 368(b) of such Code (relating to parties to corporate reorganizations) is amended by adding at the end thereof the following new sentence: “In the case of a reorganization qualifying under subsection (a) (1) (A) by reason of subsection (a) (2) (E), the term ‘party to a reorganization’ includes the controlling corporation referred to in subsection (a) (2) (E).”

(c) The amendments made by this section shall apply to statutory mergers occurring after December 31, 1970.

Effective date.

Approved January 12, 1971.

Public Law 91-694

AN ACT

To continue until the close of June 30, 1971, the International Coffee Agreement Act of 1968.

January 12, 1971
[H. R. 19567]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 302 of the International Coffee Agreement Act of 1968 (19 U.S.C. 1356f) is amended by striking out “October 1, 1970” and inserting in lieu thereof “July 1, 1971”.

SEC. 2. The amendment made by the first section of this Act shall take effect as of October 1, 1970.

SEC. 3. (a) On or before April 1, 1971, the President shall submit to Congress a report with respect to (1) the benefits of the International Coffee Agreement to United States consumers, and (2) the effect of such Agreement on international trade.

Approved January 12, 1971.

International
Coffee Agreement
Act of 1968,
continuation.
82 Stat. 1348.

Effective date.

Report to
Congress.

Public Law 91-695

AN ACT

January 13, 1971
[H. R. 19172]

To provide Federal financial assistance to help cities and communities to develop and carry out intensive local programs to eliminate the causes of lead-based paint poisoning and local programs to detect and treat incidents of such poisoning, to establish a Federal demonstration and research program to study the extent of the lead-based paint poisoning problem and the methods available for lead-based paint removal, and to prohibit future use of lead-based paint in Federal or federally assisted construction or rehabilitation.

Lead-Based
Paint Poisoning
Prevention Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Lead-Based Paint Poisoning Prevention Act".

TITLE I—GRANTS FOR THE DETECTION AND TREATMENT OF LEAD-BASED PAINT POISONING

GRANTS FOR LOCAL DETECTION AND TREATMENT OF LEAD-BASED PAINT POISONING

SEC. 101. (a) The Secretary of Health, Education, and Welfare (hereafter referred to in this title as the "Secretary") is authorized to make grants to units of general local government in any State for the purpose of assisting such units in developing and carrying out local programs to detect and treat incidents of lead-based paint poisoning.

Limitation.

(b) The amount of any such grant shall not exceed 75 per centum of the cost of developing and carrying out a local program, as approved by the Secretary, during a period of three years.

(c) A local program should include—

(1) educational programs intended to communicate the health danger and prevalence of lead-based paint poisoning among children of inner city areas, to parents, educators, and local health officials;

(2) development and carrying out of intensive community testing programs designed to detect incidents of lead-based paint poisoning among community residents, and to insure prompt medical treatment for such afflicted individuals;

(3) development and carrying out of intensive followup programs to insure that identified cases of lead-based paint poisoning are protected against further exposure to lead-based paints in their living environment; and

(4) any other actions which will reduce or eliminate lead-based paint poisoning.

Employment
opportunities.

(d) Each local program shall afford opportunities for employing the residents of communities or neighborhoods affected by lead-based paint poisoning, and for providing appropriate training, education, and any information which may be necessary to inform such residents of opportunities for employment in lead-based paint poisoning elimination programs.

TITLE II—GRANTS FOR THE ELIMINATION OF LEAD-BASED PAINT POISONING

SEC. 201. The Secretary of Health, Education, and Welfare is authorized to make grants to units of general local government in any State for the purpose of assisting such units in developing and carrying out programs that identify those areas that present a high risk to the health of residents because of the presence of lead-based

paints on interior surfaces, and then to develop and carry out programs to eliminate the hazards of lead-based paint poisoning.

(a) A local program should include:

(1) development and carrying out of comprehensive testing programs to detect the presence of lead-based paints on surfaces of residential housing;

(2) the development and carrying out of a comprehensive program requiring the prompt elimination of lead-based paints from all interior surfaces, porches, and exterior surfaces to which children may be commonly exposed, of residential housing on which lead-based paints have been used as a surface covering, including those surfaces on which non-lead-based paints have been used to cover surfaces to which lead-based paints were previously applied; and

(3) any other actions which will reduce or eliminate lead-based paint poisoning.

(b) Each such program shall—

(1) be consistent with the appropriate local program assisted under section 101, and

(2) afford, to the maximum extent feasible, opportunities for employing the residents of communities or neighborhoods affected by lead-based paint poisoning, and for providing appropriate training, education, and any information which may be necessary to inform such residents of opportunities for employment in lead-based paint elimination programs.

Employment
opportunities.

TITLE III—FEDERAL DEMONSTRATION AND RESEARCH PROGRAM

FEDERAL DEMONSTRATION AND RESEARCH PROGRAM

SEC. 301. The Secretary of Housing and Urban Development, in consultation with the Secretary of Health, Education, and Welfare, shall develop and carry out a demonstration and research program to determine the nature and extent of the problem of lead-based paint poisoning in the United States, particularly in urban areas, and the methods by which lead-based paint can most effectively be removed from interior surfaces, porches, and exterior surfaces to which children may be commonly exposed, of residential housing. Within one year after the date of the enactment of this Act the Secretary shall submit to the Congress a full and complete report of his findings and recommendations as developed pursuant to such program, together with a statement of any legislation which should be enacted, and any changes in existing law which should be made, in order to carry out such recommendations.

Report to
Congress.

TITLE IV—PROHIBITION AGAINST FUTURE USE OF LEAD-BASED PAINT

PROHIBITION AGAINST USE OF LEAD-BASED PAINT IN FUTURE CONSTRUCTION AND REHABILITATION

SEC. 401. The Secretary of Health, Education, and Welfare shall take such steps and impose such conditions as may be necessary or appropriate to prohibit the use of lead-based paint in residential structures constructed or rehabilitated after the date of enactment of this Act by the Federal government, or with Federal assistance in any form.

TITLE V—GENERAL

DEFINITIONS

SEC. 501. As used in this Act—

(1) the term "State" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States;

(2) the term "units of general local government" means (A) any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, (B) any combination of units of general local government in one or more States, (C) an Indian tribe, or (D) with respect to lead-based paint poisoning elimination activities in their urban areas, the territories and possessions of the United States; and

(3) the term "lead-based paint" means any paint containing more than 1 per centum lead by weight (calculated as lead metal) in the total non-volatile content of liquid paints or in the dried film of paint already applied.

CONSULTATION WITH OTHER DEPARTMENTS AND AGENCIES

SEC. 502. In carrying out the authority under this Act, the Secretary of Health, Education, and Welfare shall cooperate with and seek the advice of the heads of any other departments or agencies regarding any programs under their respective responsibilities which are related to, or would be affected by, such authority.

APPROPRIATIONS

SEC. 503. (a) There is hereby authorized to be appropriated to carry out the provisions of title I of this Act not to exceed \$3,330,000 for the fiscal year 1971 and \$6,660,000 for the fiscal year 1972.

(b) There is hereby authorized to be appropriated to carry out the provisions of title II of this Act not to exceed \$5,000,000 for the fiscal year 1971 and \$10,000,000 for the fiscal year 1972.

(c) There is hereby authorized to be appropriated to carry out the provisions of title III of this Act not to exceed \$1,670,000 for the fiscal year 1971 and \$3,340,000 for the fiscal year 1972.

(d) Any amounts appropriated under this section shall remain available until expended when so provided in appropriation Acts; and any amounts authorized for the fiscal year 1971 but not appropriated may be appropriated for the fiscal year 1972.

Approved January 13, 1971.

Public Law 91-696
91st Congress

An Act

To amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine and to provide for a study relating to causes and treatment of malnutrition.

Dec. 25, 1970
[S. 3418]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Family practice
of medicine;
malnutrition,
study.

TITLE I—FAMILY MEDICINE

SEC. 101. Part D of title VII of the Public Health Service Act is amended to read as follows:

“PART D—GRANTS TO PROVIDE PROFESSIONAL AND TECHNICAL TRAINING
IN THE FIELD OF FAMILY MEDICINE

“DECLARATION OF PURPOSE

“SEC. 761. It is the purpose of this part to provide for the making of grants to assist— 42 USC 295.

“(1) public and private nonprofit medical schools—

“(A) to operate, as an integral part of their medical education program, separate and distinct departments devoted to providing teaching and instruction (including continuing education) in all phases of family practice;

“(B) to construct such facilities as may be appropriate to carry out a program of training in the field of family medicine whether as a part of a medical school or as separate outpatient or similar facility;

“(C) to operate, or participate in, special training programs for paramedical personnel in the field of family medicine; and

“(D) to operate, or participate in, special training programs to teach and train medical personnel to head departments of family practice or otherwise teach family practice in medical schools; and

“(2) public and private nonprofit hospitals which provide training programs for medical students, interns, or residents—

“(A) to operate, as an integral part of their medical training programs, special professional training programs (including continuing education) in the field of family medicine for medical students, interns, residents, or practicing physicians;

“(B) to construct such facilities as may be appropriate to carry out a program of training in the field of family medicine whether as a part of a hospital or as a separate outpatient or similar facility;

“(C) to provide financial assistance (in the form of scholarships, fellowships, or stipends) to interns, residents, or other medical personnel who are in need thereof, who are participants in a program of such hospital which provides special training (accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education) in the field of family medicine, and who plan to specialize or work in the practice of family medicine; and

“(D) to operate, or participate in, special training programs for paramedical personnel in the field of family medicine.

“AUTHORIZATION OF APPROPRIATIONS

42 USC 295a. “SEC. 762. (a) For the purpose of making grants to carry out the purposes of this part, there are authorized to be appropriated \$50,000,000 for the fiscal year ending June 30, 1971, \$75,000,000 for the fiscal year ending June 30, 1972, and \$100,000,000 for the fiscal year ending June 30, 1973.

“(b) Sums appropriated pursuant to subsection (a) for any fiscal year shall remain available for the purpose for which appropriated until the close of the fiscal year which immediately follows such year.

“GRANTS BY SECRETARY

42 USC 295b. “SEC. 763. (a) From the sums appropriated pursuant to section 762, the Secretary is authorized to make grants, in accordance with the provisions of this part, to carry out the purposes of section 761.

Applications.
Publication in
Federal Register. “(b) No grant shall be made under this part unless an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall have prescribed by regulations which have been promulgated by him and published in the Federal Register not later than six months after the date of enactment of this part.

“(c) Grants under this part shall be in such amounts and subject to such limitations and conditions as the Secretary may determine to be proper to carry out the purposes of this part.

“(d) In the case of any application for a grant any part of which is to be used for major construction or remodeling of any facility, the Secretary shall not approve the part of the grant which is to be so used unless the recipient of such grant enters into appropriate arrangements with the Secretary which will equitably protect the financial interests of the United States in the event such facility ceases to be used for the purpose for which such grant or part thereof was made prior to the expiration of the twenty-year period which commences on the date such construction or remodeling is completed.

“(e) Grants made under this part shall be used only for the purpose for which made and may be paid in advance or by way of reimbursement, and in such installments, as the Secretary may determine.

“ELIGIBILITY FOR GRANTS

42 USC 295c. “SEC. 764. (a) In order for any medical school to be eligible for a grant under this part, such school—

“(1) must be a public or other nonprofit school of medicine; and

“(2) must be accredited as a school of medicine by a recognized body or bodies approved for such purpose by the Commissioner of Education, except that the requirements of this clause shall be deemed to be satisfied, if (A) in the case of a school of medicine which by reason of no, or an insufficient, period of operation is not, at the time of application for a grant under this part, eligible for such accreditation, the Commissioner finds, after consultation with the appropriate accreditation body or bodies, that there is reasonable assurance that the school will meet the accreditation standards of such body or bodies prior to the beginning of the academic year

following the normal graduation date of students who are in their first year of instruction at such school during the fiscal year in which the Secretary makes a final determination as to approval of the application.

“(b) In order for any hospital to be eligible for a grant under this part, such hospital—

“(1) must be a public or private nonprofit hospital; and

“(2) must conduct or be prepared to conduct in connection with its other activities (whether or not as an affiliate of a school of medicine) one or more programs of medical training for medical students, interns, or residents, which is accredited by a recognized body or bodies, approved for such purpose by the Commissioner of Education.

“APPROVAL OF GRANTS

“SEC. 765. (a) The Secretary, upon the recommendation of the Advisory Council on Family Medicine, is authorized to make grants under this part upon the determination that—

42 USC 295d.

“(1) the applicant meets the eligibility requirements set forth in section 764;

“(2) the applicant has complied with the requirements of section 763;

“(3) the grant is to be used for one or more of the purposes set forth in section 761;

“(4) it contains such information as the Secretary may require to make the determinations required of him under this section and such assurances as he may find necessary to carry out the purposes of this part;

“(5) it provides for such fiscal control and accounting procedures and reports, and access to the records of the applicant, as the Secretary may require (pursuant to regulations which shall have been promulgated by him and published in the Federal Register) to assure proper disbursement of and accounting for all Federal funds paid to the applicant under this part; and

Publication in
Federal Register.

“(6) the application contains or is supported by adequate assurance that any laborer or mechanic employed by any contractor or subcontractor in the performance of work on the construction of the facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a5). The Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 65 Stat. 1267), and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

5 USC app. II.

“(b) The Secretary shall not approve any grant to—

“(1) a school of medicine to establish or operate a separate department devoted to the teaching of family medicine unless the Secretary is satisfied that—

“(A) such department is (or will be, when established) of equal standing with the other departments within such school which are devoted to the teaching of other medical specialty disciplines; and

“(B) such department will, in terms of the subjects offered and the type and quality of instruction provided, be designed to prepare students thereof to meet the standards established for specialists in the specialty of family practice by a recog-

nized body approved by the Commissioner of Education; or
 “(2) a hospital to establish or operate a special program for medical students, interns, or residents in the field of family medicine unless the Secretary is satisfied that such program will, in terms of the type of training provided, be designed to prepare participants therein to meet the standards established for specialists in the field of family medicine by a recognized body approved by the Commissioner of Education.

“(c) The Secretary shall not approve any grant under this part unless the applicant therefor provides assurances satisfactory to the Secretary that funds made available through such grant will be so used as to supplement and, to the extent practical, increase the level of non-Federal funds which would, in the absence of such grant, be made available for the purpose for which such grant is requested.

“PLANNING AND DEVELOPMENTAL GRANTS

42 USC 295d-1.

“SEC. 766. (a) For the purpose of assisting medical schools and hospitals (referred to in section 761) to plan or develop programs or projects for the purpose of carrying out one or more of the purposes set forth in such section, the Secretary is authorized for any fiscal year (prior to the fiscal year which ends June 30, 1973) to make planning and developmental grants in such amounts and subject to such conditions as the Secretary may determine to be proper to carry out the purposes of this section.

“(b) From the amounts appropriated in any fiscal year (prior to the fiscal year ending June 30, 1973) pursuant to section 762(a), the Secretary may utilize such amounts as he deems necessary (but not in excess of \$8,000,000 for any fiscal year) to make the planning and developmental grants authorized by subsection (a).

“ADVISORY COUNCIL ON FAMILY MEDICINE

Appointment by
Secretary.
42 USC 295d-2.
Membership.

“SEC. 767. (a) The Secretary shall appoint an Advisory Council on Family Medicine (hereinafter in this section referred to as the ‘Council’). The Council shall consist of twelve members, four of whom shall be physicians engaged in the practice of family medicine, four of whom shall be physicians engaged in the teaching of family medicine, three of whom shall be representatives of the general public, and one of whom shall, at the time of his appointment, be an intern in family medicine. Members of the Council shall be individuals who are not otherwise in the regular full-time employ of the United States.

Term.

“(b) (1) Except as provided in paragraph (2), each member of the Council shall hold office for a term of four years, except that any member appointed to fill a vacancy prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and except that the terms of office of the members first taking office shall expire, as designated by the Secretary at the time of appointment, three at the end of the first year, three at the end of the second year, three at the end of the third year, and three at the end of the fourth year, after the date of appointment.

“(2) The member of the Council appointed as an intern in family medicine shall serve for one year.

“(3) A member of the Council shall not be eligible to serve continuously for more than two terms.

5 USC 101 *et seq.* “(c) Members of the Council shall be appointed by the Secretary without regard to the provisions of title 5, United States Code, gov-

erning appointments in the competitive service. Members of the Council, while attending meetings and conferences thereof or otherwise serving on business of the Council, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding \$100 per day, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service, employed intermittently.

Compensation.

“(d) The Council shall advise and assist the Secretary in the preparation of regulations for, and as to policy matters arising with respect to, the administration of this part. The Council shall consider all applications for grants under this part and shall make recommendations to the Secretary with respect to approval of applications for, and of the amount of, grants under this part.

“DEFINITIONS

“SEC. 768. For purposes of this part—

42 USC 295e.

“(1) the term ‘nonprofit’ as applied to any hospital or school of medicine means a school of medicine or hospital which is owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual;

“(2) the term ‘family medicine’ means those certain principles and techniques and that certain body of medical, scientific, administrative, and other knowledge and training, which especially equip and prepare a physician to engage in the practice of family medicine;

“(3) the term ‘practice of family medicine’ and the term ‘practice’, when used in connection with the term ‘family medicine’, mean the practice of medicine by a physician (licensed to practice medicine and surgery by the State in which he practices his profession) who specializes in providing to families (and members thereof) comprehensive, continuing, professional care and treatment of the type necessary or appropriate for their general health maintenance; and

“(4) the term ‘construction’ includes construction of new buildings, acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, including architects’ fees, but excluding the cost of acquisition of lands or offsite improvements.”

TITLE II—MALNUTRITION

SEC. 201. (a) The Secretary of Health, Education, and Welfare shall conduct a study, in cooperation with schools training health professional manpower, of the feasibility and desirability of establishing at such schools courses dealing with nutrition and problems related to malnutrition, and of establishing research programs and pilot projects in the field of nutrition and problems of malnutrition.

Feasibility study.
42 USC 295 note.

(b) The Secretary is authorized to make grants to health professional schools, in connection with the study provided for by subsection (a), for the planning of programs at such schools, and for the conduct of pilot projects at such schools, to assist such schools in the establishment of courses dealing with nutrition and problems related to malnutrition.

Grants.

Report to
President and
Congress.
Appropriation
authorization.

(c) The Secretary shall report to the President and to Congress by July 1, 1972, the results of such study, together with such recommendations as he deems advisable.

(d) There is authorized to be appropriated \$5,000,000 to carry out the purposes of this section.

[Note by the Office of the Federal Register.—The foregoing Act, having been presented to the President of the United States on Monday, December 14, 1970, for his approval and not having been returned by him to the House of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval on December 25, 1970, in accordance with the decision of the United States Court of Appeals for the District of Columbia Circuit, *Kennedy v. Sampson, et al.*, Civil Action Nos. 73-2121 and 2122 (D.C. Cir., Aug. 14, 1974). The Court decision came too late for this law to be published in regular sequence in 84 Stat. Therefore it is placed at the beginning of 89 Stat.]

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 91-1601 accompanying H.R. 19599 (Comm. on Interstate and Foreign Commerce) and No. 91-1668 (Comm. of Conference).

SENATE REPORT No. 91-1071 (Comm. on Labor and Public Welfare).

CONGRESSIONAL RECORD, Vol. 116 (1970):

Sept. 14, considered and passed Senate.

Dec. 1, considered and passed House, amended, in lieu of H.R. 19599.

Dec. 8, House agreed to conference report.

Dec. 10, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 6, No. 52:

Dec. 24, 1970, President's memorandum of disapproval.

Kennedy v. Sampson, et al.,

Civil Action Nos. 73-2121 and 2122 (511 F.2d 430).